

Form 5

Submission ([Clause 6](#) of Schedule 1, Resource Management Act 1991) on notified Invercargill City District Plan 2019 – Plan Change 2: Housing and Code of Practice

To: Invercargill City Council

Name of submitter: Gareth Clarke

This is a submission on a change proposed to the following plan (the **proposal**):
Invercargill City District Plan 2019.

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are:

- See below

My submission is:

- See below

I seek the following decision from the local authority:

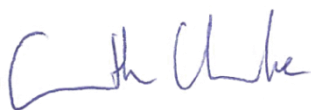
- See below

*I wish to be heard in support of my submission.

*In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.

*If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter (or person authorised to sign on behalf of submitter):



Date: 13/02/2026

(A signature is not required if you make your submission by electronic means.)

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Contact person: Gareth Clarke

	General Comments:
1.	I wish to begin my submission by clarifying that my position in relation to the proposal to amend the District Plan provisions to be more enabling of higher density living opportunities that meet the housing demands and needs of the District, and indeed the wider region, is one of general support. If this is what the community through their Council consider is needed, then I fully support the intention of the proposal. However, before making decisions on these changes I believe there is a need to carefully consider: a) What the driver of these changes actually is (including the applicability of any national direction), and if this is the best way of meeting that need; and b) What the true cost of these changes might be on the existing neighbourhoods to which they apply. In order to assist with these considerations, I wish to add some additional context that appears to be either missing or misrepresented in the analysis provided by the Council thus far.
2.	The Section 32 Report provided with the notification of Plan Change 2 states that there is a disconnect between the outcomes sought in the objectives and policies for the RES1A Zone and the rules. I respectfully disagree with this statement. It is my view that the objectives and policies for the RES1A Zone appear to be working much as intended. The analysis in the Section 32 Report and supporting documentation fails to adequately acknowledge the original purpose of the RES1A Zone, which I understand was to use the zoning primarily as a mechanism to drive reinvestment, rejuvenation and renewal in some of the oldest parts of the city that in recent times have not benefited from much of this type of investment, both privately and publicly. In addition, the secondary purpose of the zone was to provide an increase in residential density within walkable distance of the CBD to provide valuable critical mass on the outskirts of the CBD in locations where residents would be able to easily access services therein. At least that's the way I interpret it. All that is to say, it was developed as a response to a quality of the environment issue rather than housing need one.
3.	What I believe the zone was not intended to be was “<i>effectively a medium density housing zone</i>” as described in the Section 32 Report. Indeed, the stated purpose of the zone describes one of the priorities for the zone as being residential redevelopment, in which medium density house was considered a useful tool rather than the main objective. That is to say, the RES1A zone was not designed as ‘medium density housing zone’ where higher density residential living was seen as being needed to service a demand in the City for a particular housing type, particularly if it was to be at the cost of degrading existing residential character and amenity. Enabling an increase in residential density to provide additional housing capacity for a growing population was not a driver of the zone. Population growth was, and still is, relatively slow, and it was considered there was sufficient capacity within the wider residential zoned areas of Invercargill to meet that growth, as indeed the analysis shows is still the case.
4.	Rather than intending to create a “medium density housing zone” the RES1A Zone sought to set up a framework that would enable a form of redevelopment that might be attractive to developers in a location that would provide some critical mass to the nearby CBD, was supportable by existing infrastructure and services, and that was not generally supportable or appropriate anywhere else in residential Invercargill. While medium density housing was intended to be something of carrot for encouraging developers to invest in the area, the existing character and amenity, and therefore the underlying zoning provisions, were intended to remain as for a “general” residential zone, albeit one where some additional value for developers could potentially be realised, provided appropriate consideration to the effects of higher density developments, both on residents of the development and existing residents in the surrounding neighbourhood, was given careful consideration. That is to say, it was fully intended that barriers remained in place to prevent poorly designed and executed medium density housing developments that risked degrading the character and amenity of those areas. Locking in the 400m² minimum lot size/maximum density of the Residential 1 Zone was one of the those barriers, and its retention was entirely intentional to help protect the amenity of existing residents of the area, and limit higher density development to only that which was well designed, relates well to the existing underlying Residential 1 zoning, and puts the amenity of existing residence at the forefront of that design and decision making.
5.	To put it more succinctly, with respect to medium density housing the zoning provisions were intentionally focused on quality rather than quantity. This plan change appears to turn that completely on its head. Now the issue seems to have changed and it's now no longer the need for reinvestment in these areas that is the issue, but the need for a supply of medium density housing, and to achieve that, the District Plan zoning provisions of course need to change. However, the changes as proposed, I believe, give too much priority to quantity over quality, leaving the character and amenity of existing residential areas and the residence therein as an afterthought, and risking creating substandard forms of development and dysfunctional urban environments. Given this inherent risk, the Council therefore needs to be clear in their own minds that there is actually a need that justifies the risk such changes bring. The question therefore becomes whether or not there is enough information to make such decisions.
6.	The Preliminary Evaluation of Feasible Development Capacity report claims that the uptake of medium density development has been particularly constrained by provisions such as minimum site size requirements (e.g. 2,000m² for comprehensive development in RES1A Zone) and the need for resource consents with discretionary or non-complying status. The report assesses that these factors combined significantly reduce the commercial feasibility of delivering the kinds of housing that are most needed. I can't speak to the erosion of commercial feasibility as a result of a discretionary or non-complying activity status versus a controlled or restricted discretionary one being to such a degree that development is no longer feasible, however, it seems likely that 2000m² minimum site size constraint was entirely intentional given the Council's apparent position that medium density housing was only appropriate in these neighbourhoods where it met a high design standard. It would seem that if obtaining the minimum site size required and going through the a design process that resulted in high quality developments (and the

	discretionary or non-complying activity status this required) had the effect of making substandard development commercially unfeasible to the point that it would not proceed, there was a good chance this was precisely the type of development the District Plan originally sought to avoid because of its potential impacts on the existing neighbourhoods.
7.	The Section 32 report states that <i>“Despite its proximity to the CBD and alignment with strategic intensification goals, the Residential 1A Zone remains underutilized due to restrictive consenting pathways”</i>. Again, I believe this to be an overexaggeration of the issue. It is probably correct to say that the current District Plan provisions have not encouraged reinvestment in the Residential 1A Zone that was hoped for when the plan was developed, with only six medium density housing development resource consents applied for and approved under the comprehensive development rules since 2019. However, again, the priority was not to provide medium density housing developments as such, but to enable high-quality medium density housing development as a mechanism for rejuvenating the RES1A zones. Indeed there have been examples of medium density housing development applications being declined on the basis that they were not well-designed and considered, and would likely have resulted in adverse effects on the character and amenity of the existing neighbourhoods. In that sense, the RES1A Zone framework has worked precisely as intended. Six developments in six years may not seem like a lot, but in an Invercargill context it is probably a reasonable scale and rate of redevelopment, particularly when the priority has been on managing any adverse effects on existing neighbourhoods. If this rate of development is extrapolated out to the 2054 date used in the Housing and Development Capacity assessment, this would equate to 35 comprehensive medium density housing developments and perhaps 400-500 additional residential units within medium density house developments in the RES1A Zone. This number of developments would in itself likely transform the character of the RES1A zone, but it would do so at a pace that would be much more manageable and acceptable to the residents of those areas, and allow for much better management of the effects on residential amenity. It is accepted that this number may fall still fall short of the number projected to be required over the next 30 years (1600), but in addition to subdivision that can be undertaken outside of the medium density housing rules in the RES1A Zone, and the ability to establish ‘Granny Flats’, and the potential for residential development in the Business 1 Zone, it appears that the ability of the current rule framework to provide enough capacity to meet projected demand in central areas has been understated.
8.	The analysis supporting the Plan Change proposal repeatedly states that there is a shortfall in capacity for housing in the central area of Invercargill. However, it is not clear whether the assessment of how many additional residential units will be needed in the amended RES1A Zone to meet projected demand has taken into account the plan-enabled capacity within the Business 1 Zone. Indeed, the analysis seems to be almost completely silent on the potential contribution of the Business 1 Zone to Invercargill’s housing supply, and it is not clear why this is and whether that has intentionally been excluded from the assessment (e.g. is it because it is something that is specifically excluded from consideration by the NPSUD?). For example, It is noted that the Housing Development Capacity and Monitoring Report states there is a “structural mismatch” between where housing is needed and where it is currently enabled. However, I can’t see anywhere in the analysis where it recognises the housing that is currently enabled in the Business 1 Zone. How does including the Business 1 Zone impact on that structural mismatch?
9.	Regardless of why it’s missing, it would seem the absence of the potential housing capacity from the analysis may have the effect of overstating the issue of a shortfall of capacity in the central area. The Business 1 Zone is a zone that provides for residential activity as a permitted activity with next to no residential living standards required and only a few regulatory barriers to its establishment (potential reverse sensitivity issues within the Entertainment Precinct being one of them). It is almost entirely up to the developer and their design teams to decide how residential amenity is provided in this zone, with no expectation that such amenity levels are particularly high, giving a tremendous amount of scope for the development of medium, or even high, density residential activity that will meet the needs of city moving forward.
10.	It is accepted that the primary focus of the Business 1 Zone is to enable commercial activity, and therefore residential development and amenity in this area is not a priority and potentially may not be very attractive to commercial property owners, residential developers, and residents themselves. However, obviously a mix of commercial and residential land uses in central city areas do exist in relative harmony all over the world and can do so here as well. The relative demand for residential activity compared to commercial activity needs to form part of the consideration of this Plan Change. Is it possible that with the uptick in working from home since Covid and the ongoing shift to online retail and remote commercial services (neither of which I provide any evidence of, particularly in the Invercargill context, I must admit), there is more of a need to encourage further residential development within this area and provide critical mass to the CBD than ever before? Space for such development may not currently exist in huge amounts, but there are plenty of vacant sites around the CBD (and that amount doesn’t ever seem to reduce significantly over time), and the sites that are around are probably of sufficient size to enable well-designed new development to be relatively easily provided (recognising that the Building Act can be a substantial barrier to retrofitting existing commercial/heritage buildings). The old fire station houses at 145 Esk St provide a long-established example of what can be achieved, and provide evidence that there is some existing demand for this type of living in this area. Whether there would be enough demand in Invercargill to warrant any further development of this nature and in this area is another question, but perhaps the Council could be looking at what other levers it can pull to encourage demand and incentivise development here rather than enabling erosion of the character and amenity of existing residential areas unnecessarily.

11.	The Housing Development Capacity and Monitoring Report states that “ <i>rising housing affordability ratios</i> [in the RES1A zone areas] <i>indicate that land and housing cost pressures are materialising in areas with limited new supply or active development.</i> ” To what extent are these cost pressures driven by the cost-of-living crisis and inflationary pressures that are well-documented whereby household incomes, particularly in these areas, are generally slower to catch-up to increases in the general cost of living, versus pressures resulting from a demand for additional residential units in these areas?			
12.	While perhaps not a relevant consideration for this particular forum, I think it pertinent to also query the wisdom of Council deciding to progress this Plan Change at a time where essentially all other plan development work across the country has come to halt, and with good reason. With RM reform on the cards this year and so many changes to the structure and content of local land use plans proposed as part of that, it is a fair question to ask whether this is an efficient and effective use of Council resources. While I expect that the regional spatial and land use plans that are to be developed under the new legislation over the next couple of years will largely carry over a lot of the zones already established under the District Plan, as the Section 32 Report alludes to, these will zones will become a lot more standardised across the country, as will the rule frameworks that manage land use within those zones. Some of the provisions proposed by this plan change will probably, therefore, come to pass in any case, though not necessarily in the areas as identified and not in the form provided. Given there are changes proposed to reduce the breadth of effects that a Council may considered in land use planning decisions (such as the removal of visual amenity effects, building layout, provision of open space etc.), it may be that through the spatial planning process other areas, such as parts of the Business 1 Zone, are identified as being more appropriate as specific medium density housing zones, thereby ensuring the existing “general” residential character and amenity of the current RES1A Zones are retained. I think it’s fair to say, with some confidence, that the outcomes achieved by this Plan Change in terms of the policy and rule framework that ends up being included in the District Plan, will change to some degree under the new regime. Therefore, these RES1A zone provisions will be in place for, at best, only a couple of years. Not being privy to the decisions made by the Council and the Minister with regard to progressing this plan change in spite of imminent reform, is the housing capacity shortage in central areas of Invercargill actually an issue that is so pressing that it requires the Council to keep investing rate payer funds into it, given these changes would likely have been made as part of a bigger planning process anyway (assuming they continue to be seen as necessary/appropriate under the new regime)? Is this not unnecessarily double handling the issue to some degree? If these changes are not deemed necessary/appropriate to be carried over under the new regime, then all of this work and investment would potentially be only for a couple of years of easier consent pathways – how much value will these changes realise during that time, and does that outweigh the cost of continuing to progress the plan change after the Plan Stop came into effect? If, as the supporting analysis states, there is sufficient housing capacity available across the residential areas of the whole city to meet our housing needs in terms of volume, then what’s the rush to get the plan changed pre-RM reform? With current growth in Invercargill being moderate at best, the issue that the plan change would seem to be trying to address in the short term is one of housing choice, which it is agreed is an issue that needs some attention. However, on the spectrum of ‘needs’ versus ‘wants’, it would seem to be closer to the ‘wants’ end, a nice to have rather than an absolute necessity, particularly over the short term while we wait for the new planning regime to bed in. (As an aside, I would also question the wisdom of scheduling the notification period so that the submissions closing date was the same as the closing date for submissions on the proposed RM Reforms, a once in a generation scale reform of the regime governing land use and environmental planning in NZ. Such a clash of dates may have unfairly constrained the ability of some with an interest in this area from making a contribution).			
13	For those that are desperate for more medium density housing choice, there are already plan-enabled zones in which this type of development is both feasible and appropriate to meet any short-term demand for this type of development that there may be, and there remains a not insurmountable consent pathway available in the RES1A Zone also. In light of all that, it is a reasonable question to ask - is the continuance of this Plan Change really an intelligent, sensible use of ratepayer funds, particularly with all the gaps in analysis that will still need to be filled before Council will be in a position to make an informed decision on it?			
14	To summarise this section of my submission, when considering the original motivation for the creation of the RES1A Zone, it appears to me that the provisions of the District Plan as currently written are achieving exactly what they were designed to (i.e. quality over quantity), albeit perhaps not at a rate that was hoped for. However, if the shortfall of housing capacity is such that a relaxation of the design standards and expected quality of medium density is required in order to boost the number of developments being undertaken (i.e. if the issue has now become one of quantity over quality), then careful consideration needs to be given as to how the existing character and amenity of RES1A Zone areas can be protected, and whether there are better alternatives to achieving the urban intensification required without unduly affecting existing residential areas.			
	Specific Provisions:	Support or Oppose:	Reasons:	Decision sought from Council:
15.	Definition of Code of Practice	Support in part	While the removal of the reference to the previous Code of Practice bylaw is supported, if the Code of Practice is mentioned in the Plan, then it should be included in the definitions in some form. Otherwise, it is not clear to casual plan users what the document actually is, or at least what version should be referred to. The proposed changes do not appear to give an indication anywhere what version of the document is to be used when managing the effects of	Include a definition for ‘Code of Practice for Subdivision, Land Use, and Development’ that clarifies what version/s are relevant.

			development on Council infrastructure i.e. is it only the latest/current version that is to be used, or is it the version that was in place when the Plan was written? That is to say, is there recourse for someone to consider only a previous version that may be more advantageous to their needs and/or more detrimental to the needs of the Council?	
16.	SUB-M5	Support in part	Building on the submission point 15 above, what do the words ‘any’ and ‘relevant’ actually mean i.e. could it be interpreted that the 2016 Code of Practice Bylaw was relevant at the time the rules of the District Plan were written, so it is of relevant consideration?	Amend the provision to clarify how the relevant Code of Practice is to be determined.
17.	Residential Overview	Support in part	I consider that it is important to continue to provide a high level of residential amenity in Invercargill, even at higher residential densities. However, replacing the reference to “<i>retaining the main qualities of this amenity</i>” with “<i>continuing to provide amenity</i>” is indicative of an intention to enable some degree of erosion of existing residential amenity in the RES1A Zone so as to provide for increased residential density, opening the door for substandard urban design. Additionally, I consider that a high standard of residential amenity is important for more than just “<i>well-functioning urban environments</i>”. It also creates inclusive and desirable places for a diverse population to live. A high standard of amenity is important in creating places residents can take pride in and be happy to call home, not just okay places to live.	Delete the phrase “ <i>continuing to provide amenity</i> ” and retain the existing reference to “ <i>retaining the main qualities of this amenity</i> ”.
18.	RES-O1	Support in part	This objective as originally written appears to be seeking to limit the spread of residential environments outside of defined residential areas. The addition of the medium density housing reference has the effect of implying that medium density housing is to be enabled in all residential parts of the district, not just the RES1A Zone. If that is the case, why refer to medium density housing in this objective at all? If that is not the case, this needs to be clarified	Either remove the phrase “ <i>medium density housing is enabled</i> ” or clarify that it is only enabled in the RES1A Zone, whichever is the relevant path.
19.	RES-O2	Oppose	It is unclear what value the addition of “<i>and built forms</i>” adds to the objective. The objective as originally written appears to simply be implying that it’s anticipated that there will be a range of dwelling types, e.g. standalone dwellings, townhouses, duplexes, blocks of flats etc., all built in accordance with identified building standards, e.g. height etc. The addition of “<i>and built forms</i>” does therefore potentially lay the groundwork for taller apartment blocks etc. to be built as well. Additionally, the removal of “<i>only</i>” from the last sentence weakens the point that the original objective was trying to make, that Invercargill does not have the same growth pressures as other areas. This change alters the meaning slightly from one of “there’s not a lot going on so no need to go too crazy with the planning” to “we’re getting there, so let’s get ready for growth” (which may never come).	Retain objective as currently drafted in the Invercargill City District Plan.
20.	RES-O3	Oppose	Again, this change seems to indicate that the Council will now be accepting of lower levels of residential amenity and substandard urban design. Additionally, this objective applies generally to all residential zones so it should be kept general without reference in the individual zones. Objectives that speak to the anticipated character and outcomes of individual zones should be contained in the provisions relating to that zone.	Retain objective as currently drafted in the Invercargill City District Plan.
21.	RES-P4	Oppose	As above for RES-O3	Retain policy as currently drafted in the Invercargill City District Plan.
22.	RES1Z-O5	Oppose	The mantra of the current District Plan, particularly in the RES1A Zone, is that high quality urban design is paramount. With respect to Medium Density Housing developments in the RES1A Zone, the intention of the Plan is that nothing should be off the table in terms of density and housing typology, provided its design is very well considered. The proposed changes to the Plan now talk about achieving a well-functioning urban area. But there appears to be a mismatch between the Residential Overview objectives and the RES1Z provisions because to me a well-functioning	Retain objective as currently drafted in the Invercargill City District Plan.

			urban area is one in which there is high quality urban design. If we lower our expectations to only requiring “good” urban design, we’ll end up with just okay-functioning urban areas. This outcome does, however, seem to be entirely intentional i.e. the Council is happy to sacrifice the functionality of our residential areas in order to enable more density, including in the RES1 Zone. However, the proposal has not provided sufficient evidence to show that a reduction of urban design standards is actually necessary in order to achieve the higher densities sought.	
24.	RES1Z-P1	Oppose	The explanation as originally written appears to be saying that 400m2 should be able to provide all the space a person needs to enjoy a good level of amenity in Invercargill, the implication being that by going below size you start to have to make tradeoffs with things like open space and sunlight etc. Therefore, all these things need to be considered (i.e. as a comprehensive package) when designing higher density development. The changes now proposed alter that explanation slightly by saying that people living in higher density situations have different needs in terms of sunlight and open space than those in ‘general’ residential living areas. I do agree that those living in higher density living situations perhaps have a higher tolerance to reduced residential amenity, or are at least more willing to accept the tradeoffs in amenity needed to achieve a higher residential density, but they do still require these needs to be met, which could be, for example, in the form of additional artificial lighting and heating etc. that use more energy, or nearby access to public open space. These needs still exist to some degree and the fact that tenants of these developments may be more willing to accept these tradeoffs in amenity, and indeed in some cases actually prefer them, shouldn’t minimise the importance of encouraging as high an amenity as can practicably be achieved within these developments, and perhaps the best way of ensuring this is by requiring such developments to be comprehensively designed.	Retain policy as currently drafted in the Invercargill City District Plan.
25.	RES1Z-P3	Support in part	The changes to the list of key urban design elements to be considered is supported, however, the removal of any explanation within the Plan of what each of these terms mean and why they’re important is not. The provision of the external urban design guidance is also supported, however, this type of external guidance can often be hard for applicant’s to come by despite the Council’s best intentions (e.g. website links get broken, staff turnover means it gets lost etc.). It is much more user friendly for applicants (and dare I say, decision makers) to retain at least some explanation of these elements in the District Plan itself.	Retain some form of explanation of the individual urban design elements listed in RES1Z-P3 in the District Plan itself.
26.	RES1Z-P5	Oppose	The proposed plan change, and this policy in particular, seems to be trying to enable more ad-hoc higher density subdivision/housing, and in doing so risks limiting any consideration of how such ad-hoc developments relate to their surroundings, how they relate to their particular environmental context. A more ad-hoc approach to higher density development across all zones risks creating poor functioning places, which seems at odds with the above objectives of well-functioning places. The qualifier of “<i>if poorly designed</i>” in the explanation to this policy serves to weaken the point made in District Plan as currently drafted, being that on sites below 400m2 in Invercargill, you start to lose amenity and begin having to tradeoff elements of good design and amenity against each other, including important things in the Invercargill context, like access to daylight and solar gain. Further than that, the final sentence seems to strongly suggest that Council will in fact get in behind higher density housing, including low-rise apartments, with little consideration of the impact it has on the quality of the living environment of any existing neighbours, provided the residents of the new development themselves have a high-quality living environment. That is to say, the Council is prepared to trade the living environment of existing residents for that of new residents. To minimise the risks that the encouragement of ad-hoc medium density housing has on existing residential character and amenity, the Council needs to allow itself to be more circumspect in what medium density developments it supports by encouraging medium density housing <u>developments</u> (i.e. not just medium density housing on its own) that	Retain the policy as currently drafted in the Invercargill City District Plan.

			are comprehensively planned and designed to a standard higher than just the listed minimum performance standards, which effectively become the target design level for a lot of developers.	
27.	RES1AZ-O4	Oppose	The proposed changes to the objective appear to have the effect of turning the RES1A Zone from a residential zone where some medium density development could occur under the right circumstances, to an out and out medium density housing zone where existing residential character and amenity is up for grabs. This is a significant change in approach to land use management in these zones and the evidence supporting such a change needs to be carefully considered so as to ensure the amenity currently enjoyed by residents of these areas is not unnecessarily and wantonly eroded.	Retain the policy as currently drafted in the Invercargill City District Plan.
28.	RES1AZ-P2	Support in part	As above for RES1Z-P3, though the first sentence could be amended to include the matters referred to in RES1AZ-O4 directly so that the policy can be read and understood on its own.	Retain some form of explanation of the individual urban design elements listed in RES1Z-P3 in the District Plan itself, and either delete the addition to the first sentence or amend it so it can be easily read and understood on its own.
29.	RES1AZ Rules	Support in part	Supported only to the extent that the RES1A Zone continues to be a dedicated “medium density housing zone” in the District Plan.	Retain RES1A rules as currently drafted in the District Plan
30.	RES1AZ-R20	Support in part	As above, supported only to the extent that the RES1A Zone continues to be a dedicated “medium density housing zone” in the District Plan, though it is noted that the proposed rule results in the slightly perverse situation whereby the maximum height of buildings and structures in the RES1A Zone is 1m higher than it is in the main business zone of the CBD. It is also noted that due to the proposed changes to the recession planes that apply to the RES1A Zone, residents within this zone appear to potentially have more of a right to daylight and sunlight than the residents of the RES1 Zone who neighbour the RES1A Zone (i.e. the recession plan applying to sites in the Business 1 Zone adjoining the RES1A Zone is much lower than that applying to RES1A Zone sites adjoining the RES1 Zone – noting that there are actually no RES1 Zone properties directly adjoining the RES1A Zone).	Retain RES1A rules as currently drafted in the District Plan