

## RPS

---

**From:** Laura McLaughlan <laura.mclaughlan@al.nz>  
**Sent:** Friday, 3 September 2021 2:25 p.m.  
**To:** RPS  
**Cc:** Maree Baker-Galloway; Rosie Hill; Roisin Giles  
**Subject:** Proposed Otago Regional Policy Statement 2021 Submissions (Matter: 2202928)  
**Attachments:** Universal Developments Hawea Limited RPS Submission.pdf; Lane Hocking RPS Submission.pdf; LAC Property Trustees Limited RPS Submission.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Submission - Sector stakeholder

Dear Otago Regional Council,

Please see **attached** submissions on behalf of Universal Developments Hawea Limited, Lane Hocking and LAC Properties Trustees Limited on the Proposed Otago Regional Policy Statement 2021.

Please acknowledge receipt.

Kind regards,

Laura

**Laura McLaughlan**  
Solicitor

### Anderson Lloyd

d +64 3 450 0713 m +64 27 849 6701 f +64 3 450 0799  
Level 2, 13 Camp Street, Queenstown 9300, New Zealand  
PO Box 201, Queenstown 9348  
e [laura.mclaughlan@al.nz](mailto:laura.mclaughlan@al.nz) | [www.al.nz](http://www.al.nz)



Anderson Lloyd is committed to operating sustainably  
and is proud to be Toitū carbonzero certified.

This email is confidential and may be legally privileged. If you have received this email in error then please:  
do not disclose the contents to anyone; notify the sender by return email; and delete this email from your system.  
Please consider the environment before printing this e-mail.

To: Otago Regional Council  
RPS@orc.govt.nz

Submitter: Universal Developments Hawea Limited

### **Submission on Proposed Otago Regional Policy Statement 2021**

- 1 This submission is made on behalf of Universal Developments Hawea Limited (**Submitter**) on the Proposed Otago Regional Policy Statement 2021 (**RPS**).
- 2 The Submitter could not gain an advantage in trade competition through this submission.
- 3 The specific provisions of the proposed RPS that this submission relates to are identified in Appendix 1. The Submitter has focussed on objectives and policies given their statutory weighting in the RMA, however given the interrelationship between all provisions in the RPS, it reserves scope to also support / oppose other 'significant resource management issues, methods, environmental results anticipated, reasons and monitoring' etc, in order to give effect to the matters set out in this Submission.
- 4 The Submitter seeks provisions of the RPS be amended to achieve the intention and reasons as set out in Appendix 1. Alternative, consequential, or other necessary relief to achieve those outcomes sought are also supported by the Submitter.
- 5 The Submitter wishes to be heard in respect of its submission.
- 6 If others make a similar submission, the Submitter will consider presenting a joint case with them at the hearing.
- 7 Unless otherwise mentioned in the below Submission, and in Appendix 1, the relief sought in this Submission is intended to be confined and site specific to the Queenstown Lakes District only.

#### **The Submitter**

- 8 The Submitter owns land within the Queenstown Lakes District suitable for future urban, lifestyle, and alternative forms of land use and development. The submitter is particularly concerned with provisions in the RPS which provide an unnecessary restriction to appropriate use, development, and diversification, in particular to the rural land resource, beyond primary production.
- 9 Very little weighting has been given effect to the National Policy Statement Urban Development 2020 and the associated Government Agenda for Urban Growth. Those regulations and guidelines provide a clear intention and direction for regional and local authorities to release further land to encourage 'at least' development capacity to be realised. The RPS fails to give effect to these intentions, and will continue to exacerbate unaffordability and supply issues for urban development.

#### **Reasons and background to submission**

The submitter requests numerous amendments to the RPS, as listed in Appendix 1. The following provides a summary of the reasons for these requested amendments:

##### *General RMA matters*

- 10 The RPS contains unnecessary or ambiguous text which should be deleted or at least significantly reduced, where this is not necessary to accord with national direction (such as the National

Planning template). To provide clearer direction and improve the applicability of the RPS, various provisions are sought to be deleted because they are not necessary, or otherwise should be clarified to confirm what their legal weighting is to be applied to the Queenstown Lakes District Council (**QLDC**) planning assessments (such as methods, anticipated environmental outcomes, and monitoring). There would be significant efficiency gains in removing unnecessary provisions and producing a more succinct document.

- 11 The RPS should be focused on resource management issues of regional significance. Accordingly, numerous amendments have been sought to ensure the provisions in the RPS are targeted at this regional overarching level without interfering with local resource management issues that are not of regional significance. It is submitted that regional issues include natural resource management issues and those land use issues that traverse territorial boundaries and would therefore benefit from a regionally integrated approach. Where the RPS delves into local matters there is the risk of inefficiencies arising from added assessment requirements, inconsistent policies for resource consents and requirements to amend District Plans to achieve consistency.
- 12 Various amendments are requested to ensure the RPS better reflects the direction provided in Part 2 of the RMA, particularly in terms of protecting matters of national importance from inappropriate subdivision, use, and development. Currently, the RPS fails to correctly provide for subdivision, use and development that may be appropriate even when matters of national importance are adversely affected. For the RPS to phrase resource management issues, objectives, policies and methods differently from Part 2 of the RMA, the Section 32 analysis needs to set out how and why Otago is regionally distinctive in a manner which would justify a different test being applied.
- 13 No specific provisions have been included to recognise the positive aspects of development and use of resources, including through economic and social outcomes, as anticipated in Part 2 of the RMA. Most of the RPS provisions provide for environmental protections and bottom lines, without recognising positive effects of growth and development proposals. This weighting between positive benefits and protection needs to be more evenly spread through the policies, or provided for in new specific provisions. This needs to be remedied at every level of the RPS architecture, from the identification of significant resource management issues, through objectives and policies and into methods.

#### *Rural land and production*

- 14 The rural provisions in the PRPS are too focused on recognising and providing for the primary production sector, with not enough recognition of and provision for appropriate other land uses. Protection of rural land per se is not a regionally significant matter and is not provided for in the RMA. Such considerations should be reserved for regionally significant resource issues such as significant soils or outstanding or highly valued landscapes and features.
- 15 Any protection of rural land should exclude subjective matters such as amenity and rural character. Those are concepts not intended to be carried forward in legislation replacing the RMA, and are not regionally significant matters. These matters should also be removed from urban development provisions, as this is directly contrary to the NPS-UD, which anticipates that character, communities, and amenity change as a result of urban development.

#### *Urban development*

- 16 Appropriate balance needs to be provided for in the provisions to accord with the Government's Urban Growth Agenda and the National Policy Statement Urban Development 2020 (**NPS-UD 2020**) which both provide an acceptance that land development needs to be provided for 'out and up' and recognises the need for urgent planning at a district level to address housing shortages.

- 17 The section 32 analysis supporting the case for the current (restrictive) urban growth provisions is weak and fails to evaluate whether the objectives are appropriate to give effect to the purpose of the Act, particularly in the context of the shortage of land supply addressed below, and the implications of this for enabling people and communities to provide for their well-being, health and safety.
- 18 Otago lacks complex cross boundary issues between territorial authorities with respect to urban areas. It is therefore questioned whether urban growth is a regional issue and therefore the extent to which the RPS should provide policy direction on this matter, beyond 'giving effect to' the requisite incentives and requirements to increase land supply and development, as signalled in the NPS-UD 2020.
- 19 Currently, the RPS does not adequately address the issue of the shortage of zoned land supply and affordable housing. We seek amendments to recognise the issue of the shortage of land supply required for urban growth and housing in some places in the region, particularly Queenstown. Providing for 'at least' sufficient land to cater for growth is extremely important to the economic and social wellbeing of communities, and is required by the NPS-UD. It would be more useful to compel territorial authorities in high growth areas to provide for housing demand in a manner which prevents significant supply shortages.
- 20 Higher infrastructure costs may well be appropriate when there is a net benefit to the community in rezoning an area (for example where zoned land supply is increased to meet demand). Territorial authorities, who are well attuned to the costs of infrastructure provision, should be well placed to make such assessments without direction from an RPS. Infrastructure upgrade and planning requirements should also not unnecessarily restrict growth and development to proceed. Many developments can be serviced through staged upgrades, or private agreements. Restrictions not allowing for those solutions can unnecessarily restrict development, further exacerbating housing supply issues.

### **Outstanding and highly valued natural features and landscapes**

- 21 The importance of managing use, development and subdivision in outstanding natural landscapes and features is not disputed. However it is submitted that the balance of these values with other important values as set out in the RMA could be disrupted if amendments to proposed RPS provisions, as set out in Appendix 1, are not made. For example, a number of tourism and resort developments in the Queenstown Lakes District are appropriate to locate in alpine and lake environments that may otherwise be classified as outstanding natural landscapes. Ensuring that such businesses can continue to operate and provide an important recreational and economic resource to Otago's communities should be borne in mind in formulating RPS policy.
- 22 The RPS affords highly valued landscapes a level of status and protection that is not consistent with sustainable management. Sustainable management will not be achieved by seeking to protect these areas from development or avoiding adverse effects from development in these areas. Doing so will frustrate efficient use and development of resources and worst case could prevent it. Rather, sustainable management will be achieved by ensuring these regionally significant, but not outstanding, landscape values are identified and managed in accordance with the amenity outcomes appropriate for a particular area. Not all rural land should default to being considered as 'highly valued; any requiring protection. This is particularly relevant where in the QLDC, over 97% of the District is considered to be ONF or ONL, and only 1% 'urban'. The remaining 2% therefore might be considered to default to highly valued landscapes, which provides a significant restriction on new and greenfield development (contrary to the NPS-UD 2020, and taking into account Queenstown's high growth rates).
- 23 Amendments are requested in Appendix 1 to make it clear that such environments are living environments where day to day activities need to be carried out. By way of example, it is noted that

the current Queenstown Lakes Proposed / Operative District Plans which have a strong landscape management focus allow for appropriately managed and located urban growth and resort style developments in those areas classified as “visual amenity landscapes”. The economic and social wellbeing of communities could be adversely affected by the RPS indicating that such activities may no longer be appropriate.

Yours faithfully

**Anderson Lloyd**

*Maree Baker-Galloway*

**Maree Baker-Galloway**

Partner

d +64 3 450 0736

m +64 27 295 4704

e [maree.baker-galloway@al.nz](mailto:maree.baker-galloway@al.nz)

Provisions	Reason for opposition	Suggested amendments
<b>Entire RPS</b>	A number of amendments unnecessarily change the Operative RPS to provide for a higher level of environmental protection, which is contrary to the Environment Court's issuing of consent orders, determining the Operative RPS appropriately gave effect to Part 2 of the RMA.	Subject to the specific relief identified below, the Submitter requests that remaining provisions be either deleted or amended to accord to the reasons for relief set out in this Submission, and where any inconsistencies remain between the Operative RPS and the Proposed RPS, that the Operative RPS is to be reinstated.
<b>All methods, monitoring and reasons and anticipated environmental results</b>	Each section of the RPS includes methods, monitoring and reasons to achieve integrated management. It should be clarified that such provisions are interpretive tools only, and are not relevant statutory matters required to be given effect to through district level planning decisions (consents and plan changes).	Clarify legal status and intention of methods, monitoring, anticipated environmental results, and reasons in RPS  To the extent that such provisions have not been specifically submitted on below, the submitter reserves its position in respect of those matters, if the ORC confirms a position which gives those provisions any legal weighting relevant to district level planning decisions
<b>Definitions</b>		Amend, delete, or include new definitions required to give effect to the reasons outlined in the submissions below.
<b>IM–O1 – Long term vision</b>	Reference to the term 'safeguarded natural systems' is an undefined resource management term. Its application to future district level planning is therefore uncertain, and could be interpreted as a requirement to ensure adverse effects on natural systems are avoided. This could stymie appropriate growth and development.	Remove term 'safeguarded natural systems' and otherwise amend the objective to ensure it provides an appropriate balance between protection of natural resource and growth and development/ change.

<b>IM-O3 – Environmentally sustainable impact</b>	Reference to 'preserves environmental integrity, form, function, and resilience' is an undefined resource management term. Preservation has a connotation of allowing no change, rather than management or mitigation which anticipates some level of effects, within an objective to ensure life supporting capacities endure for future generations	Remove term 'preserves environmental integrity, form, function, and resilience' and otherwise amend the objective to ensure it provides an appropriate balance between protection of natural resource and growth and development/ change.
<b>IM-P4 and P5</b>	<p>Strategic planning and environmental connections as a concept is supported, however requirements to protect intrinsic values does not reflect Part 2 of the RMA and only those nationally important matters requiring protection.</p> <p>Management of adjacent land resources beyond the immediate site of interest could result in unnecessary litigation and opposition to planning proposals which would otherwise deliver on necessary outcomes for communities</p>	Remove protective elements where those do not reflect Part 2 RMA, and otherwise amend the policies to ensure it provides an appropriate balance between protection of natural resource and growth and development/ change.
<b>IM P8-P12 climate change</b>	Effects on climate change (adverse and positive) as a result of planning decisions should be appropriately balanced in the RPS. The requirement to avoid activities in areas at risk of climate change effects is a low threshold, and could unnecessarily restrict appropriate growth and development.	Remove any avoidance provisions, ensuring that risks to / from climate change are appropriately weighted against provisions to allow growth and development.

	<p>Enduring climate change mitigation is supported as a concept, however the thresholds in particular in IM-P12 are too high to achieve this. These bottom line policies need flexibility to assess when an activity might have environmental and climate change impacts, but this should be outweighed by other social considerations such as the provisions for low cost and affordable housing and community resources.</p> <p>These policies should also be broadened or new policies added, such that where proposals achieve enduring regional or district positive impacts on social and economic outcomes, other RPS policy bottom lines may be exceeded or breached.</p>	<p>Broaden P12 or include new provisions to reflect the ability for bottom line policies in the RPS to be breached or exceeded where there will be positive social, economic, cultural and climate outcomes achieved.</p>
<b>IM-P14 human impact</b>	<p>This policy does not provide certainty in how, when, where and who will set limits, how regularly and by what process those are reviewed and how this provides for responsive planning. Limits also are applicable to human uses, not just natural environment impacts. For example, limits as to housing shortage and land supply for development is of detriment to people and communities (as defined as part of the environment).</p>	<p>Delete policy or otherwise amend to clarify how limits are applied and managed, and how those relate to human use limits as well as natural limits</p>
<b>IM – new policies</b>	<p>There is a policy gap in the RPS, and particularly in the IM section in recognising and providing for the positive elements of Part 2 RMA (i.e. the social economic and cultural benefits of the use and development of resources. Post King Salmon, there is a greater requirement for RPSs and other plans to be complete on all Part 2 matters, and prior to the Supreme Court's</p>	<p>Include new provisions relevant to recognising positive benefits of the use and development of natural and physical resources.</p>



	<p>decision, positive elements of Part 2 were usually read into a proposal on top of a planning assessment as a separate 'part 2 assessment'. That is no longer the process now and it is imperative that a planning document recognise in its own right these positive elements.</p>	
<b>Part 3 – Domains</b>		
<b>Air O1 – O3; Air P1-P6</b>	<p>Air quality standards set by national regulation should be achieved, however there is no requirement or benefit in the RPS providing a higher threshold of protection than national standards, or a requirement to improve air quality. Requirements to improve air quality or avoid / mitigate all adverse effects (without qualifying a level of effect that is appropriate), could have adverse consequences of restricting appropriate development, or increasing litigation to oppose growth and development.</p>	<p>Remove air quality provisions that provide a higher threshold for protection, or improvement of air quality, beyond national regulation, and otherwise amend the policies to ensure it provides an appropriate balance between protection of natural resource and growth and development/ change.</p>
<p><b>Land and Fresh Water</b></p> <p><b>LF-LS 01-12 (land and soil); LF-LS-P16 – P20</b></p>	<p>Recognition of the protection and management of soils in this chapter should be aimed at just those regionally significant or highly productive soils. Other soils in rural areas, such as in the Queenstown Lakes District, may be marginal for primary production capacity and these provisions should not be unnecessarily restrictive towards alternative uses and development opportunities in such places.</p>	<ul style="list-style-type: none"> <li>- Ensure that soil protective policies are appropriately aimed at just those highly productive or regionally significant soils</li> <li>- Allow for productive capacity assessments to take into account a range of factors beyond LUC classification, including such as alternative efficient uses, prices of land, proximity to infrastructure and urbanisation, past profitability records, other resource availability.</li> </ul>

		<p>- Reference competing resource uses in these policies, recognising that there may be a need to weigh and balance protection of significant soils against other appropriate growth and development objectives (such as housing and infrastructure) and recognising that this is consistent with the Government Urban Growth Agenda (to develop out and up) as well as the NPS-UD 2020 which anticipates greenfield development.</p> <p>- Amend P19, and other provisions if necessary to reflect the ability for a management approach to significant soil which can anticipate either interim or temporary uses, or offsetting of uses on soils, or otherwise removing and using a significant soil resource elsewhere in light of other potential economic and social benefits of development.</p> <p>- Amend these policies to remove a preference for traditional rural production activities over other uses of significant soils which are appropriate and efficient</p>
<b>Topics</b>		
<b>Indigenous biodiversity ECO-O1 –O2; ECO-P4-P8, P10; M2, M8,</b>	Restoration and enhancement of biodiversity is an outcome that is supported, however the provisions should not adversely penalise landowners who have undertaken restoration works on their own volition, and the policy	- Ensure polices do not unfairly penalise or restrict landowners from use and development of resources where they have

	<p>framework should also encourage landowners to further enhance biodiversity outcomes complimentary to other growth and development proposals. These provisions should recognise the benefits of changing a landscape for improvement, and mitigation, rather than prioritising a preference to retain open landscapes in perpetuity.</p>	<p>added to indigenous biodiversity voluntarily in the past</p> <ul style="list-style-type: none"> <li>- Include in this chapter, the consideration of indigenous biodiversity enhancements as a positive effect resulting from growth and development proposals, or the potential for this to be used as offsetting where necessary / appropriate</li> <li>- Clarify where and when restoration may be appropriate, rather than requiring it</li> <li>- Amend provisions to recognise some circumstances where development is appropriate that has an effect on biodiversity, or in SNAs where this gives effect to national direction, such as the NPS-UD 2020</li> <li>- Ensure that biodiversity to be protected (e.g. SNAs) are only designated in accordance with fair and reasonable consultation processes, and incentives and mechanisms relating to control of pests take a collaborative approach with landowners</li> <li>- Amend the provisions to remove a preference for retaining landscapes in their current form, and recognise the benefits of change to landscape values and character as a result of growth and planning (for example through mitigation, landscaping, planting and biodiversity enhancement).</li> </ul>
--	--	--

		<ul style="list-style-type: none"> <li>- ensure that landscape mitigation and biodiversity offsetting are taken into account as positive matters when considering improvements to natural character and landscapes.</li> </ul>
<p><b>Infrastructure</b></p> <p><b>EIT- INF –O4-5; P10, P13-15, P17, M5</b></p>	<p>The requirement to develop nationally and regionally significant infrastructure, as well as land use change in a co-ordinated manner is inappropriate, and should not be subject to any effects assessment.</p> <p>These provisions within infrastructure should generally recognise that infrastructure constraints can be a major bar to development of appropriate urban housing and growth outcomes for communities. Housing and other developments may be able to proceed through a consenting stage in anticipating of infrastructure upgrades, without those actually having been finalised or funded.</p> <p>The provisions should recognise the regional significance of development infrastructure to support residential and other developments, and the ability for privately funded and owned infrastructure to be planned to support land use change</p>	<p>Amend provisions to:</p> <ul style="list-style-type: none"> <li>- Recognise regional importance of development infrastructure, in particular for urban development</li> <li>- Recognise the ability and importance of privately owned and operative infrastructure to support development, through amended provisions or otherwise in new provisions</li> <li>- Ensure provisions do not unnecessarily restrict development where infrastructure matters can adequately be addressed, but which may not be planned for or funded in terms of Council planning documents.</li> <li>- Urban growth and infrastructure should be planned for on the basis of 'at least' sufficient development capacity being actually realised and developed.</li> <li>- remove avoidance wording for urban development contingent on infrastructure, recognising that this is contrary to the NPS-UD (e.g. in M5)</li> </ul>

<b>Transport</b> <b>EIT-TRAN-O7; O8; P18-19, 21, M8</b>	<p>Traffic and transport related effects are relevant in urban planning decisions, but complex and long term solutions are often required, using a multi-agency approach. This should not hold up or restrict other development which is necessary to proceed, such as to address housing shortages.</p>	<p>Ensure traffic and transport upgrade requirements do not unnecessarily restrict appropriate development and the supply of housing and other social outcomes, where a solution to transport can be found in the future, or where adverse effects on a transport network can be appropriately managed.</p> <p>Subdivision and land use should be able to proceed where private vehicle use is appropriate and necessary</p>
<b>Natural Hazards</b> <b>HAZ-NH-P3-P7</b>	<p>Natural hazards can be appropriately managed through resource consent conditions and other controls to ensure that threats and risk are appropriate</p>	<ul style="list-style-type: none"> <li>- Allow for a balanced approach to considering risks from natural hazards over the life time of the development under consideration</li> <li>- Take into account all mitigation measures applicable when determining any risk assessment</li> <li>- only apply precaution where scientific information is not available and where effects are likely to be significant and adverse</li> </ul>
<b>Contaminated Land</b> <b>HAZ-CL-P14</b>	<p>A number of sites previously used in a way that has retained contaminants in soils can be effectively remediated and this is an efficient use of land resources where it can be converted into another alternative use,</p>	<ul style="list-style-type: none"> <li>- Amend policies so they do not provide a higher bar for protection than is in the NES contaminated land.</li> </ul>

	safely. This should not be prevented or avoided so long as compliance with national regulation has achieved.	- remove avoidance wording as a restriction to land development, and other restrictions on conversion and development where land can be effectively and safely remediated to remove or reduce contaminants.
<b>Historical and cultural values</b>		Ensure that any Wāhi tūpuna sites or overlays provided at a district planning level apply appropriate rules and restrictions that are commensurate with the protection of cultural values necessary.
<b>Natural feature ad landscapes</b> <b>NFLO1-NFLP1 –P3, P4,</b> <b>Schedule for identification of ONL/F values</b>	Recognise that in the QLDC, the majority of the district is considered to be a section 6 landscape (ONL and ONF) this, combined with social factors and population growth means that development and expansion / urbanisation is complex and needs to take into account these constraints. A number of landscapes regarded as 'outstanding', particularly in the QLDC are currently degraded and modified landscapes that are open at present, due to historical burning, agricultural practices, and other forms of human modifications. Preference should not be provided to such landscapes as being 'natural' just because they are open in their present state. Such open landscapes should not be given the same priority as the truly natural ones.	- Remove avoidance language  - Amend objective O1 to not provide for unqualified protection, but to reflect a more nuanced approach from the policy level  -Recognise that for section 7 amenity landscapes, those must also be identified and scheduled rather than being default rural land that is not ONFL, and protection of these should be relevant to landscape character, rather than landscape per se  - Remove recognition of highly valued section 7 landscape matters, as these are essentially amenity landscapes, the concept of which is not proposed to be included in replacement RMA legislation

		<ul style="list-style-type: none"> <li>- Where provisions may be in conflict with other national objectives, such as through the NPS-UD 2020, or otherwise where proposals have significant social and economic benefits, the latter should take precedence</li>   <li>- promote restoration and enhancement, including through planting and other mitigation, as a relevant positive matter or otherwise an offsetting mechanism, in considering development proposals</li>   <li>- ensure that landscape capacity assessments, and ability to change landscape character, are relevant to change of landscape quality as well as character</li>   <li>- Recognise a differential level of character and values for landscapes that are open, modified, or otherwise degraded, as opposed to truly 'natural' and unmodified landscapes (both at a policy and objective level, as well as at a schedule level when identifying landscapes)</li>   <li>- clarify the scale at which landscapes are to be assessed, particularly when forming capacity assessments, and the size and extent of ONF/Ls</li> </ul>
--	--	--

<p><b>Urban form and development</b></p> <p><b>UFDO1-O5; P1-P10 ; M1-M3; AER-1-11</b></p>	<p><b>UFD-O1</b> provides that the form and function of urban areas 'maintains or enhances the significant values and features identified in this RPS, and the character and resources of each urban area'. This wording could potentially be problematic as a key objective of the RPS in that, logically, any major rezoning or development will have some change on character and resources of an urban area. This will be problematic where community groups are opposed to rezoning and expansions. Policy 6 of the NPS-UD (and other provisions) specifically recognize that character, amenity and quality of areas will change as a response to urban development and planning, that this should be expected by communities and is not necessarily adverse. For the same reasons, no reference to protection or preservation of amenity values, or of rural character is provided in the NPS-UD</p> <p><b>UFD-O3</b> requires that strategic planning is undertaken in advance of significant development of urban areas to ensure that 'there is sufficient development capacity supported by integrated infrastructure...' This provision is problematic in that it is unclear how, and to what extent, this would apply to greenfield development (and whether this is considered an 'urban area' if it is not zoned for development through the District Plan). Also, this objective potentially falls short of the NPS-UD 2020 which requires that planning decisions provide 'at least' sufficient development capacity to meet demands. The addition of the wording 'at least' throughout the NPS-UD was recently included by Government to ensure that Councils are directed to provide for capacity over and above what their demand forecasts show. This is a helpful tool for developers to leverage, particularly in QLDC.</p>	<ul style="list-style-type: none"> <li>- Amend or delete all urban growth provisions</li> <li>- Ensure that all provisions give effect to the NPS UD 2020 and the Government's Urban Growth Agenda. In particular providing for responsive planning decisions over time, and ensuring that 'at least' development capacity is enabled</li> <li>- remove restrictions around infrastructure being ready, or planned, or funded, prior to progressing development. This unnecessarily restricts housing developments which could otherwise get underway with consented certainty on the basis of staged or private infrastructure</li> <li>- remove all provisions relating to rural residential and rural lifestyle development within the urban growth objectives. These are not urban developments, and need not be controlled beyond other RPS policies relevant to regionally significant resources (such as significant soils, or highly valued landscapes).</li> <li>- remove all protections of development on rural land generally, as this is not a regionally significant matter per se (beyond significant soils and section 7 landscapes) requiring protection. This is also contrary to the NPS-UD which encourages greenfield developments</li> <li>- remove all references to amenity values, rural character and reverse sensitivity. The</li> </ul>
---	--	---



	<p><b>UFD-O4</b> provides a number of restrictions in the context of land development in rural areas; impacts on significant values and features, and highly productive soils are to be avoided, and otherwise only provided for where the District Plan identifies urban expansion / lifestyle zoning, or otherwise where development 'maintains and enhances the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities'. This provision is extremely problematic for any greenfield development in the QLDC. If zoning is not anticipated in the District Plan, then lifestyle and residential development will be very difficult to establish on the basis that it maintains rural character and production.</p> <p>Policy <b>UFD-P7</b> contains the same issues by directing residential activities in rural areas to only those locations zoned already.</p> <p>Similarly, <b>UFD-P8</b> provides that rural lifestyle and rural residential zones shall only occur where land is adjacent to existing or planned urban areas and ready access to employment and services is available. A number of subdivisions in the QLDC would struggle to achieve this policy.</p> <p><b>UFD-P1</b> requires that 'strategic planning processes' are undertaken which ensure integration of land use and infrastructure, including how, where and when necessary infrastructure and additional infrastructure will be provided. This is problematic because it assumes the Council will be on top of such 'strategic processes' in a timely fashion so that urban development can proceed. It also assumes that Council has planned and allocated funding to requisite infrastructure upgrades in advance of</p>	<p>inclusion of these is contrary to proposed replacement legislation in that 'amenity values' and rural character are matters which have supported litigation to stymie necessary growth and development opportunities.</p> <ul style="list-style-type: none"> <li>- Ensure sufficient flexibility is retained in the provisions to support varied opportunities to create quality urban environments, including the ability for plan changes and consents to be progressed that might be beyond an urban growth limit or other district level policies, but is nevertheless consistent with achieving positive social and economic outcomes</li> <li>- Allow for the ability to challenge and proffer alternative dwelling capacity assessments to support needs for rezoning, rather than assuming Council held records are correct and up to date.</li> <li>- the methods are currently drafted as policies and these should either be changed as such, and reflect the above requested amendments, or otherwise be removed</li> </ul>
--	---	--

	<p>approving development. This removes the ability for private planning and consenting proposals to address infrastructure through private funding and ownership arrangements.</p> <p>Developments which accord with the NPS-UD or which otherwise contribute to housing supply that is needed at a District level should not be unnecessarily restricted</p>	
<b>Rural land – new provisions</b>	<p>The only provisions relevant to rural land use are entangled with urban development provisions above. Recognition should be provided for separately which anticipates alternative uses of rural land, beyond primary production. Including the benefit of such land to be used for lifestyle development, resort and tourism development</p>	<p>- Include new provisions recognising appropriate diversification of the rural land resource beyond primary production</p>