

BEFORE THE INVERCARGIL CITY COUNCIL

Independent Hearing Panel

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Plan Change 2: Housing and Code of Practice, Invercargill City Council.

COUNCIL HEARING SUMMARY STATEMENT OF EMMA SPALDING

PLANNING CONSULTANT

20 May 2026

Introduction and Overview

1. My name is Emma Spalding. I am a planning consultant and Partner at Taylor Planning. I prepared the s42A Report on Plan Change 2, and assisted with preparation of the s32 Report and drafting of the provisions. I confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical and higher order documents relevant to my s42A report. I have the qualifications and experience as set out in my s42A report.
2. Plan Change 2 seeks to enable greater housing density and diversity across parts of Invercargill, while maintaining good urban design outcomes and updating references to Council's Code of Practice.
3. The Section 42A Report dated 20 April 2026 assesses the submissions received on Plan Change 2 and provides my officer recommendations to assist the Panel in its deliberations. Overall, the Report recommends that Plan Change 2 should proceed, subject to a number of targeted refinements arising from submissions and supporting technical evidence. The s42A recommended amendments include changes to activity status, matters of discretion, and changes to improve plan usability and internal plan consistency. These changes will improve clarity and efficiency of the provisions.
4. Submissions seeking wholesale removal of density controls or reinstatement of the operative provisions are not supported, as they are not considered consistent with the evidence base or the objectives of the Plan Change.
5. I consider that the plan change provisions as recommended in the s42A report will appropriately enable housing intensification, particularly in the Residential 1A Zone, and will address identified housing capacity and diversity needs.
6. The proposed rule framework is intended to strike an appropriate balance between enabling medium density residential development while also managing effects on residential amenity, neighbourhood character and infrastructure capacity.

Addendum

7. Following completion of the Section 42A Report, I prepared an addendum dated 12 May 2026 in response to the detailed hearing evidence of Mr Marcus Roy, Strategy and Policy Manager at Environment Southland.
8. The addendum focuses specifically on residential density within the Residential 1A Zone in areas subject to the Riverine Inundation Level 1 Hazard Overlay.
9. As set out in my Addendum, following review of the Environment Southland evidence, I have recommended a further, targeted amendment to the Residential 1A density provisions, to maintain the status quo for areas subject to the Riverine Inundation Level 1 hazard. This means that the density rules for the Residential 1 Zone will continue to apply to this area.

Response to other evidence

10. I also acknowledge the evidence received from Mr Gareth Clarke, Kāinga Ora and Te Whatu Ora. At this stage no other changes to provisions are recommended in response to the evidence received, but I do have two points of clarification. I also remain open to consideration of the evidence to be presented at today's hearing and I understand I will have the opportunity to provide a reply to the matters heard.

11. In relation to Mr Gareth Clarke's evidence, I note that he has requested additional analysis of the medium density housing demand in Invercargill, and the ability of the Business 1 Zone to accommodate that demand. I do not consider that this is necessary. I consider that there has been sufficient analysis undertaken by the Rationale Reports which were appended to the s32A report. I do not consider additional capacity available in the Business 1 zone to be a basis to decline the plan change. The NPS-UD requires that Council's provide 'at least' sufficient development capacity, to meet expected demand for housing. There is no restriction on providing for additional capacity beyond this minimum. I also note that the NPS-UD specifically acknowledges in Objective 4 that New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations. Retention of the status quo in the Residential 1A Zone is not considered an appropriate outcome, as it does not adequately respond to the identified shortfall in smaller, attached homes in central locations. The Residential 1A Zone is a location that has been specifically identified as appropriate for increased housing intensification, as it is close to jobs, community services, public transport and other amenities.
12. In terms of the Kāinga Ora evidence, I have one clarification to make relating to activity status of Rules RES1AZ-R12 and R13 which relate to 'space around buildings'. Ms Bennett identified that I omitted to include a recommendation on the activity status of breaching these rules. Kāinga Ora request that the notified discretionary activity status should be changed to restricted discretionary, and the matters listed in RES1AZ-R15 should become the matters of discretion. I recommend that this activity status be retained as discretionary, as set out in the notified provisions. A change to restricted discretionary status would be inconsistent with the Plan, as the majority of other zones in the Operative Plan list a breach of the space around buildings rule as discretionary. RES1AZ-R15 lists matters that will be among those taken into account when assessing a breach of the space around buildings rule. These matters are not considered to be comprehensive enough to be used as matters of discretion if the activity status were amended to restricted discretionary. There may be additional matters not listed in the rule which would require assessment in certain circumstances – for example, if a garage or carport is proposed within the front boundary setback, an assessment of streetscape character and amenity, and the safety of pedestrians may be relevant. As such, I recommend this rule be retained as notified.
13. I am happy to respond to any questions the Panel may have.

Emma Spalding

Planning Consultant

Taylor Planning

20 May 2026