

Section 42A Reply Version of Provisions: Housing and Code of Practice Plan Change (Plan Change 2)

Date: 21 May 2026

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Reply Version of Provisions

1. At the Hearing for Plan Change 2 on 20 May 2026, the Hearing Panel requested an updated set of plan provisions which incorporated the recommended change made in the s42A Report Addendum, as well as addressing an identified plan consistency issue relating to the inclusion of separate rule numbering for rules which contain matters of discretion.
2. I have prepared an amended set of rules, dated 21 May 2026. The recommended changes in response to the Panel's request are set out in **green text**. No further changes are recommended to other parts of the proposed plan change provisions, and only the rule section has been amended.
3. The recommended changes to the rule section include:
 - a. New rule RES1AZ-R2 (as set out in the s42A Addendum) to address density within the Riverine Inundation Level 1 Hazard Overlay (and consequential renumbering of all subsequent Residential 1A Zone rules).
 - b. Changes to rule formatting to ensure each rule containing matters of discretion has its own rule number, consistent with the Operative Plan rule style. This includes new rule numbers:
 - i. RES1Z-R23 (and consequential renumbering of subsequent Residential 1 Operative Plan rules)
 - ii. RES1AZ-R12, R19, R22, R29, R32 and R36 (and consequential renumbering of proposed Residential 1A Zone rules and cross-references).
 - c. I also recommend one further consistency change to rule RES1AZ-R8, to refer to applications made under RES1AZ-R4 and/or R7. This clarifies that a breach of both rules, or a breach of either of these rules individually, would trigger restricted discretionary activity status. This is consistent with the 'and/or' wording in rules RES1AZ-R28 and RES1AZ-R35.



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21 May 2026

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-R3236** 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 than 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
- ~~409.~~ 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-R4011** 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-R142** 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-R123** 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-R23~~24~~** The minimum area of permeable surface is 30% of the gross site area.
- RES1Z-R24~~25~~** 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-R25~~26~~** Applications under **RES1Z-R24~~R25~~** 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 requiring 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-R434 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~~
- ~~5. Relationship to neighbouring buildings~~

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

- ~~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~~
- ~~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~~

¹⁰ Fire and Emergency New Zealand (15.01)

¹¹ Environment Southland (11.06)

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-R89** and/or **RES1AZ-R910** above, the activity is a restricted¹² discretionary activity.

RES1AZ-R12 For applications under **RES1AZ-R11** the¹³ 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-R89** and/or **RES1AZ-R910** 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 site, 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).¹⁶

These yards may include part of the outdoor living space required under **RES1AZ-R89** or **RES1AZ-R910**. Except that **RES1AZ-R~~42~~13** does not apply to common walls.

RES1AZ-R~~43~~14 A yard at least 4 metres deep shall be provided along all side and rear boundaries of any site containing a non-residential activity.

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-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~~ the ¹⁷ 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

~~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:~~

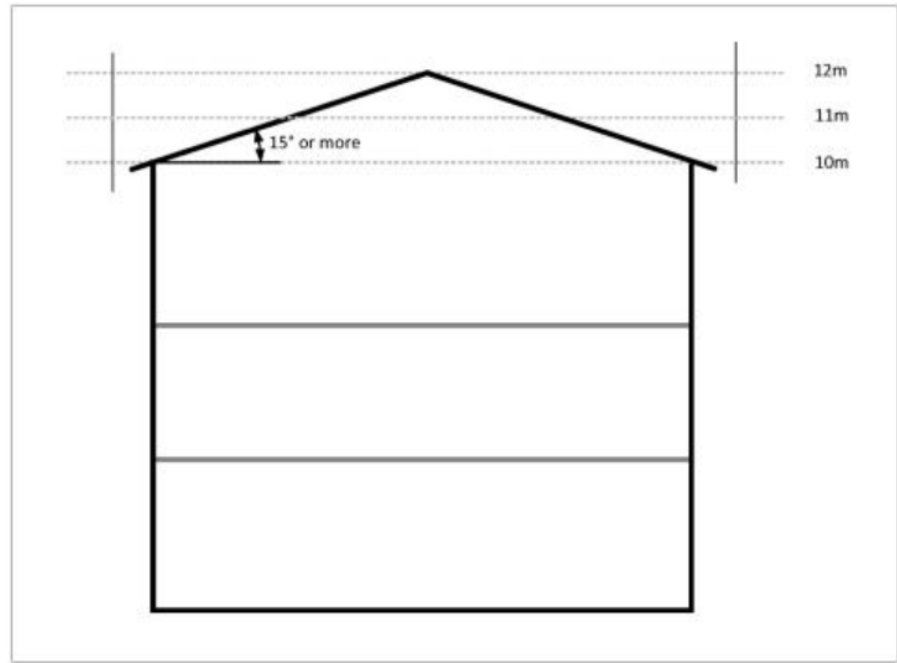
¹⁷ RMA, Schedule 1, Clause 16(2) amendment

¹⁸ Kāinga Ora (16.27)

¹⁹ Kāinga Ora (16.27)

²⁰ Kāinga Ora (16.27)

- 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
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

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

5. The ability to mitigate any adverse effects of the increase in building or structure height

Permeable Surfaces

RES1AZ-R2223 The minimum area of permeable surface is 30% of the gross site area.

RES1AZ-R2324 Where the area of permeable surface is to be less than 30% of the gross site area, then the activity is a discretionary activity.

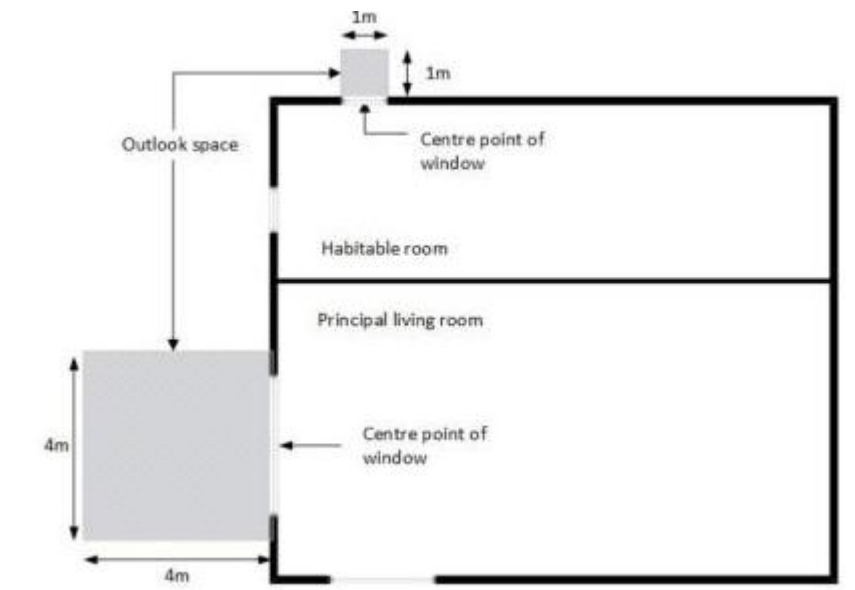
RES1AZ-R2425 Applications under RES1AZ-R2324 above shall address the following matters, which will be among those taken into account by the Council:

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

Outlook and Glazing

RES1AZ-R2526 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-R2627 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 ~~t~~²² the 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 ~~t~~²³ the 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 ~~t~~²⁴ the 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

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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

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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.~~