



Invercargill City District Plan
Plan Change 2: Housing and Code of Practice
Decision Report

Decisions on submissions and further submissions under Schedule 1 of the Resource Management Act 1991.

Hearing Panel:

Megen McKay, Chair
Darren Ludlow
Ria Bond
Trish Boyle

Date:

1 July 2026

Invercargill City Council

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List of submitters and further submitters addressed in this report

Submitter / Further Submitter Ref	Submitter Name	Abbreviation
01	David Kennedy (Southland Community Housing Group)	
02	Sarah Robertson	
03	Vinay Andrades	
04	Janet (no last name supplied)	
05	John Gerty	
06	Colin Bishop	
07	Bruce Halligan	
08	Sharon R Anaru Hill	
09	Sarjana Duwal	
10	Adrian Sheat (RML)	Adrian Sheat
11	Marcus Roy (Environment Southland)	Environment Southland
12	Gavin McCullagh (Southland District Council)	
13	Mike O'Regan	
14, FS-02	Tom Scott (National Public Health Service, Te Waipounamu, Health New Zealand/Te Whatu Ora)	Public Health NZ
15	Arlia O'Sullivan (Fire and Emergency New Zealand)	FENZ
16, FS-01	Lezel Beneke / Brendon Liggett (Kāinga Ora)	Kāinga Ora
17, FS-03	Russell Ibbotson (IPI Properties Ltd)	IPI Properties
18	Daly Williams (Ministry of Education)	Ministry of Education
19	Gareth Clarke	

Abbreviations and defined terms used in this report

Abbreviation	Meaning
COP	Council's Code of Practice for Subdivision, Land Use, and Development
Council	Invercargill City Council
District Plan	Invercargill City District Plan 2019
MDRS	Medium Density Residential Standards
NES-DMRU	National Environmental Standard for Detached Minor Residential Units
NPS-NH	National Policy Statement for Natural Hazards
NPS-UD	National Policy Statement on Urban Development 2020
Panel	Hearing Panel appointed to hear and decide on submissions and further submissions to PC2
PC2	Invercargill City District Plan Change 2: Housing and Code of Practice
RMA	Resource Management Act 1991
s32 Report	Section 32 Report: Housing and Code of Practice Plan Change, dated 14 January 2026
s32AA	Section 32AA of the RMA
s42A Report	Section 42A Report: Housing and Code of Practice Plan Change, dated 20 April 2026
s42A Addendum	Addendum to the s42A Report, dated 12 May 2026
SNZ PAS 4509:2008	New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008
SRPS	Southland Regional Policy Statement
UDG / Urban Design Guide	Urban Design Considerations for Multi-Dwelling Housing Developments: An Urban Design Guide for Resource Consents

Introduction

Purpose of this report

1. This Decision Report records the Hearing Panel's decisions on submissions and further submissions received on Invercargill City District Plan Change 2: Housing and Code of Practice (PC2).
2. PC2 proposes amendments to the Invercargill City District Plan 2019 (District Plan). In broad terms, the plan change seeks to enable greater density and diversity of housing choice in the Residential 1 and Residential 1A Zones in Waihōpai Invercargill, promote good urban design and housing outcomes, and update District Plan references to the Invercargill City Council's (Council) Code of Practice for Subdivision, Land Use, and Development (COP). These purposes are reflected in the Section 32 Report: Housing and Code of Practice Plan Change, dated 14 January 2026 (s32 Report), and the Section 42A Report: Housing and Code of Practice Plan Change, dated 20 April 2026 (s42A Report)¹.
3. The s42A Report and the Addendum to the s42A Report, dated 12 May 2026 (s42A Addendum), assisted the Panel by summarising submissions, analysing the issues raised, and making recommendations. The Panel has considered those recommendations but has made its own decisions having regard to the submissions, further submissions, evidence, legal submissions, hearing material, answers to questions, and the relevant statutory framework.
4. This report should be read together with:
 - a. Appendix 1: Decision version of provisions;
 - b. Appendix 2: Appearances and materials considered; and
 - c. Appendix 3: Site visit record.

The Panel

5. The Council appointed a Hearing Panel (Panel) to hear and decide the submissions and further submissions on PC2. The Panel comprised:
 - Megen McKay, Chair
 - Darren Ludlow
 - Ria Bond
 - Trish Boyle
6. The Panel has considered all submissions and further submissions received on PC2, the s42A Report and s42A Addendum, the Council expert evidence, submitter evidence, tabled material, oral presentations, answers to questions at the hearing, and the Public Health NZ post-hearing clarification accepted onto the hearing record.

¹ Section 32 Report: Housing and Code of Practice Plan Change, 14 January 2026 (s32 Report), "Summary of Plan Change and Scope", pp 4–5; Section 42A Report: Housing and Code of Practice Plan Change, 20 April 2026 (s42A Report), section 4 "Plan Change Overview", p 8

Structure of this report

7. This report is structured as follows:
 - a. Section 2 summarises the hearing process and materials considered by the Panel;
 - b. Section 3 provides an overview of PC2;
 - c. Section 4 records the statutory framework applied by the Panel;
 - d. Section 5 explains the Panel's approach to decisions on submissions;
 - e. Section 6 addresses procedural and preliminary matters, including scope, further submissions, provisions where no change was sought, and consequential or minor corrections;
 - f. Section 7 sets out the Panel's decisions on submissions, following the general structure of the s42A Report; and
 - g. Section 8 records the Panel's overall conclusion.

Decision overview

8. The Panel has decided that PC2 should proceed, subject to the amendments set out in the decision version of the provisions in Appendix 1.
9. In summary, the Panel's decisions are as follows:
 - a. retain the overall direction of PC2 to enable greater density and diversity of housing choice in the Residential 1 and Residential 1A Zones;
 - b. recognise the evidence and submissions about the need for smaller, warmer, lower-maintenance and more accessible homes, including for public housing, older people, people with accessibility needs, first-home buyers and people seeking to downsize;
 - c. retain a framework that uses a combination of density, built form, urban design, infrastructure, and natural hazard provisions to manage the effects of more intensive residential development;
 - d. do not accept the relief sought by Kāinga Ora, IPI Properties and Adrian Sheat, where within scope, to remove area-based density controls or to rely primarily on number of units, site coverage, and other built-form standards;
 - e. retain "good urban design" as the appropriate standard for the Residential 1 and Residential 1A Zones, rather than replacing it with "high-quality urban design";
 - f. accept the s42A Addendum recommendation to include a new Residential 1A density rule for sites within the Riverine Inundation Level 1 Overlay, so that the Residential 1 density rules apply to those sites instead of the Residential 1A density rules²;
 - g. accept amendments to matters of discretion relating to infrastructure capacity and natural hazards;

² s42A Addendum, 12 May 2026, pp 3–5; Emma Spalding, Section 42A Reply Version of Provisions: Housing and Code of Practice Plan Change, 21 May 2026, p 2

- h. retain the approach of referring to the Council's current COP, rather than incorporating a dated version of the COP into the District Plan; and
 - i. reject submission points that are outside the scope of PC2.
10. This overview is not a substitute for the Panel's reasons, which are set out in Section 7 of this report.
 11. This report does not repeat every submission or further submission in full. However, the Panel has considered all submissions and further submissions received on PC2. Where a submission point was important to our decision, we have summarised the issue raised and explained whether we accept the relief sought, accept it in part, or do not accept it. Some submission points are addressed under broader topic headings rather than under each submitter's name, so that overlapping issues can be considered together.

Hearing process and materials considered

Notification and submissions

12. PC2 was publicly notified on 14 January 2026. Submissions closed at 5pm on 13 February 2026. Further submissions closed at 5pm on 13 March 2026³.
13. The s42A Report records that nineteen submissions and three further submissions were received on PC2. The submitters and further submitters addressed in this report are listed in the front matter above⁴.
14. The Panel has considered all submissions and further submissions received on PC2. Our decisions are recorded by topic in Section 7 of this report.

Hearing

15. The hearing was held on Wednesday 20 May 2026 at Council Chambers, at the Civic Theatre, 88 Tay Street, Invercargill.
16. The Panel heard from Council's reporting officer, Council witnesses, Council's legal counsel, and submitters who appeared at the hearing.
17. The s42A Report was prepared by Ms Emma Spalding. The s42A Report records that its analysis and recommendations were informed by the evidence of Mr Rob Hayes, Engineering Manager at the Council, and Mr Timothy Church, Urban Designer, Boffa Miskell⁵.
18. In response to the written evidence of Mr Marcus Roy for Environment Southland, Ms Spalding prepared the s42A Addendum dated 12 May 2026. The addendum recommended a further change to the Residential 1A density provisions relating to the Riverine Inundation Level 1 Overlay⁶.
19. Some submitters provided written or tabled material in lieu of, or in addition to, oral presentation at the hearing. FENZ provided a tabled letter confirming that no further

³ Public Notice of the Proposed Housing and Code of Practice Plan Change (Plan Change 2), 14 January 2026; Public Notice of the Summary of Decisions Requested in Submissions and Date for Making Further Submissions, 28 February 2026

⁴ s42A Report, section 7 "Assessment of Submissions — Overview of Submissions and Structure of Report", p 10

⁵ s42A Report, section 1 "Purpose of Report", p 6

⁶ s42A Addendum, 12 May 2026, paras 1 and 8–12

relief was sought in relation to emergency access matters and supporting the s42A recommendation to amend the relevant matter of discretion to address infrastructure capacity. Gareth Clarke provided a tabled statement of evidence. Public Health NZ provided post-hearing clarification on the housing-size evidence and activity-limitation data, which we have considered as part of the hearing record⁷.

20. The Panel asked questions of witnesses and submitters where that assisted its understanding of the matters raised in submissions, the practical operation of the provisions, and the relationship between PC2 and the wider District Plan framework.

Site visit

21. The Panel undertook a site visit after the hearing on Wednesday 20 May 2026. The purpose of the site visit was to assist the Panel to understand the physical context for PC2, including the existing Residential 1 and Residential 1A environments, the areas addressed in the transport assessment, and the Tay–Tweed / Otepunī area discussed in Environment Southland’s evidence. Appendix 3 records the site visit.
22. No evidence was received during the site visit. The Panel used the site visit only to assist its understanding of the evidence and submissions and has not treated observations made during the site visit as evidence independent of the hearing record.

Materials considered

23. In making its decisions, the Panel considered PC2 as notified, the s32 Report, the s42A Report, the s42A Addendum, the reply version of the provisions supplied by Ms Spalding dated 21 May 2026, all submissions and further submissions, the evidence and hearing material, legal submissions and advice, the relevant statutory framework, and the site visit for contextual purposes as recorded in Appendix 3. Appendix 2 records the appearances and key materials considered.
24. The Panel has not attempted to repeat all that material in this report. Where necessary, we refer to submissions, evidence or hearing exchanges that are material to our reasons.

Overview of Plan Change 2

25. PC2 is a Council-initiated plan change concerned with housing and the Council’s COP.
26. The housing component of PC2 focuses on the Residential 1 and Residential 1A Zones. The s42A Report describes the purpose of these changes as enabling greater density and diversity of housing choice in those zones, while promoting good quality urban design and housing outcomes through associated objectives, policies, and rules⁸.
27. For the Residential 1 Zone, PC2 proposes changes to the density framework to enable additional infill housing opportunities, while retaining a consent pathway for higher-density development.

⁷ FENZ tabled letter, 14 May 2026, p 2; Gareth Clarke, Statement of Evidence, 8 May 2026; Public Health NZ post-hearing clarification email from Tom Scott to Cat Manera, 20 May 2026

⁸ s32 Report, “Summary of Plan Change and Scope”, pp 4–6; s42A Report, section 4 “Plan Change Overview”, p 8

28. For the Residential 1A Zone, PC2 proposes a more enabling medium-density housing framework, supported by provisions addressing matters such as residential density, number of residences, outdoor living, space around buildings, site coverage, permeable surfaces, building height, outlook, glazing, and fencing.
29. The COP component of PC2 removes references to the expired Invercargill City Council Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure. It replaces those references with more general references to the Council's COP. The purpose is to avoid incorporating a dated version of the COP into the District Plan, so that the COP can sit outside the Plan and be updated over time.
30. A draft Urban Design Guide (UDG) was prepared alongside PC2. The s42A Report records that the UDG is intended to assist applicants to design proposals that achieve good urban design outcomes, but is not proposed to form part of, or be incorporated by reference into, the District Plan.
31. PC2 does not address every housing issue in the District Plan. The s42A Report records that matters outside the scope of PC2 include new greenfield urban zones, extensions to existing zones, changes to other residential zones, papakāinga housing, development within the Outer Control Boundary Overlay, provisions relating to natural hazards and other district-wide matters, non-residential zones and activities, and non-statutory documents⁹.
32. The scope of PC2 is important to several of our decisions. While several submitters raised matters that are important in a broader planning sense, our jurisdiction is limited to decisions that fairly arise from PC2, and the submissions made on it.
33. The submissions and evidence showed broad support for enabling more housing choice in Invercargill, but different views about how far PC2 should go. Some submitters sought a more enabling framework, particularly to support smaller dwellings, redevelopment feasibility, public housing delivery, and more efficient use of existing residential land. Other submitters sought stronger protection for existing residential amenity, local character, urban design quality, infrastructure capacity, and natural hazard risk. The Panel has considered those competing themes in the decisions that follow.

Statutory framework

34. The Panel has applied the statutory framework under the Resource Management Act 1991 (RMA), including Schedule 1.
35. The s42A Report identifies the key statutory matters for PC2 as including whether the plan change:
 - a. is in accordance with Council's functions;
 - b. is in accordance with Part 2 of the RMA;
 - c. gives effect to any relevant national policy statement and operative regional policy statement;

⁹ s32 Report, "Summary of Plan Change and Scope", p 4; s42A Report, section 5 "Procedural Matters — Out of Scope Submissions", p 9

- d. satisfies the relevant section 32 (s32) and section 32AA (s32AA) requirements;
 - e. has regard to relevant statutory documents, management plans, and strategies;
 - f. is appropriately consistent with the plans of adjacent territorial authorities;
 - g. considers the actual and potential effects of proposed rules; and
 - h. takes into account any relevant iwi management plan¹⁰.
36. The s42A Report records that, after the s32 Report was prepared, new or amended national direction instruments were released on 15 January 2026. The National Environmental Standard for Detached Minor Residential Units (NES-DMRU) is relevant to PC2. The National Policy Statement on Urban Development 2020 (NPS-UD) was also a recurring focus in submissions and evidence, particularly in relation to housing capacity, housing choice, realisable development opportunities, and whether the provisions create unnecessary barriers to intensification¹¹.
37. The s42A Addendum addressed the relevance of the National Policy Statement for Natural Hazards (NPS-NH) to the Riverine Inundation Level 1 Overlay issue raised in Environment Southland's submission. The addendum recommended a new Residential 1A density rule as a precautionary and efficient way to maintain existing residential densities within flood-prone areas, while allowing intensification to proceed elsewhere in the Residential 1A Zone¹². At the hearing, Mr Roy corrected Environment Southland's written evidence and confirmed that Environment Southland's assessment of the relevant area was medium risk, not medium to high risk¹³. We address that issue later in the section on Residential 1 and 1A Zone extent, natural hazards, and the Riverine Inundation Level 1 Overlay.
38. Mr Garbett addressed the statutory framework in his legal submissions and at the hearing, including the need for the Panel to give effect to higher-order documents to the extent it can within the scope of PC2 and the submissions before it¹⁴.
39. We have applied that framework in making our decisions. Where we have made amendments to the provisions, we have considered whether those amendments are within scope and whether any further evaluation is required under s32AA.
40. Where we adopt the s42A Report or s42A Addendum recommendations, we also adopt the relevant s32AA assessment where one is required. Where we depart from, add to, or refine those recommendations, we provide our own reasons and any necessary s32AA assessment at a level of detail that corresponds to the scale and significance of the change.

Our approach to decisions on submissions

41. We have generally followed the structure of the s42A Report because that is how submissions were grouped and assessed. That approach assists readers to move

¹⁰ s42A Report, section 6 "Statutory Framework", pp 9–10; Legal submissions for Council, 11 May 2026, paras 2–6

¹¹ s42A Report, section 6 "Statutory Framework", p 10

¹² s42A Addendum, 12 May 2026, paras 1, 7–12

¹³ Hearing Transcript, 20 May 2026, 3:19:41–3:20:04

¹⁴ Legal submissions for Council, 11 May 2026, paras 2–6 and 24–33; Hearing Transcript, 20 May 2026, 11:26–11:42, 28:29–31:05 and 3:53:51–3:55:21

between the s42A Report, the hearing material, this Decision Report, and the decision version of the provisions.

42. The s42A Report addressed submissions under the following broad headings¹⁵:
 - a. provisions where no change was sought;
 - b. entire plan change submissions;
 - c. general submissions;
 - d. housing; and
 - e. Code of Practice.
43. We have adopted the same broad structure for our substantive decisions. Within those headings, we have grouped overlapping submission points by issue or provision. This avoids unnecessary repetition while still ensuring that each submission point is decided.
44. Where a submission point is not discussed at length, that does not mean it was overlooked. In most cases, the point was addressed by the s42A Report, was not contested at the hearing, followed from another decision, or did not require separate narrative discussion.
45. Where we agree with the s42A Report or s42A Addendum, we adopt the relevant reasoning, subject to any additional comments in this report. We do not repeat every aspect of the s42A analysis where we agree with it.
46. Where we depart from, add to, or refine a s42A recommendation, we explain our reasons.
47. We have taken a practical approach to the provisions, focusing on whether they are within scope, clear and workable, appropriately enable housing choice and redevelopment, and manage relevant effects.
48. Where matters required technical assessment, we have placed weight on relevant expert evidence. We have also considered submitter experience where it assisted our understanding of practical operation, housing need, development feasibility, consenting risk, and existing housing conditions in Invercargill.
49. Where materially different drafting or a different regulatory approach was suggested, we have adopted it only where it is within scope, supported by evidence, and sufficiently evaluated.
50. Further submissions are dealt with by reference to the relevant primary submission, except where a further submission raises a distinct matter requiring separate consideration. This approach is consistent with the s42A Report's treatment of further submissions and with the legal advice that a further submission may support or oppose an original submission but cannot enlarge the scope of PC2¹⁶.
51. We have treated the scope as a threshold issue. Where we find that a submission point is outside the scope of PC2, we reject it on that basis and do not assess its merits.

¹⁵ s42A Report, section 7 "Assessment of Submissions — Overview of Submissions and Structure of Report", pp 10–11

¹⁶ s42A Report, section 7 "Assessment of Submissions — Further Submissions", p 11; Hearing Transcript, 20 May 2026, 35:14–35:30

52. We have also identified where changes are made as consequential amendments under clause 10(2)(b) of Schedule 1, or as minor corrections under clause 16(2). Those matters are addressed in Section 6.

Procedural and preliminary matters

Out-of-scope submissions

53. The s42A Report identified four submission points as being outside the scope of PC2. Those submission points were¹⁷:
- a. Adrian Sheat [10.01], opposing notified SUB-R6(7) as it relates to minimum allotment size within the Outer Control Boundary or Single Event Sound Exposure Boundary;
 - b. Ministry of Education [18.01], seeking amendments to RES1Z-R2 to provide for educational activities as a restricted discretionary activity;
 - c. John Gerty [05.01], seeking to extend the Residential Zone south to the hospital / Elles Road; and
 - d. Colin Bishop [06.01], seeking to include Rural-zoned properties on the east side of Bain Street, between Stirrat Street and Ball Street, within the Residential 1 Zone.
54. Mr Garbett addressed the legal principles applying to scope in his legal submissions and at the hearing. In summary, applying the principles from *Clearwater*¹⁸ and *Motor Machinists*¹⁹, a submission must be “on” the plan change. It must address the extent to which PC2 changes the District Plan, not come out of left field, reasonably fall within the ambit of the change including any incidental or consequential changes, and not create prejudice by denying affected persons an effective opportunity to participate²⁰.
55. We accept that advice. We also accept the s42A Report’s recommendation that the four submission points identified above are outside the scope of PC2. Although PC2 amends some residential and subdivision provisions, it does not follow that every residential activity rule, subdivision rule, zoning boundary, or overlay-related control was opened for reconsideration. In reaching that conclusion, we have considered whether each submission point addresses an alteration to the status quo made by PC2, whether the relief sought could properly be regarded as incidental or consequential to the notified changes, whether the matter was evaluated through the s32 Report or would require further s32AA evaluation, and whether accepting the relief would risk prejudice to persons who did not have an effective opportunity to participate.
56. Applying those principles:
- a. Adrian Sheat [10.01] sought changes to SUB-R6(7) as it relates to allotments within the Outer Control Boundary or Single Event Sound Exposure Boundary. PC2 did not alter airport-related subdivision controls or the minimum allotment size

¹⁷ s42A Report, section 5 “Procedural Matters — Out of Scope Submissions”, p 9; Legal submissions for Council, 11 May 2026, para 1

¹⁸ *Clearwater Resort Limited v Christchurch City Council* HC Christchurch, William Young J, 14 March 2003

¹⁹ *Palmerston North City Council v Motor Machinists Limited* [2013] NZHC 1290, [2014] NZRMA 519

²⁰ Legal submissions for Council, 11 May 2026, paras 7–11

controls applying within those overlays. The relief sought is not incidental or consequential to the notified housing-density or COP amendments. It would require consideration of airport-related subdivision, reverse sensitivity and land-use compatibility matters that were not evaluated through PC2.

- b. Ministry of Education [18.01] sought changes to RES1Z-R2 to provide for educational activities as a restricted discretionary activity. PC2 did not alter the activity-status framework for educational activities in the Residential 1 Zone, or for non-residential activities more broadly. The relief sought would introduce a new activity-status pathway for educational activities, rather than respond to an alteration to the status quo made by PC2. It is not an incidental or consequential change arising from the notified provisions and would require a separate evaluation of the effects and policy basis for changing how educational activities are managed in the Residential 1 Zone.
 - c. John Gerty [05.01] sought to extend the Residential Zone south to the hospital / Elles Road. Colin Bishop [06.01] sought to include Rural-zoned properties on the east side of Bain Street, between Stirrat Street and Ball Street, within the Residential 1 Zone. PC2 did not propose any general extension of Residential zoning or any change to the zoning of either area. The relief would introduce new zoning outcomes for land not proposed to be rezoned through PC2. It would require site-specific rezoning assessments, including consideration of matters such as infrastructure, servicing, urban form, effects, and the appropriateness of the zoning boundary. Those assessments were not undertaken through PC2, and affected persons would not have had an effective opportunity to participate on those rezoning issues.
57. In each case, the relief sought would go beyond the notified purpose and scope of PC2, was not incidental or consequential to the notified amendments, and could prejudice persons who did not have an effective opportunity to participate on those issues. Because those submission points are outside scope, we do not have jurisdiction to accept them. We have therefore rejected those submission points on scope grounds and have not assessed their merits.
58. We acknowledge the practical reasons given by Mr Gerty and Mr Bishop in their submissions for seeking those zoning changes, including proximity to services, public transport, existing infrastructure, and older housing stock. However, those merits do not alter our conclusion that the requested rezoning relief is outside the scope of PC2 and cannot be accepted through this process.

Further submissions

59. Three further submissions were received on PC2 from Kāinga Ora, Public Health NZ, and IPI Properties.
60. The s42A Report explained that further submissions were considered in preparing the report but were not discussed separately unless they raised a distinct matter requiring separate consideration, because they support or oppose matters raised in primary

submissions. The s42A Report recorded that the outcome for each further submission should follow the recommendation on the relevant primary submission²¹.

61. We accept that approach. A further submission can support or oppose an original submission, but it cannot broaden the scope of PC2 or introduce new positive relief that was not fairly raised by an original submission. Where a further submission supports or opposes a primary submission, our decision on the further submission follows our decision on the relevant primary submission, unless addressed separately in this report²².
62. One further-submission issue requires separate comment. IPI Properties' further submission raised a specific issue about rear-site access width. It sought discretion from the existing 3.5m access-width requirement where necessary to enable development of rear sections, with discretion down to a minimum of 3m.
63. We have considered that point carefully. We do not understand IPI Properties to have sought a permitted 3m access standard. Rather, the further submission sought a discretionary pathway for site-specific consideration of reduced access width.
64. The final rule framework already enables access adequacy to be assessed through the subdivision consent process, where subdivision consent is required. Applications under the relevant subdivision rules must address whether access is adequate to service the activities enabled by the subdivision, including compliance with APP11-3 of APP11 — Appendix 11 Transport Standards. APP11-3 retains a 3.5m minimum legal width for residential private ways serving 1–3 units, with a 3m carriageway width.
65. For that reason, we do not consider that an additional amendment is necessary to provide for case-by-case assessment of access adequacy. To the extent IPI Properties sought an additional plan amendment to enable a 3m minimum legal width, we do not make that amendment. That relief was raised through a further submission and would go beyond supporting or opposing an original submission. We also note Mr Hayes' evidence that a 3m access width would need to be assessed on a case-by-case basis, and that, in his view, 3m would not be acceptable from an engineering and emergency-access perspective. FENZ's tabled letter also records that a 3.5m minimum legal width is workable, although FENZ would prefer 4m²³.
66. Accordingly, no change is made in response to this aspect of IPI Properties' further submission. The issue can be considered on a case-by-case basis through a resource consent, in accordance with the existing subdivision assessment framework.

Provisions where no change was sought

67. The s42A Report identified provisions within PC2 that were either not submitted on, or where any submissions received sought their retention. Those provisions were listed in Table 1 of the s42A Report.

²¹ s42A Report, section 7 "Assessment of Submissions — Further Submissions", p 11

²² Legal submissions for Council, 11 May 2026, paras 7–11; Hearing Transcript, 20 May 2026, 35:14–35:30

²³ Legal submissions for Council, 11 May 2026, paras 7–11; Hearing Transcript, 20 May 2026, 33:56–35:30 (Mr Garbett on scope of further submissions) and 1:00:42–1:01:26 (Mr Hayes on 3m access width); FENZ tabled letter, 14 May 2026, p 2

68. The s42A Report recommended that those provisions be retained as notified, subject to any consequential renumbering, drafting corrections, or minor amendments made elsewhere in response to submissions.
69. We accept that recommendation. We have not undertaken a separate merits assessment of provisions where no change was sought. Those provisions are retained as notified, subject only to consequential amendments, renumbering, cross-reference updates, and minor corrections recorded in the decision version of the provisions in Appendix 1.

Clause 10(2)(b) consequential amendments and clause 16(2) corrections

70. The s42A Report identified that some amendments may be required as consequential amendments under clause 10(2)(b) of Schedule 1 of the RMA, or as minor corrections or amendments of minor effect under clause 16(2) of Schedule 1²⁴.
71. We accept that those powers are available and appropriate to use in this decision, where necessary. We have used them cautiously and only where we are satisfied that the amendment is consequential on submissions, necessary to maintain internal consistency, or minor in effect.
72. The principal clause 10(2)(b) consequential amendment is to RES1Z-P20. The s42A Report recommended retaining the proposed 11m height limit in the Residential 1A Zone. Mr Garbett advised that, if the 11m height limit is retained, RES1Z-P20 should be amended consequentially so that the policy framework accurately reflects the difference between the height limits in the Residential 1 Zone and the Residential 1A Zone. We accept that advice. Without that amendment, the policy would not align with the rule framework and may create confusion for plan users and consent processing. We are satisfied that the amendment is consequential on the submissions supporting PC2 and the Panel's decision to retain the notified Residential 1A height rule. It does not introduce a new planning outcome beyond that already anticipated by the notified rule framework²⁵.
73. We have also accepted minor corrections and amendments of minor effect under clause 16(2) where these improve clarity, formatting, cross-referencing, or rule usability. These include:
- a. clarifying SUB-R3 so that the rule more clearly applies to subdivision around existing residences, and does not enable subdivision of a minor residential unit from a primary residence;
 - b. removing "Advice Note" headings where the notification preclusion wording is intended to form part of the rule;
 - c. correcting minor drafting issues in rules containing matters of discretion, including wording such as "The matters over which the Council shall exercise its discretion are";

²⁴ s42A Report, section 3 "Scope and Format of Report", p 7

²⁵ s42A Report, "Residential 1A (Medium Density) Zone — Rules RES1AZ-R20", pp 41–42; Legal submissions for Council, 11 May 2026, paras 12–18

- d. making rule-formatting changes so that the relevant PC2 rules containing matters of discretion have their own rule numbers, consistent with the existing District Plan rule style;
 - e. making the consistency change to RES1AZ-R8 to clarify that the matters apply where an application is made under RES1AZ-R4 and/or RES1AZ-R7;
 - f. correcting APP11-3 so that the Rural / Rural Lifestyle minimum legal width aligns with the COP; and
 - g. making related numbering, cross-reference, and formatting corrections in the final provisions, including those arising from the insertion of the new Residential 1A density rule for sites within the Riverine Inundation Level 1 Overlay.
74. Following the hearing, the Panel requested an updated set of provisions to incorporate the s42A Addendum recommendation and address the rule-formatting consistency issue identified during questioning. Ms Spalding provided reply provisions dated 21 May 2026. Those reply provisions inserted the new Residential 1A density rule for sites within the Riverine Inundation Level 1 Overlay, renumbered subsequent Residential 1A rules, reformatted matters of discretion into separate rules where appropriate, and made a further consistency change to RES1AZ-R8²⁶.
75. We accept the updated provisions dated 21 May 2026, with final renumbering and cross-reference updates reflected in Appendix 1.

Decisions on submissions

Entire Plan Change submissions

76. The s42A Report addressed submissions that supported, opposed, or supported PC2 in part as a whole.
77. We accept the s42A Report's analysis and recommendations on the entire plan change submissions, subject to the additional reasons in this report. We find that PC2 should proceed, subject to the amendments set out in Appendix 1.
78. PC2 responds to an identified need for greater housing choice and diversity in Invercargill, particularly in existing residential areas with access to services, facilities, and infrastructure. It also updates the District Plan's references to the COP by removing references to the expired bylaw and replacing them with more flexible references to the Council's current COP²⁷.
79. The Panel was assisted by submissions and evidence supporting PC2. Southland Community Housing Group [01.01] referred to a shortage of affordable housing for low-income households, the Housing Register, and the need for smaller homes close to amenities. Public Health NZ [14] supported PC2 from a health and wellbeing perspective, particularly because warm, accessible and right-sized housing can support

²⁶ s42A Report, Appendix 1 Recommended Amendments to Provisions, 20 April 2026; Emma Spalding, *Section 42A Reply Version of Provisions*, 21 May 2026, pp 1–2

²⁷ s32 Report, "Summary of Plan Change and Scope", pp 4–5, and "Issues — Medium Density Housing", pp 9–10; s42A Report, section 9 "Entire Plan Change Submissions", pp 12–15

better health outcomes and ageing in place²⁸. Sarjana Duwal [09.01] described practical difficulties with older housing stock, high maintenance and upgrade costs, and limited access to newer, warmer, lower-maintenance housing. IPI Properties [17.01–17.03] assisted us in understanding redevelopment feasibility in South Invercargill and the need for smaller, more energy-efficient homes.

80. Mr Halligan's [07.01] submission supported PC2 because it would assist with future housing close to the CBD and reduce pressure for further urban sprawl onto productive land. Southland District Council supported the plan change in part, including the shared COP reference. Environment Southland [11.01] generally supported PC2's urban intensification and compact urban form outcomes, subject to the natural hazard matters addressed later in this report. Because amendments have been made to PC2, submission points seeking retention of PC2 as notified are accepted in part.
81. We make no change in response to Vinay Andrades' [03.01] request that development costs be passed on to developers rather than ratepayers. We accept the s42A Report's advice that PC2 does not amend the Council's Development Contributions Policy. To the extent the submission seeks a change to that policy, or to the way development-related costs are recovered, that relief is not available through this Schedule 1 plan change process and would need to be considered through the appropriate Local Government Act process²⁹.
82. We acknowledge submissions opposing PC2 or supporting it only with stronger safeguards. Sarah Robertson [02.01] and Janet [04.01] opposed PC2 proceeding as a whole. Mr O'Regan [13.01] supported greater housing density and flexibility in principle but sought stronger and more enforceable design standards. We are not persuaded those concerns justify declining PC2 as a whole. They are addressed through the specific urban design, built form, Residential 1A, infrastructure, and natural hazard provisions considered later in this report.
83. We also considered Mr Clarke's broader submission [19.01] and tabled evidence that PC2 should not proceed without further analysis of whether medium-density housing demand could be met within the Business 1 Zone, rather than through more enabling provisions in the Residential 1A Zone. We understand his concern to be that PC2 may impose amenity and character costs on established residential neighbourhoods without sufficient justification³⁰.
84. We are not persuaded that further Business 1 Zone capacity analysis is necessary before PC2 can proceed. PC2 is directed to the Residential 1 and Residential 1A Zones and responds to identified housing-choice and redevelopment issues in those zones. The possibility that the Business 1 Zone may also contribute to residential capacity does not mean that additional housing choice should not be enabled in appropriate residential locations. We also accept the s32 Report³¹ and s42A Report assessment that retaining the status quo in the Residential 1A Zone would not adequately respond to the identified shortfall in smaller attached homes in central locations. For those reasons, PC2 is

²⁸ Evidence of Dr Virginia McLaughlin for Public Health NZ, 20 May 2026, paras 3.1–6.2; Public Health NZ post-hearing clarification email from Tom Scott to Cat Manera, 20 May 2026

²⁹ s42A Report, section 9 "Entire Plan Change Submissions", p 13

³⁰ Gareth Clarke, Statement of Evidence, 8 May 2026, paras 8–19

³¹ s32 Report, "Issues — Medium Density Housing", pp 9–10; s42A Report, section 9 "Entire Plan Change Submissions", pp 13–15

justified as a targeted plan change, and we accept in part the submission points supporting PC2, reject the submission points seeking that PC2 be declined, and make no additional amendment in response to the Entire Plan Change submissions.

General submissions

85. The s42A Report addressed general submissions from Environment Southland, IPI Properties, Gareth Clarke, and FENZ. We accept its analysis and recommendations, subject to the findings below and the topic-specific reasons later in this report³².
86. We accept Environment Southland's general support for PC2. Its urban design and natural hazard concerns are addressed in the relevant topic sections below.
87. We accept IPI Properties' general support for PC2. Its more specific relief on density and access is addressed elsewhere in this report.
88. We reject Gareth Clarke [19.15] to the extent he sought retention of all Residential 1A Zone rules as currently drafted in the District Plan. PC2 is intended to amend those provisions to better enable medium-density housing while managing effects.
89. For FENZ [15.01], we accept the s42A Report's analysis, informed by Mr Hayes' engineering evidence. We agree that it is not necessary to duplicate the COP, SNZ PAS 4509:2008, engineering approval requirements or building consent requirements in the District Plan. FENZ's tabled evidence confirmed that no further relief was sought on emergency access, that water supply matters were appropriately addressed through the Engineering Approval Process and COP, and that FENZ supported the recommended infrastructure-capacity matter of discretion. We accept that amendment³³.
90. We adopt the s42A Report's s32AA assessment for the infrastructure-capacity amendment³⁴. The general submission points are accepted, accepted in part, or rejected to the extent set out in this section. No further amendments are required in response to the general submissions.

Housing

Definition — Medium Density Housing

91. Kāinga Ora [16.02] sought deletion of the definition of "Medium Density Housing", or at least deletion of the 350m² threshold. Kāinga Ora considered that the definition went beyond interpretation and operated like a rule, and that medium density housing is adequately managed through the Residential 1A Zone provisions.
92. We accept that definitions should not do the work of rules. However, we are not persuaded that the definition creates an inappropriate rule or regulatory threshold. The definition does not itself determine activity status or impose a consent requirement. Rather, it provides an interpretive reference for the District Plan's medium density housing framework.
93. We also accept that PC2 has been drafted within the architecture of the existing District Plan. The District Plan has not yet been restructured into National Planning Standards

³² s42A Report, section 10 "General Submissions", pp 15–18

³³ s42A Report, section 10 "General Submissions", pp 16–18; Evidence of Rob Hayes, 7 April 2026, paras 5–6; FENZ tabled letter, 14 May 2026, pp 1–2

³⁴ s42A Report, section 10 "General Submissions", p 18

format, and PC2 retains the existing Residential 1 and Residential 1A Zone framework. In that context, we consider it appropriate for the definition to provide local guidance on what is meant by medium density housing in Invercargill, rather than relying only on the National Planning Standards description of a Medium Density Residential Zone.

94. We accept the s42A Report's reasoning that the 350m² reference provides useful local context and assists plan administration. We also accept Ms Spalding's explanation at the hearing that the definition is useful where housing at that density is proposed in the Residential 1 Zone or another relevant zone, because it assists in identifying when medium density urban design considerations in RES1Z-P3 are relevant³⁵.
95. We are satisfied that the definition is coherent with the wider PC2 framework, including the density and urban design provisions addressed later in this report.
96. For those reasons, we reject Kāinga Ora [16.02] and retain the definition of "Medium Density Housing" as notified. No amendment is required.

SUB-R3 — subdivision around approved residential development

97. Kāinga Ora [16.04] opposed SUB-R3 in part. It sought amendments so that minimum allotment size and dimension requirements would apply only to vacant lot subdivision and would not apply where subdivision is proposed around residential units for which land use consent has already been granted, or where land use consent is sought concurrently with subdivision consent. Kāinga Ora also sought preclusion of both public and limited notification for applications under SUB-R3.
98. We understand Kāinga Ora's concern. If the location, layout, and effects of residential units have already been assessed through a land use consent, there is a risk that applying minimum allotment size requirements at the later subdivision stage may appear to duplicate matters already considered. Kāinga Ora's position is that, in those circumstances, subdivision should focus on technical title matters such as boundaries, servicing, access and easements, rather than re-assessing whether each resulting allotment meets a minimum size.
99. However, we are not persuaded that SUB-R3 should be amended as requested. Subdivision is not simply an administrative step that follows land use consent. It creates separate legal titles and therefore has long-term consequences for how land can be owned, serviced, accessed, used, maintained, and potentially redeveloped in the future.
100. We accept Ms Spalding's explanation that land use consent and subdivision consent assess different, although related, matters. A land use consent may assess the acceptability of a particular housing layout. A subdivision consent still needs to assess whether the resulting allotments will be functional and serviceable as separate sites, including in relation to infrastructure, access, easements, servicing arrangements, and long-term site usability³⁶.
101. We also consider that minimum allotment size and dimension requirements remain a useful safeguard. They help avoid subdivision outcomes that may create small or constrained titles, difficult shared servicing arrangements, poor access arrangements,

³⁵ s42A Report, section 11 "Housing — Definition of Medium Density Housing", pp 18–19; Hearing Transcript, 20 May 2026, 1:13:49–1:14:37

³⁶ s42A Report, section 11 "Housing — Subdivision Rule SUB-R3", pp 19–20; Hearing Transcript, 20 May 2026, 1:17:02–1:20:13

or long-term amenity and functionality issues. Those matters may not always be fully resolved at the land use stage, particularly where residential development is permitted or where the later title structure creates different practical consequences from the approved built form.

102. We have also considered the risk identified in the s42A Report relating to detached minor residential units. We agree that removing minimum allotment size and dimension requirements for subdivision around built development could create unintended pressure to subdivide minor residential units from principal residential units, where that outcome may not be consistent with the intended relationship between those units.
103. We do not accept Kāinga Ora's request to preclude limited notification. We agree that public notification should remain precluded, as notified and recommended in the s42A Report. However, limited notification should remain available where a subdivision may have effects on persons who may be directly affected by the subdivision. Retaining the possibility of limited notification is an appropriate safeguard and is consistent with an effects-based assessment.
104. For those reasons, we reject Kāinga Ora [16.04]. We accept the s42A Report's recommendation to retain SUB-R3, subject only to the minor clause 16(2) correction to clarify the operation of SUB-R3(2)(b)(ii), and the related deletion of the "Advice Note" heading. No further s32AA assessment is required because the amendment is minor and clarificatory³⁷.

Residential Zones Overview

105. Gareth Clarke [19.04] opposed the amendments to the Residential Zones Overview in part. He sought retention of the existing wording referring to "retaining the main qualities" of residential amenity. His concern was that the notified wording could imply a lowering of amenity expectations as greater residential density is enabled and could signal a lower standard of urban design and amenity for the Residential 1A Zone compared with other residential areas.
106. Kāinga Ora [16.05] and Public Health NZ [14.02] supported the Residential Zones Overview as notified. Public Health NZ supported the Overview because it recognises the importance of residential amenity and well-functioning urban environments for the future health and wellbeing of Invercargill people.
107. We have considered the submissions and the s42A Report. We also assessed the amenity and urban design issues underlying this submission with Ms Spalding and Mr Church at the hearing.
108. Ms Spalding directly addressed Mr Clarke's concern that the wording changes could lower amenity expectations as more housing is enabled. She explained that PC2 was informed by options work, community feedback, and technical input, and that the provisions were drafted with community amenity in mind. She also explained that the bulk and location standards had been designed to maintain amenity while still enabling greater housing choice and density³⁸.

³⁷ s42A Report, section 11 "Housing — Subdivision Rule SUB-R3", p 20

³⁸ s42A Report, section 11 "Housing — Residential Zones Overview", pp 20–21; Hearing Transcript, 20 May 2026, 1:14:40–1:15:59

109. Mr Church did not address the Residential Zones Overview wording directly, but his urban design evidence supports the broader proposition that PC2 can enable residential change while managing amenity through built-form standards, matters of discretion and supporting urban design guidance. At the hearing, he explained that “good urban design” is a workable standard for large residential neighbourhoods, where the focus should be on achieving the fundamentals of good urban design, supporting urban renewal, and maintaining affordability³⁹.
110. We accept that residential amenity remains important. However, we do not agree that amenity should be treated as fixed by the existing qualities of the residential environment. PC2 is intended to enable greater housing choice and diversity, and some change in built form is anticipated. That approach is consistent with Policy 6 of the NPS-UD, which recognises that planned urban built form may involve changes to an area, and that those changes may affect amenity values differently for different people, communities and future generations⁴⁰. The issue for us is whether the provisions continue to manage amenity appropriately as that change occurs. We do not accept that the notified wording creates a lower class of residential environment, or that “continuing to provide amenity” means accepting substandard urban design.
111. We are satisfied that the notified Overview appropriately recognises that amenity should continue to be provided in the context of changing housing forms and the anticipated outcomes for each residential zone. Read with the more specific Residential 1 and Residential 1A provisions, the Overview continues to recognise the importance of amenity, well-functioning urban environments, and the health and wellbeing of Invercargill residents.
112. For those reasons, we reject Gareth Clarke [19.04], accept Kāinga Ora [16.05] and Public Health NZ [14.02], and retain the Residential Zones Overview as notified. No amendment is required.

RES-O1 - medium-density housing in the Residential 1A Zone

113. Gareth Clarke [19.05] supported RES-O1 in part. He was concerned that the notified reference to “medium density housing is enabled” could be read as enabling medium density housing across all residential parts of the district, rather than only in the Residential 1A Zone. He sought either deletion of that phrase or clarification that it applies only to the Residential 1A Zone.
114. Kāinga Ora [16.06] supported RES-O1 as notified, particularly because the reference to enabling medium density housing supports housing choice and affordability.
115. We agree with the s42A Report that the objective should be clarified. The purpose of the amendment is not to change the overall intent of RES-O1, but to avoid any uncertainty about where medium density housing is enabled by PC2.
116. We accept that PC2 enables medium density housing through the Residential 1A Zone framework. The amended wording better reflects that approach and avoids the possible interpretation identified by Mr Clarke.

³⁹ Evidence of Timothy Church, 17 April 2026, paras 4.2 and 5.1–5.2; Hearing Transcript, 20 May 2026, 49:07–50:58

⁴⁰ National Policy Statement on Urban Development 2020, Policy 6

117. For those reasons, we accept Gareth Clarke [19.05] and Kāinga Ora [16.06] in part and amend RES-O1 to clarify that medium density housing is enabled in the Residential 1A Zone. We adopt the s42A Report's s32AA assessment. No further s32AA evaluation is required because the amendment is clarificatory and does not change the substance of the objective⁴¹.

RES-O2 - housing types and built forms

118. Gareth Clarke [19.06] opposed the amendments to RES-O2 and sought retention of the existing operative wording. His concerns were that adding the words “and built forms” could imply provision for taller apartment-style development, and that removing the word “only” from the reference to Invercargill’s lower growth pressures would weaken the existing objective.
119. Kāinga Ora [16.07] supported RES-O2 as notified.
120. Public Health NZ [14.04] supported RES-O2 in part but sought an amendment to refer to Universal Design principles. Public Health NZ’s submission and evidence focused on Invercargill’s ageing population, the relationship between housing, disability and health outcomes, and the importance of accessible housing that enables people to age in place.
121. We accept the s42A Report’s recommendation to retain RES-O2 as notified.
122. We are not persuaded by Mr Clarke’s concern that the words “and built forms” create inappropriate uncertainty or imply an inappropriate scale of development. In our view, it is appropriate for RES-O2 to refer to both housing types and built forms. Housing type describes the form of residential activity, such as detached housing, semi-detached housing, terrace housing, or apartments. Built form is also relevant because the height, massing, layout, and relationship of buildings to adjoining sites and the street are important to how residential development is experienced. The reference to built forms is consistent with the more detailed built-form standards and urban design matters introduced through PC2. It is also consistent with Policy 6 of the NPS-UD, which directs decision-makers to have particular regard to planned urban built form, including that changes in housing densities and types may affect amenity values differently for different people, communities and future generations⁴².
123. We also agree with the s42A Report that removal of the word “only” results in a more neutral and factual objective. The objective still recognises Invercargill’s slowly growing and ageing population but does so without unnecessary comparison or commentary about the degree of growth pressure relative to other places.
124. We found Public Health NZ’s evidence on Universal Design, ageing in place and activity limitations helpful. We accept that accessible and adaptable housing is an important issue for Invercargill, particularly given its ageing population. However, we agree with the s42A Report that Universal Design should not be elevated into RES-O2 itself. RES-O2 is an objective and should state the broader outcome sought. Universal Design is more appropriately treated as one way of helping to achieve that outcome, and can be

⁴¹ s42A Report, section 11 “Housing — Residential Zones Objective RES-O1”, pp 21–22; decision version of provisions, RES-O1

⁴² National Policy Statement on Urban Development 2020, Policy 6(a)–(b)

considered through the relevant policies, assessment matters, and supporting urban design guidance where applicable⁴³.

125. We are satisfied that RES-O2, as notified, appropriately recognises the need for a range of housing types and built forms to accommodate Invercargill's slowly growing and ageing population. It provides an appropriate objective-level direction without becoming overly prescriptive.
126. For those reasons, we reject Gareth Clarke [19.06], accept Kāinga Ora [16.07], reject Public Health NZ [14.04] to the extent it seeks additional wording in RES-O2, and retain RES-O2 as notified. No amendment is required.

RES-O3 and RES-P4 - residential amenity and anticipated zone outcomes

127. Gareth Clarke [19.07 and 19.08] opposed the amendments to RES-O3 and RES-P4 and sought retention of the existing operative wording. His concern was that removing the reference to a "high standard" of residential amenity could indicate acceptance of lower amenity outcomes or substandard urban design.
128. Kāinga Ora [16.08 and 16.10] supported the notified amendments. It supported moving away from a generic "high standard" of residential amenity and toward amenity assessed in accordance with the anticipated outcomes and character of each zone.
129. We have addressed the broader amenity-change issue in the Residential Zones Overview section above. We apply that reasoning here.
130. We do not consider that the notified amendments lower amenity expectations. Rather, the amendments recognise that residential amenity should be assessed in light of the anticipated outcomes and character of the relevant zone. That is appropriate because PC2 anticipates different residential outcomes across the Residential 1 and Residential 1A Zones, including greater housing choice and a more enabling medium-density framework in the Residential 1A Zone.
131. We agree with the s42A Report that the notified wording better reflects the managed change anticipated by PC2. It does not remove the need to provide residential amenity but avoids treating existing amenity conditions as fixed or as a barrier to appropriate residential redevelopment⁴⁴.
132. For those reasons, we reject Gareth Clarke [19.07 and 19.08], accept Kāinga Ora [16.08 and 16.10], and retain RES-O3 and RES-P4 as notified. No amendment is required.

RES1Z-O5 - good versus high-quality urban design

133. Environment Southland [11.02] and Gareth Clarke [19.09] opposed the change from "high quality urban design" to "good urban design" in RES1Z-O5. Environment Southland was concerned that PC2 should promote high-quality urban design, including to align with the Southland Regional Policy Statement (SRPS). Mr Clarke also sought retention of the operative wording referring to "high quality urban design".
134. Kāinga Ora [16.11] supported the change to "good urban design", considering that it would allow for more efficient and effective outcomes and support housing affordability.

⁴³ s42A Report, section 11 "Housing — Residential Zones Objective RES-O2", pp 22–23; Evidence of Dr Virginia McLaughlin for Public Health NZ, 6 May 2026, paras 3.5–6.2; Hearing notes for Public Health NZ, 20 May 2026

⁴⁴ s42A Report, section 11 "Housing — Residential Zones Objective RES-O3 and Policy RES-P4", pp 23–24

135. We accept the s42A Report's recommendation to retain "good urban design" in RES1Z-O5.
136. We accept that urban design is important, particularly where PC2 enables more intensive residential development. However, we are not persuaded that the objective needs to use the words "high quality urban design" to achieve appropriate residential outcomes or give effect to the relevant higher-order direction.
137. We accept that the SRPS encourages high-quality urban design. However, we do not consider that PC2 must use the same words in RES1Z-O5 in order to give effect to that direction. We also note that "high quality urban design" is a defined term in the SRPS, linked to the New Zealand Urban Design Protocol 2005⁴⁵. Using that phrase in RES1Z-O5 could therefore create uncertainty about whether the SRPS definition, and its broader Protocol-based framework, is intended to apply directly within PC2. By contrast, PC2 uses a more specific residential urban design framework, supported by the ICC UDG. The question is whether the provisions, read as a whole, encourage appropriate urban design outcomes in the residential context. We are satisfied that they do.
138. Mr Church's evidence was directly relevant to this issue. He supported "good urban design" as a more realistic and workable standard across large residential neighbourhoods, where the focus should be on achieving the fundamentals of good urban design, supporting renewal of older housing stock, and maintaining affordability. In his hearing summary, he clarified that when he referred to areas where "high quality" urban design may be more appropriate, he was not referring to other lower-density residential zones, but to higher-profile urban areas such as the Business 1 Zone⁴⁶.
139. We accept that evidence. We also consider it consistent with our contextual understanding from the site visit. The Residential 1 and Residential 1A areas contain established residential neighbourhoods with varied housing age, condition, and form. PC2 is intended to support renewal and greater housing choice in those areas. Requiring "high quality" urban design as the objective-level standard could risk setting an unnecessarily elevated expectation for ordinary residential redevelopment, with potential implications for feasibility and affordability.
140. We do not accept Mr Clarke's inference that using "good urban design" creates a lower class of residential zone or means Residential 1A residents must accept poor amenity. In our view, the standard is calibrated to the purpose, scale and context of ordinary residential development and redevelopment, while the more detailed provisions continue to manage built form, amenity, and design quality.
141. We do not accept that "good urban design" means weak or poor urban design. Read with the more detailed policies, built-form standards, matters of discretion and the UDG, RES1Z-O5 continues to require positive urban design outcomes. In our view, it sets a clear and workable objective for the residential context.

⁴⁵ Southland Regional Policy Statement 2017, Policy URB.4 and Glossary definition of "High quality urban design"; New Zealand Urban Design Protocol, Ministry for the Environment, March 2005

⁴⁶ s42A Report, section 11 "Housing — Residential 1 Zone — Objective RES1Z-O5", pp 24–25; Evidence of Timothy Church, 17 April 2026, paras 4.1–4.3; Hearing summary statement of Timothy Church, 20 May 2026, paras 3.1–3.5; Hearing Transcript, 20 May 2026, 49:07–50:58

142. For those reasons, we reject Environment Southland [11.02] and Gareth Clarke [19.09], accept Kāinga Ora [16.11], and retain RES1Z-O5 as notified. No amendment is required.

RES1Z-P1, RES1Z-P5 and RES1Z-R5–R8 - Residential 1 Zone density

143. Kāinga Ora [16.12] opposed RES1Z-P1 in part. It sought removal of the area-based density approach in the Residential 1 Zone and replacement with a number-of-units approach, with up to two residential units permitted per site. Kāinga Ora also sought removal of the word “suburban” from RES1Z-P1 and replacement with wording referring to general residential living and housing choice. Kāinga Ora [16.14] also opposed RES1Z-P5 in part and sought deletion of that policy, with its content integrated into RES1Z-P1. Kāinga Ora [16.16] opposed RES1Z-R5 to RES1Z-R8 in part and sought replacement of the tiered area-based density rules with a number-of-units approach. It also sought public and limited notification to be precluded for applications requiring consent under its proposed number-of-units approach.
144. Gareth Clarke [19.10 and 19.12] opposed the amendments to RES1Z-P1 and RES1Z-P5 and sought retention of the operative wording. His concern was that the operative approach requiring medium-density housing to be comprehensively designed should be retained.
145. Public Health NZ [14.03] supported RES1Z-P5 in part but sought an amendment to the explanation to refer to Invercargill’s ageing population and to actively promote Universal Design.
146. We accept the s42A Report’s recommendation to accept Kāinga Ora [16.12] in part by replacing “suburban” with “general” in RES1Z-P1. We agree that “general residential development” better describes the Residential 1 Zone and aligns more closely with the way that zone is used in the wider District Plan framework. The amendment is minor and improves clarity⁴⁷.
147. We do not accept Kāinga Ora’s broader request to replace the Residential 1 Zone density framework with a number-of-units approach. We acknowledge Kāinga Ora’s practical evidence about public housing delivery, older housing stock, the need for smaller one and two-bedroom homes, and the consenting and notification risks associated with density controls. We also accept that housing capacity, housing choice, well-functioning urban environments, and realisable development opportunities are relevant considerations under the NPS-UD, and that sufficient modelled capacity is not the only matter to consider⁴⁸.
148. However, we are not persuaded that the evidence supports the more substantial change sought for the Residential 1 Zone. PC2 takes a different approach to the Residential 1 and Residential 1A Zones. The Residential 1 Zone amendments are more limited and are intended to encourage additional infill opportunities without significantly changing the nature or character of that zone. The more enabling medium-density framework is focused on the Residential 1A Zone, where the s32 Report and supporting housing

⁴⁷ s42A Report, section 11 “Housing — Residential 1 Zone Density — Policy RES1Z-P1, Policy RES1Z-P5, Rules RES1Z-R5–R8”, pp 25–27

⁴⁸ Evidence of Lezel Beneke for Kāinga Ora, 6 May 2026, paras 3.2–3.4 and 4.12–4.20; Hearing Transcript, 20 May 2026, 1:51:12–1:52:14

capacity assessment identifies the greatest need and opportunity for more compact housing close to services and amenities.

149. We accept the s42A Report's analysis that removing the area-based density limits in the Residential 1 Zone would be a significant change that was not developed through the options process, community engagement, or the section 32 evaluation supporting PC2. We also accept Mr Church's urban design evidence that, while built-form controls are important, retaining a residential density rule can play a useful precautionary role as part of the overall framework, including to reduce the risk of poor or perverse development outcomes⁴⁹.
150. We have also considered Kāinga Ora's submission that a number-of-units approach is more consistent with contemporary national medium-density practice, including the MDRS model. While that comparison is relevant, PC2 is a targeted plan change, and we do not consider that national direction requires the Residential 1 Zone to be converted to a number-of-units density framework through this process.
151. In our view, the notified Residential 1 Zone approach strikes an appropriate balance. It is an incremental change, but we consider that is appropriate for the Residential 1 Zone given the different role of that zone and the more enabling framework provided in the Residential 1A Zone. It provides a more enabling pathway for infill development than the operative framework, while retaining a density structure that reflects the intended purpose of the Residential 1 Zone. The more enabling response sought by Kāinga Ora is better addressed through the Residential 1A Zone provisions, which are considered later in this report.
152. We also do not accept Kāinga Ora's request to delete RES1Z-P5 because it provides useful policy direction on housing choice within the Residential 1 Zone and explains the relationship between housing choice, lot size, amenity and design. We consider it should be retained, subject to the amendments recommended in the s42A Report.
153. We reject Gareth Clarke's submissions [19.10 and 19.12]. To the extent Mr Clarke sought retention of "high quality urban design", we have addressed that issue in the RES1Z-O5 section above. To the extent he sought retention of the operative references to comprehensive medium-density housing, we agree with the s42A Report that the operative wording no longer aligns with the PC2 rule framework. PC2 removes the former requirement for comprehensive medium-density housing development on sites over 2,000m² in the Residential 1A Zone and replaces it with a more enabling framework. It would not assist plan users to retain policy explanation wording that reflects the former framework rather than the amended one⁵⁰.
154. We also reject Public Health NZ [14.03] to the extent it seeks additional Universal Design wording in the explanation to RES1Z-P5. We accept Public Health NZ's evidence that accessible and adaptable housing is important for Invercargill, particularly given the ageing population and the relationship between housing design, disability, activity limitations, and health outcomes. However, we agree with the s42A Report that RES1Z-P5 is directed to housing choice and does not need additional explanation text on

⁴⁹ s42A Report, section 11 "Housing — Residential 1 Zone Density — Policy RES1Z-P1, Policy RES1Z-P5, Rules RES1Z-R5–R8", pp 25–27; Hearing summary statement of Timothy Church, 20 May 2026, paras 3.6–3.10

⁵⁰ s42A Report, section 11 "Housing — Residential 1 Zone Density — Policy RES1Z-P1, Policy RES1Z-P5, Rules RES1Z-R5–R8", pp 26–27

Universal Design to clarify its operation. Universal Design is more appropriately addressed through the urban design policy framework, matters of discretion, the UDG, and resource consent assessment where relevant⁵¹.

155. For those reasons, we accept Kāinga Ora [16.12] in part, reject Kāinga Ora [16.14 and 16.16], reject Gareth Clarke [19.10 and 19.12], and reject Public Health NZ [14.03] to the extent it seeks additional wording in RES1Z-P5. RES1Z-P1 is amended to refer to “general” residential development rather than “suburban” residential development. RES1Z-P5 and RES1Z-R5 to RES1Z-R8 are otherwise retained as notified, subject to the later amendment to RES1Z-R8 relating to natural hazard risk, which we address in the section on zoning extent, natural hazards, and the Riverine Inundation Level 1 Overlay. No further s32AA evaluation is required for the amendment to RES1Z-P1 because it is minor and clarificatory.

RES1Z-P3 and RES1AZ-P2 - urban design elements and explanatory guidance

156. Gareth Clarke [19.11] supported RES1Z-P3 in part but sought that some explanation of the individual urban design elements listed in the policy be retained in the District Plan itself. He was concerned that the policy should remain understandable and usable without plan users needing to rely only on the UDG. Gareth Clarke [19.14] also supported RES1AZ-P2 in part. He sought amendments to retain some explanation of the individual urban design elements in the District Plan, and to make the policy easier to read and understand on its own.
157. Kāinga Ora [16.13] supported RES1Z-P3 in part, including the UDG sitting outside the District Plan. However, it considered that RES1Z-P3 was too prescriptive and read more like assessment criteria. Kāinga Ora sought shorter, higher-level wording to provide clearer direction about how the relevant objective would be met. Kāinga Ora [16.22] opposed RES1AZ-P2 and sought its deletion. Its reason was that RES1AZ-P2 duplicated RES1Z-P3, and the District Plan specifies that the objectives and policies applying to the Residential 1 Zone also apply to the Residential 1A Zone.
158. We accept the s42A Report’s recommendation to amend RES1Z-P3 by adding explanatory text for the nine urban design matters listed in the policy. We agree that the policy should provide clear signposting to the matters that need to be considered when assessing urban design outcomes, while also maintaining a close connection with the UDG⁵².
159. We accept Mr Church’s urban design evidence on this issue. He was the only urban design expert to provide evidence to the Panel on this matter, and we did not receive any competing expert urban design evidence. He supported adding explanatory text so that the key urban design concepts can be readily understood without ambiguity and practically applied through the matters of discretion. He also supported the UDG sitting outside the District Plan, with the District Plan retaining the key policy signposts that link to that guidance⁵³.

⁵¹ s42A Report, section 11 “Housing — Residential 1 Zone Density — Policy RES1Z-P1, Policy RES1Z-P5, Rules RES1Z-R5–R8”, p 27; Evidence of Dr Virginia McLaughlin for Public Health NZ, 6 May 2026, paras 4.2–6.2

⁵² s42A Report, section 11 “Housing — Residential 1 Zone — Policy RES1Z-P3 and Residential 1A Zone — Policy RES1AZ-P2”

⁵³ pp 27–29; Evidence of Timothy Church, 17 April 2026, paras 4.4–4.9 and 5.2.2

160. We acknowledge Kāinga Ora's concern that RES1Z-P3 should not become overly prescriptive or read like assessment criteria. However, we are not persuaded that Kāinga Ora's shorter wording would provide sufficient clarity. We accept Mr Church's evidence that Kāinga Ora's proposed higher-level wording may have some merit in principle but is too broad to cover all of the relevant urban design concepts or maintain a clear line of sight between the District Plan, the matters of discretion and the UDG.
161. We also acknowledge Public Health NZ's evidence about Universal Design, ageing, activity limitations, and the importance of accessible housing. Although Public Health NZ did not seek a specific amendment to RES1Z-P3 in this submission point, we consider that the recommended RES1Z-P3 wording appropriately keeps Universal Design visible within the urban design framework, through the building design element, without making it a separate or mandatory requirement in every case⁵⁴.
162. We accept Kāinga Ora [16.22] that RES1AZ-P2 should be deleted. RES1Z-P3 applies to the Residential 1A Zone as well as the Residential 1 Zone. Retaining both policies would create unnecessary duplication and potential confusion. Deleting RES1AZ-P2 improves plan clarity without removing the urban design policy direction that applies to medium-density housing in the Residential 1A Zone.
163. For those reasons, we accept Gareth Clarke [19.11] in relation to adding explanatory text to RES1Z-P3, reject Gareth Clarke [19.14] in relation to retaining or amending RES1AZ-P2, accept Kāinga Ora [16.22], and accept Kāinga Ora [16.13] in part. RES1Z-P3 is amended to include explanations of the nine urban design matters, and RES1AZ-P2 is deleted.
164. We consider these amendments improve clarity, efficiency and plan usability. They retain the key urban design concepts in the District Plan, support alignment with the UDG, avoid unnecessary duplication, and do not materially change the policy direction of PC2. To the extent a s32AA assessment is required, we are satisfied that the amendments are more appropriate than the notified wording. The benefits are improved clarity for applicants, submitters, reporting officers and decision-makers; a clearer relationship between the District Plan and the UDG; and reduced risk of inconsistent interpretation between RES1Z-P3 and RES1AZ-P2. We consider those benefits outweigh any minor drafting cost associated with consolidating the policy direction into RES1Z-P3⁵⁵.

RES1Z-P7 - site coverage explanation

165. Kāinga Ora [16.15] opposed RES1Z-P7 in part. It sought an amendment to the explanation to refer to a 50% site coverage standard in the Residential 1A Zone, consistent with its later relief seeking an increase to the permitted site coverage standard in RES1AZ-R16.
166. The requested change to RES1Z-P7 depends on Kāinga Ora's broader relief seeking 50% permitted site coverage in the Residential 1A Zone. For the reasons set out later in this report in relation to RES1AZ-R16 to RES1AZ-R19, we do not accept that relief.

⁵⁴ Evidence of Dr Virginia McLaughlin for Public Health NZ, 6 May 2026, paras 6.1–6.2

⁵⁵ s42A Report, section 11 "Housing — Residential 1 Zone — Policy RES1Z-P3 and Residential 1A Zone — Policy RES1AZ-P2", p 29

167. We consider it appropriate for the RES1Z-P7 explanation to continue to refer to site coverage of around 40% or 45% in the Residential 1A Zone. That wording remains consistent with the site coverage framework we have accepted for PC2.

168. We therefore reject Kāinga Ora [16.15] and retain RES1Z-P7 as notified⁵⁶.

Residential 1A Overview

169. Kāinga Ora [16.17] opposed the Residential 1A Zone Overview in part. It sought amendments to align the Overview more closely with the National Planning Standards description of a Medium Density Residential Zone and to better recognise the benefits of medium-density housing.

170. The issue is whether the Residential 1A Zone Overview should be rewritten to more closely reflect the National Planning Standards description of a Medium Density Residential Zone. We do not consider that change is necessary.

171. We acknowledge Kāinga Ora's broader position that the Residential 1A Zone framework should be simpler and more enabling. However, we do not consider the requested amendments to the Overview are necessary or appropriate.

172. As explained earlier in this report, we have retained the definition of "Medium Density Housing". In that context, we do not consider it necessary to replace the Overview wording with wording based more closely on the National Planning Standards description of a Medium Density Residential Zone. PC2 has been drafted within the existing District Plan structure and retains the Residential 1A Zone as the relevant zone for medium-density housing in Invercargill.

173. We also consider it important that the Overview continues to explain the relationship between medium-density housing, good urban design, amenity, and comprehensive planning for larger-scale development. Kāinga Ora's requested wording would remove useful contextual information about those matters. In our view, that information assists plan users to understand the purpose and intended outcomes of the Residential 1A Zone.

174. We accept that medium-density housing can provide important housing-choice and renewal benefits. However, those benefits are already recognised through the wider PC2 framework, including the Residential 1A objectives, policies, and rules. They do not require the Overview to be amended in the way sought by Kāinga Ora.

175. For those reasons, we reject Kāinga Ora [16.17] and retain the Residential 1A Zone Overview as notified. No amendment is required⁵⁷.

RES1AZ-I2 - comprehensive medium-density redevelopment

176. Kāinga Ora [16.18] supported RES1AZ-I2 in part but sought amendments to reword the issue statement and remove the reference to larger-scale proposals being developed "comprehensively". Kāinga Ora's reason was that the word "comprehensively" had been

⁵⁶ s42A Report, section 11 "Housing — Residential 1 Zone — Policy RES1Z-P7", p 29; decision version of provisions, RES1Z-P7

⁵⁷ s42A Report, section 11 "Housing — Residential 1A (Medium Density) Zone — Overview", pp 29–30; decision version of provisions, Residential 1A Zone Overview

removed from some other provisions, and it sought the same change here for consistency.

177. We accept the s42A Report's recommendation to reject Kāinga Ora [16.18] and retain RES1AZ-I2 as notified.
178. We acknowledge Kāinga Ora's broader concern that repeated references to comprehensive development may make the Residential 1A Zone framework appear more restrictive. However, we do not consider that the reference to comprehensive development in RES1AZ-I2 is inappropriate or inconsistent with the PC2 framework.
179. RES1AZ-I2 identifies the issue that medium-density housing, especially larger-scale proposals involving four or more residences, can lead to a decrease in amenity unless it is well-planned, well-designed, and developed comprehensively. We consider that issue statement remains accurate and useful.
180. The PC2 framework continues to require comprehensive planning proposals involving four or more residences. That is reflected in RES1AZ-P1 and implemented through the rule framework for four or more residences, including the relevant matters of discretion. In that context, deleting the reference to comprehensive development from RES1AZ-I2 would reduce the clarity and coherence of the Residential 1A Zone provisions.
181. For those reasons, we reject Kāinga Ora [16.18] and retain RES1AZ-I2 as notified. No amendment is required⁵⁸.

RES1AZ-O4 - amenity for residents and the surrounding neighbourhood

182. Kāinga Ora [16.20] supported RES1AZ-O4 in part but sought an amendment to clause 2. It considered that the notified wording, which referred to providing good amenity to the surrounding neighbourhood, depended on matters beyond what occurs on a single development site and should not be the sole responsibility of individual landowners or developers. Kāinga Ora sought wording focused on providing good amenity to residents and minimising adverse effects on the surrounding neighbourhood.
183. Gareth Clarke [19.13] opposed the amendments to RES1AZ-O4 and sought retention of the operative objective. His concern was that the amended objective would shift the Residential 1A Zone from a residential zone where some medium-density development could occur in appropriate circumstances, to a more broadly enabling medium-density zone where existing residential character and amenity would be eroded.
184. We accept the s42A Report's recommendation to accept Kāinga Ora [16.20] and amend clause 2 of RES1AZ-O4. We agree that the objective should focus on matters that can properly be influenced by a development. A development should provide good amenity for its residents and should minimise adverse effects on the surrounding neighbourhood. However, it is less precise to require an individual development to provide good amenity to the surrounding neighbourhood as a whole because wider neighbourhood amenity depends on a range of matters beyond the control of a single site or applicant.
185. We consider the amended wording provides a clearer and more workable objective. It retains an appropriate amenity expectation for residents of new medium-density housing

⁵⁸ s42A Report, section 11 "Housing — Residential 1A (Medium Density) Zone — Issue RES1AZ-I2", pp 29–30; decision version of provisions, RES1AZ-I2 and RES1AZ-P1

while also recognising the need to manage effects on neighbouring properties and the wider residential environment.

186. We reject Gareth Clarke [19.13]. We have addressed Mr Clarke’s broader concerns about residential amenity, character, and urban design earlier in this report. His concern about RES1AZ-O4 is related, but provision-specific, because this objective describes the Residential 1A Zone as a well-designed, higher-density residential living environment. We acknowledge his concern that PC2 represents a significant change in approach for that zone. However, that change is intentional and is central to the purpose of PC2. The evidence before us shows that the operative Residential 1A framework has not effectively enabled the medium-density housing outcomes anticipated for the zone. PC2 seeks to provide a more enabling framework for medium-density housing in the Residential 1A Zone, while still managing amenity and achieving good urban design outcomes⁵⁹.
187. We do not accept that the amended objective leaves residential character and amenity “up for grabs”. RES1AZ-O4 sits within a wider framework of objectives, policies, built-form standards, matters of discretion and urban design guidance. Those provisions manage matters such as density, number of residences, outdoor living, space around buildings, site coverage, permeable surfaces, height, outlook, glazing, fencing, infrastructure, and urban design. Mr Church’s broader urban design evidence supports the PC2 approach of managing medium-density outcomes through that integrated framework, although we did not receive provision-specific urban design evidence on the exact wording of RES1AZ-O4⁶⁰.
188. For those reasons, we accept Kāinga Ora [16.20], reject Gareth Clarke [19.13], and amend RES1AZ-O4 so that clause 2 ‘provides good amenity to residents and minimises adverse effects on the surrounding neighbourhood’. It is noted that this wording differs slightly to that sought by Kāinga Ora, but achieves the same intent. We further note that although Kāinga Ora’s submission was recommended to be accepted in the S42A Report, the amendment was not made in the S42A Version of RES1AZ-O4.
189. We consider the amendment improves clarity and workability without changing the overall policy direction of PC2. The amendment is minor in effect and no further s32AA assessment is required.

RES1AZ-P1 - comprehensive development in appropriate locations

190. Kāinga Ora [16.21] supported RES1AZ-P1 in part but sought amendments to remove the reference to medium-density housing being planned “comprehensively”. Kāinga Ora also sought deletion of the location requirements referring to areas identified on the District Planning Maps as hazard-free and not subject to airport-related noise. Kāinga Ora’s position was that the Residential 1A Zone has already been mapped, and that natural hazards and airport noise are addressed through other District Plan chapters.
191. We accept the s42A Report’s recommendation to reject Kāinga Ora [16.21] and retain RES1AZ-P1 as notified.

⁵⁹ s42A Report, section 11 “Housing — Residential 1A (Medium Density) Zone — Objective RES1AZ-O4”, pp 30–31; s32 Report, “Issues — Medium Density Housing”, pp 9–10

⁶⁰ Evidence of Timothy Church, 17 April 2026, paras 4.1–4.3 and 5.1–5.2

192. As explained in relation to RES1AZ-I2, we consider it appropriate for the Residential 1A provisions to continue to signal that proposals involving four or more residences should be planned comprehensively. The PC2 framework anticipates a more enabling approach for medium-density housing in the Residential 1A Zone, but four or more residences on a site still require careful consideration of site layout, built form, amenity, access, infrastructure and urban design. Retaining the reference to comprehensive planning in RES1AZ-P1 is consistent with that framework.
193. We also do not accept Kāinga Ora's request to delete the location references relating to natural hazards and airport-related noise. Although the Residential 1A Zone has already been identified on the District Planning Maps, RES1AZ-P1 provides policy direction for where medium-density housing is appropriate. It is appropriate that the policy continues to recognise that medium-density housing should be located where natural hazard and airport-noise constraints do not make that form of development inappropriate.
194. The location requirement relating to natural hazards remains relevant given the Riverine Inundation Level 1 Overlay issue raised through submissions. We address the substantive natural hazard issue later in this report. For present purposes, we are satisfied that RES1AZ-P1 should continue to provide policy support for avoiding or limiting intensification where the natural hazard framework indicates that intensification is inappropriate. We do not read the policy as requiring land to be free from every possible natural hazard exposure. Rather, in the context of PC2, we understand it as providing policy direction that medium-density housing should not be enabled where identified natural hazard constraints make that form of intensification inappropriate.
195. We also accept the s42A Report's reasoning that the current Residential 1A Zone does not intersect with the Airport Outer Control Boundary or Single Event Sound Exposure Boundary, so the airport-noise aspect of RES1AZ-P1 will not further restrict development under PC2 as notified. However, the wording remains useful if a future plan change proposes to expand the Residential 1A Zone. Retaining it provides a clear policy signal that medium-density housing should not be enabled in locations where airport-related noise constraints make that inappropriate⁶¹.
196. For those reasons, we reject Kāinga Ora [16.21] and retain RES1AZ-P1 as notified. No amendment is required.

RES1AZ-R1–R4 — Residential 1A density

197. Kāinga Ora [16.23] opposed RES1AZ-R1 to RES1AZ-R4 as notified and sought deletion of the Residential 1A area-based density rules in their entirety. It considered the Residential 1A density rules were overly complicated and did not provide for the intended outcomes sought by PC2. Kāinga Ora sought to rely instead on RES1AZ-R5, which manages the number of residences per site, together with the built-form standards, to enable housing supply and choice while managing urban form.
198. IPI Properties [17.03] sought a more flexible approach to density in the Residential 1 and Residential 1A Zones. Its position was that additional dwellings should be enabled where the relevant site coverage and open space standards can be met. Although Mr Ibbotson did not address the detailed drafting of RES1AZ-R1 to RES1AZ-R4, his oral evidence was relevant to the underlying density issue. He explained that IPI Properties'

⁶¹ s42A Report, section 11 "Housing — Residential 1A (Medium Density) Zone — Policy RES1AZ-P1", pp 31–32

concern was not to remove open space requirements, but to allow smaller, lower-cost dwellings on sites where the built form, open space and amenity outcomes remain acceptable.

199. Adrian Sheat [10.03] sought removal of minimum lot sizes from the Residential 1 and Residential 1A Zones. His position was that existing bulk and location controls, including site coverage, permeable surfaces, yard setbacks, recession planes and outdoor living space standards, already regulate development intensity and amenity outcomes, making minimum lot size controls unnecessary.
200. We accept the s42A Report's recommendation to reject Kāinga Ora [16.23], IPI Properties [17.03] and Adrian Sheat [10.03], and to retain the Residential 1A density rules⁶².
201. The notified Residential 1A density framework provides a graduated approach. One residence per 300m² is permitted; one residence per 200m² to 299m² is restricted discretionary; and one residence per 199m² or less is discretionary. We consider that this framework enables intensification in the Residential 1A Zone while retaining an appropriate consenting pathway as development intensity increases.
202. We acknowledge the practical concerns raised by Kāinga Ora, IPI Properties and Adrian Sheat. Kāinga Ora and IPI Properties were concerned that area-based density controls may affect redevelopment viability and discourage smaller, lower-cost dwellings, even where built form, open space and amenity outcomes are acceptable⁶³. Adrian Sheat similarly considered that bulk, location and other built-form standards already regulate development intensity and amenity outcomes.
203. However, we are not persuaded that the area-based density framework should be deleted. We accept that built-form standards are important and, in some respects, are the primary way to manage the design and amenity effects of compact housing. However, density controls also have a useful role as part of the overall Residential 1A framework.
204. We accept Mr Church's urban design evidence that both residential density and number-of-residences triggers have a useful role in the overall framework. We also acknowledge that his evidence was nuanced: for compact and intensive housing typologies, density controls may be a less consistent determinant of good urban design outcomes than built-form controls. However, we accept his evidence that retaining a density trigger remains useful as a precautionary mechanism to support qualitative assessment and manage poor or perverse development outcomes, including multiple small, detached layouts that may comply with some built-form standards but still produce poor urban design or amenity outcomes⁶⁴.
205. Kāinga Ora did provide marked-up drafting for its preferred approach, by seeking deletion of RES1AZ-R1 to RES1AZ-R4 and relying instead on the number-of-residences rule and built-form standards. However, we are not persuaded that replacing the notified graduated density framework with that alternative approach is sufficiently supported by

⁶² s42A Report, section 11 "Housing — Residential 1A (Medium Density) Zone Rules RES1AZ-R1–R4", pp 32–34.

⁶³ Evidence of Lezel Beneke for Kāinga Ora, 4 May 2026, paras 3.2–3.4 and 4.7–4.14; Hearing Transcript, 20 May 2026, 1:51:12–1:52:14 and 2:58:41–3:04:53

⁶⁴ Evidence of Timothy Church, 17 April 2026, paras 4.15–4.16; Hearing summary statement of Timothy Church, 20 May 2026, paras 3.6–3.10

the evidence or a section 32 evaluation. The change sought would be a significant shift in the structure and operation of the Residential 1A Zone provisions.

206. We also accept Mr Garbett's legal advice that the NPS-UD requires the Panel to consider capacity, housing choice, and unnecessary barriers to development, but does not dictate the detailed rule settings for PC2. In our view, the retained density framework does not undermine the enabling purpose of PC2. It provides substantially greater enablement than the operative framework, while still allowing the Council to assess the effects of more intensive development through a proportionate consenting pathway⁶⁵.
207. We consider that the Residential 1A density rules should be read together with the number-of-residences rules, the built-form standards, the matters of discretion and the UDG. The rules are not intended to operate as the only control on development intensity or urban design. Rather, they form part of an integrated framework for enabling medium-density housing while managing effects.
208. We also record that, following Mr Roy's evidence for Environment Southland, the s42A Addendum recommended a new rule for sites within the Riverine Inundation Level 1 Overlay, so that RES1Z-R5 to RES1Z-R8 apply instead of the Residential 1A density and number-of-residences rules. We accept that additional rule, for the reasons set out later in this report in relation to zoning extent, natural hazards and the Riverine Inundation Level 1 Overlay. In summary, the rule maintains existing density expectations in the flood-prone area while allowing Residential 1A intensification to proceed elsewhere⁶⁶.
209. For those reasons, we reject Kāinga Ora [16.23], IPI Properties [17.03] and Adrian Sheat [10.03]. The Residential 1A density rules are retained, subject to the insertion of the additional Riverine Inundation Level 1 Overlay rule and the consequential renumbering and cross-reference corrections shown in Appendix 1.
210. We adopt the s42A Report's s32AA assessment for retaining the Residential 1A density framework. To the extent a further s32AA assessment is required for the Riverine Inundation Level 1 Overlay rule, that assessment is addressed later in this report. We acknowledge that removing the area-based density rules may have provided greater flexibility for some redevelopment proposals. However, we consider that benefit is outweighed by the advantages of retaining a graduated density framework that provides clear consent triggers and supports assessment of more intensive proposals, including cumulative urban design, amenity, infrastructure and natural hazard effects.

RES1AZ-R5–R7 — number of residences and matters of discretion

211. Kāinga Ora [16.24] supported RES1AZ-R5 to RES1AZ-R7 in part. It supported using the number of units as a method of managing the effects of medium-density development. However, it sought amendments to replace the word "residences" with "units" or "residential units", remove universal design and acoustic privacy from the matters of discretion, and preclude limited notification for applications involving four or more residential units.

⁶⁵ Legal submissions for Council, 11 May 2026, paras 2–6; Hearing Transcript, 20 May 2026, 21:40–23:35

⁶⁶ s42A Addendum, 12 May 2026, paras 1 and 7–12; Emma Spalding, *Section 42A Reply Version of Provisions*, 21 May 2026, p 1 and RES1AZ-R2

212. We do not accept the changes sought by Kāinga Ora [16.24], except to the extent that the matters of discretion are amended in response to FENZ and Environment Southland.
213. We do not accept Kāinga Ora's request to replace "residences" with "units" or "residential units". We accept the s42A Report's reasoning that the District Plan already contains a definition of "residence" and uses that term widely throughout the Plan. Although "residential unit" may be a more common term in some contemporary planning documents, and is defined in the National Planning Standards, replacing the term in this rule only would create inconsistency within the District Plan. If the Council undertakes a wider plan review in the future, it may consider whether terminology across the Plan should be updated more comprehensively. For PC2, we consider it more appropriate to retain "residences"⁶⁷.
214. We also do not accept Kāinga Ora's request to remove universal design and acoustic privacy from the matters of discretion. We acknowledge Kāinga Ora's concern that those matters may overlap with the Building Act or Building Code, and that considering them through a resource consent process may add cost or uncertainty. At the hearing, Kāinga Ora accepted that universal design and acoustic privacy are assessment criteria rather than mandatory rules, but it maintained its concern that those matters could still be applied in a way that adds cost or uncertainty. We also acknowledge Kāinga Ora's oral evidence that it provides universal design where required for its customer base.
215. However, we agree with the s42A Report and Mr Church's urban design evidence that universal design and acoustic privacy are relevant urban design considerations for medium-density housing. They are not imposed as mandatory standards. Rather, they are matters that may be considered in the round where the relevant matters of discretion are engaged, including when assessing whether a proposal for four or more residences achieves a good urban design outcome.
216. We also accept Public Health NZ's evidence that Universal Design is important for Invercargill, particularly given the ageing population, activity limitations and the need for housing that can support people at different life stages. Retaining universal design as a matter of discretion keeps that issue visible in the planning framework without requiring every development to provide a particular universal design outcome⁶⁸.
217. Similarly, acoustic privacy is not limited to Building Code sound-insulation requirements. It is also relevant to site layout and the configuration of built form. The UDG gives examples such as positioning bedrooms away from accessways, rubbish collection areas and mechanical systems, including heat pumps or extractors, or using building layout to provide acoustic separation. We consider it appropriate for acoustic privacy to remain available for consideration as part of the broader urban design assessment where the relevant matters of discretion are engaged, including for applications involving four or more residences⁶⁹.
218. We reject Kāinga Ora's request to preclude limited notification. We accept that notification risk can create uncertainty, cost and delay for applicants, including Kāinga

⁶⁷ s42A Report, section 11 "Housing — Residential 1A (Medium Density) Zone — Rules RES1AZ-R5–R7", pp 34–35

⁶⁸ Evidence of Dr Virginia McLaughlin for Public Health NZ, 6 May 2026, paras 4.2–6.2

⁶⁹ s42A Report, section 11 "Housing — Residential 1A (Medium Density) Zone — Rules RES1AZ-R5–R7", pp 34–36; Evidence of Timothy Church, 17 April 2026, paras 4.17–4.20; UDG, sections 3.5 and 5.2

Ora. However, applications for four or more residences may have site-specific effects on persons who may be directly affected by the development. Retaining the ability to consider limited notification is an appropriate safeguard and is consistent with an effects-based assessment. We do not consider it appropriate to remove that safeguard in all cases.

219. We also accept the amendments to the matters of discretion recommended in response to FENZ and Environment Southland. The matter of discretion should refer to infrastructure capacity, so that Council can consider whether existing infrastructure networks can accommodate the proposed development. It should also refer to risk from natural hazards. The natural hazard issue is addressed more fully later in this report in relation to zoning extent, natural hazards and the Riverine Inundation Level 1 Overlay.
220. For those reasons, we reject Kāinga Ora [16.24] to the extent it seeks replacement terminology, removal of universal design and acoustic privacy from the matters of discretion, and preclusion of limited notification. We retain the number-of-residences rules and related matters of discretion subject to the amendments to the matters of discretion relating to infrastructure capacity and natural hazard risk, and any consequential renumbering and cross-reference corrections in Appendix 1.
221. We adopt the s42A Report's s32AA assessment for the infrastructure-capacity amendment. To the extent a further s32AA assessment is required for the natural hazard matter of discretion, that assessment is addressed later in this report⁷⁰.

RES1AZ-R8–R11 — outdoor living

222. Kāinga Ora [16.25] opposed RES1AZ-R8 to RES1AZ-R11 in part. It sought a restricted discretionary activity status for non-compliance with the outdoor living space requirements, rather than discretionary activity status. Kāinga Ora also sought an amendment to clarify that communal outdoor living space should only be assessed as a mitigation measure where communal outdoor living space is actually proposed.
223. We accept the s42A Report's recommendation to accept Kāinga Ora [16.25] in part.
224. We agree that restricted discretionary activity status is appropriate for non-compliance with the outdoor living space requirements. The effects of non-compliance with outdoor living space requirements are generally identifiable, particularly effects on the future occupants of the residential units and can be assessed against focused matters of discretion. Those effects include whether practicable outdoor living is achieved, access to daylight and sunlight, whether any shortfall is appropriately mitigated, and whether the development achieves good urban design outcomes.
225. We also agree with Kāinga Ora that communal outdoor living space should not be treated as something that must be provided in every case. Communal outdoor living space may be appropriate for some developments, particularly larger developments, but may not be functionally necessary or appropriate for all smaller-scale developments. Adding the words "where this is proposed" clarifies that communal outdoor living space

⁷⁰ s42A Report, section 10 "General Submissions", pp 16–18, and section 11 "Housing — Residential 1A (Medium Density) Zone — Rules RES1AZ-R5–R7", pp 34–36; s42A Addendum, 12 May 2026, paras 3 and 8–12; decision version of provisions, RES1AZ-R6–R8

is only relevant where an applicant proposes it as mitigation for a shortfall in private outdoor living space.

226. We consider these amendments improve clarity and certainty for plan users. They also better align the consent pathway with the anticipated effects of non-compliance, while still allowing consent to be declined or conditions imposed where the effects of inadequate outdoor living space are unacceptable.
227. We therefore accept Kāinga Ora [16.25] in part. The outdoor living rule framework is amended so that non-compliance with the outdoor living space requirements is a restricted discretionary activity. The relevant matters of discretion are retained and amended to include the words “where this is proposed” in relation to communal outdoor living space, subject to the final numbering and formatting in Appendix 1.
228. We adopt the s42A Report’s s32AA assessment. The amendments are a minor refinement that improves clarity, efficiency and certainty, without changing the overall policy direction of PC2⁷¹.

RES1AZ-R12–R15 — space around buildings

229. Kāinga Ora [16.26] opposed RES1AZ-R12 to RES1AZ-R15 as notified in part. It sought to reduce the side and rear yard setback from 1.5m to 1m. Kāinga Ora considered that a 1m setback would provide greater design flexibility while still maintaining residential amenity. It also sought restricted discretionary activity status for non-compliance, rather than discretionary activity status, on the basis that the effects of non-compliance are known and can be assessed through clear matters of discretion.
230. Public Health NZ [14.05] supported RES1AZ-R15 and sought that it be retained as notified. It particularly supported the assessment of daylight, sunlight and passive solar gain, because those matters are relevant to warm and healthy homes.
231. We accept the s42A Report’s recommendation to accept Kāinga Ora [16.26] and Public Health NZ [14.05] in part.
232. We do not accept Kāinga Ora’s request to reduce the side and rear yard setback to 1m as a general standard. We accept Mr Church’s oral evidence that 1m setbacks can create tight and darker spaces, reduce opportunities for screening and landscaping, and adversely affect outlook, spaciousness and amenity within developments. In our view, retaining the 1.5m setback for habitable buildings is an appropriate way to maintain access to daylight and sunlight, provide outlook and separation, and support a reasonable sense of openness as the Residential 1A Zone intensifies.
233. We also do not accept Kāinga Ora’s request to change non-compliance with the space around buildings rules to restricted discretionary activity status. We accept Ms Spalding’s hearing advice that the listed matters may not be comprehensive enough to cover all relevant effects if the activity status were restricted discretionary. For example, where a building, carport or garage is proposed within a front boundary setback, streetscape character, pedestrian safety, visual dominance or other site-specific matters may be relevant. Retaining discretionary activity status gives the Council the ability to

⁷¹ s42A Report, section 11 “Housing — Residential 1A (Medium Density) Zone — Rules RES1AZ-R8–R11 (Outdoor Living)”, pp 36–37; decision version of provisions, outdoor living rules

consider the full range of effects where the space around buildings standards is not met⁷².

234. However, we accept that a limited exception is appropriate for single-storey garages and carports. Garages and carports have a different relationship with neighbouring properties from habitable buildings. They do not create the same sensitivity in relation to outlook from living spaces, and a limited exception provides useful design flexibility. We agree with the recommended wording that the setback from side and rear boundaries may be reduced to 1m for single-storey garages, whether stand-alone or attached, and carports, where they are no greater than 6m in length as measured parallel to the boundary.
235. We also accept Public Health NZ's support for retaining assessment matters relating to daylight, sunlight and passive solar gain. Those matters are relevant to residential amenity and to the health and wellbeing benefits of warm, dry and well-designed homes.
236. For those reasons, we accept Kāinga Ora [16.26] in part and reject it in part. We also accept Public Health NZ [14.05] in part. The space around buildings rule is amended to include the limited 1m setback exception for single-storey garages and carports described above. The 1.5m side and rear setback for habitable buildings is retained. Non-compliance remains a discretionary activity, with the relevant assessment matters retained, subject to final numbering and formatting in Appendix 1.
237. We adopt the s42A Report's s32AA assessment for the setback exception. The amendment provides targeted design flexibility where effects are expected to be limited, while retaining the 1.5m setback for habitable buildings to protect daylight, outlook and the sense of openness valued in the Residential 1A Zone.

RES1AZ-R16–R19 — site coverage

238. Kāinga Ora [16.27] opposed RES1AZ-R16 to RES1AZ-R19 as notified in part. It sought to increase the maximum permitted site coverage in the Residential 1A Zone from 45% to 50%. It also sought a restricted discretionary activity status for breaches of the site coverage standard, rather than the notified discretionary and non-complying activity pathway.
239. Public Health NZ [14.06] supported RES1AZ-R19 and sought that it be retained as notified. Its support focused particularly on assessment of solar gain, daylight and sunlight, given the relationship between those matters and warm, healthy housing.
240. We accept the s42A Report's recommendation to retain the 45% maximum permitted site coverage standard and to accept Kāinga Ora [16.27] in part by simplifying the activity status framework for breaches. We also accept Public Health NZ [14.06] in part.
241. We do not accept Kāinga Ora's request to increase permitted site coverage to 50%. We accept Mr Church's evidence that 45% site coverage provides sufficient flexibility for medium-density development of varying typologies, while retaining a level of openness that reflects the existing characteristics of the Residential 1A Zone. We also accept his evidence that 50% site coverage was tested during the plan change work, but modelling

⁷² s42A Report, section 11 "Housing — Residential 1A (Medium Density) Zone — Rules RES1AZ-R12–R15 (Space around buildings)", pp 37–39; Evidence of Timothy Church, 17 April 2026, paras 4.22–4.25; Hearing summary statement of Timothy Church, 20 May 2026, paras 3.11–3.13

achieved site coverage of around 41%, and other controls, including height-in-relation-to-boundary controls, were often more influential in shaping the overall site layout.

242. At the hearing, Mr Church explained that the additional 5% matters because it affects openness, building bulk, outdoor space, sunlight, natural light, and the ability for developments to accommodate additional development through height and other bulk-and-location controls rather than through a larger building footprint. We accept that evidence. In our view, 45% strikes an appropriate balance between enabling a distinct change in built form in the Residential 1A Zone and maintaining a reasonable sense of openness, amenity and liveability⁷³.
243. We acknowledge Kāinga Ora's concern that 50% site coverage would be more enabling and could support more efficient medium-density outcomes. However, PC2 already enables greater development potential through the Residential 1A framework, including changes to height and other built-form provisions. We are not persuaded that increasing permitted site coverage to 50% is necessary to achieve the purpose of PC2.
244. We do accept that the activity status framework for site coverage breaches should be simplified. The effects of exceeding the site coverage standard are generally well understood and can be assessed through targeted matters of discretion. We therefore agree that a restricted discretionary activity status should apply to all breaches of the site coverage standard, with updated matters of discretion.
245. The matters of discretion should enable assessment of on-site amenity for residents, effects on the amenity values of adjoining sites including visual dominance, effects on streetscape character and amenity, and stormwater management. Those matters appropriately reflect both Kāinga Ora's request for greater certainty and Public Health NZ's concern that passive solar gain, daylight, sunlight and warm-home outcomes remain relevant considerations.
246. For those reasons, we accept Kāinga Ora [16.27] in part. We retain the 45% maximum permitted site coverage standard. We amend the rules so that any breach of the site coverage standard is a restricted discretionary activity, delete the separate discretionary and non-complying activity pathway, and update the matters of discretion as set out in Appendix 1. We accept Public Health NZ [14.06] to the extent the amended matters of discretion continue to provide for assessment of daylight, sunlight and related amenity matters.
247. We adopt the s42A Report's s32AA assessment. The amendments simplify the activity status framework and improve clarity and efficiency for plan users. They do not increase permitted development potential beyond that anticipated by PC2 because the 45% permitted site coverage standard is retained. The restricted discretionary activity status is more efficient than the notified discretionary and non-complying pathway because the relevant effects of site coverage breaches are generally identifiable and can be assessed against focused matters of discretion. At the same time, retaining the 45% permitted standard maintains the intended balance between enabling medium-density

⁷³ s42A Report, section 11 "Housing — Residential 1A (Medium Density) Zone — Rules RES1AZ-R16–R19 (Site Coverage)", pp 39–41; Evidence of Timothy Church, 17 April 2026, paras 4.26–4.30; Hearing Transcript, 20 May 2026, 56:15–58:26

development and managing openness, sunlight, stormwater, visual dominance and residential amenity⁷⁴.

RES1AZ-R20 — building height

248. Kāinga Ora [16.28] supported RES1AZ-R20 and sought that it be retained as notified. Kāinga Ora considered that the rule provides for design variation while managing building height and potential effects on adjacent properties.
249. Gareth Clarke [19.16] supported RES1AZ-R20 only in part. He sought retention of the operative Residential 1A rules. He was concerned that the proposed 11m height limit would be 1m higher than the maximum height in the Business 1 Zone, and that the amended recession-plane controls could create an anomaly at the interface between the Business 1 Zone and the Residential 1A Zone.
250. We accept the s42A Report's recommendation to accept Kāinga Ora [16.28], reject Gareth Clarke [19.16], and retain RES1AZ-R20 as notified.
251. We acknowledge Mr Clarke's concern about the relationship between the Residential 1A Zone height limit and the Business 1 Zone height limit. We also acknowledge the potential anomaly he identified in relation to recession-plane controls. However, we are not persuaded that those matters justify retaining the operative Residential 1A height framework or reducing the notified 11m height limit.
252. We also accept the s42A Report's reasoning that the comparison with the Business 1 Zone does not justify reducing the Residential 1A height limit. The Business 1 Zone provides for a different range and scale of activities and building heights in that zone are variable in practice. We also accept the s42A Report's advice that the recession-plane concern does not require a specific additional rule, because there are no locations where Residential 1 Zone properties directly adjoin Residential 1A Zone properties; where the zones meet, they are separated by a road or reserve⁷⁵.
253. The Residential 1A Zone is the focus of PC2's more enabling medium-density housing framework. An 11m height limit supports greater design flexibility and provides for a wider range of medium-density housing forms. It also works alongside the other built-form controls, including height-in-relation-to-boundary, outdoor living, space around buildings, site coverage, outlook, glazing and matters of discretion⁷⁶.
254. We consider the 11m height limit is consistent with the intended role of the Residential 1A Zone under PC2. It does not mean that all development will be built to 11m, nor does it remove the need to comply with other built-form standards or obtain consent where those standards are breached. The rule forms part of the integrated Residential 1A framework for enabling medium-density housing while managing effects on neighbouring properties and the wider residential environment.
255. We also note that no expert urban design or engineering evidence was provided opposing the 11m height limit. The evidence before us supports a more enabling

⁷⁴ s42A Report, section 11 "Housing — Residential 1A (Medium Density) Zone — Rules RES1AZ-R16–R19 (Site Coverage)", pp 40–41; decision version of provisions, site coverage rule

⁷⁵ s42A Report, section 11 "Housing — Residential 1A (Medium Density) Zone — Rules RES1AZ-R20 (Height of Buildings and Structures)", pp 41–42

⁷⁶ Boffa Miskell, *ICC Housing Diversification Plan Change — s32 Urban Design Technical Report*, 4 November 2025, p 14

Residential 1A framework, and we are satisfied that the notified height rule is appropriate within that framework.

256. As addressed earlier in this report, we also accept the consequential amendment to RES1Z-P20 so that the policy framework aligns with the retained 11m height rule in the Residential 1A Zone. Without that consequential amendment, the policy would not align clearly with the rule framework⁷⁷.
257. For those reasons, we accept Kāinga Ora [16.28], reject Gareth Clarke [19.16], and retain RES1AZ-R20 as set out in Appendix 1. We also confirm the consequential amendment to RES1Z-P20, as addressed earlier in this report. No further amendment is required.

RES1AZ-R22–R24 — permeable surfaces

258. Kāinga Ora [16.29] opposed RES1AZ-R22 to RES1AZ-R24 as notified in part. It sought to reduce the minimum permeable surface requirement in the Residential 1A Zone from 30% to 20%. It also sought restricted discretionary activity status for non-compliance, rather than discretionary activity status.
259. Environment Southland [11.07] supported retaining the 30% permeable surface requirement. It considered that increased urban density may contribute to stormwater runoff effects and that the permeable surface provisions assist in managing stormwater and climate change effects in residential development.
260. We reject Kāinga Ora [16.29] and accept the s42A Report's recommendation to retain the notified permeable-surface rule framework, subject to final numbering in Appendix 1.
261. We do not accept Kāinga Ora's request to reduce the minimum permeable surface requirement from 30% to 20%. We accept Mr Hayes' engineering evidence that the key driver for the 30% requirement is stormwater management. Medium-density housing will increase impermeable surfaces such as roofs and driveways, increasing stormwater runoff. The existing stormwater infrastructure in the residential zones is designed around a runoff coefficient, and new development needs to manage and attenuate runoff so that peak flow and total runoff volume do not exceed that basis⁷⁸.
262. Mr Hayes' written evidence was that the 30% permeable surface requirement should not be reduced through the District Plan. At the hearing, he explained in practical terms that reducing the requirement from 30% to 20% would effectively add another 10% stormwater flow into the network. We accept that evidence.
263. We also accept Mr Church's urban design evidence that permeable surfaces are relevant to amenity as well as stormwater management. Although he acknowledged that stormwater is primarily an engineering issue, he considered that permeable surface areas support landscape planting, visual outlook, privacy, outdoor living amenity, consolidated common areas, retention of existing mature planting and the character of established residential neighbourhoods. At the hearing, he confirmed that retaining 30%

⁷⁷ Legal submissions for Council, 11 May 2026, paras 12–18

⁷⁸ s42A Report, section 11 "Housing — Residential 1A (Medium Density) Zone — Rules RES1AZ-R22 to R24 (Permeable Surfaces)", pp 43–44; Evidence of Rob Hayes, 7 April 2026, paras 7–9; Hearing Transcript, 20 May 2026, 1:01:26–1:02:30

permeable surface also helps with good site design, including landscaping, privacy, outlook, outdoor living and a less built-up feel.

264. We acknowledge Kāinga Ora's position that a 20% permeable surface requirement would be more enabling and would align more closely with national medium-density practice. We also acknowledge its oral evidence that it preferred 20% but could probably live with 30%, and that its concern was principally about the cumulative effect of all the PC2 provisions on delivery of medium-density housing⁷⁹.
265. However, we are not persuaded that the evidence supports reducing the permeable surface requirement to 20%. Kāinga Ora did not provide technical stormwater evidence to demonstrate that the existing network could accommodate the additional runoff that would result from reducing the minimum permeable surface requirement. In contrast, the engineering evidence before us supports retaining 30%.
266. We also do not accept Kāinga Ora's request to change non-compliance with the permeable surface rule from discretionary to restricted discretionary activity status. We accept the s42A Report's reasoning that discretionary activity status is appropriate for internal District Plan consistency and to manage the effects on the stormwater network. The effects of reduced permeable surface may vary depending on site characteristics, stormwater management design, network context and the cumulative effects of intensification. Retaining the discretionary activity status enables those matters to be considered fully.
267. Environment Southland's support for the 30% requirement reinforces our conclusion. We accept that retaining the 30% minimum permeable surface requirement is an appropriate precautionary response to stormwater runoff and climate change effects, particularly in the context of enabling greater residential intensity through PC2.
268. For those reasons, we reject Kāinga Ora [16.29], accept Environment Southland [11.07] to the extent it supports retaining the 30% permeable surface requirement, and retain the permeable-surface rules as notified, subject to final numbering in Appendix 1. No amendment is required.
269. We adopt the s42A Report's assessment. Retaining the notified provisions is appropriate because it maintains stormwater-management safeguards, supports amenity and urban design outcomes, and is more efficient and effective than reducing the permeable surface requirement without supporting technical evidence⁸⁰.

RES1AZ-R28–R29 — glazing

270. Kāinga Ora [16.30] supported the outlook standards in RES1AZ-R25 to RES1AZ-R27 as notified but opposed the glazing standard in RES1AZ-R28 and RES1AZ-R29 as notified. It sought deletion of the requirement for street-facing units to have a minimum of 20% of the street-facing façade in glazing. Kāinga Ora considered that the rule could result in designs that are functionally inappropriate and do not achieve the intended outcomes of the rule.

⁷⁹ Evidence of Timothy Church, 17 April 2026, paras 4.31–4.35; Hearing Transcript, 20 May 2026, 54:39–55:32; Kāinga Ora hearing presentation / oral evidence, 20 May 2026

⁸⁰ s42A Report, section 11 "Housing — Residential 1A (Medium Density) Zone — Rules RES1AZ-R22 to R24 (Permeable Surfaces)"

271. We accept the s42A Report's recommendation to reject Kāinga Ora [16.30] and retain the 20% glazing standard and associated restricted discretionary activity pathway, subject to final numbering and formatting in Appendix 1.
272. We accept Mr Church's urban design evidence that the purpose of the glazing rule is to contribute to active street frontages and provide opportunities for passive surveillance over the street. Those are important urban design outcomes for medium-density housing, particularly where PC2 enables more intensive development in established residential neighbourhoods.
273. We also accept Mr Church's evidence that 20% glazing was tested against other options, including 0%, 25%, 33% and 50%, and that 20% achieves a good balance between providing sufficient glazing to enable views from buildings and a sense of activation, while not overly constraining design flexibility. We also note that, although the Medium Density Residential Standards (MDRS) does not apply directly to PC2, a 20% street-facing glazing requirement is consistent with the MDRS windows-to-street standard⁸¹. We are satisfied that 20% is a modest and workable standard⁸².
274. We acknowledge Kāinga Ora's concern that a fixed glazing standard may sometimes create practical design tensions, including in relation to privacy, security, thermal performance and the orientation of living spaces. At the hearing, Kāinga Ora gave examples of possible poor outcomes, such as using frosted glass doors or ranch sliders to meet a percentage requirement where that may not produce the best privacy or thermal outcome.
275. However, we are not persuaded that those examples justify deleting the glazing standard. In our view, they demonstrate the need for appropriate design responses to the standard, rather than the need to remove it. A poorly resolved response, such as relying on frosted glass or poorly placed glazing simply to meet a numerical requirement, may not achieve the urban design outcome sought by the rule. But reducing or deleting the standard would not necessarily prevent poor design responses. It would instead lower, or remove, the clear baseline that supports active street frontage and passive surveillance. We accept Mr Church's evidence that functional concerns can usually be addressed through design responses, including glass specifications, window arrangements and unit configuration. We also agree that individual unit privacy and security need to be balanced against broader community safety and CPTED outcomes.
276. We also place weight on Mr Church's oral evidence that, in a holistic urban design assessment, many compromises are made, and without a clear baseline it can be difficult to ensure glazing reaches an acceptable level. He considered that 20% is not extravagant, and that lower levels can result in very small window sizes and reduced activation. We accept that evidence.
277. We have considered Kāinga Ora's oral clarification that it did not seek to replace the 20% rule with a discretionary activity regime for removal of glazing. Rather, Kāinga Ora's position was that greater reliance could be placed on assessment criteria for multi-unit development involving more than three residences, including matters such as response to the street and glazing to the street. Kāinga Ora also suggested that, if the 20% rule

⁸¹ Resource Management Act 1991, Schedule 3A, cl 17 "Windows to street"

⁸² s42A Report, section 11 "Housing — Residential 1A (Medium Density) Zone — Rules RES1AZ-R28–R29 (Glazing)", pp 44–45; Evidence of Timothy Church, 17 April 2026, paras 4.36–4.41

remained, assessment criteria could consider matters such as privacy, thermal performance, landscaping and pathways to doors.

278. We do not adopt that alternative approach. No detailed drafting was provided for the alternative assessment criteria. We also accept Mr Garbett's reply that relying on a matter of discretion instead of a clear permitted baseline would require a consent trigger before glazing could be assessed, which may create greater complexity, cost and uncertainty rather than a simpler or more enabling framework⁸³.
279. We consider the glazing standard forms part of the integrated Residential 1A framework. It works alongside the outlook, outdoor living, fencing, site layout and urban design provisions. It provides a clear permitted baseline while retaining a restricted discretionary pathway where a proposal cannot meet the 20% standard.
280. For those reasons, we reject Kāinga Ora [16.30] and retain the 20% glazing standard and associated restricted discretionary activity pathway, subject to final numbering and formatting in Appendix 1. No amendment is required to the substance of the rule.
281. We adopt the s42A Report's assessment. Retaining the notified glazing standard is appropriate because it supports active street frontages, passive surveillance, CPTED outcomes, streetscape amenity and good urban design, while maintaining a clear and workable consent pathway where compliance is not achieved⁸⁴.

Residential 1 and 1A Zones — zoning extent, natural hazards, and Riverine Inundation Level 1 Overlay

282. This section addresses two related matters: the extent of the Residential 1A Zone for the purposes of PC2, and the natural hazard issue raised by Environment Southland in relation to land within the Riverine Inundation Level 1 Overlay.
283. Sharon R Anaru Hill [08.01] opposed the Residential 1A Zone being part of the proposed higher-density changes. She sought that the Residential 1A Zone be removed from the change to higher density, or that a finer catchment of the zone be proposed. Her concern was that higher-density development would affect the sense of community and place additional pressure on resources and safety over time.
284. Environment Southland [11.06] supported the general direction of PC2, including urban intensification where it makes use of existing infrastructure capacity. However, it opposed more enabling residential intensification for properties between Tay Street and Tweed Street within the Riverine Inundation Level 1 Overlay, because of potential inundation from the Otepuni Creek. Environment Southland sought that the flood-prone area be removed or excluded from the PC2 intensification changes, while retaining the ability for development to be considered under the existing framework with appropriate natural hazard assessment.
285. Kāinga Ora's further submission opposed relief that would make PC2 more restrictive, including relief seeking to remove areas from Residential 1A or limit intensification in that zone. At the hearing, Kāinga Ora indicated that its position on the s42A Addendum was still developing. However, as a general proposition, its position was that areas assessed

⁸³ Hearing Transcript, 20 May 2026, 1:57:59–2:00:36 and 3:46:51–3:48:42

⁸⁴ s42A Report, section 11 "Housing — Residential 1A (Medium Density) Zone — Rules RES1AZ-R28–R29 (Glazing)"

as medium risk with a tolerable risk appetite should remain Residential 1A, with mitigation considered where appropriate.

286. We accept the s42A Report's recommendation to reject Sharon R Anaru Hill [08.01].
287. The Residential 1A Zone is an existing zone. PC2 does not amend the Residential 1A Zone boundary or increase the spatial extent of that zone. Reducing the extent of the Residential 1A Zone or removing it from the higher-density provisions of PC2 would be inconsistent with the purpose of PC2, which is to enable more medium-density housing in appropriate existing residential areas of Invercargill. The s32 Report and supporting housing capacity material identified gaps in the location and typology of available housing, including a need for more attached and medium-density dwellings in central areas. PC2 responds to that need by amending the rules applying in the Residential 1A Zone⁸⁵.
288. We acknowledge Ms Hill's concern about community, infrastructure and safety. Those are legitimate planning matters. However, we consider they are more appropriately addressed through the specific Residential 1A objectives, policies, built-form standards, matters of discretion, infrastructure-capacity matters and natural hazard provisions, rather than by removing the Residential 1A Zone from PC2 or reducing its extent.
289. We therefore reject Sharon R Anaru Hill [08.01]. No zoning boundary change is made in response to her submission.
290. We now turn to Environment Southland's natural hazards submission. The s42A Report initially recommended accepting Environment Southland [11.06] in part by adding natural hazard risk as a matter of discretion to RES1Z-R8 and the equivalent Residential 1A matter of discretion rule, as then numbered. The original s42A Report did not recommend removing land from the Residential 1A Zone or creating a separate rule for the Riverine Inundation Level 1 Overlay.
291. After reviewing Mr Roy's written evidence for Environment Southland, Ms Spalding prepared the s42A Addendum dated 12 May 2026. The s42A Addendum recommended a further targeted amendment to the Residential 1A density provisions. The amendment inserts a new rule so that, for sites within the Riverine Inundation Level 1 Overlay, the Residential 1 Zone density rules apply instead of the Residential 1A Zone density and number-of-residences rules⁸⁶.
292. At the hearing, Mr Roy corrected Environment Southland's written evidence by confirming that the relevant area is assessed as medium risk, not medium-to-high risk. He explained that the change from low risk to medium risk reflects application of the new NPS-NH assessment framework, rather than a physical change in the environment⁸⁷.
293. We found that correction important. The issue is not that the Tay–Tweed / Otepunī area has suddenly become subject to a different physical hazard. Rather, the evidence before us indicates that the existing Riverine Inundation Level 1 Overlay area remains subject to residual flood risk, including risk associated with overtopping, breach, high

⁸⁵ s42A Report, section 11 "Housing — Residential 1 and 1A Zones — Extent of Zoning", pp 45–46; s32 Report, "Issues — Medium Density Housing", pp 8–10; Rationale Limited, *Invercargill City Council Housing Needs Assessment Add-on*, April 2023

⁸⁶ s42A Report, section 11 "Housing — Residential 1 and 1A Zones — Extent of Zoning", pp 45–48; s42A Addendum, 12 May 2026, paras 1 and 3–8

⁸⁷ Hearing Transcript, 20 May 2026, 3:19:41–3:20:04

groundwater or localised flooding, notwithstanding the presence of flood protection infrastructure.

294. Mr Roy's evidence was also helpful in identifying the precise concern. Environment Southland does not oppose PC2 intensification generally. Its concern is the increased exposure of people and private investment within the Tay–Tweed / Otepunī area behind flood protection infrastructure if PC2 were to enable more intensive residential development in that flood-prone overlay area⁸⁸.
295. We accept that concern. We also accept that the NPS-NH and the SRPS support a precautionary, risk-based response to natural hazard risk, while recognising that the Panel must act within the scope of PC2 and the submissions made on it.
296. We accept Mr Garbett's legal advice that the Natural Hazards Chapter itself is not being reviewed through PC2. The Panel cannot use this hearing to undertake a wider review of natural hazard mapping, rewrite the Natural Hazards Chapter, or make broader changes to the natural hazard policy framework. However, the Panel can respond to the natural hazard issue raised by Environment Southland to the extent that it fairly relates to the density and intensification changes proposed by PC2.
297. We are satisfied that the s42A Addendum response is within scope. Environment Southland's submission directly opposed the increased intensification enabled by PC2 within the Riverine Inundation Level 1 Overlay and sought removal of that area from the PC2 intensification changes. The addendum rule responds to that concern in a narrower and more targeted way. It does not change the zoning boundary, but it does prevent the PC2 Residential 1A density enablement from applying within the identified overlay area⁸⁹.
298. We prefer that targeted response to removing land from the Residential 1A Zone. Keeping the land zoned Residential 1A avoids a broader zoning change that was not necessary to address the issue. Applying the Residential 1 density rules within the Riverine Inundation Level 1 Overlay maintains the existing density expectation in that area and avoids enabling the additional Residential 1A intensification that caused Environment Southland's concern.
299. We accept that this approach addresses Environment Southland's central concern. It means that PC2 can proceed with a more enabling Residential 1A framework generally, while not enabling increased residential density within the flood-prone Riverine Inundation Level 1 Overlay area.
300. We also accept that the original s42A recommendation remains useful. The addition of natural hazard risk as a matter of discretion ensures that, where consent is required under the relevant residential density or number-of-residences rules, natural hazard risk can be considered directly. However, we agree with the s42A Addendum that a matter of discretion alone would not fully address Environment Southland's concern about the

⁸⁸ Evidence of Marcus Roy for Environment Southland, 4 May 2026, paras 10–18, 36–43, as corrected at the hearing; Environment Southland hearing speaking notes, 20 May 2026, pp 1–2; Hearing Transcript, 20 May 2026, 3:20:26–3:22:14.

⁸⁹ Legal submissions for Council, 11 May 2026, paras 24–33; s42A Addendum, 12 May 2026, paras 6–12; Hearing Transcript, 20 May 2026, 20:48–21:43

increased density enabled by PC2 within the Riverine Inundation Level 1 Overlay. The addendum rule is therefore necessary as an additional targeted response⁹⁰.

301. We have considered Kāinga Ora's position. We accept that the NPS-UD seeks to enable housing capacity and housing choice, and that medium-density housing should not be restricted unnecessarily. We also acknowledge Kāinga Ora's position that where a risk is medium and tolerable, mitigation may be available. However, we are not persuaded that the more enabling Residential 1A density rules should apply within the Riverine Inundation Level 1 Overlay through PC2.
302. PC2 is not a full natural hazards plan change. The evidence before us identifies a specific residual flood-risk issue within an existing mapped overlay. In those circumstances, we consider a precautionary approach is appropriate. The s42A Addendum rule does not prevent all development. It maintains the Residential 1 density pathway within the overlay, while allowing the more enabling Residential 1A intensification framework to apply elsewhere.
303. We also accept Mr Garbett's reply submission that the addendum approach is not inconsistent with the existing Natural Hazards Chapter. The Council's position, which we accept, is that the addendum rule maintains the existing Residential 1 density framework in the hazard overlay. Its purpose is not to increase natural hazard risk, but to avoid applying a more enabling Residential 1A density and number-of-residences framework within that area through PC2⁹¹.
304. We have also considered Mr Roy's residual concerns about policy alignment, subdivision and land-use sequencing, and applicant guidance. We do not consider further plan amendments are required within PC2 to address those matters.
305. In relation to policy alignment, we accept that PC2 cannot rewrite the Natural Hazards Chapter. We are satisfied that the targeted density rule, together with the retained natural hazard matters of discretion, is an appropriately scoped response to the natural hazard issue raised through submissions.
306. In relation to subdivision and land-use sequencing, we accept Ms Spalding's advice that the subdivision framework already contains relevant natural hazard direction, including SUB-P6 and natural hazard matters of discretion. We also record that s106 of the RMA remains an important statutory backstop for subdivision consent decisions.
307. Section 106 is relevant because it applies at the subdivision stage. It enables a consent authority to refuse subdivision consent, or grant subdivision consent subject to conditions, where the statutory grounds in s106 are met, including in relation to natural hazard risk or access. It is not a general land-use rule controlling construction of new buildings, and it is not a substitute for appropriate District Plan provisions. However, where a proposal within the Riverine Inundation Level 1 Overlay requires subdivision consent, s106 means that the consent authority may still consider whether the land or its likely subsequent use is affected by natural hazard risk in a way that justifies refusal or conditions.

⁹⁰ s42A Report, section 11 "Housing — Residential 1 and 1A Zones — Extent of Zoning", pp 46–48; s42A Addendum, 12 May 2026, paras 3–8

⁹¹ Hearing Transcript, 20 May 2026, 3:50:44–3:51:36

308. That distinction is important. The new Residential 1A density rule is the primary PC2 response to avoid enabling additional Residential 1A density in the overlay area. Section 106 is an additional statutory safeguard where subdivision is proposed. Together with the subdivision provisions and natural hazard matters of discretion, it means that natural hazard risk remains capable of being considered at the relevant consent stage, particularly where subdivision would create new titles or enable subsequent residential use of land subject to hazard risk.
309. We do not need to make a detailed interpretation finding on how s106 would apply to any particular future application. That assessment will depend on the evidence and circumstances of the application before the consent authority at the time. For this decision, it is sufficient to record that s106 remains available at the subdivision stage and supports the Panel's conclusion that no additional PC2 subdivision rule amendment is required⁹².
310. In relation to applicant guidance, we agree with Environment Southland that plan users need to understand the practical significance of the Riverine Inundation Level 1 Overlay. We do not consider that a further District Plan rule or advice note is required through PC2. However, we encourage the Council to ensure that its website, pre-application material and online planning-map information clearly alert applicants and advisors to the Riverine Inundation Level 1 Overlay, the new Residential 1A density rule for that overlay area, and the potential need for site-specific natural hazard advice where subdivision or more intensive residential development is proposed.
311. That guidance would be particularly useful for applicants who do not seek pre-application advice or do not engage professional planning, surveying or engineering advice before preparing a proposal. It would help avoid unnecessary cost and uncertainty by identifying the natural hazard issue early. This comment is not a further amendment to the District Plan, but it records a practical implementation matter that can be actioned outside the District Plan that would assist plan users.
312. We are satisfied that the s42A Addendum approach appropriately balances the competing objectives of PC2. It allows PC2 to enable greater housing choice and medium-density housing in the Residential 1A Zone generally, while taking a precautionary approach to residual flood risk in the Riverine Inundation Level 1 Overlay.
313. For those reasons, we accept Environment Southland [11.06] in part. We do not remove the Tay–Tweed / Otepunī area from the Residential 1A Zone and we do not amend the Natural Hazards Chapter. However, we accept the s42A Addendum recommendation to insert a new rule so that, for sites within the Riverine Inundation Level 1 Overlay, the Residential 1 Zone density rules apply instead of the Residential 1A Zone density and number-of-residences rules.
314. We reject Kāinga Ora's further submission to the extent it opposes that targeted constraint within the Riverine Inundation Level 1 Overlay. We accept Kāinga Ora's position in part only to the extent the land remains within the Residential 1A Zone and PC2 continues to enable Residential 1A intensification outside the Riverine Inundation Level 1 Overlay.

⁹² RMA, s106; s42A Report, section 11 "Housing — Residential 1 and 1A Zones — Extent of Zoning", pp 46–48; Hearing Transcript, 20 May 2026, 3:52:03–3:53:09

315. We adopt the s42A Addendum's s32AA assessment. We acknowledge that applying the Residential 1 density rules within the Riverine Inundation Level 1 Overlay reduces the extent of Residential 1A enablement in that overlay area. That is a cost of the approach. However, we consider that cost is outweighed by the benefit of avoiding increased exposure of people and private investment to residual flood risk, while still enabling Residential 1A intensification elsewhere. The amendment is targeted, uses an existing mapped overlay, retains the underlying Residential 1A zoning, and responds directly to the natural hazard evidence and submissions before us. For those reasons, we consider it to be the most appropriate option for achieving PC2's housing objectives while managing natural hazard risk within the scope of this plan change.
316. The final amendments, including the new Riverine Inundation Level 1 Overlay rule and related renumbering and cross-reference corrections, are set out in Appendix 1⁹³.

Code of Practice

COP definition and SUB-M5

317. Kāinga Ora [16.01], Environment Southland [11.04] and Public Health NZ [14.01] supported the general PC2 approach of deleting the existing definition of "Code of Practice for Land Development and Subdivision Infrastructure" and replacing references to the expired Invercargill City Council Bylaw 2016/1 Code of Practice with references to the Council's current COP.
318. Gareth Clarke [19.02 and 19.03] supported removal of the reference to the expired bylaw but sought greater clarity about which version of the COP applies. He considered the COP should be defined in the District Plan in some form and questioned the wording of SUB-M5, including the phrase "any relevant Code of Practice".
319. The key issue is whether the District Plan should identify a particular version of the COP, or retain a more flexible reference to the Council's relevant COP. We prefer the latter approach.
320. We agree that the existing definition referring to the expired 2016 bylaw should be deleted. Retaining it would be confusing and inconsistent with the purpose of PC2.
321. We do not accept Mr Clarke's request to add a new definition identifying a particular version of the COP. The purpose of PC2 is to avoid incorporating a dated version of the COP into the District Plan. The COP contains technical infrastructure standards and may need to be updated over time. Defining a dated version in the District Plan would undermine that purpose and could require a Schedule 1 process for future technical updates.
322. We are satisfied that SUB-M5 is sufficiently clear. In context, the relevant COP is the Council's current Code of Practice for Subdivision, Land Use, and Development, as applicable to the matter being assessed. Mr Hayes' hearing evidence also confirmed that, in practice, there is only one current COP in use⁹⁴.

⁹³ s42A Addendum, 12 May 2026, paras 10–12; Emma Spalding, *Section 42A Reply Version of Provisions*, 21 May 2026, p 1 and RES1AZ-R2

⁹⁴ s42A Report, section 12 "Code of Practice — Definition of Code of Practice for Land Development and Subdivision Infrastructure and Method SUB-M5", pp 49–50; Hearing Transcript, 20 May 2026, 1:04:20–1:04:42

323. We therefore accept Kāinga Ora [16.01], Environment Southland [11.04] and Public Health NZ [14.01], and reject Gareth Clarke [19.02 and 19.03]. The definition of “Code of Practice for Land Development and Subdivision Infrastructure” is deleted as notified, and no new COP definition or amendment to SUB-M5 is made.
324. No further s32AA assessment is required. The approach is consistent with the s32 Report and s42A Report, avoids unnecessary incorporation by reference, and improves the clarity and usability of the District Plan.

APP11 — private ways and rights of way

325. Adrian Sheat [10.02] opposed APP11-3 because the notified table introduced a minimum legal width of 6m for private ways and rights of way in the Rural and Rural Lifestyle Zones. He considered that this conflicted with the COP, which specifies a minimum legal width of 3.5m, and that the inconsistency should be corrected to avoid uncertainty.
326. We accept the s42A Report’s recommendation to accept Adrian Sheat [10.02]. APP11-3 should be corrected so that the Rural / Rural Lifestyle Zone minimum legal width aligns with the COP.
327. Mr Hayes confirmed in his engineering evidence that there was an error in APP11-3 and that the Rural / Rural Lifestyle Zone minimum legal width should align with the COP. He recommended that APP11-3 be amended to refer to a minimum legal width of 3.5m for the Rural and Rural Lifestyle Zones⁹⁵.
328. We accept that evidence. The notified 6m minimum legal width for private ways and rights of way in the Rural and Rural Lifestyle Zones was an error. Correcting the minimum legal width to 3.5m aligns APP11-3 with the COP and improves plan clarity.
329. We also record that IPI Properties’ further submission raised a separate issue about reducing rear-site access width from 3.5m to 3m in some residential situations. We have addressed that issue earlier in this report under the further-submissions section. For the reasons given there, we make no additional amendment in response to that further submission.
330. FENZ’s tabled material also confirms that no further relief is required in relation to emergency access. FENZ considered a 3.5m minimum legal width workable, although 4m would be preferred. We are satisfied that no further amendment is required to APP11-3 for emergency access matters⁹⁶.
331. For those reasons, we accept Adrian Sheat [10.02] and amend APP11-3 so that the minimum legal width for private ways and rights of way in the Rural and Rural Lifestyle Zones is 3.5m. No further amendment is made to APP11-3.
332. No s32AA assessment is required because the amendment corrects a drafting error and is minor in effect⁹⁷.

⁹⁵ s42A Report, section 12 “Code of Practice — APP11 — Appendix 11 — Transport Standards — Appendix 11-3 Private Ways and Rights of Way”, pp 50–51; Evidence of Rob Hayes, 7 April 2026, paras 11–12

⁹⁶ FENZ tabled letter, 14 May 2026, pp 1–2

⁹⁷ s42A Report, section 12 “Code of Practice — APP11 — Appendix 11 — Transport Standards — Appendix 11-3 Private Ways and Rights of Way”, pp 50–51

Overall conclusion

333. For the reasons set out in this report, the Panel decides that PC2 should be approved, subject to the amendments set out in Appendix 1.
334. We are satisfied that PC2 is an appropriate targeted plan change. It responds to identified housing needs in Invercargill by enabling greater density and diversity of housing choice in the Residential 1 and Residential 1A Zones, while retaining a planning framework that manages amenity, urban design, infrastructure, stormwater, access and natural hazard effects.
335. We are also satisfied that PC2 appropriately updates the District Plan's references to the Council's COP by removing references to the expired bylaw and referring instead to the Council's current COP, without incorporating a dated version of that document into the District Plan.
336. We have accepted some submissions in whole or in part where the relief sought improves the clarity, workability or effectiveness of the provisions. We have rejected other relief where it is outside the scope of PC2, is not supported by the evidence, would create uncertainty or inconsistency in the District Plan, or would not better achieve the relevant statutory requirements.
337. In particular, we have not accepted the relief seeking removal of the area-based density framework in favour of a more purely number-of-units or built-form approach. We consider the final provisions strike an appropriate balance. They provide a more enabling framework than the operative provisions, particularly in the Residential 1A Zone, while retaining density, built-form, urban design, infrastructure and natural hazard safeguards.
338. We have also accepted the s42A Addendum recommendation for land within the Riverine Inundation Level 1 Overlay. That targeted amendment maintains existing density expectations in the identified flood-prone area, while allowing Residential 1A intensification to proceed elsewhere. We consider that is an appropriate scoped and precautionary response to the natural hazard issue raised through submissions.
339. We are satisfied that PC2, as amended by this decision, gives effect to the relevant higher-order planning direction, is consistent with the Council's functions, meets the relevant statutory requirements, and is the most appropriate way to achieve the relevant objectives of the District Plan.
340. The Panel's decisions on submissions and further submissions are as set out in this report. The final amendments to the District Plan are contained in Appendix 1.

Megen McKay (Chair)

Trish Boyle



Ria Bond



Darren Ludlow

Appendix 1: Decision version of provisions

The plan change amendments as notified and accepted by the Panel are shown in red ~~strike out~~ and underlining.

Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in blue ~~strike out~~ and underlining.

Further amendments made by the Hearing Panel are shown in green ~~strike out~~ and underlining.

INTER INTERPRETATION

DEF DEFINITIONS

Term	Definition
Code of Practice for Land Development and Subdivision Infrastructure	Means the Invercargill City Council Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure adopted by the Invercargill City Council on 1 July 2016.
Medium Density Housing	Means comprehensive housing developments including four or more dwellings with density of less than 350m² per unit. It can include stand-alone dwellings, semi-detached (or duplex) dwellings, terraced housing or apartments within a building of two storeys or less. These can be located on either single or aggregated sites, or as part of larger master planned developments detached, semi-detached, terraced housing, and low-rise apartment on allotments, sites or areas of less than 350m ² per residence.

DISTRICT WIDE MATTERS

ENERGY, INFRASTRUCTURE AND TRANSPORTATION

INF INFRASTRUCTURE

Overview

The infrastructure of the Invercargill City District is an important physical resource. Infrastructure includes a range of facilities, services and installations that enable a community to function including:

1. Utilities such as street lighting, electricity, water supply, stormwater drainage, sewerage and roading.
2. Facilities of public benefit including navigation aids, meteorological facilities, lighting in public places, data recording and monitoring systems.
3. Installations for the receiving and sending of communications.
4. Transport networks including rail, port and airport facilities and installations.

The provision of infrastructure is essential for meeting the economic, social, and health and safety needs of individuals and the community locally, regionally and nationally and it is appropriate for the District Plan to recognise these benefits. It is also appropriate for the District Plan to provide for these activities and their development, operation, upgrading, maintenance and replacement.

Where infrastructure is already in existence and has capacity, using existing infrastructure is preferable to building anew. Invercargill has substantial excess capacity in many areas already reticulated. Restricting extensions of infrastructure keeps the City compact and promotes efficient use of existing infrastructure. The potential adverse effects, as well as the benefits of the development of infrastructure, need to be carefully considered.

Under the Resource Management Act 1991 the providers of infrastructure for public works and network utilities are able to use procedures to designate land for such activities. Any request for such a designation will be assessed having regard to the provisions of the Resource Management Act 1991 applicable to the designation process, including having regard to the route, site and method selection, environmental effects of the proposal, the benefits to the local, regional and national communities and any locational, technical and operational requirements of the activity and associated works.

Not all infrastructure and its component parts can be undertaken by way of designation. As a result, the District Plan must recognise and provide for appropriate infrastructure services and to avoid, remedy or mitigate any adverse environmental effects. Where subdivision and/or land use is undertaken, the provisions of infrastructure can be considered as part of that process.

The presence of infrastructure can influence the quality of the environment surrounding it, which is reflected in the need for specific port and airport related zones, and for the recognition of network corridors around infrastructure such as roads, the railway and

the National Grid. Care needs to be taken locating activities that may affect the efficient and effective operation and development of such infrastructure in order to avoid reverse sensitivity effects.

Where subdivision and/or land use is undertaken, the provision of infrastructure, and/or any requirement to expand or upgrade existing infrastructure is considered as part of the consenting process. The Council has also developed ~~the Invercargill City Council Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure a~~ Code of Practice for Subdivision, Land Use, and Development which aims to ensure that infrastructural works undertaken as part of a subdivision or land use development are done to an acceptable means of compliance with Acts and Council requirements and assist developers when preparing resource consent applications, to understand the required level of service for matters relating to their development and whether these are acceptable to the Council. This document is not incorporated by reference into the District Plan, but where conditions are placed on consents, such conditions may reference documents, including any relevant Invercargill City Council Code of Practice for Subdivision, Land Use, and Development. This bylaw sits outside the District Plan but will assist in achieving some of the desired outcomes.

Transportation infrastructure is also considered under the Transportation provisions within the District Plan. Infrastructure associated with the airport and seaport is also provided for in the Transportation and Zone Specific provisions within the District Plan.

SUBDIVISION

SUB SUBDIVISION

Overview

Subdivision is the legal process of creating new titles to parcels of land as a result of the division of allotments.

The District Plan recognises a fundamental relationship between subdivision and subsequent land use and a need to ensure that the subdivision of land creates allotments suitable for their intended use. Although subdivisions are not land use activities, the use of land and the subdivision of land are linked in terms of potential effects and cannot be easily separated.

Subdivision determines patterns of land use. Therefore, subdivision has a transformative influence on land use and the effects of land use on the environment. For this reason the District Plan controls subdivision in order to influence land use decisions so that adverse effects can be avoided, remedied or mitigated.

Note: *The Invercargill City Council ~~Bylaw 2016/4~~ Code of Practice for Subdivision, Land Use, and Development ~~Land Development and Subdivision Infrastructure controls establishes~~ the standards to which works and infrastructure to be vested in Council or connect to public assets are to be constructed in new development.*

Issues

The significant resource management issues for subdivision:

- | | |
|---------------|--|
| SUB-I1 | Subdivision determines the subsequent pattern of land use and can lead to expectations that may not be sustainable. |
| SUB-I2 | Subdivision and subsequent development of subdivided allotments can reduce the overall productivity of rural land. |
| SUB-I3 | Subdivision and development can result in demands for the extension of infrastructure which are unsustainable long term. |
| SUB-I4 | Subdivision can lead to poor urban design outcomes. |
| SUB-I5 | Appropriately located subdivision can provide opportunities for community growth and can improve character, amenity and well-being. |
| SUB-I6 | Subdivision and subsequent development can affect heritage, including archaeological sites and sites of cultural significance to iwi. |
| SUB-I7 | Subdivision and development of subdivided allotments can result in increasing amenity conflicts between new and established land uses. |
| SUB-I8 | Subdivision and development can have adverse effects on landscapes and natural features and can result in the loss and degradation of biodiversity. |
| SUB-I9 | Subdivision and development can have adverse effects, including reverse sensitivity effects, on existing infrastructure, which can result in restricting the operation, upgrading and development of infrastructure. |

Objectives

- SUB-01** Subdivision and development is integrated with existing communities, infrastructure and public spaces.
- SUB-02** Subdivision and development maintains and enhances the character and amenity of Invercargill.
- SUB-03** Subdivision and development preserves the productive capability of rural land and high value soils.
- SUB-04** Subdivision and development protects indigenous biodiversity and the cultural heritage of iwi; retains heritage; and preserves and enhances landscapes and the natural character of Southland.
- SUB-05** Subdivision and development is managed so that it avoids, remedies or mitigates adverse effects on the safe, efficient and effective operation, maintenance, upgrading and development of infrastructure.
- SUB-06** A precautionary approach is adopted to subdivision and development located in areas subject to natural hazards.
- SUB-07** The intensity of development along strategic arterial roads is managed to reduce the cumulative adverse effects on the safe and efficient functioning of such links.
- SUB-08** The subdivision of land is undertaken in accordance with the Objectives for zones and resources of the City recognising that because subdivision sets the long-term pattern of development, subdivision is a major determinant of how land is used and therefore of the environmental effects of land use.
- SUB-09** The process of creating allotments through subdivision is integrated with planning for the relevant utilities and services and infrastructure to which it is anticipated the allotments will be connected.
- SUB-010** Subdivision will result in good urban design outcomes.
- SUB-011** Public access to and along the coast and along the margins of streams and rivers is retained and enhanced.

Policies

SUB-P1 Adverse Effects:

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

Explanation:

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

SUB-P2 Zoning:

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

Explanation:

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

SUB-P3 Urban Design:

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

Explanation:

Subdivision is a prime determinant of land use and strongly influences the quality of the urban design outcomes. Urban design guidance from Council is available to help inform applications for medium density developments.

SUB-P4 Transportation Networks:

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

Explanation:

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

SUB-P5 Reticulated Services:

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

Explanation:

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

SUB-P6 Natural Hazards:

To restrict subdivision in hazard-prone areas and ensure that each new allotment contains a hazard free building site, particularly where new buildings and structures are likely to be constructed.

Explanation:

Natural hazards are a constraint that should be identified and considered primarily at the subdivision stage, as well as the land use consent and building consent stages. It is considered appropriate to forewarn prospective purchasers through notice on the title at the subdivision stage, rather than being left to the point in time when buildings or changes in land use are proposed.

SUB-P7 Landscapes and Heritage:

To protect outstanding natural features and landscapes and heritage values from the adverse effects of inappropriate subdivision and associated development.

Explanation:

Throughout Invercargill, there are areas that are significant because of the natural features, landscapes, heritage and other significant features. Sites of significant

landscape, known heritage sites and sites of cultural significance should be protected where possible to maintain the specific elements which determine their significance.

All subdivisions should be appropriately located so that any future use of the site brought about by the subdivision avoids, remedies and mitigates the adverse effects on significant features.

SUB-P8 Iwi:

To ensure that subdivision design considers the relationship between Māori and their ancestral lands, sites, wāhi tapu and other taonga.

Explanation:

Subdivisions which have an inappropriate design can fragment and segregate the connection between Māori and their ancestral lands, sites, wāhi tapu and other taonga. Any subdivision proposal which adjoins, or is adjacent to, any land which is owned or managed by iwi, or contains sites or values of cultural significance, shall avoid, remedy and mitigate the adverse effect which the development could have on the relationship between Māori and the respective land.

SUB-P9 Infrastructure:

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

Explanation:

Subdivision and development activities can have adverse effects on the operation, maintenance, upgrading and development of nearby infrastructure. Potential reverse sensitivity issues resulting from new subdivisions need to be managed to allow the infrastructure to continue to operate.

SUB-P10 Contaminated Land:

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

Explanation:

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

SUB-P11 Public Access:

To maintain and enhance through the subdivision process, public access to and along the coastline, waterways and public space of Invercargill.

Explanation:

Recognition and provision for the enhancement of public access to and along the coastal marine area and rivers and lakes is a requirement of the Resource Management Act 1991. Improved access to the coast, rivers, lakes, conservation estate and other public spaces can be achieved at the time of subdivision through a range of mechanisms.

Methods of Implementation

SUB-M1 Rules requiring a resource consent application for subdivision.

SUB-M2 Production and dissemination of design guidelines on subdivision.

SUB-M3 Initiate environmental advocacy for:

1. Promotion of the principles of Crime Prevention Through Environmental Design (CPTED)
2. Promotion of qualities of good urban design
3. Connectivity – connections between places.

SUB-M4 Consult with landowners and occupiers, iwi, other councils, central government and other organisations, internal Council departments and local community and business groups.

SUB-M5 ~~Recognise and enforce the Invercargill City Council Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure for the development, operation, upgrading and replacement of infrastructure carried out as part of a subdivision.~~
Require the development, operation, upgrading and replacement of any infrastructure to be vested in Council or connect to Council assets as part of a subdivision to be undertaken in accordance with any relevant Code of Practice prepared by Invercargill City Council.

AREA SPECIFIC MATTERS

RESIDENTIAL ZONES

RES RESIDENTIAL OVERVIEW

Overview

Population projections indicate that growth in population numbers will at best be slow. The ageing of the population and associated demographic trends will continue to create a very modest demand for increases in dwelling numbers. Infill development and redevelopment are likely to comprise the majority of residential development over the next 10 – 20 years. There is no need for extensive 'greenfield' residential development which would create increased demand for urban services that an ageing population may find difficult to sustain. A significant proportion of the dwellings in Invercargill and Bluff were built prior to 1930. The long term maintenance and upgrading of these older dwellings and their replacement when they reach the end of their service life needs to be encouraged.

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

Invercargill residents enjoy a high standard of residential amenity, and ~~retaining the main qualities of this~~ continuing to provide amenity is important for well-functioning urban environments and the ~~future~~ health and well-being of Invercargill people.

Residential zoning will enable and encourage ongoing development and redevelopment in the urban area of Invercargill, in Bluff and in the coastal settlement of Ōmaui.

Within an area of urban Invercargill which is very conveniently located with respect to City amenities and where redevelopment is seen as a priority, provision has been made for medium density housing.

Five residential zones have been identified to reflect the differing needs and built form outcomes for residential development in Invercargill.

- 1. Residential 1 Zone:**
This zone covers the greater part of the residential area of urban Invercargill and provides for residential development and redevelopment within it.
- 2. Residential 1A Zone:**
The Residential 1A Zone is located in an area of Invercargill within the Residential 1 Zone where residential redevelopment is a priority. It makes provision for medium density housing as a redevelopment option. This area is within practicable walking distance of the Central Business District, the South City Suburban Shopping Centre, and institutions such as the Southland Institute of Technology.
- 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.

4. **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 the one area of the coastal environment identified in the Plan where residential development is seen as appropriate.
5. **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.
6. **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.

Issues

The significant resource management issues for residential development:

- | | |
|---------------|---|
| RES-I1 | Lack of ongoing maintenance, development and redevelopment in existing residential areas can lead to neighbourhoods ageing and decaying, resulting ultimately in problems associated with old and substandard housing and inefficient use of existing infrastructure. |
| RES-I2 | A lack of clearly defined boundaries to land zoned for residential development can lead to peripheral expansion creating a demand for uneconomic extensions to urban services. |
| RES-I3 | Inadequate identification and protection of amenity values can lead to long term loss of residential amenity. |

Objectives

- | | |
|---------------|---|
| RES-O1 | Invercargill City District has a well-functioning residential environment, where C critical mass is maintained, and medium density housing is enabled, within the defined residential areas <u>and medium density housing is enabled in the Residential 1A Zone.</u> ¹ |
| RES-O2 | A range of housing types and built forms are <u>is</u> available, meeting the housing needs of a population that is growing only slowly and ageing. |
| RES-O3 | A high standard of Residential amenity is provided maintained, in accordance with the anticipated outcomes and character of the zone. |
| RES-O4 | Unplanned peripheral expansion of the built-up area resulting in increased demand for urban services is avoided. |

Policies

RES-P1 Existing Residential Areas:

To encourage infill development, use of vacant allotments and upgrading/redevelopment of existing houses in the Invercargill and Bluff urban areas.

Explanation:

Much of the housing stock of the Invercargill City District is old. The majority pre-dates 1970 and significant areas were built prior to World War II. Newer development has

¹ Gareth Clarke (19.05), Kāinga Ora (16.06)

often taken the form of infill, involving subdivision of previously large allotments, or extensions/modification to update existing homes. This trend seems likely to continue. The street layout and infrastructure provision in the Invercargill City District are such that this trend results in a compact and economical urban form offering a high level of amenity.

RES-P2 Residential Density:

To provide for a range of housing densities and built forms, from large lot residential to medium density, in recognition of the changing demographics and housing needs of the Invercargill population.

Explanation:

Needs for housing change as the population ages and average household size becomes smaller. For some, the single family home with generous outdoor and garden space are the desired housing type. Others desire smaller sections involving less maintenance, with convenient access to shops and facilities.

RES-P3 Ōmaui:

To enable housing development in the coastal environment at Ōmaui.

Explanation:

Ōmaui is the one area in the coastal environment, outside the existing built-up areas, where housing is seen as appropriate.

RES-P4 Residential Amenity:

To require ~~a high standard of~~ residential amenity in new development, particularly with respect to space for outdoor living, to be in accordance with the anticipated outcomes and character of the zone.

Explanation:

The opportunity for outdoor living is generally accepted as an important dimension to residential amenity.

RES-P5 Greenfield Development:

To discourage residential development outside residentially zoned areas.

Explanation:

The Invercargill City District has an ageing population that is growing ~~only~~ slowly and population projections indicate a decline in population to be a distinct possibility. The Council does not wish to burden an ageing and possibly declining population with costs of maintaining expanded service networks if this expansion can be avoided.

RES-P6 Non-residential Activities:

To enable non-residential activities when it can be demonstrated that they:

1. Are in keeping with the character anticipated in a residential area; and
2. Will not compromise the health, safety and amenity values enjoyed by residents; and
3. Cannot be practically located in other zones where such activities are anticipated.

Explanation:

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

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

RES-P7 Residential Amenity:

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

Explanation:

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

RES1 RESIDENTIAL 1 ZONE

Overview

The Invercargill urban area has a strong urban character based on its flat terrain, its grid street pattern and its compact urban form. These characteristics, together with the tradition of one or two storey single family housing on generous sized sections, offer a high level of residential amenity together with convenience, accessibility and short travel times.

Invercargill's geographic position and climate mean that incidence of sun to residential dwellings, for outdoor living and for indoor solar gain, is a very important dimension to residential amenity.

Overall, residential amenity is best maintained by controlling or excluding non-residential activities, by limiting the scale of home occupations, and by requiring compliance with the environmental standards.

Redevelopment of existing residential properties, and infill development, is likely to constitute the majority of new residential building in Invercargill over the planning period. In such cases, section size, building coverage, incidence of sun and daylight, and provision for outdoor living space and car parking are the main components of residential amenity.

Issues

The significant resource management issues for the Residential 1 Zone:

- | | |
|-----------------|---|
| RES1Z-I1 | The quality of the City's housing stock depends on an ongoing process of maintenance, development and redevelopment. |
| RES1Z-I2 | Poor urban design can affect the advantages of Invercargill in terms of convenience, accessibility and short travel times. |
| RES1Z-I3 | Increasing residential densities can have adverse effects on residential amenity. This 'amenity' includes, in particular, adequate provision for density and coverage, for outdoor living and for incidence of sun. |
| RES1Z-I4 | Residential amenity can be affected by non-residential activities within or adjoining the Residential 1 Zone. |

Objectives

- | | |
|-----------------|---|
| RES1Z-O1 | The maintenance and ongoing development of the zoned areas as residential neighbourhoods offering a high degree of amenity to their inhabitants is provided for and encouraged. |
| RES1Z-O2 | Adverse effects of urban development on the environment are avoided, remedied or mitigated. |
| RES1Z-O3 | Opportunities for urban intensification and redevelopment are encouraged within Invercargill's existing urban areas. |
| RES1Z-O4 | Provision is made for good accessibility to service and retail activities, educational establishments, and to places of employment. |
| RES1Z-O5 | High-quality <u>Good</u> urban design is incorporated into new development and redevelopment. |

- RES1Z-O6** Housing choice, both in terms of type and lot sizes, is provided for within urban areas.
- RES1Z-O7** Urban growth and development is managed in ways that:
1. Support existing urban areas
 2. Promote development of existing urban areas ahead of greenfield development
 3. Promote urban growth and development within areas that have existing infrastructure capacity
 4. Plan ahead for the expansion of urban areas
 5. Promote compact urban form.
- RES1Z-O8** The amenity values of the Residential 1 Zone are maintained and enhanced.

Policies

RES1Z-P1 Residential 1 Zone:

To provide for ~~suburban~~ general² residential development by zoning within the existing urban area for dwellings on lots 400m² in size or larger.

Explanation:

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

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

RES1Z-P2 Connectivity:

To require that provision is made for safe, logical, and direct access by the variety of transportation modes in common use (pedestrian, cycle, mobility scooter, motor vehicle,

² Kāinga Ora (16.12)

public transport) from dwellings to service and retail activities, educational establishments, and places of employment.

Explanation:

The historical grid pattern of Invercargill has resulted in a city form that is logical, easily accessible and convenient. This is a valued amenity of the City today and is likely to be increasingly important if 'peak oil' or other factors change transport fuel economics and availability. Some recent subdivisions have not complemented the City's historical grid street system, resulting in developments that are difficult and inconvenient to access and that generate undesirable levels of traffic down some residential streets. Long cul-de-sacs with single points of access can create social isolation and also constitute a threat to personal safety, in that people can be more easily trapped than if there are multiple connections.

RES1Z-P3 Urban Design:

To ~~provide for encourage~~ good urban design in the Residential 1 and 1A Zones, and require that the following urban design issues be addressed in the design and planning of medium density housing: in terms of:³

1. ~~Context~~

2. ~~Character~~

3. ~~Choice~~

4. ~~Connections~~

5. ~~Creativity~~

6. ~~Custodianship~~

7. ~~Collaboration~~

1. Neighbourhood context

2. Site layout

3. Building design, including consideration of universal design

4. Entries to buildings

5. Visual and acoustic privacy

6. Outdoor living space

7. Access and parking

8. Landscape treatment

9. Site facilities

Explanation:

*Promoting good urban design in the ~~suburban~~ residential areas of the City is an important part of reinforcing their function as the City's day to day living spaces. Urban design guidance from Council is available to help inform applications to assist applicants to design proposals for medium density developments that achieve good urban design, in relation to the following matters:*⁴ ~~There are seven essential design qualities:~~

³ Kāinga Ora (16.22)

⁴ Gareth Clarke (19.11)

1. ~~**Context:**
Seeing that buildings, places and spaces are part of the whole town or City.~~
2. ~~**Character:**
Reflecting and enhancing the distinctive character, heritage and identity of our urban environment.~~
3. ~~**Choice:**
Ensuring diversity and choice for people.~~
4. ~~**Connections:**
Enhancing how different networks link together for people.~~
5. ~~**Creativity:**
Encouraging innovative and imaginative solutions.~~
6. ~~**Custodianship:**
Ensuring design is environmentally sustainable, safe and healthy.~~
7. ~~**Collaboration:**
Communicating and sharing knowledge across sectors, professions and with communities.~~

1. Neighbourhood Context

Neighbourhood context relates to the ability of new developments to respond and contribute positively to the qualities and identity of the streetscape and local neighbourhood, both existing and planned.

2. Site Layout

A well-designed site layout ensures that buildings, access, and open spaces function effectively as a whole, optimising amenity and liveability within the development and minimising impacts on adjacent neighbours.

3. Building Design

Good building design achieves a scale and form appropriate to the existing and planned character of the neighbourhood, and provides living environments that are functional, attractive and accessible for their occupants.

4. Entries to Buildings

Clearly identifiable and welcoming entrances improve legibility, safety, and amenity within residential developments.

5. Visual and Acoustic Privacy

Well-designed developments can enhance resident well-being and liveability by carefully managing overlooking and noise effects for occupants and neighbours.

6. Outdoor Living Space

Quality outdoor living spaces can contribute significantly to residents' well-being. Good quality outdoor living spaces can provide a pleasant outlook while creating a usable, safe, and visually attractive setting for residents.

7. Access and Parking

Well-designed vehicle access and parking areas contribute to a safe, accessible and attractive living environment.

8. Landscape Treatment

Landscaping contributes to a good quality and well-functioning living environment by integrating development into the surrounding neighbourhood, managing stormwater, and enhancing on-site amenity.

9. Site Facilities

Good design incorporates provision for functional storage spaces, services and utilities as an integral part of development.⁵

RES1Z-P4 Stormwater Runoff:

To require site and building development to incorporate methods to:

1. Minimise loadings on stormwater runoff networks and reticulation systems caused by rainfall events; and
2. Improve the water quality of stormwater flows.

Explanation:

Climate change is likely to mean that rainfall in Invercargill may become higher on average but, more significantly, there is likely to be increased incidence of extreme climatic events. Currently, Invercargill's stormwater systems are designed for immediate runoff to the stormwater system of 55% of design rainfall, with the remaining 45% being retained within permeable surfaces such as lawns and gardens. Increasing areas of impermeable surfaces can compromise stormwater capacity. Lessening the immediate effect of peak stormwater flows on stormwater systems will reduce the risk of localised surface flooding.

There is also increasing concern about the condition of Southland's waterways. Urban stormwater can contain pollutants and organic matter.

Design to mitigate stormwater effects needs to encompass the whole of the area under development, including roads and open spaces as well as housing lots. Best practical means are necessary to minimise pollution of waterways by urban stormwater.

RES1Z-P5 Choice:

To enable the development of a range of housing types by:

1. Allowing, as of right, development on sections exceeding 400m².
2. Allowing development on sections between 350m² and 400m² when buildings are well designed to give effect to other relevant Objectives and Policies of the Residential 1 Zone.
3. Encouraging ~~comprehensively designed~~ medium density housing development within ~~specified parts of the Residential 1 Zone by way of resource consent in~~ the Residential 1A Zone, and ~~by way of performance standards~~ in the Residential 1B Zone where performance standards can be met.

Explanation:

Invercargill's ageing population, decreasing average household size and the evolving settlement pattern of the District and region all mean that provision needs to be made for a variety of housing types. Single-family housing in Invercargill is typically on sites 650 - 1,000m² in size. Market-driven redevelopment in Invercargill often takes the form of subdivision of existing, larger sites and erection of new residential units on the newly subdivided sites. Single unit residential development can be designed to provide good levels of amenity on sites down to 400m². When sites are smaller than 400m², amenity for both the subject property and its neighbours tends to suffer ~~if poorly designed. and development of residential units on smaller sites needs to be comprehensively designed.~~ Well-designed detached, semi-detached, terraced housing and low-rise apartments are encouraged where they provide a high-quality living environment for residents.

RES1Z-P6 Outdoor Living:

⁵ Gareth Clarke (19.11)

To require the provision of practical outdoor private open space as an important dimension of amenity.

Explanation:

Private open space is desirable on residential lots to provide:

1. *Outlook – a pleasant outlook from inside the living areas of the dwelling*
2. *Ventilation of indoor spaces on to a sheltered outdoor space*
3. *Outdoor living (e.g. sitting in the sun with a cup of coffee)*
4. *Outdoor household activities (such as barbecues)*
5. *Children to play outdoors*
6. *Provision of biodiversity (gardens), and a beneficial microclimate (shelter and sun).*

To be capable of being used for these purposes, the open space needs to have a minimum dimension. Several lines of reasoning draw to a conclusion that this minimum dimension should be at least five metres in the Residential 1 Zone and three metres in the Residential 1A Zone.

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

RES1Z-P7 Space Around Buildings:

To maintain the residential scale and amenity of space around and between buildings.

Explanation:

The proportion of the site covered by buildings is an important determinant of residential amenity. This can reduce significantly on the property and on adjoining properties if more than around 40% or 45% (in the Residential 1A Zone) of the site is covered in buildings. Excessive building coverage has other undesirable effects, such as overloading the City's stormwater reticulation system.

RES1Z-P8 Ambient Noise:

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

Explanation:

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

RES1Z-P9 Noise from Transportation Networks:

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

Explanation:

Residential 'peace and tranquility' can be affected by major transportation infrastructure, in particular the State Highways, the railway and the airport. However, it is important that the functioning of this infrastructure is not compromised by reverse sensitivity

issues involving noise, and provisions in the District Plan are necessary to achieve this. The location, design and operation of Noise Sensitive Activities should involve the consideration of these existing noise sources.

RES1Z-P10 Odour:

To ensure absence of nuisance from objectionable odour.

Explanation:

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

RES1Z-P11 Glare:

To ensure freedom of nuisance from glare.

Explanation:

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

RES1Z-P12 Electrical Interference:

To avoid nuisance from electrical interference.

Explanation:

Electrical interference can be a source of irritation to residents within the residential zones. This is an environmental effect that needs to be considered in the placement and maintenance of electrical equipment and machinery, including transmitting aerials.

RES1Z-P13 Lightspill:

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

Explanation:

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

RES1Z-P14 Wind:

To encourage the provision of shelter from wind as an important dimension of residential amenity.

Explanation:

At times Invercargill is subject to very strong winds for extended periods, particularly from the westerly quarter. At times these winds make it difficult for people – particularly those on cycles, the elderly and the very young – to move around the City. These winds also bring a significant chill factor. Any development which provides shelter is likely to have a benefit, and any development which exacerbates wind effects is likely to have a significant adverse effect on the amenities of adjoining properties.

RES1Z-P15 Signage:

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

Explanation:

In residential areas there is an expectation that the use of buildings and property will be predominantly residential. Signage of sufficient size and clarity to enable people to find someone offering a professional service from home is appropriate. Signage which hints at a residential property being used for predominantly non-residential purposes is likely

to be seen as a visual intrusion. Advertising signage which does not relate to the activity on the site is not appropriate in a residential area.

RES1Z-P16 Dilapidated Structures and Ill-maintained Lands:

To require that buildings and sections in the Residential 1 Zone shall be sound, well-maintained and tidy in appearance, avoiding adverse effects of dilapidated structures and ill-maintained lands on the wider neighbourhood.

Explanation:

Derelict properties and poorly maintained sections significantly detract from the amenities of neighbour properties.

RES1Z-P17 Demolition or Removal Activities:

To manage the adverse effects of demolition or removal activities on amenity values by ensuring the clean-up, screening and maintenance of sites.

Explanation:

Although normally temporary and localised, demolition activities can create a significant nuisance. There is an obligation to ensure that demolition materials are disposed of responsibly. There is also a need to ensure that the site is made safe, clean and tidy in a timely manner.

RES1Z-P18 Relocation Activities:

To manage the adverse effects of relocation activities on amenity values by ensuring that any relocated building is placed on permanent foundations and reinstated to a reasonable state of repair within a limited timeframe.

Explanation:

There are many instances of dwellings which have been relocated on to sections in Invercargill and which offer a high standard of amenity to their occupiers and which contribute to the appearance of the neighbourhood. However, the process of relocation, and in particular adherence to a reasonable timeframe, needs to be carefully managed in order to minimise adverse effects on neighbours.

RES1Z-P19 Hazardous Substances:

To protect the public from the effects of storage and use of hazardous substances.

Explanation:

Some substances used in normal domestic living are potentially hazardous. Neighbours are entitled to protection from hazard from more than domestic quantities of hazardous material or bad practice in the use of such material.

RES1Z-P20 Height and Location of Structures:

To maintain a 1-2 storey scale for development [in the Residential 1 Zone, and provide for development up to 11m in height in the Residential 1A Zone](#).⁶

Explanation:

The great majority of housing in Invercargill's [Residential 1 Zone](#) is single storey stand-alone dwellings and set back from front, side and rear boundaries. A minority of houses are two storeys. While redevelopment and 'infill' development can achieve high levels of amenity, the overall characteristic of ~~Invercargill~~ [the Residential 1 Zone](#) is of structures of modest height placed with space around them on individual sections. This characteristic is an important dimension of amenity. [Housing up to 11m in height is anticipated in the Residential 1A \(Medium Density\) Zone](#).⁷

⁶ Consequential change, Schedule 1, CI 10(2)(b)

⁷ Consequential change, Schedule 1, CI 10(2)(b)

RES1Z-P21 Car Parking and Vehicle Manoeuvring:

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

Explanation:

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

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.

Methods of Implementation

RES1Z-M1 Delineate the Residential 1 Zone on the District Planning Maps.

RES1Z-M2 Include Rules identifying activities that are appropriate within the Residential 1 Zone.

RES1Z-M3 Identify the anticipated amenity values for the Residential 1 Zone, include environmental standards to protect and enhance them, and implement through enforcement under the Resource Management Act 1991, education, advocacy and collaboration with other territorial authorities.

RES1Z-M4 Include Rules in the Plan:

1. Setting limits for the bulk and location of structures
2. Setting maxima on the proportion of the site that may be covered by buildings
3. Setting limits on the size of any signage and require that signage relate to the activities being carried out on site.

RES1Z-M5 Include Rules addressing District Wide issues.

RES1Z-M6 Require applications for resource consent to include an analysis of the proposal on the defined amenity values of the Residential 1 Zone, as well as any relevant principles of good urban design.

RES1Z-M7 Initiate environmental advocacy for:

1. Promotion of the principles of good urban design through urban design guidance for resource consent applicants
2. Promotion of the principles of Crime Prevention Through Environmental Design (CPTED)
3. Protection of landscape values
4. Mitigation or avoidance of nuisance arising from glare and accentuation of windflow effects
5. Promotion of site and building design that recognises energy efficiency and its benefits, such as passive solar gain.

RES1AZ RESIDENTIAL 1A (MEDIUM DENSITY) ZONE

Overview

The Residential 1A Zone provides for medium density housing ~~to be developed comprehensively~~ on appropriately sized sites. 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~~ through good urban design, and for larger scale developments, 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, and encourage the redevelopment of an area of the City with older housing.

Issues

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

- RES1AZ-I1** The issues identified above for the Residential 1 Zone.
- RES1AZ-I2** Medium density housing can lead to decrease in amenity unless it is planned, well designed, and larger scale proposals of 4 or more residences are developed comprehensively.
- RES1AZ-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 1A Zone.

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

Objectives

- RES1AZ-O1** The opportunity for medium density housing as a residential redevelopment option is provided for within the zoned areas.
- RES1AZ-O2** Opportunities for urban intensification and redevelopment within Invercargill's existing urban areas are encouraged, in a manner which adds critical mass to support the Central Business District and the South City Business 2 Zone, by making specific provision for medium density housing.
- RES1AZ-O3** ~~Comprehensive redevelopment~~ Redevelopment of older, obsolete residential properties for medium density housing is encouraged.
- RES1AZ-O4** ~~The Residential 1A (Medium dDensity hHousing) Zone developments are is a~~ well designed, higher density residential living environment which:
1. Contains a range of housing typologies and built forms including detached, semi-detached, terraced housing, and low-rise apartments; and
 2. Provides good amenity to residents and minimises adverse effects on⁸ 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.

Policies

⁸ Kāinga Ora (16.20)

RES1AZ-P1 Residential 1A (Medium Density Housing) Zone:

To provide for well-designed medium density housing ~~as a Discretionary Activity~~ in the Residential 1A Zone in locations ~~or in~~ areas identified on the District Planning Maps as hazard free and not subject to airport-related noise, and

1. As a comprehensively planned development comprising ~~multiple~~ 4 or more residences
2. Within approximately 450 metres (approximately five minutes' walk) of the nearest zone boundary of the Business 2 Zone at South City
3. Within approximately one kilometre (just over 10 minutes' walk) of the City Centre Priority Redevelopment Precinct.

Explanation:

Medium density housing ~~(housing on lots smaller than 350m²)~~ is an option for housing renewal that is particularly appropriate in inner-city areas where there are established facilities close by. It needs to be planned comprehensively in order to provide a satisfactory level of amenity.

~~RES1AZ P2 Urban Design:~~⁹

~~To ensure that development is consistent with the anticipated outcomes and character of the Zone contained in Objective RES1AZ O4, To require that the following urban design issues be addressed in the design and planning of medium density housing:~~

- ~~1. Neighbourhood context~~
- ~~2. Site layout~~
- ~~3. Building design, including consideration of universal design~~
- ~~4. Entries to buildings~~
- ~~5. Visual and acoustic privacy~~
- ~~6. Outdoor living space~~
- ~~7. Access and parking~~
- ~~8. Landscape treatment~~
- ~~9. Site facilities~~
- ~~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~~

⁹ Kāinga Ora (16.22)

- ~~6. Visual and acoustic privacy – design to mitigate overlooking and unwanted noise~~
- ~~7. Where off street parking is provided, vehicle access and parking are convenient, adequate, and safe, but not dominant~~
- ~~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 urban design will require designers to consider the design issues (above). Urban design guidance from Council is available to assist applicants to design proposals that achieve good urban design, 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 1A Zone.

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

- RES1AZ-M1** Delineate the Residential 1A Zone on the District Planning Maps.
- RES1AZ-M2** Identify the anticipated amenity values for the Residential 1A 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 and provide urban design guidance for resource consent applicants.

RES3Z RESIDENTIAL 3 (LARGE LOT) ZONE

RES3Z-P7 Infrastructure – Reticulated Sewerage:

To require that properties in the Residential 3 Zone connects to the Invercargill City Council reticulated sewerage system.

Explanation:

The overall density of development enabled in the Residential 3 Zone is insufficient to provide for the effective treatment and disposal of effluent. As a consequence, development in the zone is required to connect to the Council's reticulated sewerage system. The full costs of connecting to the sewerage system are the responsibility of the developer without any contribution from the Council. The sewerage infrastructure installed is also required to be constructed in accordance with the standards and procedures set out in ~~the any relevant Council's Bylaw 2016/1 Code of Practice for Subdivision, Land Use, and Development Land Development and Subdivision Infrastructure.~~

RES3Z-P8 Infrastructure – Water:

To encourage on-site water management in preference to connection to Council's reticulated water supply.

Explanation:

Connection to the Council's reticulated water supply is not a requirement for the Residential 3 Zone nor can the Council guarantee that water supply will be available throughout the zone. Developers will be responsible at a cost to them, with no contribution from the Council, for any extensions and connections to the Council's reticulated water supply. Where water reticulation is installed as part of any development undertaken it is required to be constructed in accordance with the standards and procedures of ~~the any relevant Council's Bylaw 2016/1 Code of Practice for Subdivision, Land Use, and Development Land Development and Subdivision Infrastructure.~~

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

RES4Z RESIDENTIAL 4 (RESIDENTIAL TRANSITION) ZONE

Policies

RES4Z-P1 Deferred Zoning:

To retain the Rural Zone provisions for the land identified on the District Planning Maps as Rural Zone (Deferred Residential 4 Zone) until a Council resolution has been passed that it is satisfied that the footpaths and Council's reticulated sewerage system have been extended in accordance with the relevant Concept Plan in **APP5 – Appendix 5 Concept Plans**. The Council accepts no responsibility for the costs involved in the extension of these services.

Explanation:

*The intended future use of the land in the Residential 4 Zone includes low-density residential development. However, until the extension of the reticulated sewerage services is carried out in accordance with the relevant Concept Plan in **APP5 – Appendix 5 Concept Plans**, the Rural Zone provisions will continue to apply. Footpaths are also a prerequisite for the Residential 4 Zone provisions. The comprehensive development of the reticulated sewerage services and the footpaths are necessary to ensure that the services are put in place in an efficient and effective manner and that landowners and developers can spread the costs equitably between them. The Council accepts no responsibility for the costs of extending the services.*

On-site wastewater management is not appropriate within this area of the City on properties with an area of less than two hectares. Therefore, before low-density residential development can occur the services will need to be available. A footpath along Retreat Road will provide for the safety of all road users and will ensure connectivity of infrastructure, linking future development within the area with the existing footpath network. As there is no immediate expectation that the road traffic speed will be reduced as a result of this zoning, providing a safe environment for alternative modes of transport will be important within this area.

~~*The development, operation, maintenance, upgrading and replacement of infrastructure is provided for in the Invercargill City Council Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure and require authorisation pursuant to that Bylaw. Infrastructure intended to be vested in Council ownership, unless otherwise approved, is required to be designed and constructed to meet the requirements of the Bylaw any relevant Council Code of Practice for Subdivision, Land Use, and Development.*~~

The removal of the deferred status and commencement of the Residential 4 Zone is effected by resolution of the Council when the required services have been provided to the satisfaction of the Council. At the date of the Council resolution, the District Plan will be amended without formality and the Residential 4 Zone will become operative. The Council will advise landowners when it has made a resolution.

RES4Z-P8 Infrastructure – Costs:

To require developers to pay for any extensions and connections to the Council's infrastructure services, and any consequential upgrades, at full cost to them and with no contribution from the Council.

Explanation:

The Council has no intention of paying for extensions or connections to its services within this zone. The developer will bear the responsibility of installing the required infrastructure and any consequential upgrades to that infrastructure. The infrastructure will be required to be constructed in accordance with the standards and procedures set out in ~~the any relevant Council's Bylaw 2016/1 Code of Practice for Subdivision, Land Use, and Development Land Development and Subdivision Infrastructure.~~

RES4Z-P9 Infrastructure – Reticulated Sewerage:

To require that new individual allotments with an area of less than two hectares in this zone connect to the Invercargill City Council reticulated sewerage system.

Explanation:

The overall density of development enabled in the Residential 4 Zone will not allow for the effective treatment and disposal of effluent on-site. As a consequence, development in the zone is required to connect to the Council's reticulated sewerage system where allotments are less than two hectares. The full costs of connecting to the sewerage system are the responsibility of the developer without any contribution from the Council. The reticulated sewerage infrastructure is required to be constructed in accordance with the standards and procedures set out in ~~the any relevant Council's Bylaw 2016/4 Code of Practice Subdivision, Land Use, and Development Land Development and Subdivision Infrastructure.~~

RES4Z-P10 Infrastructure – Water:

To encourage on-site water management in preference to extension of and connection to Council's reticulated water supply.

Explanation:

To manage the effects of activities on water quantity and on the Council's infrastructure, on-site water management solutions are favoured in preference to extending the Council's reticulated services and increasing demand on the District's finite water resource.

Connection to the Council's reticulated water supply is not a requirement for this zone nor can the Council guarantee that water supply will be available throughout the zone. The Council has no intention of extending water services to this area of the District. Developers will be responsible at cost to them, with no contribution from the Council, for any extensions and connections to the Council's reticulated water supply. Where water reticulation is installed as part of any development it is required to be constructed in accordance with the standards and procedures of ~~the any relevant Council's Bylaw 2016/4 Code of Practice for Subdivision, Land Use, and Development Land Development and Subdivision Infrastructure.~~

Garden irrigation and other domestic activities associated with large lot residential activities can lead to an increased demand for water. Where an activity is connected to the Council's water supply, on-site water collection and storage will be required to complement the reticulated service. Provision will also be required for the storage of water for fire fighting purposes.

RURAL ZONES

RURZ RURAL ZONE

RURZ-P6 Deferred Zoning:

To identify an area within the Rural Zone for an additional residential zone that will not become operative until a Council resolution has been passed that it is satisfied that the footpaths and Council's reticulated sewerage system have been extended in accordance with the relevant Concept Plan detailed in **APP5.7 – Appendix 5.7 Concept Plan – Retreat Road**. The Council accepts no responsibility for the costs involved in the extension of these services.

Explanation:

An area is identified on the District Planning Maps as Rural Zone (Deferred Residential 4 Zone). The intended future use of the land in this area includes low-density residential development. However, until the development of the reticulated sewerage services is complete, the Rural Zone provisions will continue to apply. Footpaths are also a prerequisite before the deferred status is removed for the Residential 4 Zone provisions. The comprehensive development of the reticulated sewerage services and the footpaths are necessary to ensure that the services are put in place in an efficient and effective manner and so that landowners and developers can spread the costs equitably between them. The Council accepts no responsibility for the costs of extending the services.

~~*The development, operation, maintenance, upgrading and replacement of infrastructure is provided for in the Invercargill City Council Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure and require authorisation pursuant to that bylaw. Infrastructure intended to be vested in Council ownership, unless otherwise approved, is required to be designed and constructed to meet the requirements of the Bylaw any relevant Council Code of Practice for Subdivision, Land Use, and Development.*~~

The removal of the deferred status and commencement of the Residential 4 Zone is effected by resolution of the Council when the required services have been provided to the satisfaction of the Council. At the date of the Council resolution, the District Plan will be amended without formality and the Residential 4 Zone will become operative. The Council will advise landowners when it has made a resolution.

RURZ-P7 Deferred Zone Infrastructure – Transportation:

Within the area identified on the District Planning Maps as Rural Zone (Deferred Residential 4 Zone), to provide for alternative modes of transport by methods such as requiring a footpath be developed along the length of the eastern side of Retreat Road in accordance with the relevant Concept Plan in **APP5 – Appendix 5 Concept Plans** prior to the zone becoming operative.

Explanation:

Within the area identified on the District Planning Maps as Rural Zone (Deferred Residential 4 Zone), there is no immediate expectation that the road traffic speed will be reduced, and therefore providing a safe environment for alternative modes of transport will be important within this area.

A footpath along Retreat Road will provide for the safety of all road users and will ensure connectivity of infrastructure, linking future development within the area with the existing footpath network. Similarly, a footpath linking the properties on McIvor Road with the existing development on Inverurie Drive will be required. The footpaths are to be

developed, at no cost to the Council, before low-density residential development can be considered.

~~The development, operation, maintenance, upgrading and replacement of infrastructure is provided for in the Invercargill City Council Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure and require authorisation pursuant to that bylaw.~~ Infrastructure intended to be vested in Council ownership, unless otherwise approved, is required to be designed and constructed to meet the requirements of ~~the Bylaw~~ any relevant Council Code of Practice for Subdivision, Land Use, and Development.

RURZ-P8 Deferred Zone Infrastructure – Reticulated Sewerage:

Within the area identified on the District Planning Maps as Rural Zone (Deferred Residential 4 Zone), to require that the Council's reticulated sewerage services be extended in accordance with the relevant Concept Plan in **APP5 – Appendix 5 Concept Plans** prior to the zone becoming operative.

Explanation:

On-site wastewater management is not appropriate within this area of the City on properties with an area of less than two hectares. Therefore, before low-density residential development can occur the Council's reticulated sewerage system will need to be available. To ensure equitable sharing of costs and to avoid sporadic development of the services, reticulated sewerage services shall be extended to the area identified as Rural Zone (Deferred Residential 4 Zone) before low-density residential development can be considered. The Concept Plan for the land within the Rural Zone (Deferred Residential 4 Zone) in **APP5.7 – Appendix 5.7 Concept Plan – Retreat Road** details where the reticulated sewerage services are to be installed to service the zone.

~~The development, operation, maintenance, upgrading and replacement of infrastructure is provided for in the Invercargill City Council Bylaw 2016/1 Code of Practice Land Development and Subdivision Infrastructure and require authorisation pursuant to that Bylaw.~~ Infrastructure intended to be vested in Council ownership, unless otherwise approved, is required to be designed and constructed to meet the requirements of ~~the Bylaw~~ any relevant Council Code of Practice for Subdivision, Land Use, and Development.

RURZ-P9 Deferred Zone Infrastructure – Costs:

Within the area identified on the District Planning Maps as Rural Zone (Deferred Residential 4 Zone), to require developers to pay for any extensions and connections to the Council's infrastructure services, and any consequential upgrades, at full cost to them and with no contribution from the Council.

Explanation:

The Council has no intention of paying for extensions or connections to its services within this area of the District. The developer will bear the responsibility of installing the required infrastructure and any consequential upgrades to that infrastructure before the development of this zone to allotments with an area of less than two hectares is provided for. The infrastructure, unless otherwise approved, will be required to be constructed in accordance with the standards and procedures set out in ~~the any relevant Council's Bylaw 2016/1 Code of Practice for Subdivision, Land Use, and Development Land Development and Subdivision Infrastructure~~ any relevant Council's Bylaw 2016/1 Code of Practice for Subdivision, Land Use, and Development.

DISTRICT WIDE MATTERS

ENERGY, INFRASTRUCTURE AND TRANSPORT

UTIL UTILITIES

General

UTIL-R1 Utilities are a permitted activity subject to the standards set out in **UTIL-R2 - UTIL-R23** below.

Note: ~~The development, operation, maintenance, upgrading and replacement of infrastructure is provided for in the Invercargill City Council Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure and may require authorisation pursuant to that bylaw.~~ Infrastructure intended to be vested in Council ownership, unless otherwise approved, is required to be designed and constructed to meet the requirements of ~~the Bylaw~~ any relevant Council Code of Practice for Subdivision, Land Use, and Development.

Note: Works undertaken within the legal boundaries of State Highways and other roads require the written approval of the New Zealand Transport Agency and the Invercargill City Council respectively.

SUBDIVISION

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.

SUB-R2 For applications under SUB-R1, the matters over which the Council shall exercise control are:

1. The provision of services, including adequate provision for on-site wastewater services when required
2. The need for bonds. The value of the bond shall be calculated at up to 1.5 times the value of the work being bonded
3. The impact of the subdivision on indigenous biodiversity.

SUB-R3 The following subdivision activities are restricted discretionary activities:

1. Within the Residential 1 Zone: Allotments of equal to or greater than 350m² but less than 400m² or more where:
 - a. Every allotment must be capable of containing an area with minimum dimensions of 15m x 15m
2. Within the Residential 1A Zone:

- a. Allotments of equal to or greater than 300m² where:
 - i. Every allotment must be capable of containing an area with minimum dimensions of 12m x 12m
- b. Allotments of equal to or greater than 200m² but less than 300m² where:
 - i. A land use consent under **RES1AZ-R34** to **RES1AZ-R336** has been granted, or is applied for concurrently with the subdivision consent; or
 - ~~ii. The subdivision does not create any vacant allotments.~~
 - ii. Each resultant allotment contains an existing residence (except that this rule does not provide for subdivision of a minor residential unit from a primary residence).¹

~~Advice Note:~~² Any application arising from **SUB-R3** is precluded from public notification but may be limited notified.

SUB-R34 Subdivision is a discretionary activity:

- 1. In the National Grid Corridor where the resulting allotment(s) are capable of accommodating a building platform that is wholly outside the National Grid Yard with the minimum dimensions of 20 metres by 20 metres
- 2. Other than as listed in **SUB-R1**, **SUB-R3**, **SUB-R67** and **SUB-R78**.

SUB-R45 For applications under **SUB-R3** the following are the matters over which the Council shall restrict its discretion; and for applications under **SUB-R34** above shall address the following matters which will be among those taken into account by the Council:

- 1. Integration with and effects on existing communities
- 2. Integration with and effects on the operation, maintenance, upgrading and development of infrastructure
- 3. Potential effects on the environment of land uses enabled by the subdivision
- 4. The extent to which the subdivision enables land uses which will maintain the life supporting capacity and productivity of the District's soils
- 5. Potential effects on any locally distinctive and valued natural features and landscapes of land uses enabled by the subdivision
- 6. Potential effects on any indigenous biodiversity, including effects on indigenous biodiversity that meets the criteria of **ECO-P1**
- 7. Potential effects on water quality or water quantity of land uses enabled by the subdivision, in particular:
 - a. Design of the proposed wastewater system, specifically:

¹ RMA, Schedule 1, Clause 16(2) amendment

² RMA, Schedule 1, Clause 16(2) amendment

- i. The efficiency and effectiveness of the wastewater systems proposed
 - ii. That adequate land area is available for the on-site disposal system and the required reserve areas for replacement effluent disposal fields
 - iii. Conveying surface water runoffs from roofs and other hard surfaces away from waste water disposal areas
 - iv. Providing sufficient clearance between waste water discharge pipes and the mean seasonal high water table
 - b. Design of proposed provision for stormwater disposal, specifically:
 - i. Efficiency and effectiveness of provisions proposed for stormwater
 - ii. That surface water runoff is controlled in such a way that it does not cause damage to wetlands/waterways and their margins
 - iii. That surface water runoff does not cause damage or nuisance to other properties
 - iv. The incorporation of low impact stormwater design features where practical to limit peak stormwater flows, reduce stormwater contamination and avoid adverse effects to other properties
- 8. Opportunities to create buffer areas adjacent to waterways to avoid adverse effects of activities on waterways and water quality
 - 9. Potential effects on the safety and efficiency of the transportation network of land uses enabled by the subdivision, in particular State Highways, limited access roads, and railway lines
 - 10. The extent to which the subdivision avoids or addresses reverse sensitivity issues associated with infrastructure including Transpower, State Highways, railways, the seaport and the airport
 - 11. The extent to which the subdivision addresses the relationship between Māori and their ancestral lands, sites, wāhi tapu and other taonga
 - 12. The extent to which the subdivision addresses any statutory acknowledgements
 - 13. The extent to which the subdivision acknowledges heritage values
 - 14. The extent to which the proposed subdivision will ~~help~~ achieve good urban design outcomes
 - 15. The extent to which the proposed subdivision retains and enhances public access to and along the coast and along the margins of streams and rivers
 - 16. The extent to which the proposed subdivision enables uses permitted in the Zone
 - 17. Contamination issues
 - 18. Conformity with any Concept Plan contained within the District Plan
 - 19. Natural Hazard issues

20. Whether the access is adequate to service the activities enabled by the subdivision, including compliance with Table 1 in **APP11-3** of **APP11 – Appendix 11 Transport Standards**
21. In addition to the matters specified in **SUB-R45.1** to **SUB-R45.19** above, applications made under **SUB-R34** above for sites in the Industrial 4 Zone shall also address the following matters:
- a. Provision to be made for the ongoing supply of water to the site
 - b. Provision to be made for the treatment and disposal of sewage tradewaste and stormwater from the site
 - c. The extent to which wetland and indigenous vegetation values will be protected and enhanced on the site
 - d. Provision to be made for landscaping associated with future use of the site, and the extent to which this is consistent with the Concept Plan in **APP5 – Appendix 5 Concept Plans**
 - e. Provision to be made for the protection of any heritage or archaeological values on the site
 - f. Providing suitable ground conditions for the erection of any buildings on the site
 - g. Provision for any upgrading of the Colyer Road / State Highway 1 intersection arising from any increased use by traffic accessing the site via that intersection
 - h. Provision to be made for water drainage corridors
 - i. Provision to be made for road and rail transport corridors
 - j. Provision for street lighting
 - k. Setting aside as Local Purpose Reserve areas shown on the Concept Plan attached in **APP5 – Appendix 5 Concept Plans**:
 - i. Areas less than 3 metres above mean sea level; and
 - iii. Riparian areas adjoining waterways as shown on the Concept Plan attached in **APP5 – Appendix 5 Concept Plans**, as Local Purpose Reserve.
22. In addition to the matters specified in **SUB-R45.1** to **SUB-R45.19** above, applications made under **SUB-R34** above for sites located inside the Outer Control Boundary or Single Event Sound Exposure Boundary shall also address the following matter:
- a. The extent to which evidence has been provided of a legally binding commitment (acceptable to the relevant Airport Authority) on behalf of the applicant and any successors in title not to complain as to current or potential effects associated with the operation of the airport resource and/or to waive all rights of action under the Resource Management Act 1991 or otherwise at law against the Airport. A legally binding commitment may take the form of a restrictive non-compliant covenant or memorandum of encumbrance entered against the title to the property.

Note: Applications under **SUB-34** will be notified to Invercargill Airport Limited as an affected party where the subdivision is located, in part or in full, within the Invercargill Airport Outer Control Boundary or the Single Event Sound Exposure Boundary.

National Grid Corridor

SUB-R56 Where subdivision is within the National Grid Corridor the following matters will be among those taken into account by the Council:

1. The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the *New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001)*
2. The results of consultation undertaken, including any written advice obtained, from the owner of the electricity transmission line
3. The extent to which the subdivision or subsequent building location mitigates the effects of the transmission lines and the risk of potential injury and/or damage to property, for example through the location of roads and reserves under the route of the transmission lines
4. The ability for continued access to the National Grid for maintenance, inspections and upgrading
5. The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid to ensure adverse effects on and from the National Grid and on public safety are appropriately avoided, remedied or mitigated
6. The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid.

Protected Areas and Minimum Lot Sizes

SUB-R67 Subdivision is a non-complying activity where it would create lots as follows:

1. Within areas identified on the District Planning Maps as outstanding landscapes and natural features
2. Within areas identified on the District Planning Maps as containing significant indigenous biodiversity
3. Within the Airport Protection Zone: Allotments of less than 15 hectares
4. Within the Industrial 3 Zone: Allotments of less than one hectare
5. Within the Industrial 4 Zone: Allotments of less than one hectare and which do not comply with the concept plan in **APP5 – Appendix 5 Concept Plans**
6. Within the Otatara Zone: Allotments of less than one hectare (if not connected to the Council's reticulated sewerage system) or 4,000m² (if connected to the Council's reticulated sewerage system)

Or

Allotments of less than one hectare and within the Outer Control Boundary or the Single Event Sound Exposure Boundary

7. Within the Residential 1 Zone: ~~Allotments of less than 350m²~~

~~Or~~

~~— Allotments of less than 500m² and within the Outer Control Boundary or the Single Event Sound Exposure Boundary~~

8. ~~Within the Residential 1A Zone: Allotments of less of 350m² where resource consent and a Code Compliance Certificate have not been issued for a dwelling as part of a medium density housing development~~

- ~~98.~~ Within the Residential 2 Zone: Allotments of less than 750m²

- ~~109.~~ Within the Residential 3 Zone: Allotments of less than 1,500m²

- ~~140.~~ Within the Residential 4 Zone: Allotments of less than 2 hectares (if not connected to the Council's reticulated sewerage system) or 4,000m² (if connected to the Council's reticulated sewerage system)

- ~~121.~~ Within the Rural Zone: Allotments of less than 2 hectares

- ~~132.~~ Within the National Grid Corridor that cannot comply with **SUB-R34.1**.

Note: Applications under **SUB-R67.6** and **SUB-R67.7** will be notified to Invercargill Airport Limited as an affected party where the subdivision is located, in part or in full, within the Outer Control Boundary or the Single Event Sound Exposure Boundary.

Subdivision in Areas Subject to Inundation

SUB-R78 Where it is proposed to subdivide land in an area identified on the District Planning Maps as being subject to Level 2, 2A or 3 inundation, every subdivision plan shall show a building platform and, where applicable, effluent disposal area and reserve area that are hazard free. Where it is not possible to show a building platform and (where applicable) an effluent disposal area and a reserve effluent disposal area that are hazard free, then the subdivision is a non-complying activity.

Esplanade Strips

SUB-R89 Esplanade reserves will not be required.

SUB-R910 Esplanade strips shall not be greater than 20 metres wide.

SUB-R1011 Allotments less than four hectares: Where an allotment of less than four hectares is created when land is subdivided adjacent to a river 3 metres or greater in width or the coastal marine area, an esplanade strip up to 20 metres in width will be required within the allotment along the bank of the river or along the mark of mean high water springs of the sea as that case may be.

SUB-R1142 Allotments greater than four hectares: Where an allotment of greater than four hectares is created, and when land is subdivided adjacent to a river 3 metres or greater in width or the coastal marine area, Council will require an esplanade strip in the following circumstances:

1. Where reserves already exist adjacent to or in the general vicinity of the subdivision and the acquisition of an esplanade strip would complement or increase the width of that land already in public ownership
2. On any water body where such a strip or reserve may be necessary to provide for the purposes set out in Section 229 of the Resource Management Act 1991.

SUB-R1~~23~~ Esplanade strips will not be required in relation to the Seaport 1 Zone and the Smelter Zone.

Te Puawai Masterplan

SUB-R1~~34~~ The preparation of a Masterplan for the Te Puawai Outline Development Plan is a controlled activity.

SUB-R1~~45~~ For a Masterplan for the Te Puawai Outline Development Plan prepared under Rule **SUB-R1~~34~~** 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 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-R1~~56~~ Subdivision of land within the Te Puawai Outline Development Plan area which is not in accordance with a Masterplan prepared under **SUB-R~~34~~** is a non-complying activity.

GENERAL DISTRICT-WIDE MATTERS

SOIL SOILS, MINERALS AND EARTHWORKS

Earthworks and Mineral Extraction

- SOIL-R1** Except for within the National Grid Yard, **SOIL-R2** to **SOIL-R8** do not apply to:
1. Land and activities in the Smelter Zone, Seaport 1 and 2 Zones or Industrial 1, 2, 2A, 3 and 4 Zones
 2. The movement, deposition or removal of material when it is a necessary consequence of building a structure for which a building consent has been obtained on that site
 - ~~3. The removal and deposition of material for the purposes of work in compliance with Council's Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure.~~
 - ~~43.~~ The movement, deposition or removal of material for the purpose of forming hard surfaces such as accessways and paths
 - ~~54.~~ The cultivation of land
 - ~~65.~~ The construction, maintenance and upgrading of utilities as provided for by **Part Three – UTIL Utilities**
 - ~~76.~~ The movement, deposition or removal of material associated with the removal and replacement of underground petroleum storage systems.
- 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**:
1. Activities associated with the construction, operation, maintenance, repair and upgrading of utilities not provided for by ~~**SOIL-R1.3**~~ and ~~**SOIL-R1.65**~~.

AREA SPECIFIC MATTERS

RESIDENTIAL ZONES

RES1Z RESIDENTIAL 1 ZONE

RES1Z-R1 Permitted Activities:

The following are permitted activities in the Residential 1 Zone:

1. Educational Activity on sites listed in **APP10 – Appendix 10 Educational Activity (Existing)**
2. Home Occupation
3. Home Stay
4. Residential Activity
5. Residential Care Activity limited to a maximum of eight persons.

RES1Z-R2 Discretionary Activities:

The following are discretionary activities in the Residential 1 Zone:

1. Agriculture
2. Commercial Recreation Activity
3. Communal Activity
4. Early Childhood Education and Care Centre
5. Educational Activity other than those on sites listed in **APP10 – Appendix 10 Educational Activity (Existing)**
6. Essential Services
7. Habilitation Centre
8. Healthcare Activity
9. Hospital Activity
10. Marae Activity
11. Residential Care Activity for nine or more persons
12. Visitor Accommodation.

RES1Z-R3 Non-complying Activities:

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

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

RES1Z-R4 Prohibited Activities:

The following are prohibited in the Residential 1 Zone:

1. Within those areas identified on the District Planning Maps as being within the Outer Control Boundary or the Single Event Sound Exposure Boundary, new Noise Sensitive Activities or alterations or additions to existing buildings containing Noise Sensitive Activities which do not comply with the specifications contained in **APP15 – Appendix 15 Noise Sensitive Insulation Requirements**.

Note: For those areas of the Residential 1 Zone located within the Invercargill Airport Outer Control Boundary or Single Event Sound Exposure Boundary, attention is drawn to the relevant objectives, policies and rules relating to the management of potential reverse sensitivity effects on Invercargill Airport.

Residential Density

RES1Z-R5 The maximum residential density is:

1. One residence per 400m² under contiguous ownership
2. One residence per Record of Title existing as at 29 October 2016 where the site is less than 400m².

RES1Z-R6 Where the residential density is one residence on a site equal to or greater than 350m² but less than 400m² and under contiguous ownership then it is a restricted discretionary activity.

~~Advice Note:~~³ Any application arising from this rule is precluded from public notification but may be limited notified.

RES1Z-R7 Where the residential density is one residence on a site less than 350m² under contiguous ownership then it is a non-complying discretionary activity.

RES1Z-R8 For applications under RES1Z-R6 the following are the matters over which the Council shall restrict its discretion; and for applications under RES1Z-R7 above shall address the following matters, which will be among those taken into account by the Council:

1. Provision of private open space
2. Incidence of daylight and sunlight
3. *[Removed as directed by the National Policy Statement on Urban Development 2020, 11 May 2021]*
4. Effects of the proposal on the incidence of daylight and sunlight on adjoining properties
5. Effects of the proposal on stormwater flows
6. The extent to which the development achieves good urban design outcomes

7. Risk from natural hazards⁴

Outdoor Living

³ RMA, Schedule 1, Clause 16(2) amendment

⁴ Environment Southland (11.06)

- RES1Z-R9** Residences at or near ground level: A designated area of outdoor living space is to be provided as follows:
1. The space shall be sufficiently large to accommodate a horizontal circle with diameter 5 metres
 2. Minimum area 30m²
 3. The space shall be free of all buildings except for conservatories.
- Provided that this space shall not form part of areas shown on the site plan as being for vehicle parking or manoeuvring.
- RES1Z-R10** Residences located one storey above the ground floor: A balcony is to be provided as follows:
1. Minimum area 15m²
 2. Minimum horizontal dimension 2.5 metres.
- RES1Z-R11** Where an activity does not comply with **RES1Z-R9** and/or **RES1Z-R10** above, the activity is a discretionary activity.
- RES1Z-R12** Applications under **RES1Z-R11** above shall address the following matters, which will be among those taken into account by the Council:
1. The extent to which practicable outdoor living is achieved
 2. The extent to which the development incorporates qualities of good urban design.

Space Around Buildings

- RES1Z-R13** A yard at least 2 metres deep shall be provided along each of the two northernmost boundaries of the site. These yards may include part of the outdoor living space required under **RES1Z-R9** or **RES1Z-R10**.
- Except that accessory buildings no greater than 6 metres in length along the boundary may be located within these yards.
- RES1Z-R14** A yard at least 4 metres deep shall be provided along all side and rear boundaries of any non-residential activity.
- RES1Z-R15** Where an activity does not comply with **RES1Z-R13** and/or **RES1Z-R14**, the activity is a discretionary activity.
- RES1Z-R16** Applications under **RES1Z-R15** above shall address the following matters, which will be among those taken into account by the Council:
1. Access to daylight and sunlight
 2. Effects on amenities of neighbouring properties, including privacy
 3. The extent to which the development incorporates qualities of good urban design.

Note: See Infogram 3 for definition of the northernmost boundaries.

Site Coverage

- RES1Z-R17** Maximum coverage of all buildings on the site shall not exceed 40% of net site area.

- RES1Z-R18** Where the coverage of all buildings on the site exceeds 40% but does not exceed 45% of the net site area then it is a discretionary activity.
- RES1Z-R19** Where the coverage of all buildings on the site exceeds 45% of the net site area it is a non-complying activity
- RES1Z-R20** Applications under **RES1Z-R18** and **RES1Z-R19** above shall address the following matters, which will be among those taken into account by the Council:
1. The extent of impermeable surfaces which must be drained via the City's stormwater collection system
 2. The extent to which solar gain to the living areas is achieved
 3. The extent to which practicable outdoor living is achieved
 4. The extent to which the development achieves good urban design outcomes.

Height of Structures

- RES1Z-R21** 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: 10 metres
 2. Recession plane: Infogram 2 applies.
- RES1Z-R22** Where any activity does not comply with **RES1Z-R21** above, the activity is a restricted discretionary activity.

RES1Z-R23 For applications under RES1Z-R22, the⁵ matters over which the Council shall exercise its discretion are:

1. Reasons for the building or structure height
2. The compatibility of the proposed building or structure with the scale of development and character of the local area
3. The degree of overshadowing of neighbouring properties
4. The degree of overlooking of neighbouring properties
5. The ability to mitigate any adverse effects of the increase in building or structure height.

Permeable Surfaces

- RES1Z-R2324** The minimum area of permeable surface is 30% of the gross site area.
- RES1Z-R2425** Where the area of permeable surface is to be less than 30% of the gross site area, then the activity is a discretionary activity.
- RES1Z-R2526** Applications under **RES1Z-R24R25** above shall address the following matters, which will be among those taken into account by the Council:
1. Alternative methods of slowing stormwater runoff from the site

⁵ RMA, Schedule 1, Clause 16(2) amendment

2. Measures to address the effects of stormwater contamination.

Retirement Villages

RES1Z-R2627 Retirement villages within 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 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 1 metre, 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 1.8m 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 not be 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 regards 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 adequate levels of internal natural light and ventilation.

RES1Z-278 Where a retirement village does not comply with the performance standards in **RES1Z-26R27** the activity is a discretionary activity.

RES1AZ RESIDENTIAL 1A (MEDIUM DENSITY) ZONE

RES1AZ-R1 ~~RES1Z-R1 to RES1Z-R425, which apply in the Residential 1 Zone, also apply in the Residential 1A Zone, except that RES1Z-R5 to RES1Z-R8 do not apply in instances where applications are made pursuant to RES1AZ-R2.~~

~~**RES1AZ-R2** Medium Density Housing developments are a discretionary activity on sites with a combined area of 2,000m² or more in contiguous ownership prior to development.~~

Residential Density

~~**RES1AZ-R2** For sites within the Riverine Inundation Level 1 Overlay, Rules RES1Z-R5 to RES1Z-R8 apply instead of Rules RES1AZ-R3 to RES1AZ-R8.~~⁶

~~**RES1AZ-R23** The maximum residential density is one residence per 300m² under contiguous ownership.~~

~~**RES1AZ-R34** Where the residential density is one residence per 200m² to 299m², under contiguous ownership, then it is a restricted discretionary activity.~~

~~**Advice Note:**⁷ Any application arising from this rule is precluded from public notification but may be limited notified.~~

~~**RES1AZ-R45** Where the residential density is one residence per 199m² or less, under contiguous ownership, then it is a discretionary activity.~~

~~Any application arising from this rule is precluded from public notification but may be limited notified.~~

Number of Residences Per Site

~~**RES1AZ-R56** The maximum number of permitted residences per site is 3.~~

~~**RES1AZ-R67** 4 or more residences per site is a restricted discretionary activity.~~

~~**Advice Note:**⁸ Any application arising from this rule is precluded from public notification but may be limited notified.~~

~~**RES1AZ-R378** For applications under RES1AZ-R134 and/or⁹ R67 the following are the matters over which the Council shall restrict its discretion; and for applications under RES1AZ-R45 above shall address the following matters, which will be among those taken into account by the Council:~~

~~1. The extent to which the application achieves good urban design outcomes, including in relation to:~~

~~1.——Neighbourhood character~~

~~2.——Connectivity~~

~~3.——Site layout~~

~~4.——Building location~~

⁶ Environment Southland (11.06)

⁷ RMA, Schedule 1, Clause 16(2) amendment

⁸ RMA, Schedule 1, Clause 16(2) amendment

⁹ RMA, Schedule 1, Clause 16(2) amendment

- ~~5. Relationship to neighbouring buildings~~
- ~~6. Visual and acoustic privacy~~
- ~~7. Access to solar gain~~
- ~~8. Car parking and vehicle access~~
- ~~9. On-site outdoor space~~
- ~~10. Entries to buildings~~
- ~~11. Outdoor storage and accessory buildings~~
- ~~12. Landscaping~~
 - a. Neighbourhood context
 - b. Site layout
 - c. Building design, including consideration of universal design
 - d. Entries to buildings
 - e. Visual and acoustic privacy
 - f. Outdoor living space
 - g. Access and parking
 - h. Landscape treatment
 - i. Site facilities

- ~~2. 13. The provision of infrastructure, including the capacity of existing networks to accommodate the proposed development.~~¹⁰ quantum of impermeable surface and measures undertaken to address stormwater issues
- ~~3. Vehicle access and traffic impacts.~~
- 4. Risk from natural hazards.¹¹

Outdoor Living

RES1AZ-R89 Residences at or near ground level: A designated area of outdoor living space is to be provided as follows:

- 1. Has no dimension less than: 3m
- 2. Minimum area of a single contiguous space: 20m²
- 3. The space shall be directly accessible from a habitable room

¹⁰ Fire and Emergency New Zealand (15.01)

¹¹ Environment Southland (11.06)

4. The space shall be free of all parking spaces, servicing areas, manoeuvring areas, and buildings, except for accessory buildings of no more than 3m² or conservatories, where the total combined area of accessory buildings and conservatories is no more than 8m² and the space free of buildings has no dimension less than 3m.

RES1AZ-R~~9~~10 Residences located one or more stories above the ground floor: A balcony is to be provided as follows:

1. Minimum area of a single contiguous space: 8m²
2. Minimum horizontal dimension: 1.8m
3. The balcony shall be directly accessible from a habitable room

RES1AZ-R~~40~~11 Where an activity does not comply with **RES1AZ-R~~8~~9** and/or **RES1AZ-R~~9~~10** above, the activity is a restricted¹² discretionary activity.

RES1AZ-R12 For applications under **RES1AZ-R11** ~~the~~¹³ matters over which the Council shall exercise its discretion are:

1. The extent to which practicable outdoor living is achieved
2. Access to acceptable levels of daylight and sunlight
3. The extent to which a designated outdoor living space not meeting **RES1AZ-R~~8~~9** and/or **RES1AZ-R~~9~~10** is mitigated by communal outdoor living space, where this is proposed
4. The extent to which the development achieves good urban design outcomes¹⁴

~~**RES1AZ-R11** Applications under **RES1AZ-R10** above shall address the following matters, which will be among those taken into account by the Council:~~

- ~~1. The extent to which practicable outdoor living is achieved~~
- ~~2. Access to acceptable levels of daylight and sunlight~~
- ~~3. The extent to which a designated outdoor living space not meeting **RES1AZ-R8** and/or **RES1AZ-R9** is mitigated by communal outdoor living space~~
- ~~4. The extent to which the development achieves good urban design outcomes¹⁵~~

Space Around Buildings

RES1AZ-R~~42~~13

1. A yard at least 2 metres deep shall be provided along the front (road) boundary of the site
2. A yard of at least 1.5 metre deep shall be provided along all other boundaries of the site¹⁶, except that the setback from the side and rear boundary may be reduced to 1m for single storey garages (stand-alone and attached) and carports that are no greater than 6m in length (as measured parallel to the boundary).

These yards may include part of the outdoor living space required under **RES1AZ-R~~8~~9** or **RES1AZ-R~~9~~10**. Except that **RES1AZ-R~~42~~13** does not apply to common walls.

¹² Kāinga Ora (16.25)

¹³ RMA, Schedule 1, Clause 16(2) amendment

¹⁴ Kāinga Ora (16.25)

¹⁵ Kāinga Ora (16.25)

¹⁶ Kāinga Ora (16.26)

~~RES1AZ-R4314~~ A yard at least 4 metres deep shall be provided along all side and rear boundaries of any site containing a non-residential activity.

~~RES1AZ-R4415~~ Where an activity does not comply with ~~RES1AZ-R4213~~ or ~~RES1AZ-R4314~~, the activity is a discretionary activity.

~~RES1AZ-R4516~~ Applications under ~~RES1AZ-R4415~~ above shall address the following matters, which will be among those taken into account by the Council:

- ~~1. Access to daylight and sunlight within buildings and outdoor living spaces on the site and on neighbouring properties~~
- ~~2. Effects on amenities of neighbouring properties, including privacy~~
- ~~3. The extent to which the development achieves good urban design outcomes.~~

Site Coverage

~~RES1AZ-R4617~~ Maximum coverage of all buildings on the site shall not exceed 45% of net site area.

~~RES1AZ-R4718~~ Where an activity does not comply with ~~RES1AZ-R4617~~, the activity is a restricted discretionary activity. ~~the coverage of all buildings on the site exceeds 45% but does not exceed 50% of the net site area then it is a discretionary activity.~~

~~RES1AZ-R19~~ For applications under ~~RES1AZ-R18~~ ¹⁷ ~~the~~ matters over which the Council shall exercise its discretion are:

- ~~1. Effects on on-site amenity for residents~~
- ~~2. Effects on amenity values of adjoining sites including visual dominance and access to sunlight and daylight~~
- ~~3. Effects on character and amenity of the streetscape~~
- ~~4. The extent to which the development achieves good urban design outcomes~~
- ~~5. Effects relating to stormwater management.~~ ¹⁸

~~RES1AZ-R18~~ Where the coverage of all buildings on the site exceeds 50% then it is a non-complying activity. ¹⁹

~~RES1AZ-R19~~ Applications under ~~RES1AZ-R17~~ or ~~RES1AZ-R18~~ above shall address the following matters, which will be among those taken into account by the Council:

- ~~1. The extent of impermeable surfaces which must be drained via the City's stormwater collection system~~
- ~~2. The extent to which solar gain to the indoor living areas is achieved~~
- ~~3. The extent to which practicable outdoor living is achieved~~
- ~~4. The extent to which the development achieves good urban design outcomes~~
- ~~5. Effects of the proposal on the incidence of daylight and sunlight on the site and on adjoining properties~~ ²⁰

Height of Buildings and Structures

¹⁷ RMA, Schedule 1, Clause 16(2) amendment

¹⁸ Kāinga Ora (16.27)

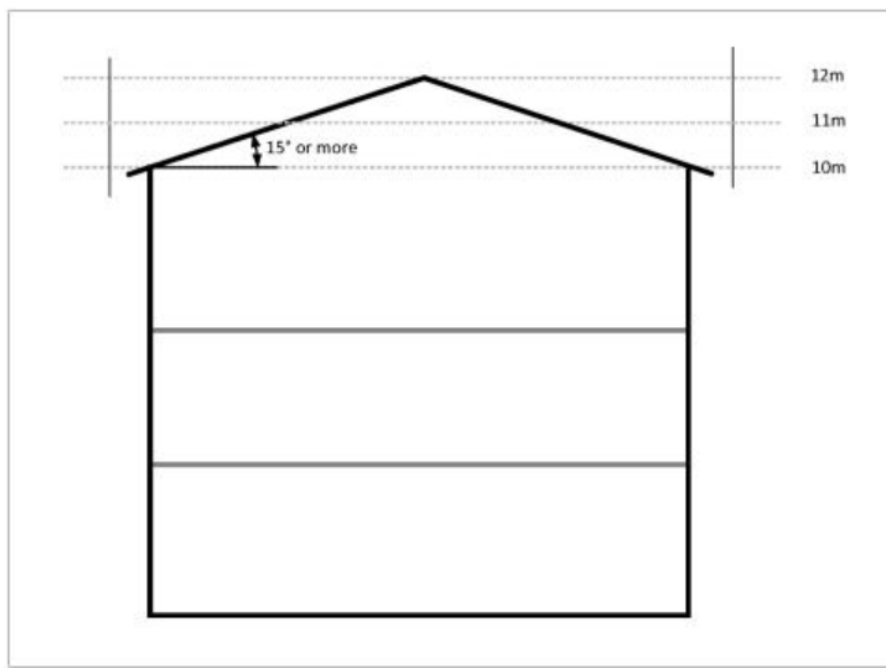
¹⁹ Kāinga Ora (16.27)

²⁰ Kāinga Ora (16.27)

RES1AZ-R20 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: 11 metres, except:

- a. That 50% of a building's roof in elevation, measured vertically from the junction between the wall and the roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more, as shown in the diagram below.



2. Recession planes:

Infogram 2 applies, except:

- a. The recession plane angles start at 4 metres above ground level
b. The recession plan angle on northern, eastern and western boundaries shall be 60°, and on southern boundaries shall be 45°
c. The recession plane shall not apply to road boundaries, common walls, or where the boundary adjoins a public open space or commercial zone
d. Where the boundary adjoins an access, the height recession shall be taken from the furthest side of the access

RES1AZ-R21 Where any activity does not comply with RES1AZ-R20 above, the activity is a restricted discretionary activity.

RES1AZ-R22 For applications under RES1AZ-R21 the²¹ matters over which the Council shall exercise its discretion are:

1. Reasons for the building or structure height

²¹ RMA, Schedule 1, Clause 16(2) amendment

2. The compatibility of the proposed building or structure with the scale of development and anticipated character of the local area
3. The degree of overshadowing of neighbouring properties
4. The degree of overlooking of neighbouring properties
5. The ability to mitigate any adverse effects of the increase in building or structure height

Permeable Surfaces

RES1AZ-R~~22~~23 The minimum area of permeable surface is 30% of the gross site area.

RES1AZ-R~~23~~24 Where the area of permeable surface is to be less than 30% of the gross site area, then the activity is a discretionary activity.

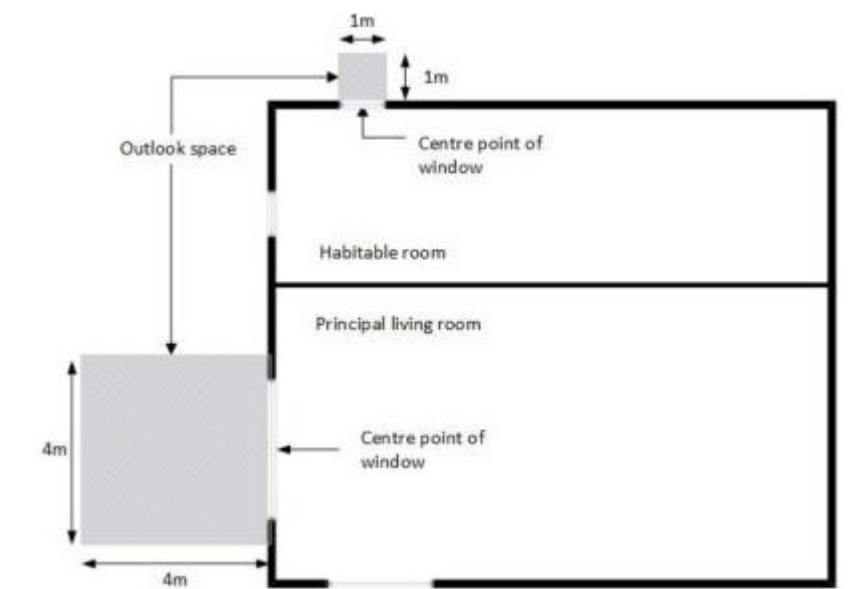
RES1AZ-R~~24~~25 Applications under **RES1AZ-R~~23~~24** above shall address the following matters, which will be among those taken into account by the Council:

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

Outlook and Glazing

RES1AZ-R~~25~~26 All habitable rooms shall have minimum outlook space of at least:

1. 4m in depth and 4m in width, for principal living rooms
2. 1m in depth and 1m in width, for other habitable rooms



RES1AZ-R~~26~~27 Outlooks spaces must:

1. Be measured from the centre point of the largest window of the habitable room
2. Be clear and unobstructed by buildings and not extend over an outlook space or outdoor living space required by another residence

~~RES1AZ-R27-28~~ For activities that do not comply with ~~RES1AZ-R2526~~ and/or ~~RES1AZ-R2627~~, the activity is a restricted discretionary activity.

~~RES1AZ-R29~~ For applications under ~~RES1AZ-R28~~ the²² matters over which the Council shall exercise its discretion are:

1. The ability of the affected habitable room to receive daylight
2. The extent to which habitable rooms have an outlook and sense of space
3. The extent to which visual privacy is provided between habitable rooms of different residential units, on the same or adjacent sites
4. The extent to which the development achieves good urban design outcomes

~~RES1AZ-R2830~~ Street facing units must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.

~~RES1AZ-R2931~~ For activities that do not comply with ~~RES1AZ-R2830~~, the activity is a restricted discretionary activity.

~~RES1AZ-R32~~ For applications under ~~RES1AZ-R31~~ the²³ matters over which the Council shall exercise its discretion are:

1. The extent to which the development achieves good urban design outcomes, including whether the development provides an active frontage which positively engages with the street, contributing to a visually interesting, vibrant and safe neighbourhood.

Fencing

~~RES1AZ-R3033~~ The maximum height of a fence along a road boundary must be:

1. 1.2m where the fence is less than 50% visually permeable
2. 1.8m where the fence is more than 50% visually permeable

~~RES1AZ-R3434~~ For all other fences the maximum height shall be 1.8 metres, except:

1. Along a public open space boundary, and
2. Along an internal pedestrian or vehicle accessway

Where any fencing above 1.2m should be 50% visually permeable to maximum 1.8m

~~RES1AZ-R3235~~ For activities that do not comply with ~~RES1AZ-R3033~~ and/or ~~RES1AZ-R3434~~, the activity is a restricted discretionary activity.

~~RES1AZ-R36~~ For applications under ~~RES1AZ-R35~~ the²⁴ matters over which the Council shall exercise its discretion are:

1. The extent to which the proposal will detract from the coherence, openness and attractiveness of the site as viewed from the street
2. The ability to provide passive surveillance of the street

²² RMA, Schedule 1, Clause 16(2) amendment

²³ RMA, Schedule 1, Clause 16(2) amendment

²⁴ RMA, Schedule 1, Clause 16(2) amendment

RES3Z RESIDENTIAL 3 (LARGE LOT) ZONE

RES3Z-R19

...

Services

Note: Any extension of, and connection to, Council's infrastructure will be required to be require authorisation pursuant to the Invercargill City Council Bylaw 2016/4 in accordance with any relevant Council Code of Practice for Subdivision, Land Use, and Development Land Development and Subdivision Infrastructure.

RES4Z RESIDENTIAL 4 (RESIDENTIAL TRANSITION) ZONE

RES4Z-R19

...

Services

Note: The developer will be responsible for costs of any extension of, and connection to, Council's infrastructure. Extensions and connections will be required to be require authorisation pursuant to the Invercargill City Council Bylaw 2016/4 in accordance with any relevant Council Code of Practice for Subdivision, Land Use, and Development Land Development and Subdivision Infrastructure.

APP11 APPENDIX 11 – TRANSPORT STANDARDS

APP11-1 Car Parking Standards:

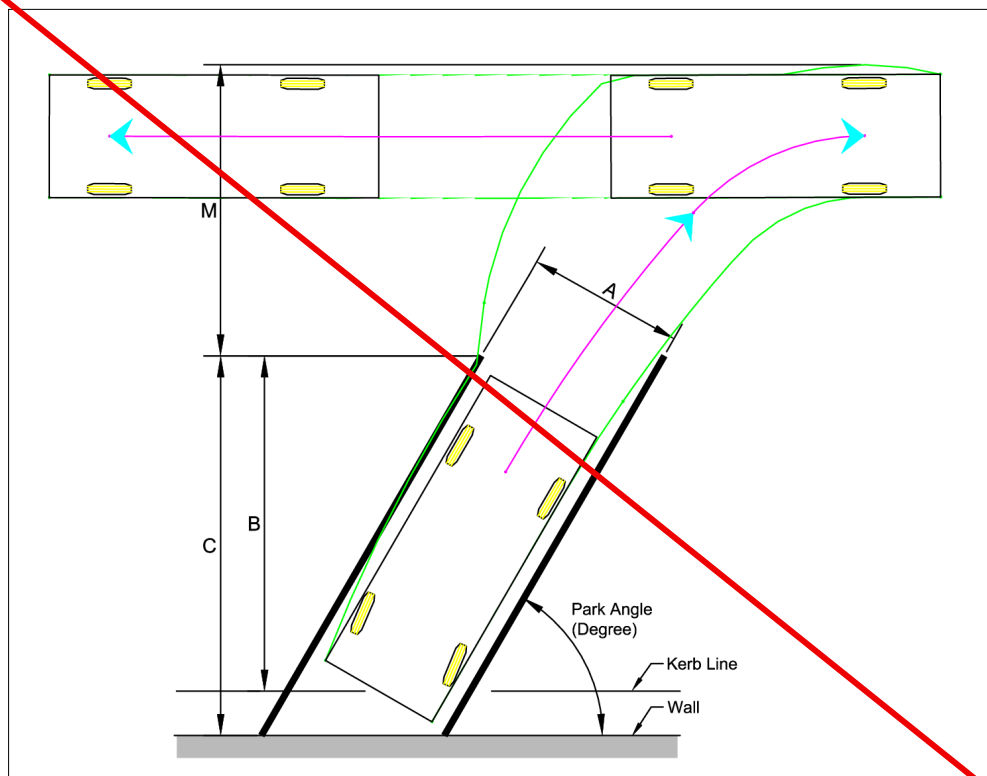
Notes:

1. *On-road parking requirements: On-road parking spaces are not detailed in the Invercargill City District Plan ~~and are to be designed, constructed and signposted in accordance with~~ The Invercargill City Council Bylaw Code of Practice for Subdivision, Land Use, and Development establishes the standards for the design, construction and signposting of on-road parking spaces. ~~Land Development and Subdivision Infrastructure.~~*
2. *Accessible car parking spaces: Accessible car parking spaces are not detailed in the Invercargill City District Plan and are to be calculated, designed, constructed and signposted in accordance with the requirement in the New Zealand Building Code.*

Car Parking Areas:

1. Car parking spaces shall comply with Figure 1 and Table 1.
2. Gradient: The gradient of car parking spaces shall be no more than 1 in 20 in any one direction.
3. Where the required parking area is outside the building, it shall connect to the building via a pedestrian access route.

Figure 1



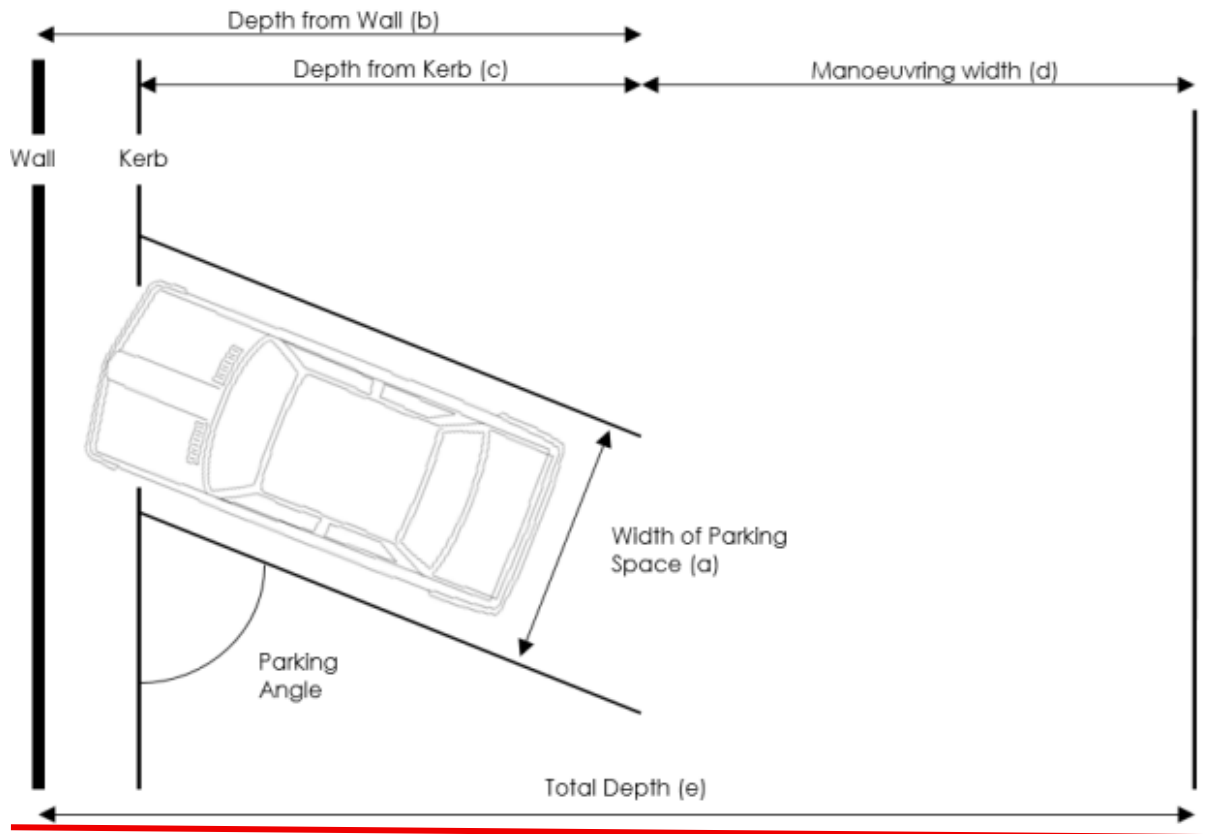


Table 1: Car Park Dimensions

ANGLE DEGREE	A	B	C	M	B + M	C + M
0	2.3	2.3	2.3	3.0	5.3	5.3
30	2.5	4.5	4.9	2.9	7.4	7.8
45	2.5	5.1	5.6	3.7	8.8	9.3
60	2.5	5.3	6.0	4.6	9.9	10.6
90	2.5	4.8	5.4	5.8	10.6	11.2

Note: Maximum kerb height = 150mm

Type of Parking		Stall Width (a)	Stall Depth		Manoeuvr Width (d)	Total Depth (e)	
			From wall (b)	From kerb (c)		One row	Two rows
Parking Angle	Type	ALL MEASUREMENTS ARE IN METRES					
90°	Nose in	2.4	5.1	4.1	7.9	13.0	18.1
		2.5			7.6	12.7	17.8
		2.6			7.2	12.3	17.4
		2.7			6.8	11.9	17.0
75°	Nose in	2.4	5.4	4.4	6.4	11.8	17.3
		2.5			5.8	11.2	16.6
		2.6			5.2	10.6	16.0
		2.7			4.6	10.0	15.4
60°	Nose in	2.4	5.4	4.5	4.5	9.9	15.3
		2.5			4.2	9.6	15.0
		2.6			3.9	9.3	14.7
		2.7			3.6	9.0	14.4
45°	Nose in	2.4	5.0	4.2	3.6	8.6	13.6
		2.5			3.5	8.5	13.5
		2.6			3.4	8.4	13.4
		2.7			3.3	8.3	13.3
30°	Nose in	2.4	4.3	3.7	3.0	7.3	11.6
		2.5					
		2.6					
		2.7					
0°	Parallel	2.5	Stall length 6.0 m		3.7	6.2	8.7

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, 1B and 2 Zones			
Number of Lots	2-3	4-6	7+
Minimum Width	3.6 metres	4.5 metres	9 metres
Formed Movement lane	3 metres (sealed 5 metres in from property boundary)	3 metres (sealed 5 metres in from property boundary)	6 metres (sealed 5 metres in from property boundary)
Drainage	Interceptor sump required where more than 40m ² of impermeable area is graded towards the street.	Interceptor sump required where more than 40m ² of impermeable area is graded towards the street.	Interceptor sump required where more than 40m ² of impermeable area is graded towards the street.
Passing Bays	-	-	Every 50m, as set out in Figure 1.
Turning Heads	-	-	As set out in Figure 2.
Footpaths	-	-	Single sided, 1.5m width for concrete or 1.8m width for asphalt.
Lighting	-	-	Constructed and designed in accordance with Class P4 of AS/NZS 1158.

Residential 3 Zone			
Number of Lots	1-3	4-6	7+
Minimum Width	4 metres	4.5 metres	9 metres
Formed Movement lane	3 metres (sealed 5 metres in from property boundary)	3 metres (sealed 5 metres in from property boundary)	6 metres (sealed 5 metres in from property boundary)
Drainage	Interceptor sump required where more than 40m ² of impermeable area is graded towards the street.	Interceptor sump required where more than 40m ² of impermeable area is graded towards the street.	Interceptor sump required where more than 40m ² of impermeable area is graded towards the street.
Passing Bays	-	-	Every 50m, as set out in Figure 1.
Turning Heads	-	-	As set out in Figure 2.
Footpaths	-	-	Single sided, 1.5m width for concrete or 1.8m width for asphalt.

Residential 3 Zone			
Number of Lots	1-3	4-6	7+
Minimum Width	4 metres	4.5 metres	9 metres
Lighting	-	-	Constructed and designed in accordance with Class P4 of AS/NZS 1158.

Residential 4, Rural 1, 2, and Otatara Zones			
Number of Lots	2-6	7+	
Minimum Width	6 metres	9 metres	
Formed Movement lane	In accordance with Figure 3.	6 metres	
Drainage	-	-	
Passing Bays	Every 200 metres	-	
Turning Heads	-	-	
Footpaths	-	-	
Lighting	-	-	

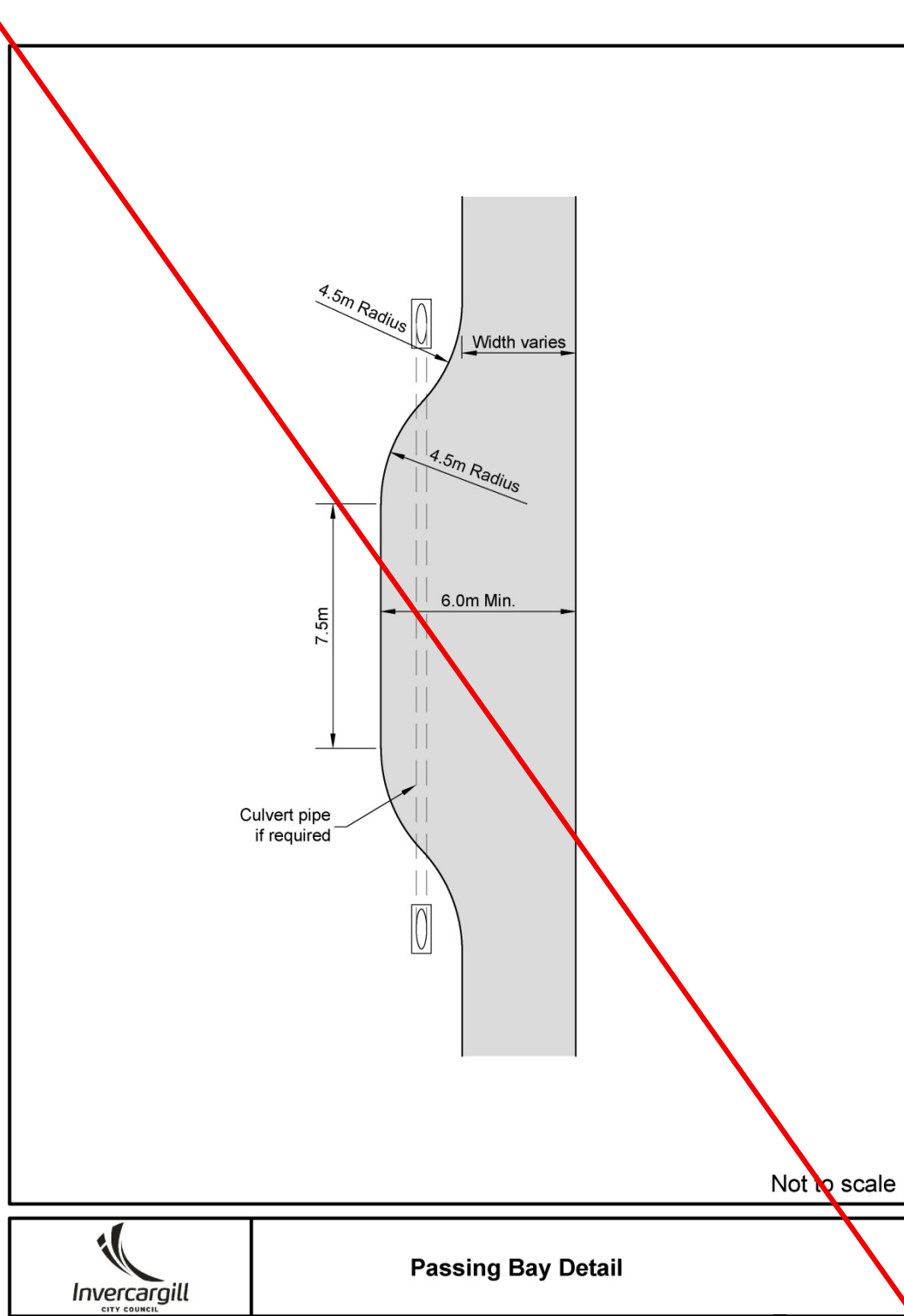
Residential		
Units Served	1 – 3	4 – 6
Minimum Legal Width (m)	3.5	4.5
Carriageway Width (m)	3	3*
Drainage	Interceptor sump required where more than 40m ² of impermeable area is graded towards the street.	Interceptor sump required where more than 40m ² of impermeable area is graded towards the street.
Kerb Type	Vertical or mountable	Vertical or mountable
Rural / Rural Lifestyle		
Units Served	1 – 6	
Minimum Legal Width (m)	€ 3.5 ¹	
Carriageway Width (m)	3*	
Kerb Type	Nil	

*Passing bays (with a minimum 6m carriageway width) are required every 50m in urban areas, and every 100m in rural areas. Where a private way adjoins a Collector or higher, it shall also have a 6m carriageway width for a minimum length of 6m from the road boundary.

Note: Commercial and Industrial development will be considered on a case-by-case basis in consultation with the Council's Roading Manager.

¹ Adrian Sheat (10.02)

Figure 1 – Passing Bay Detail



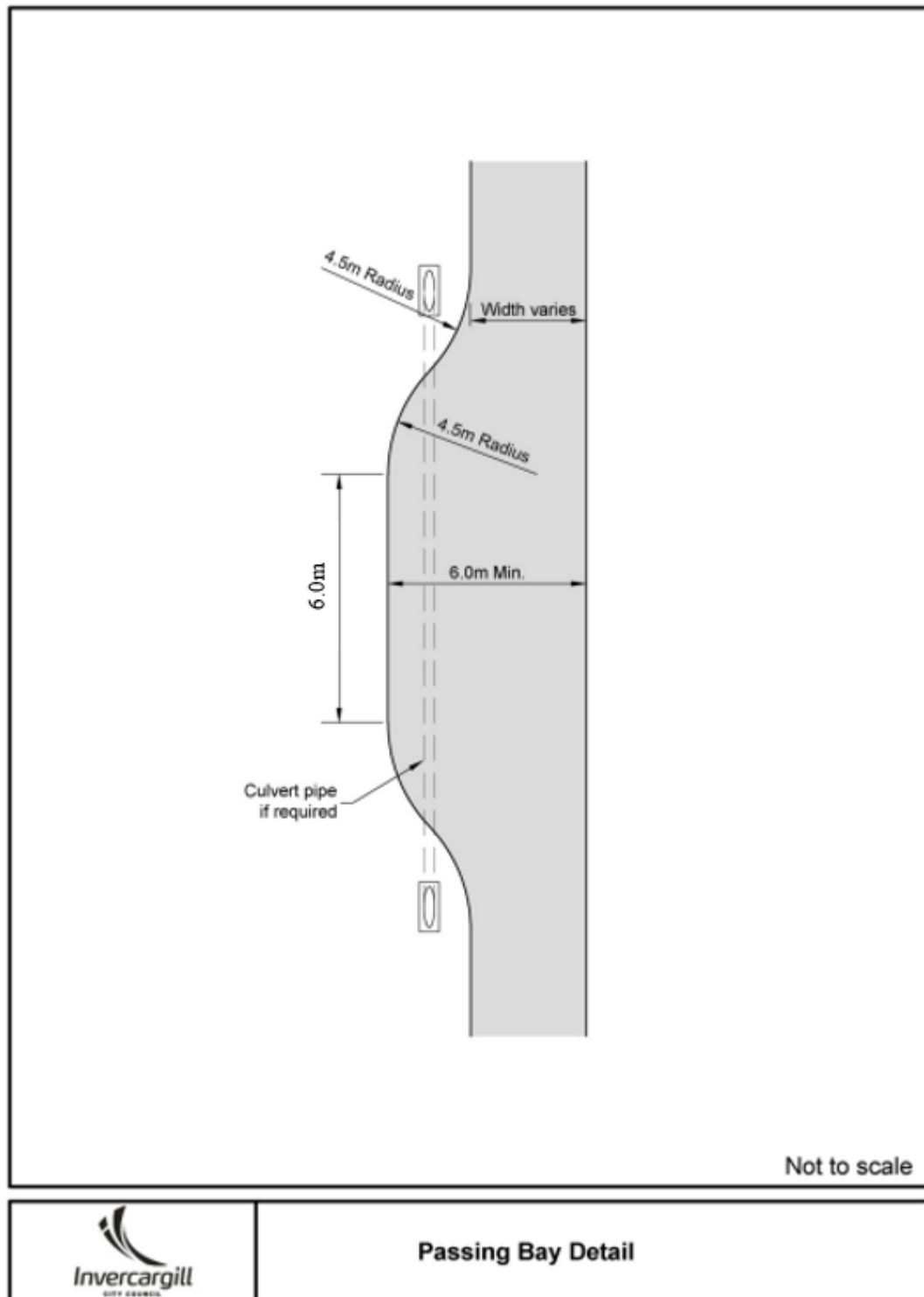


Figure 2 – No Exit Turning Areas

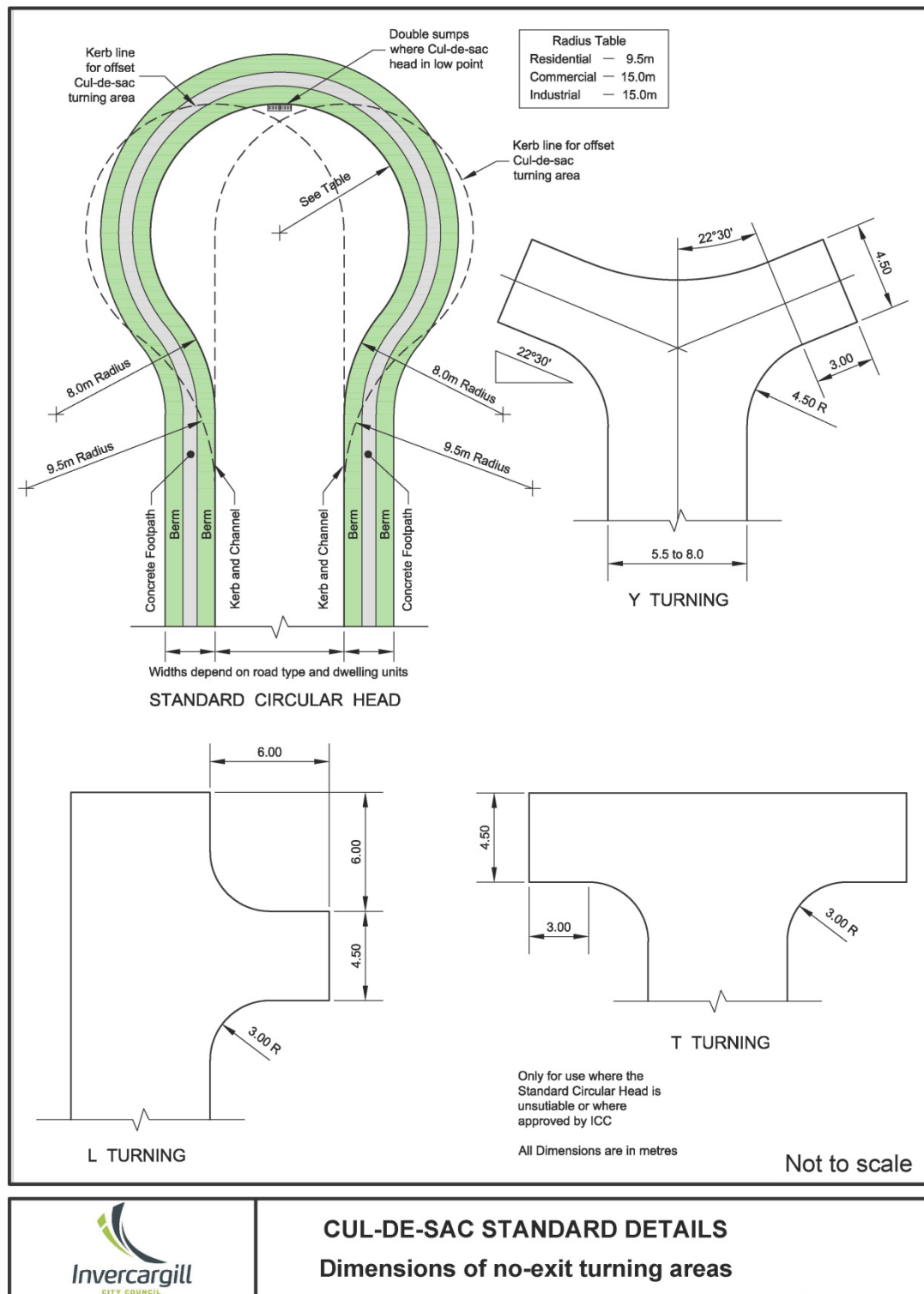
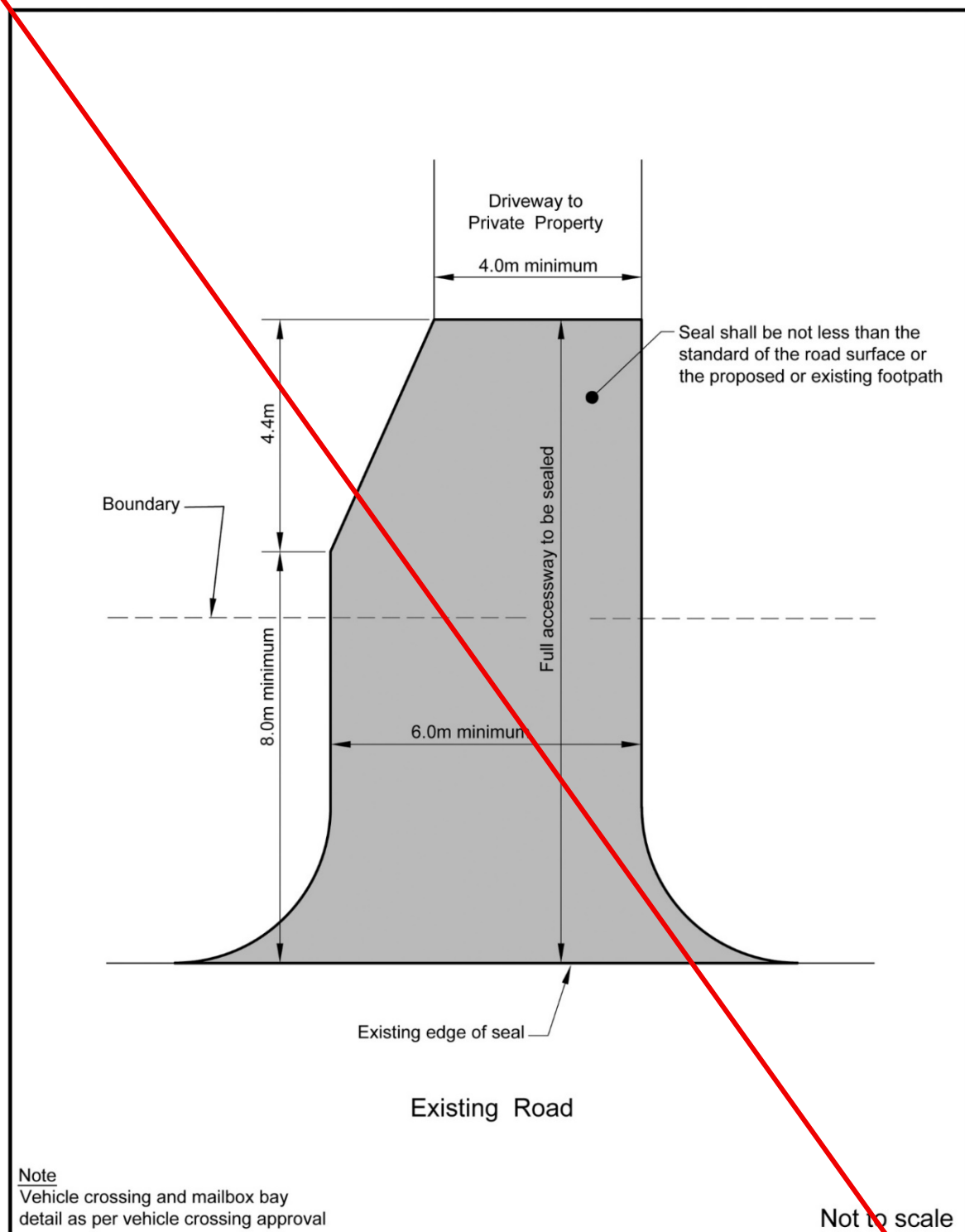


Figure 3 – Rural Accessway Layout

Figure 3a



RURAL ACCESSWAY LAYOUT
(Two to six dwellings)

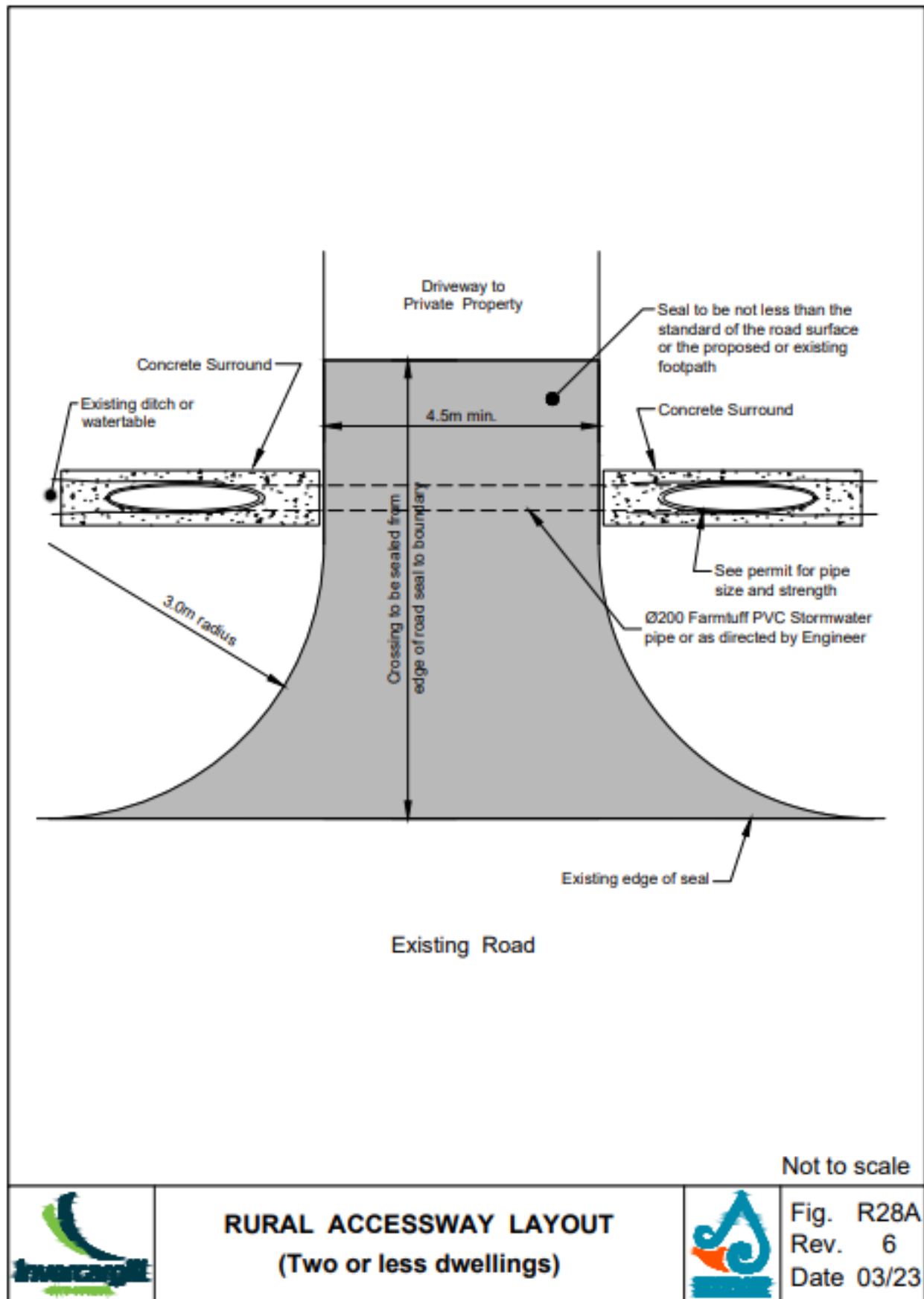
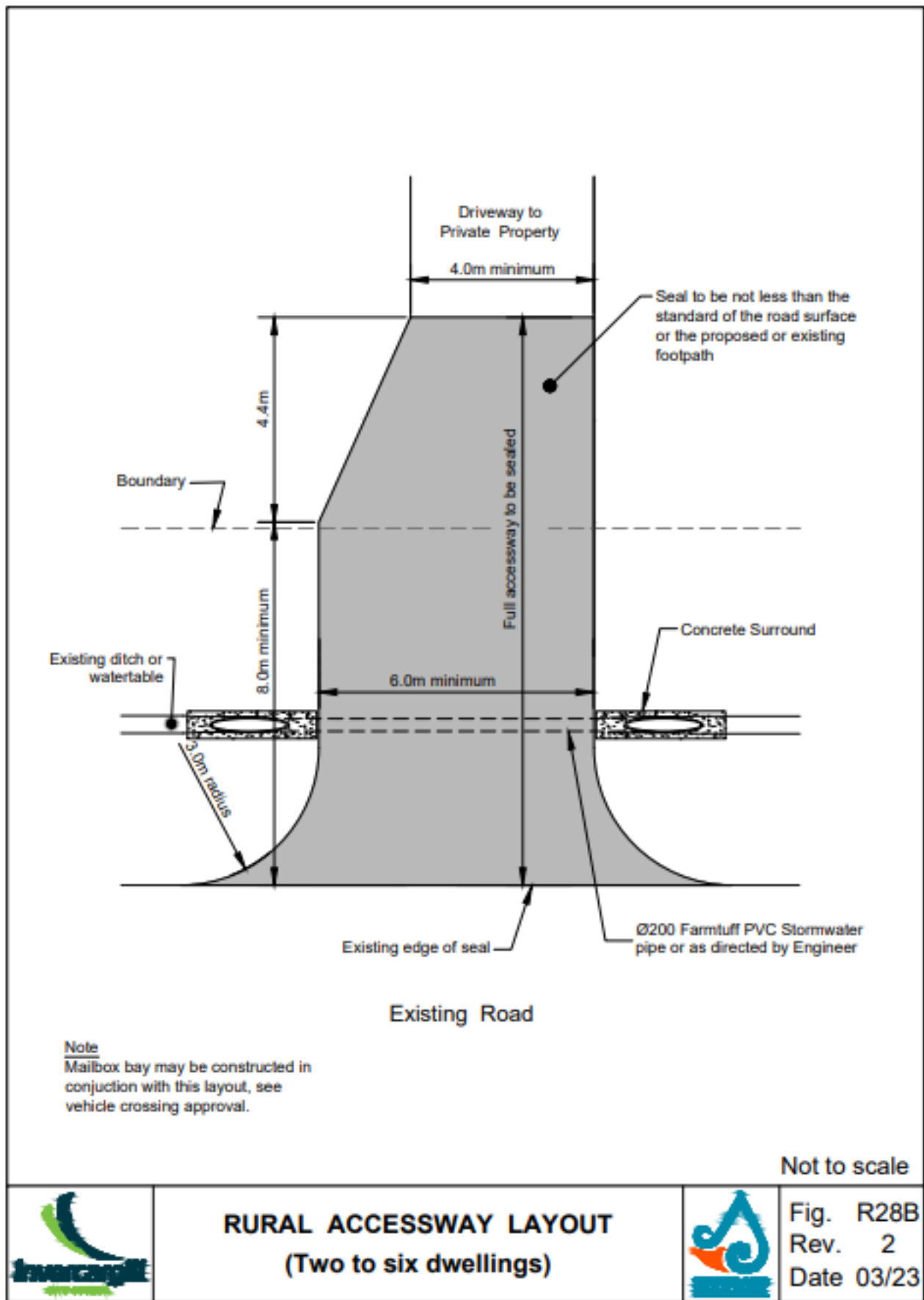


Figure 3b



Appendix 2: Appearances and materials considered

The Panel considered the principal materials listed below. This appendix is not intended to be an exhaustive administrative index of every document on the Council file. The Panel also considered all submissions and further submissions received on PC2, whether or not the submitter or further submitter appeared at the hearing.

Appearances

Order	Party / Submitter	Person appearing	Role / Capacity
1	Council	Michael Garbett	Counsel for the Council
2	Council	Shannon Baxter	Council policy witness
3	Council	Timothy Church	Urban Designer, Boffa Miskell
4	Council	Rob Hayes	Engineering Manager
5	Council	Emma Spalding	s42A reporting officer
6	Kāinga Ora [16, FS-01]	Lezel Beneke	Submitter / further submitter
7	Public Health NZ / Te Whatu Ora [14, FS-02]	Dr Virginia McLaughlin and Tom Scott	Submitter / further submitter
8	Sarjana Duwal [09]	Sarjana Duwal	Submitter
9	IPI Properties Ltd [17, FS-03]	Russell Ibbotson	Submitter / further submitter, appearing by Teams
10	Environment Southland [11]	Marcus Roy	Submitter / witness for Environment Southland
11	Council	Emma Spalding and Michael Garbett	s42A officer response and Council reply

The Panel was assisted by Lisa Thorne as planning adviser. Cat Manera provided hearing administration support.

Submitters who did not appear at the hearing, including FENZ [15] and Gareth Clarke [19], were considered through their written submissions and any material tabled or accepted onto the hearing record.

Plan change and statutory material

- PC2 as notified;
- the public notices for submissions and further submissions;
- the Information Sheet for PC2;
- the Section 32 Report: Housing and Code of Practice Plan Change, dated 14 January 2026;

- the key appendices to the s32 Report, including the proposed provisions, engineering assessment, feasible development capacity evaluation, development capacity monitoring report, urban design technical report, Urban Design Guide and transport assessment;
- relevant provisions of the Invercargill City District Plan 2019;
- the Council's Code of Practice for Subdivision, Land Use, and Development;
- the Resource Management Act 1991, including Schedule 1 and section 106;
- the National Policy Statement on Urban Development 2020;
- the National Environmental Standard for Detached Minor Residential Units;
- the National Policy Statement for Natural Hazards; and
- the Southland Regional Policy Statement.

Council reporting, evidence and reply material

- the s42A Report, dated 20 April 2026;
- the recommended amendments to the provisions attached to the s42A Report;
- the evidence of Rob Hayes;
- the evidence of Timothy Church;
- the s42A Addendum, dated 12 May 2026;
- the policy evidence of Shannon Baxter;
- the legal submissions and advice of Michael Garbett;
- Timothy Church's hearing summary statement;
- oral evidence and answers to Panel questions from Council witnesses;
- the s42A officer response and Council reply; and
- the reply provisions dated 21 May 2026.

Submissions, further submissions and submitter material

- all submissions received on PC2;
- all further submissions received on PC2;
- submitter evidence and hearing material;
- material tabled or accepted onto the hearing record;
- oral presentations from submitters who appeared at the hearing;
- answers to Panel questions from submitters who appeared at the hearing; and
- post-hearing clarification accepted onto the hearing record.

Appendix 3: Site visit record

The Hearing Panel undertook a site visit after the hearing on 20 May 2026.

The purpose of the site visit was to assist the Panel to understand the physical context for PC2, including the existing Residential 1 and Residential 1A environments, the relationship between the Residential 1A Zone and surrounding Residential 1 areas, and the matters raised in submissions and evidence.

The Panel did not receive evidence during the site visit. The site visit was used only to assist the Panel's understanding of the written and oral material before it.

The Panel drove through and around the Residential 1 and Residential 1A areas relevant to PC2. The visit included a broad drive-through of the existing residential neighbourhoods and the areas identified in the transport assessment as:

1. Area 1 — Gala / Doon / Esk block

This area is close to the Central Business District and Queens Park. The Panel viewed streets in and around Gala Street, Yarrow Street, Don Street, Spey Street, Esk Street, Doon Street and Jed Street.

2. Area 2 — Ness / Nith / Balmoral area

This area includes streets around Ness Street, Nith Street, Balmoral Drive, Tweed Street and Conon Street. The Panel viewed streets in this area, including the north-south and east-west movement routes identified in the transport assessment.

3. Area 3 — South City / Elles Road / Tweed Street area

This was the largest area viewed. The Panel drove through and around areas west and east of Elles Road, including streets in the vicinity of Tweed Street, Elles Road, Pomona Street, Tramway Road, Conon Street, Janet Street and Martin Street.

The Panel also viewed the general Tay Street / Tweed Street / Otepuni Creek area relevant to Environment Southland's natural hazards submission and the s42A Addendum.

In undertaking the site visit, the Panel viewed the general residential context, including existing residential development patterns, street layout, proximity to centres and services, transport connections, open space, and the relationship between Residential 1 and Residential 1A areas.

The Panel's observations from the site visit were considered alongside the evidence and submissions. The Panel has not treated the site visit as a substitute for evidence, and has based its decision on the submissions, further submissions, s32 Report, s42A Report, s42A Addendum, expert evidence, hearing evidence, Council reply material, relevant planning documents and the provisions of the Resource Management Act 1991.