

Plan Change 2 - Addendum to the Section 42A Report

Prepared by Emma Spalding, 12 May 2026

Introduction

1. I have reviewed the evidence provided by Mr Marcus Roy, Strategy and Policy Manager at Environment Southland, dated 4 May 2026. Following consideration of this evidence, I recommend a further change to the provisions, relating to density within the Riverine Inundation Level 1 Overlay, as will be set out below.
2. I confirm that I have continued to prepare this addendum in accordance with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note.

Analysis

3. In the s42A Report, in response to the submission of Environment Southland, I recommended a change to the provisions to ensure that natural hazard considerations were added to the list of matters in Rules RES1Z-R8 and RES1AZ-R7, to be considered when assessing applications for density rule breaches.
4. As set out in the s42A Report (in the 'Extent of Zoning' Section on Pages 45-48), I did not recommend any changes to remove the Riverine Inundation Level 1 area from the Residential 1A Zone in response to the submission from Environment Southland.
5. I understand that the changes recommended to RES1Z-R8 and RES1AZ-R7 do not fully address the concerns of Environment Southland. The permitted density within hazard-prone areas within the Residential 1A Zone (the 'area of interest', as illustrated in Appendix 1) remains a key concern.
6. Environment Southland suggest that the 'area of interest' should be designated as a special area, exempt from the proposed changes, thereby maintaining the status quo. They note that an assessment of natural hazard risk for the floodable 'area of interest' using the National Policy Statement for Natural Hazards 2025 (NPS-NH) risk matrix, undertaken by technical staff members at Environment Southland, identifies the risk as medium to high. They note that enabling increased residential density in this area as a permitted activity would be inconsistent with the NPS-NH and the Southland Regional Policy Statement 2017 (SRPS).
7. Having reviewed the more detailed hearing evidence provided by Mr Roy, I agree that maintaining the status quo in the area of interest would be appropriate in this instance, as it takes a precautionary approach, consistent with the objectives and policies of the SRPS, and the direction provided by the recently released NPS-NH.
8. In light of the above, I am recommending a change to the density provisions for the Residential 1A Zone, as an alternative way of maintaining the status quo for the area of interest. I recommend a new rule (RES1AZ-RX) be added to the Density section of the Residential 1A Zone rules, which stipulates that for sites subject to the Riverine Inundation Level 1 Hazard, the density rules contained in the Residential 1 Zone apply instead of the Residential 1A density rules. The recommended new rule is set out below:

RES1AZ-RX For sites within the Riverine Inundation Level 1 Overlay, Rules RES1Z-R5 to RES1Z-R8 apply instead of Rules RES1AZ-R2 to RES1AZ-R7.

9. For completeness, I note that for sites within the Riverine Inundation Level 3 Overlay, the erection of any residence is a non-complying activity under Rule NH-R1.2(b) and the density rules therefore do not apply.

Recommendation

10. For the reasons outlined above, I recommend inclusion of new rule RES1AZ-RX as set out in Appendix 2 to this addendum.
11. In terms of s32AA, the recommended new rule relies on existing Plan provisions within the Residential 1 Zone, rather than introducing a bespoke rule framework or special zoning overlay, and is therefore an efficient way to maintain the status quo, until further detailed work is undertaken under the new NPS-NH framework.
12. The recommended rule is considered effective because it maintains existing densities within flood-prone areas while allowing intensification to proceed elsewhere in the Residential 1A Zone. The recommended rule addresses the residual concerns raised in Environment Southland's evidence and supports a precautionary approach to natural hazard management. The proposed change is consistent with the RPS, NPS-NH and Part 2 of the RMA.

Appendix 1: Area of Interest (outlined in orange)



RES1AZ Residential 1A (Medium Density) Zone

RES1AZ-R1 RES1Z-R1 to RES1Z-R4~~25~~, 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-RX For sites within the Riverine Inundation Level 1 Overlay, Rules RES1Z-R5 to RES1Z-R8 apply instead of Rules RES1AZ-R2 to RES1AZ-R7.

~~**RES1AZ-R2** The maximum residential density is one residence per 300m² under contiguous ownership.~~

~~**RES1AZ-R3** Where the residential density is one residence per 200m² to 299m², under contiguous ownership, then it is a restricted discretionary activity.~~

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

~~**RES1AZ-R4** 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.~~