

Before the Independent Hearing Panel

Under the Resource Management Act 1991

In the matter of Plan Change 2 to the Invercargill City District Plan

Statement of Evidence of Gareth James Clarke (to be tabled)

8 May 2026

Introduction

- 1 My full name is Gareth James Clarke. While my profession is a Resource Management Planner of nearly 20 years, around 15 years of which included work associated with residential development in Invercargill, my submission and the evidence I table today is (with the exception of my evidence on the matter of the reference in the District Plan to the Code of Practice) being made in my capacity as a longtime resident of Invercargill.
- 2 I was born and bred in Invercargill and have lived most of my life here (i.e. nearly 40 years). Even when living elsewhere, I've always had the privilege of calling Invercargill home and have done so proudly.
- 3 I have also had the privilege of spending around 10 years of my career working for the Invercargill City Council in both consenting and policy roles. Through these roles I was involved in the development of the current Invercargill City District Plan, including the provisions for the Residential 1A Zone.
- 4 My Planning career is now almost solely focused on resource management matters pertaining to the tourism industry outside of Invercargill. As such, I haven't been involved in either residential development, or indeed any sort of land use and development planning in Invercargill, for around five years now. In addition, my lack of recent involvement in residential or urban development also means I have next to no experience working under the National Policy Statement on Urban Development (NPS-UD). However, as a longtime resident now raising a family in this city, I maintain a general and genuine interest in how land use and development within the city is managed, and what that means for the future direction of the city. While my submission and the evidence below do draw on some of my professional experience and knowledge to help explain my positions, including my knowledge of the development of the original Residential 1A Zone provisions, it is on the basis of my standing as a longtime resident of Invercargill that these submissions are made.

Scope of evidence

- 5 I note that the recommendations in the s42A report are to reject the vast majority of my submission points. This is understandable given the fundamental differences in opinions that seem to exist between the s42 report author, Ms. Spalding, and myself as to the function that the Residential 1A Zone currently serves under the Operative District Plan, and what that function should be moving forward. For that reason, my evidence will focus predominantly on the recommendations in the s42A report relating to the overall justification and need for the Plan Change rather than

each individual submission point. In doing so, I accept that however the Panel decides to proceed on the question of whether or not the Plan Change is proven to be necessary and justified under the Act, will then have a direct impact on whether the remainder of my submission points are accepted or rejected.

- 6 My evidence also touches on the submission points I made in relation to the Code of Practice provisions.
- 7 In preparing this evidence I have reviewed Ms. Spalding's s42A report and the documents referred to therein. I have also reviewed the statement of evidence prepared by Mr. Tim Church.

Justification for the Proposed Changes

- 8 The s42A report correctly summarises the position in my original submission as one of general support for the Plan Change, provided careful consideration of the drivers and costs of the changes are given due consideration in the decision-making process. The s42A report then goes on to state in relation to those drivers and costs simply "...*that adequate consideration has been undertaken in the s32 Report*", recommending that the submission point (19.01) is rejected. There is no additional analysis provided to demonstrate how the specific concerns raised in my submission have been given adequate consideration within the s32 report (i.e. to demonstrate that they are the most appropriate way to achieve the purpose of the RMA), particularly the submission point relating to the question of residential capacity and demand within the Business 1 Zone. The s42A report states that:

"These matters were core considerations in the drafting of PC2 and have been addressed through the development of provisions and in the s32 Report. PC2 has been developed to enable housing choice and supply in a managed way that responds to Invercargill's specific context, scale and infrastructure capacity, rather than replicating development patterns of larger cities".

- 9 Respectfully, none of the analysis in the s42A report appears to address the core concern of my submission. That concern is essentially that this plan change will have very real consequences and environmental costs for the existing residential neighbourhoods within the Residential 1A Zone (as is alluded to in the s42A report), and those consequences and costs have not been justified by way of a robust s32 analysis. That is, the s32 report has not adequately analysed all the options available for achieving the residential capacity requirements of the NPS-UD.

- 10 I believe that in order to be able to approve the Plan Change, the Hearing Panel need to be satisfied that there are sufficient grounds to impose such costs on the residents of these neighbourhoods. For that to happen, the NPS-UD requires an analysis of the relative demand for housing within these locations to establish that there are sufficient grounds to make the proposed changes and impose those consequences and costs on existing neighbourhoods and residents. However, an analysis that assesses that demand without any consideration of the potential residential capacity within an existing zone that is Plan ready for medium, or even high, density residential development capacity (i.e. the Business 1 Zone), falls short of being sufficiently robust to fully satisfy the Panel that the proposed changes are the most appropriate way to achieve the purpose of the Act.
- 11 The s42A report's recommendations on my submission points suggests that there remains no assessment whatsoever of the Plan ready residential capacity available within the existing Business 1 Zone and what affect that capacity might have on the demand for medium density housing in the Residential 1A Zone, and therefore the need for the changes to the District Plan provisions now sought via Plan Change 2. I submit that without that analysis, plus any analysis of the demand for high or medium density residential development in the Business 1 Zone relative to the demand for competing commercial uses, the Panel is unable to confidently conclude that the changes proposed by Plan Change 2 are the most appropriate. Forcing what the s42A report agrees are significant changes to land use management on the existing Residential 1A Zone neighbourhoods without consideration of Plan ready residential capacity available in a neighbouring, and potentially more suitable zone, does not achieve the sustainable management purpose of the Act and is, in my opinion, poor planning. Such analysis may indeed support the proposal for changes within the Residential 1A Zone medium density housing framework, in which case I would fully support the proposed Plan Change. However, without such analysis how can residents be sure that what's being proposed is in anyway a necessary outcome for our city, let alone the best outcome.
- 12 I agree with the s42A report that the Operative Plan provisions for the Residential 1A Zone are not achieving the purpose of a medium density residential zone, because this is not what the zone was designed to be (nor am I convinced that it has been demonstrated sufficiently that this is what is now required, or indeed appropriate). I consider that extensive medium density development was never the intention of the Residential 1A Zone. Rather it was intended only to enable limited medium density development as an alternative form of residential living and provide some reinvestment into the zone, but only if it was able to pass a relatively high bar in terms of urban design to ensure positive outcomes for existing residents and the

community. It was on that basis that the community was consulted, and the provisions of the Operative District Plan developed. I believe it is incorrect, therefore, to continue to say that the provisions of the Residential 1A Zone are not achieving the outcomes intended by the District Plan. While only six approved medium density housing consents does not appear to be a significant number, I submit that in the context of a low growth urban environment of the size of Invercargill, this number also does not support the premise that the current medium density housing framework has failed to achieve the objectives of the Residential 1A Zone. Six consented developments that can be assumed to have passed the high bar for urban design would suggest to me that the current provisions are working as intended, particularly when considering that there are also examples of inappropriate medium density housing developments having been declined consent on the basis that they would not achieve the desired outcomes for the zone, and would adversely affect the existing character and amenity these areas currently enjoy.

Amenity Expectations

- 13 The s42A report also disagrees with the submission point (19.13) that residential character and amenity of the zone will be unnecessarily or wantonly eroded by the notified provisions, noting that the built form standards introduced as part of the new suite of Residential 1A Zone rules have been carefully developed and modelled by Boffa Miskell to ensure amenity is provided for residents, and adverse effects on adjacent sites is minimised. I would note, however, that at para. 42 of Mr. Church's evidence where he analyses the submissions relating to "high quality" urban design outcomes versus "good quality" urban design outcomes, Mr. Church supports the change to "good quality" urban design outcomes partly on the basis that they set "...more realistic expectations from the proposed built form provisions and matters of discretion...." The analysis then goes on to say that:

"While I consider 'high quality' urban design can still be encouraged through the RPS and Urban Design Guide, there are likely to be more sensitive and/or targeted urban areas within Invercargill where this could be more specifically provided for, such as in higher profile Business Zones".

- 14 In my view this analysis supports the concern that environmental outcomes now sought for the Residential 1A Zone in terms of urban design (and arguably residential amenity, also) will be lower than what is currently required under the Operative District Plan, and potentially less than what is required to be achieved in other 'more sensitive' urban areas in Invercargill.

Based on the rationale behind the decision to pursue the medium density housing changes within the Residential 1A Zone only, it seems to me that the other urban residential zones are considered 'more sensitive' and therefore require a higher level of urban design (and, therefore, amenity). In my view these proposed changes are in danger of creating two distinct classes of urban residential zone in Invercargill i.e. one that requires a lower level of design and amenity than the other. Under the current framework there is no distinction in the quality of urban design or amenity expected to be achieved across the different urban residential zones in Invercargill. That is to say, under the current District Plan provisions the expectation of quality urban design and residential amenity is the same no matter where in Invercargill you live, but this may no longer be so under the PC2 changes. I submit that residents of the Residential 1A Zone should not be required to accept a lower standard of urban design than other residential areas without clear justification that such a trade-off is necessary.

- 15 The s42A report recommends rejecting my submission points (19.07 and 19.08) that seek retention of the reference to a "high standard" of amenity. The reasons for this recommendation confirms that residents within the Residential 1A Zone are at risk of a potential reduction in amenity values. The s42A report notes that the removal of the reference to the "high standard" of amenity is needed to enable the Plan Change's intensification objectives, the inference being that a high standard of amenity is not compatible with the type of development envisaged by the Plan Change. That is, achieving higher density development in these areas requires trading off amenity values. It seems to be accepted, therefore, that the amenity values enjoyed by existing residents of these areas will be compromised as a result of this Plan Change. In my view, there is currently insufficient evidence to justify the changes to the District Plan as proposed, or their consequential outcomes. It is accepted that in achieving the objectives of the NPS-UD, Council has the ability to make changes to the District Plan that detract from existing amenity values; however, I believe Council should only be making those decisions if the existing District Plan does not already give effect to the housing capacity requirements of the NPS-UD. Without a broader review of housing capacity within Invercargill that includes the Business Zones, it cannot, in my view, be categorically confirmed that the existing District Plan does not already give effect to the NPS-UD.

Height Rule

- 16 I agree with the s42A report's analysis in relation to my submission point on the new height limits applying to the Residential 1A Zone compared to the Business 1 Zone (19.16). It is unlikely that housing in the RES1A Zone will

ever appear to dominate, or be overbearing of, development within the Business 1 Zone, or look out of place adjacent to this zone. However, that is not the real issue with respect to the proposed RES1A Zone height rule. The issue is that even though it's only a 10% increase in the maximum permitted height in the zone compared to the existing District Plan rule, at the scale of additional housing that the Plan Change is designed to provide for, this additional bulk would have a significant impact on the character and amenity of what are currently predominantly single storey dominated neighbourhoods. These neighbourhoods are some of the oldest in Invercargill, which arguably could make them more sensitive to incongruous built form of this nature. Instead of encouraging gradual and carefully considered reinvestment and redevelopment of these areas (as the existing Residential 1A Zone provisions do), the proposed changes have the potential to open the door to a form of development that will completely transform the character of these neighbourhoods, a lot of which go back more than a century. Again, the necessity and justification for change of this extent needs to be very carefully considered.

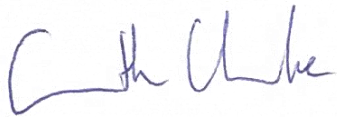
Code of Practice

- 17 The s42A report recommends rejecting my submission points on the reference to the Code of Practice (COP) in the District Plan (19.02 and 19.03) on the basis that incorporating the most up-to-date version of the COP would be inefficient as it would result in the need for a plan change each time the COP is updated. In my professional experience, any ambiguity in the wording of District Plan provisions, including references to external documents, opens matters up to what can sometimes be quite creative interpretations. I have myself recently encountered a case in a nearby local authority whereby a more general reference to a COP in a planning document lead to differing opinions as to which version of the COP should be applied in that particular case, the one that was in effect at the time the District Plan was made operative, and the basis on which the District Plan rules were developed at the time; or the subsequent, and in some cases markedly different COP standards that applied some years later at the time this particular development was being proposed.
- 18 All that is simply to say, in my professional opinion the more specific the wording of provisions like COP references can be, the better, as this will avoid uncertainty and debate down the line (which itself is an inefficient outcome). Updates to COPs are relatively infrequent occurrences and I believe the inefficiency of incorporating those updates in the District Plan is probably overstated, as is evidenced by the way the Council has been able to build the current COP updates into another Plan Change process. Perhaps adding wording similar to *"including any subsequent amendments*

to, or replacements of, that document up to the date of issue of any resource consent required under this District Plan” to a more specific COP reference in the District Plan would provide this clarity.

Conclusion

- 19 Overall, having considered the recommendations of the s42A report in response to my submissions on the overall justification for the changes proposed by Plan Change 2, and the potential consequences those changes will have on the Residential 1A Zone, I remain of the opinion that the proposal lacks sufficient analysis to support proceeding at this stage. Before approving any of the medium density housing changes proposed under Plan Change 2, I urge the Panel to seek additional analysis of the medium density housing demand in Invercargill, and the ability of the existing District Plan to enable that demand to be met. If that analysis finds there is sufficient Plan ready capacity to meet demand for medium density housing in the Business 1 Zone without compromising the ability of that zone to service demand for commercial uses, then the Council's focus should be on encouraging better utilisation of that zone for residential purposes rather than imposing significant changes on existing residential neighbourhoods.



Gareth Clarke

8 May 2026

