

Section 42A Hearing Report

Proposed Otago Regional Policy Statement 2021

Chapter 15:

UFD – Urban form and development

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15. UFD – Urban form and development

15.1. Introduction

1. The purpose of the Urban Form and Development chapter is primarily to:
 - Better manage change in the locations where over 90% of the region’s population live and work, and the vast bulk of residential and business growth and resulting development and change is likely to occur in the future;
 - Provide an overarching regulatory policy framework for implementing ORCs s30 functions, particularly, but not exclusively, subsection 1(a), (b), (ba), (d)(i) and (v), (f), (ga) and (gb), that also provides policy support and direction to the regions TAs in delivering their s31 functions, in accordance with higher order documents (including this RPS) and their own identified strategic directions, allowing for the incorporation local community views;
 - Give effect to the requirements of the NPS-UD in the context of Otago’s unique housing and employment markets and environments, for Tier 2 and Tier 3 urban environments, and smaller urban areas generally including the integrated management of urban areas and their surrounding rural areas, particularly rural residential and rural lifestyle development that are sensitive activities with strong functional linkages to urban areas and potential for significant impacts on rural activities and production;
 - Direct the integrated management of urban and rural development related issues (as identified in the SRMR and RMIA chapters) though a generally enabling approach, guided foremost by a strategic spatial planning led framework, recognising that the other chapters provide a relatively directive approach to identifying ‘constraints’ for urban and residential activities and the infrastructure that is required for existing and new local, regional (and national) development;
 - Require increased regional coordination, cooperation and consistency in the implementation of a strategic approach to providing for growth and change, allowing for high degree of variability to develop though local approaches that will navigate each localities unique challenges and opportunities
 - Recognise that the drivers of change are likely to vary over time and in relative importance, requiring that long term planning is regularly reviewed and monitored in light of present circumstances, and also allow a process that requires local authorities’ to be responsive to unanticipated variation from strategic plans where demonstrably appropriate.
 - Recognise that dynamism and change is the primary feature of urban areas, and should be enabled in response to changing needs and preferences - planning is (or should be) by definition a future focussed activity, and urban development and rural fragmentation is effectively irreversible and permanent. Thus, in providing for changes in preferences and needs, care should be had to ensure that these

decisions do not preclude reasonably foreseeable impacts or changes that may preclude other more suitable, efficient or sustainable options.

2. The approach taken to these requirements in this chapter is enabling growth and change within urban environments, and managing residential growth in rural areas by ensuring it occurs only where it is demonstrably appropriate recognising that urban and rural areas contain a number of features and values articulated by other chapters that need to be identified and considered. To balance the tension of enabling urban growth, and minimising its effects on other identified values and features, Strategic Planning processes, of a scale and scope appropriate to the urban area (including its surrounds) are required to identify and consider these constraints and identify, and promote the opportunities, in order to balance reasonably foreseeable demand with well considered, timely and integrated infrastructure serviced opportunities for supply that 'at least' meet urban area demand in an aggregate sense, in order to ensure Otago's urban areas of all scales are 'well-functioning' as the primary outcome.

15.2. Author

3. My name is Kyle Oliver Balderston and I am currently employed as Principal Spatial Analyst in the Research and Evaluation Team at Auckland Council, a role I have only held since 26th April 2022. Immediately prior to this I was Team Leader Urban Growth and Development, in the Policy Team at the Otago Regional Council. A role I held for two years and three months. I have also been Acting Team Leader, RPS, Air and Coast Team for at least nine months as maternity leave cover for Lisa Hawkins.
4. My hold a Bachelor of Science (Honours) with First Class Honours in Geography from the University of Auckland, given in 2003.
5. I have nearly 20 years of local government experience, including resource consenting and policy development under the RMA, strategic development and implementation under the LGA, Local Area Planning (under the Waitakere Ranges Heritage Area Act), Spatial Planning (under the Local Government (Auckland) Amendment Act including the development of the first and second Auckland Plans, and deep involvement in the preparation, defence and implementation of the Auckland Unitary Plan that gives life to many of the aspects of the Auckland Plan.
6. I have been involved in numerous projects to provide robust, independent evidence base to inform spatial form, infrastructure investment planning and urban development. This included provision of evidence for Auckland Council to the IHP (Urban Growth topic) for the Auckland Unitary Plan, and ultimately secondment to the IHP, to develop Appendix 1 to the Panels Recommendation Report to Auckland Council on Enabling Growth.
7. I have been a member of several MfE convened Technical Advisory Groups for the NPSUDC and NPSUD and involvement in developing Auckland's leading Capacity for Growth and Feasible Development Models that form the conceptual basis of the HBA requirements under the NPSUDC and NPSUD, and have provided assistance and advice to a number of other regional planning processes including Future Proof (Waikato), Smart

Growth (BoP) and others. I have been a member of a range of project teams investigating potential impacts on land use and transport integration and leveraging amenity changes and improvements to deliver zoning supported by infrastructure.

8. For the last two years, in Otago, in addition to developing the UFD chapter and the day-to-day management of the RPS project, I have been involved in QLDC and DCC's Housing and Business Assessments and Urban Development Partnerships to give effect to the NPSUD as ORCs lead urban officer promoting urban interests and issues within the organisation and encouraging greater cooperation and coordination with TA's, iwi, central government and key stakeholders.

15.3. General themes

15.3.1. Introduction

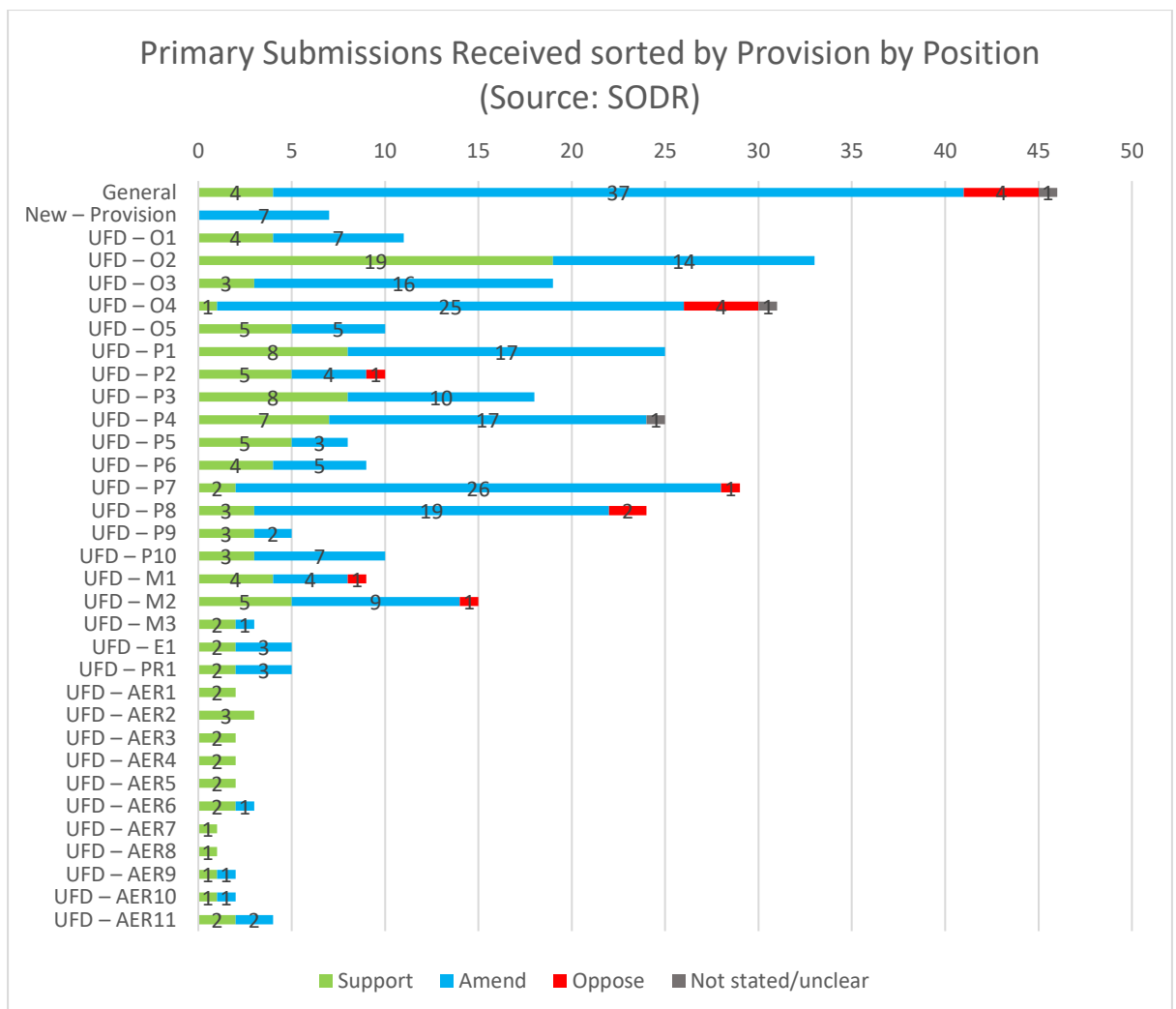
9. In the SODR¹, a total of 381 submissions points were identified that related to the Urban form and Development Chapter, 118 in support of retaining provisions as notified, 246 seeking various amendments from the very minor to extensive, and 14 in opposition (delete in entirety) to certain provisions. Three submission points were identified where the position of the submitter was either not clear or unstated.
10. 46 submission points were classified into the 'General' category, where these were not on a specific provision (or the specific provision the submitter was referring to was not identifiable) or referred to the chapter generally (or in whole). 4 of these were classified as having a position in support, 4 in opposition, and 37 seeking some sort of change (amend). 7 of the Amend submissions were recorded as seeking the addition of new provision.
11. The count of submissions and the position of the submitters on those provisions are outlined in below. While the numbers in and of themselves do not indicate the nature of the issues, they do indicate the level of 'interest' that the provisions have attracted, the nature of that interest (in support, opposition or amending) and therefore provide an initial indication of where debate and therefore a need for evidence and discussion arise.
12. The development related Objectives (UFD - O2 - Development of Urban Areas (33 submissions) and UFD - O4, Development in Rural Areas (31 Submissions) have attracted the most submissions, and UFD - O4 in particular attracted the most opposition of any UFD provision with 4 submissions recorded as opposing (delete in its entirety), indicating the high level of interest in the management of rural matters. This opposition generally focussed on rural issues being in an 'urban' chapter.
13. This pattern is generally followed in the submissions on policies with the more general urban form Policies (UFD - P1 (n25) and UFD - P3 (n18) , UFD - P4 (n25)) and the Rural

¹ As originally published - the figures in this section do not account for the Corrigenda or submissions that have been reallocated or otherwise dealt with in this chapter or other chapters subsequent to the SODR publication. The discussion of numbers is intended to give an indication of the pattern of interest from provision to provision and the nature of that interest (relative support, oppose and amend), based on the SODR.

related policies also seeing high numbers (UFD - P7 with 29 attracting the highest total count amongst the policies, and UFD - P8 with 24). In comparison, the other policies attracted around 10 submission points each or less.

14. The Methods, particularly M1 Regional Plans (n9) and especially M2 District Plans (n15) received some interest, with M3 receiving only 3 submissions. M1 and M2 both received a single submission that opposed (delete in entirety).
15. The Explanation, and Principal Reasons received relatively low interest, with 2 submissions in support and 3 seeking various amendments on each provision. Many of the AERs only received 1 or 2 submissions in support (retain as notified), with the remainder (AER 6, 9, 10 and 11) receiving 1 or two submissions in support and 1 or two seeking amendments. None of these provisions were opposed by submitters.
16. FIGURE 1 below graphs the submissions as recorded in the SODR and as described above, illustrating the numbers of submissions received against each provision and the position taken in those submissions by submitters.

FIGURE 1: UFD CHAPTER PRIMARY SUBMISSIONS RECEIVED BY PROVISION AND POSITION



15.3.2. General submissions

15.3.2.1. Introduction

17. A significant number of submissions points on the UFD chapter are classified as general submissions, in that they are not 'on' a specific provision, relate to many provisions, or the provision they may relate to was not able to be identified. A number of submissions that are classified as general RPS are also dealt with in this section as they relate primarily to urban or rural development issues.
18. Many are philosophical in their nature asking for usually unspecified changes to reflect the submitter's particular concerns (which are generally clearly stated). Despite this diversity, the general submissions can be grouped into a number of common themes, which are noted below and subsequently used as headings to organise the discussion:
- Support chapter in whole or part
 - Oppose chapter in whole or part
 - Features and Values and the 'appropriate balance' between objectives
 - Rural matters in an 'Urban' chapter
 - Is Rural Residential and Rural Lifestyle development a regionally significant issue?
 - Allowing for unplanned developments
 - Other location or activity specific Issues

15.3.2.2. Submissions

Support chapter in whole or part

19. Fish & Game² supports the chapter subject to relief sought elsewhere.
20. The Director General of Conservation³ seeks to retain the RPS as notified, except where specific amendments are sought.
21. Ngāi Tahu ki Murihiku⁴ seeks to retain aspects of this chapter that support climate change response and improved management of three waters infrastructure to support Kāi Tahu involvement, implementation of Te Mana o te Wai, and protect the mauri of the coastal environment.
22. Business South Inc⁵ supports policies that facilitate business capacity, as well as the use of mapping tools that give certainty for both existing and new businesses, noting that at a further point⁶ this is qualified by a request to ensure the way council works through the

² 00231.089 Fish and Game

³ 00137.150 Director General of Conservation

⁴ 00223.130 Ngāi Tahu ki Murihiku

⁵ 00408.011 and 00408.015 Business South Inc

⁶ 00408.014 Business South Inc

process of defining boundaries is both transparent and engaging, where parties have interests.

Oppose chapter in whole or part

23. LAC Properties⁷, Lane Hocking⁸, Maryhill Ltd⁹, Mt Cardrona Station¹⁰ and Universal Developments Hawea¹¹ have made more or less identical submissions¹² that seek all urban growth provisions be amended or deleted. In addition to requests for amendments on particular provisions, the following general points raised by these submitters seek a more enabling or flexible approach to both urban expansion and rural residential development than is proposed:
- a. 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.
 - b. 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
 - c. 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).
 - d. 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 RMA landscapes) requiring protection. This is also contrary to the NPS – UD which encourages greenfield developments
 - e. Remove all references to amenity values, rural character and reverse sensitivity. The 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.
 - f. 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 are nevertheless consistent with achieving positive social and economic outcomes

⁷ 00211.046 to 053 LAC Properties inclusive

⁸ 00210.046 to 053 Lane Hocking inclusive

⁹ 00118.066 Maryhill Ltd

¹⁰ 00014.066 Mt Cardrona Station

¹¹ 00209.046 to 053 Universal Development Hawea inclusive

¹² The submissions have all been submitted via the same consultant, but summarised by different staff resulting in slightly differing approaches to submission point by point identification.

- g. 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.
24. Beef + Lamb and Deer Industry NZ¹³ seek a rewrite of the UFD chapter to give effect to the intent of their submission and in particular, to firstly recognise, provide for and protect versatile soils and productive land use; and secondly, avoid adverse effects on versatile soils and productive land use (including reverse sensitivity).
25. Dunedin City Council has made extensive submissions on almost all provisions seeking amendments, and also seeks¹⁴ (in summary) that the UFD chapter be amended to
- a. Remove any duplication/paraphrasing of NPS – UD provisions where this does not add value;
 - b. Avoid reopening of matters that have been recently resolved in the current partially operative RPS 2019 unless necessary to achieve other items in this list;
 - c. Ensure that regional direction aligns and does not conflict with the direction on urban form and development within the recently developed and settled strategic directions that are included in the Dunedin City second generation District Plan (2GP).
 - d. Ensure that housing and business land capacity requirements for all medium or high growth areas can be met effectively under the RPS, including by providing for enough feasible development options and by effectively and efficiently facilitating any public or critical infrastructure or services necessary to support growth to operate, develop or expand.
 - e. Provide clear guidance on how to reconcile any tensions between achieving the above objective [sic¹⁵] with other regional objectives for example around highly productive land, management of natural hazards risk, or landscape protection.

Rural matters in an ‘urban’ chapter

26. Federated Farmers¹⁶ seeks that the appropriateness of combining rural matters with a chapter specifically about urban form and development be reviewed. This point is also made in a general sense by many other submitters in support of relief sought in respect of specific provisions.
27. Mt Cardrona Station¹⁷ and Maryhill Ltd¹⁸ seek the inclusion of new provisions recognising that the rural land resource is diverse and will diversify beyond just rural production and

¹³ 00237.063 Beef & Lamb NZ and Deer Industry NZ

¹⁴ 00139.249 DCC

¹⁵ I have assumed the ‘above objective’ assume refers to meeting housing and business capacity objectives listed in (d)

¹⁶ 00239.172 Federated Farmers

¹⁷ 00014.067 Mt Cardrona Station

¹⁸ 00118.067 Maryhill Ltd

should recognise the benefits of such land to be used for other uses as lifestyle development, resort and tourism development.

Other location or activity specific issues

28. Kāi Tahu Ki Otago¹⁹ requests that the UFD Objectives Policies and Methods be amended as required to reflect the management approach to stormwater and wastewater set out in LF - FW - P15, an approach partially supported by the previously mentioned submission of Ngāi Tahu ki Murihiku²⁰ who seek retention of provisions that support improved management of three waters infrastructure and the implementation of Te Mana o te Wai.
29. More specifically, Kit Girling²¹ seeks that the RPS be amended to ensure the ORC supports reticulation of wastewater and stormwater within Outram and rejects any further growth in the surrounds of the township until a reticulation system is put in place.
30. Aurora Energy Ltd²² seeks the addition of specific sub-clauses to a number of policies (UFD-P3, 5, 6, 7 and 8, with consequential relief to the Methods) to recognise and provide for the distribution network by mapping substations and distribution infrastructure, and managing effects of potentially incompatible activities, including by providing for setbacks as well as other relief.
31. Tussock Rise Ltd²³ seeks any further amendments needed to improve the workability and clarity of the UFD provisions and “achieve the purpose of their submission”, and specifically to enable business mixed use zoning to be used as a method to achieve intensification.

Implementation and engagement

32. Central Otago Winegrowers Association²⁴ suggests there is a compelling requirement for engagement with primary industry, landowners, representative associations and related parties should form part of the overriding context of the pORPS.
33. Business South Inc²⁵ seeks the RPS be amended to ensure the way council works through the process of defining boundaries [for urban growth or zoning decision] is both transparent and engaging, especially where parties have interests.

15.3.2.3. Analysis

Support chapter in whole or part

¹⁹ 00226.306 Kāi Tahu ki Otago

²⁰ 00223.130 Ngāi Tahu ki Murihiku

²¹ 00312.002 Kit Girling

²² 00315.081 & 00315.082 Aurora Energy Ltd

²³ 00401.013 Tussock Rise Ltd

²⁴ 00302.003 Central Otago Winegrowers Association

²⁵ 00408.014 Business South Inc

34. For the most part these submissions are catchalls and subject to more specific relief sought by the submitter.
35. The support is noted and specific submission points are dealt with individually in relation to the provision that they relate.

Oppose chapter in whole or part

36. The identical submissions of LAC Properties²⁶, Lane Hocking²⁷, Maryhill Ltd²⁸, Mt Cardrona Station²⁹ and Universal Developments Hawea³⁰ seek all urban growth provisions be amended or deleted. Further details of the amendments sought are contained within these parties' submissions on particular provisions, and they are further dealt with in the respective provision that they relate to. However, I do not support the deletion of all urban growth provisions, and accordingly these submissions are recommended to be rejected.
37. The following 'general' submission points made by this group of submitters (who have active development interests in the Queenstown-Lakes district, and possibly elsewhere) focus on establishing a more enabling or flexible approach to both urban expansion and rural residential development than is proposed in the pORPS, and they raise important concepts and as such they are discussed in turn:
38. "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"
 - The parties' submissions on this point are accepted to the degree that in my view the provisions are specifically designed to give effect to the NPSUD, and do their part to support the achievement of the UGA objectives³¹, which are mirrored or reflected in the RPS objectives. However, the UGA is a multifaceted multiyear strategy to organise action across all of central government, not all of which is necessary to include in the RPS, nor is appropriate to 'give effect' to non-statutory central government initiatives, until they become statutory instruments, like the NPSUD, which has been given effect to.

²⁶ 00211.046 to 053 LAC Properties inclusive

²⁷ 00210.046 to 053 Lane Hocking inclusive

²⁸ 00118.066 Maryhill Ltd

²⁹ 00014.066 Mt Cardrona Station

³⁰ 00209.046 to 053 Universal Developments Hawea inclusive

³¹ <https://www.hud.govt.nz/urban-development/urban-growth-agenda/> : The main objective of the UGA is to improve housing affordability, underpinned by affordable urban land. This objective is supported by wider objectives to:

- improve choices about the location and type of housing
- improve access to employment, education and services
- assist emission reductions and build climate resilience
- enable quality-built environments, while avoiding unnecessary sprawl.

39. “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”
- The definitions are consistent with those outlined in the NPSUD, in terms of infrastructure being either ‘available’ (i.e. exists or will shortly exist to the satisfaction of the relevant local authority), or is ‘planned’ to be available (either in the relevant councils LTP in the medium term, or Infrastructure Strategy for the long term), but the key aspect of development infrastructure is that it is both suitable (has sufficient capacity to accommodate planned or reasonable expected development) and available (exists and can be connected to), as well as other ‘second order’ concerns including being efficient to maintain over the longer term, and integrates efficiently into planned networks. Staged or otherwise, private infrastructure is not precluded so long as these matters (to be negotiated assessed and confirmed by way of plan change proposals) are addressed to ensure they meet the requirements of UFD-P4(3) and UFD-P10, and the relevant provision of the EIT chapter. The definition of development infrastructure specifically relates to infrastructure controlled by a local authority or council-controlled organisation - acceptance of privately provided infrastructure is therefore not precluded and is common practice though most subdivision and development projects though the vesting process. The relevant codes of practice of the responsible local authority or infrastructure provider, which are primarily about ensuring infrastructure fit for purpose, integrates into the wider network, and is appropriate for future vesting, maintenance and operation will also be relevant to the details of these discussions which would fall into the realm of confirmation that developer provided infrastructure will be both available but also suitable over the longer term. I reject outright the notion that urban development can or should proceed ahead of suitable infrastructure (and I am not clear that the submitter seeks this despite the wording of the submission), an opinion consistent with Clause 3.4(3)(a) of the NPSUD³² but I am ambivalent about ‘who’ provides it initially. I would also agree and note that the NPSUD definition is narrowly framed (applies only to council owned or controlled infrastructure) and may need amendment in light of three waters reform, the Urban Development Act and the Infrastructure Funding and Financing Act, and the key role of state highways across the entirety of the regions transport network including within many urban areas.
40. “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).”

³² NPSUD Clause 3.5 “(3) Development capacity is *infrastructure-ready* if: (a) in relation to the short term, there is **adequate existing *development infrastructure* to support the development of the land**” emphasis added, and defined terms *italicised*.

- SRMR-I4 specifically identifies poorly managed residential growth as a regionally significant issue requiring improved management, and all other issues have some cross over application to the potential impacts of poorly managed rural residential and rural lifestyle development, including, but not limited to highly productive land and valued landscapes.
41. “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.”
- Protection of rural areas from inappropriate use and development is identified as a regionally significant issue. The NPSUD requires the creation of well-functioning urban environments, which may include intensification, expansion or, more likely, a mix of both. The inclusion of provisions that identify the benefits of expansion to be assessed against the environmental costs of that expansion is not contrary to the NPSUD. Although the pathway is more involved than intensification this reflects the simple fact that expansion, being a change from rural to urban is a more significant change in almost all aspects than intensification, which is allowing urban places to become ‘more urban’. I would also disagree with the submitter that the NPSUD ‘encourages’ greenfields³³ given the bulk of its content focusses on intensification, but greenfields are accepted as a component part of meeting demand and supporting competitive land and development markets.
42. “Remove all references to amenity values, rural character and reverse sensitivity. The 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.”
- Replacement legislation³⁴ is not current legislation and in the case of the RM reforms, the final finer details are too unclear to make a reasonable attempt to anticipate³⁵.
 - I would also highlight that NPSUD contains Objective 4 (amenity values change over time in response to changing needs and preferences) and Policy 6, which provides a ‘new’ interpretation of how amenity values are to be considered, in urban environments that are being developed in accordance with RMA documents that have been amended to conform to the NPSUD³⁶:
- Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

³³ I would also note the NPSUD does not include this term, instead referring to ‘existing and *new urban areas*’ or ‘*future urban areas*’, which would have the same generally understood meaning as used by the submitter.

³⁴ I assume the current Resource Management reforms are the proposed legislation referred to.

³⁵ Anticipatory attempts have been made to ensure that headline matters are relatively easily incorporated - for example ‘strategic planning’ could easily encompass the expected approach to Regional Spatial Strategies.

³⁶ The NPSUD is clear that this approach to amenity applies to decision makers considering the planned urban built form anticipated by RMA planning documents that have given effect to the NPSUD.

(a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement

(b) that the planned urban built form in those RMA planning documents **may involve significant changes to an area, and those changes:**

(i) may detract from amenity values appreciated by some people but improve values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and

(ii) are not, of themselves, an adverse effect

(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)

(d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity

(e) the likely current and future effects of climate change.³⁷

- This highlights that once detailed zoning decisions (which would occur in District Plans, building on Strategic Planning) have been made (to give effect to the NPSUD) and decisions are in accordance with those zoning frameworks, a resulting change in amenity values is not necessarily adverse because new (replacement) amenities may be created as a result. The NPSUD also includes ‘qualifying matters’ and so does not make consideration of those changes irrelevant in the plan change process, which the RPS will primarily guide. For clarity, I agree with the submitters point that the use of amenity values as a tool for maintaining stasis within existing urban areas has resulted in significant societal costs beyond any potential benefit of maintaining (sub)urban character (which is not a scarce resource), and for this reason the RPS is intended to be clear that strategic planning provides the best way to consider these trade-offs, alongside the strong directions in the NPSUD to enable intensification in particular, and that once identified, development in accordance with a strategic plan should be enabled.
- The NPSUD also states at 3.34 in relation to enabling height and density³⁸ “Effects on consideration of resource consents (1) Nothing in Policies 3 or 4 or this subpart precludes the consideration (under section 104 of the Act) of any actual or potential effects on the environment associated with building heights, highlighting that amenity is a concern, but that it cannot be maintained as is without considering the benefits of alternatives” - I would also note that the submitters business is in effect creating new residential amenity - and I’m sure they will agree that attractive environments are more profitable and successful because they are valued, than the alternative.

³⁷ **Emphasis** added.

³⁸ These policies apply to Tier 1 areas, but the point applies wider, and the approach to qualifying matters provides guidance to the approach needed in Tier 2 and 3 urban environments as well - The NPSUD does not preclude consideration of amenity.

- Further, the provisions of the NPSUD are not directly relevant to rural character and amenity or reverse sensitivity, as the NPSUD applies to urban environments³⁹.
43. “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”
- I consider this point to be one in support, as the RPS makes specific provision that would require local authorities to be responsive to plan change applications for out of sequence or unanticipated developments that meet the requirements of UFD-P10. This does not preclude TAs from being responsive to other applications, simply that they must be responsive to those that meet the criteria of UFD-P10.
44. 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.
- The NPSUD requires local authorities to undertake regular monitoring and reporting, including liaison with the development community to understand take up, alongside more substantive updates to Housing and Business Assessments every three years, an approach also supported by the requirements of UFD-M1 and UFD-M2. I do not consider it appropriate to create an alternative HBA pathway, but do consider that the now established practice is to supply various expert evidence through plan change or consenting processes involving analysis of more localised timely or otherwise different supply and demand factors. I do not believe this consenting/plan change evidence process needs to be stated in the RPS.
45. Beef + Lamb and Deer Industry NZ⁴⁰ submit that the [UFD chapter] requires rewriting “to give effect to the intent of their submission” and in particular to firstly recognise, provide for and protect versatile soils and productive land use; and secondly, avoid adverse effects on versatile soils and productive land use (including reverse sensitivity).
- Beef + Lamb have made a number of more specific submissions on various provisions in the UFD chapter, and they are considered against those provisions. I believe the RPS does deliver the aims stated by the submitter.
46. Dunedin City Council has made extensive submissions on almost all provisions seeking amendments, and also ask⁴¹ (in summary) that the UFD chapter be amended to:
- “Remove any duplication/paraphrasing of NPS – UD provisions where this does not add value;

³⁹ Clearly the provision of new urban areas will intersect directly with these concerns and the rural urban price differential measure directly relates to this, but the NPSUD provisions on ‘amenity’ cannot apply beyond *urban environments*. I would also note that this RPS has deliberately extended the general direction and approach of the NPSUD to the regions *urban areas*.

⁴⁰ 00237.063 Beef + Lamb and Deer Industry NZ

⁴¹ 00139.249 DCC

- Avoid reopening of matters that have been recently resolved in the current partially operative RPS 2019 unless necessary to achieve other items in this list;
- Ensure that regional direction aligns and does not conflict with the direction on urban form and development within the recently developed and settled strategic directions that are included in the Dunedin City second generation District Plan (2GP).
- Ensure that housing and business land capacity requirements for all medium or high growth areas can be met effectively under the RPS, including by providing for enough feasible development options and by effectively and efficiently facilitating any public or critical infrastructure or services necessary to support growth to operate, develop or expand.
- Provide clear guidance on how to reconcile any tensions between achieving the above objective with other regional objectives for example around highly productive land, management of natural hazards risk, or landscape protection.”

47. Dunedin City Council has also made a number of more specific submissions on various provisions in the UFD chapter, and they are considered against those provisions. I believe the RPS does deliver the aims stated by the submitter, noting specifically that the direction of the hierarchy is from the RPS to the District Plan, not the other way around. Having said that, I could not identify any of the 2GP strategic directions that would, on a quick overview, be significantly in conflict with the RPS to the extent that they would require change in order ‘to give effect to’ the RPS. In relation to the tensions between other regional objectives, these are in my view quite clearly stated and therefore resolved, albeit in a way that may require changes to practice, or challenge prior assumptions about what is likely to be acceptable or appropriate.

Rural matters in an ‘urban’ chapter

48. Federated Farmers⁴² asks that the appropriateness of combining rural matters with a chapter specifically about urban form and development be reviewed. This point is also made in a general sense by many other submitters in relation to specific reasoning and relief sought in respect of specific provisions of the UFD Chapter that they have submitted on.

- The chapter is about Urban form, and Development. Recognising and providing for the primary use of rural areas is for rural activities does require managing urban and other sensitive activities. The National Planning Standards are relatively ambivalent on where ‘rural’ matters would reside, and we have determined that they are best located alongside urban issues in a chapter focused on the management of spatial relationships and interconnection and cumulative and the often irreversible effects arising from one land use replacing another.

⁴² 00239.172 Federated Farmers

49. Mt Cardrona Station⁴³ and Maryhill Ltd⁴⁴ seek the inclusion of new provisions recognising that the rural land resource is diverse and will diversify beyond just rural production and should recognise the benefits of such land to be used for other uses as lifestyle development, resort and tourism development.
- Responses to the specific submissions of these submitters and others on this point in specific provisions has addressed this point, and it is generally accepted in principle though not all detailed suggestions have been accepted and number of amendments to recognise that spatially discrete features and values are located across urban and rural areas.

Other location or activity specific issues

50. Kāi Tahu Ki Otago has sought that the UFD Objectives Policies and Methods be amended as required to reflect the management approach to stormwater and wastewater set out in LF - FW - P15
- This submission point is not accepted, as this provision already applies.
51. More specifically, Kit Girling⁴⁵ asks that the RPS be amended to ensure the ORC supports reticulation of wastewater and stormwater within Outram and rejects any further growth in the surrounds of the township until a reticulation system is put in place.
- The threshold for such a significant determination would be made in accordance with the freshwater visions of the LF-VM chapter, and the detail of any environmental limits set in the current Water Plan (see Plan Change 8) and in more detail though the new Land and Water Plan. The RPS is regionally focussed and does not contain rules to the extent that the submitters requested relief can be lawfully implemented in the RPS. The LF-FW section deals with discharges and these will influence more local planning decisions (including the Land and Water Plan and subsequent TA management approaches) regarding proposed land use change. Accordingly I recommend rejection of this submission point.
52. Aurora Energy Ltd⁴⁶ seek the addition of specific sub-clauses to a number of policies (UFD-P3, 5, 6, 7 and 8, with consequential relief on to the Methods) to recognise and provide for the distribution network by mapping substations and distribution infrastructure, and managing effects of potentially incompatible activities, including by providing for setbacks as well as other relief.
- This relief would be better implemented through land use planning, identified as constraints through spatial plans and implemented in accordance with district plan rules considering the NES-ET and other relevant legislation. The distribution network is recognised as '*regionally significant infrastructure*' via subclause (2) to

⁴³ 00014.067 Mt Cardrona Station

⁴⁴ 00118.067 Maryhill Ltd

⁴⁵ 00312.002 Kit Girling

⁴⁶ 00315.081 & 082 Aurora Energy Ltd

that definition, and accordingly a number of directions apply, though they are not specific as requested. I recommend this relief be declined.

53. Tussock Rise Ltd⁴⁷ seeks any further amendments needed to improve the workability and clarity of the UFD provisions and achieve the purpose of their submission, and specifically to enable business mixed use zoning as a method to achieve intensification.
- Business Mixed use zoning will be one of many tools applied through strategic planning and subsequent district planning, and I agree with the submitters point. However the RPS does not zone land or recommend zoning specifically.
 - Amendments are recommended to UFD-P5 - Commercial activities to recognise the contribution Mixed Use zone could make to enabling intensification alongside other amendments to better align location descriptions to the National Planning Standards zone framework⁴⁸, and this submission is accepted in part. This is further noted in relation to the discussion of UFD-P5.

Implementation and engagement

54. Both of these submissions illustrate the need for strategic planning to be undertaken comprehensively and openly to capture a wide range of views and perspectives. I agree in principle with the submitters points and note these consultations will be undertaken in accordance with the primary legislation driving them (currently the Local Government Act) which provides for councils to engage openly and innovatively with their communities. Implementation of some aspects or outcomes will be implemented by way of the appropriate the RMA process, which are also participatory.
55. However, no change is recommended in response to these submissions for the same reasons.

15.3.2.4. Recommendation

56. I do not recommend any amendments based on general submissions on the UFD chapter. However, where a general submission seeks change as part of a specific amendment, my recommendation is as set out below in respect of those specific provisions.

15.4. Definitions

15.4.1. Introduction

57. There are a range of submissions relating to defined terms used in this section, some of which are addressed in other parts of this report. In summary:
- Defined terms used throughout the pORPS, including in this section, are addressed in *Chapter 1: Introduction and general themes*.

⁴⁷ 00401.013 Tussock Rise Ltd

⁴⁸ While many District Plans are not yet compliant with the National Planning Standards, the standards require a concordance process to be undertaken between existing and National Planning Standards zoning to enable high level policy alignment based on effective equivalence.

- Defined terms, including requests for new definitions of terms, used only or mainly in the UFD chapter are addressed in this section of this report.

58. In relation to the second point above, I have addressed the following terms in this section:

- Urban area
- Rural area
- Rural industry
- Key civic public spaces
- Affordability
- Well-functioning urban environments

15.4.2. Urban area

15.4.2.1. Introduction

59. As notified, the definition for Urban area reads:

Urban area

means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that is, or is intended to be, predominantly urban in character. This includes but is not limited to any land identified in District Plans as being within any urban growth boundary or equivalent however described, any residential zone, commercial and mixed use zone, industrial zone and future urban zone as listed in the National Planning Standards or its present District Plan zone equivalent. *Urban environments* are a subset of *urban areas*.

15.4.2.2. Submissions

60. Three submitters⁴⁹ seek the definition be retained as notified.

61. One Submitter, Oceana Gold⁵⁰, opposes the definition as it is not necessary but does also suggest an acceptable alternative would be to amend the definition to exclude areas which are subject to a Special Purpose Zone.

62. Ravensdown⁵¹ seeks specific amendments to clarify the application of the definition is to listed zoned areas located in ‘areas of urban character’, as follows:

“means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that is, or is intended to be, predominantly urban in character. This includes but is not limited to any land identified in District Plans as being within any urban growth boundary or equivalent area however described, any residential zone, commercial and mixed use zone, industrial zone where located in areas that are urban in character, and future urban zone as listed in the National

⁴⁹ 00405.001 Glenpanel, 00236.015 Horticulture NZ, 00402.001 Sipka Holdings

⁵⁰ 00015.004 Oceana Gold

⁵¹ 00121.012 Ravensdown

Planning Standards or its present District Plan zone equivalent. Urban environments are a subset of urban areas.”

63. Forest & Bird⁵² requests the removal of all use of the zone based qualifiers, because including future urban is confusing as these areas are often primarily used for rural activities until rezoning occurs; it is not clear how natural environmental values fit within the area and purpose of urban character; and these combine to make the distinction between this definition and the definition for rural area somewhat confusing. Their suggested amendment is as follows:

“means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that is, or is intended to be, predominantly urban in character. ~~This includes but is not limited to any land identified in District Plans as being within any urban growth boundary or equivalent however described, any residential zone, commercial and mixed use zone, industrial zone and future urban zone as listed in the National Planning Standards or its present District Plan zone equivalent.~~ Urban environments are a subset of urban areas.”

64. Daisy Link Garden Centres⁵³ seeks that the definition of Urban Area should include recognition for unanticipated or out of sequence developments that may provide significant development capacity which are consistent with the following criterion:

Land may be treated as an urban area if it would may provide significant development capacity which:

1. would contribute to a well-functioning urban environment; and
2. is well connected along transport corridors.

65. Note the close association between the proposed definition of Urban Area and that of Rural Area means there will be a consequential impact from changes to either.

15.4.2.3. Analysis

66. The definition of Urban Area is closely related to the definition of urban environment as used in the NPSUD, with the exclusion of part (b) of that instead replaced with a National Planning Standards ‘urban zoning’ list, including Future Urban. Urban environments are a subset of urban areas.

67. The urban environments definition as used in the NPSUD is spatially indeterminate, is highly responsive to changes in employment and housing markets, and would also apply to only a few of Otago’s larger towns and cities, leaving the majority of Otago’s urban areas without RPS direction. These characteristics are generally suitable for the application of the NPSUD’s various requirements, but create practical challenges for application at the RPS and DP levels, so the creation of the new definition, linked to zoning patterns (which very effectively identify every property in the region) was considered to

⁵² 00230.019 Forest & Bird

⁵³ 00204.001 Daisy Link Garden Centres

address the shortcomings of the NPSUD definition when applied to spatially distinct application required when applying RPS policies.

68. Of note with respect to the submission of Daisy Link is that it includes “future Urban’ zones or their present District Plan equivalents which would mean that District Plans would, post strategic planning, identify areas for expansion and intensification as appropriate to provide at least sufficient development capacity. The submitter highlights that creating new opportunities outside of this framework is challenging, and that is a feature, not a bug, however the process would be to undertake a plan change process, assessed via the provisions of UFD-P10 local authorities would need to be responsive to that proposal. It is also important to note that applications that do not pass UFD-10s requirements may still be considered by local authorities, but they are not directed to be responsive to them.

15.4.2.4. Recommendation

69. I recommend the definition for Urban area is retained as notified.

15.4.3. Rural area

15.4.3.1. Introduction

70. As notified, the definition for Rural area reads:

Rural area

means any area of land that is not an *urban area*.

15.4.3.2. Submissions

71. As noted in relation to Urban Area above, the two definitions, Rural and Urban Area are closely linked.
72. Horticulture NZ⁵⁴ supports the definition and asks it be retained as notified.
73. Ravensdown⁵⁵ seeks that the definition be deleted, along with any consequential amendments needed to give effect to this decision.
74. Oceana Gold⁵⁶ seeks the definition be deleted as it is not necessary, or in the alternative amended to exclude areas which are subject to a special purpose zone (in an existing District Plan). The submission notes that all land which is not defined as “urban” is not necessarily rural and it is too simplistic to assume this. The definition is likely to lead to implementation difficulties as it is too simplistic in its approach.

⁵⁴ 00236.014 Horticulture NZ

⁵⁵ 00121.010 Ravensdown

⁵⁶ 00015.003 Oceana Gold

75. Wayfare⁵⁷ and Trojan⁵⁸ also seek the definition be deleted, or in the alternative, amended to exclude unmodified natural areas, and create a new definition or natural area or similar. The reason given are: “The definition ... is not appropriate in the context of environmental or resource management of Otago where a lot of the non-urban environment is natural/unmodified. The term rural has a connotation of primary production activities (as reinforced by the definition of rural industry in the National Planning Standards. However, a lot of the non-urban area in Otago is unmodified natural environment, where primary production has not occurred and is not appropriate (but some activities and development, such as some visitor activities/services and outdoor recreation), are entirely appropriate.”
76. Forest & Bird⁵⁹ also suggest that if the focus of ‘rural areas’ in the RPS usage is rural production, then national parks and land held for other purposes should not be considered “rural area”. It is also suggested that a definition be provided in the RPS that provides meaning for rural areas as that term is used in the RPS, rather than a default.

15.4.3.3. Analysis

77. The definition of rural area is only of relevance to the UFD Chapter, particularly for the application of UFD-O4, UFD-P6 and UFD-P7 of this report that focusses on development.
78. The submission of Wayfare, Trojan and Forest and Bird raise issues that are dealt with in other chapters, and I would also note that urban areas also contain, or may impact on many of these features and values, making it incorporate to infer there are urban, rural and natural places, rather than urban and rural areas that contain different mixes of natural, productive and built environmental qualities.
79. The submission of Oceana Gold is better dealt with though the provisions of the RPS than the definition, and most appropriately by way of zoning decisions made by local authorities giving effect to this RPS

15.4.3.4. Recommendation

80. I recommend the definition for Rural areas is retained as notified.

15.4.4. Rural industry

15.4.4.1. Introduction

81. As notified, no definition for Rural industry has been included.

⁵⁷ 00411.021 Wayfare

⁵⁸ 00206.014 Trojan

⁵⁹ 00230.014 Forest & Bird

15.4.4.2. Submissions

82. Four Submitters⁶⁰ seek that the term rural industry (used in the UFD chapter) is changed to a defined term.

83. All four submitters note the term is defined in the National Planning Standards and suggest the definition reads in accordance with those standards, as follows:

... has the same meaning as in Standard 14 of the National Planning Standards 2019 (as set out in the box below)

[means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on *primary production*.]

84. Note that this definition also includes another National Planning Standards defined term also used in the RPS, *primary production*. Unfortunately, the National Planning Standards do not define or further qualify ‘rural environment’, though *urban environment* is defined (as also used in the RPS, referring to the NPSUD definition).

85. Two of those submitters, Wayfare and Trojan, also suggest a further alternative, based on the definition of “Rural Industrial Activity” used in the Queenstown District Council Proposed District Plan, which reads⁶¹:

Means the use of land and buildings for the purpose of manufacturing, fabricating, processing, packing and/or storage of goods and materials grown or sourced outside the urban environment and the storage of goods, materials and machinery associated with commercial contracting undertaken outside the urban environment.

15.4.4.3. Analysis

86. The National Planning Standards contain Definitions Standard Mandatory Directions which applies to this RPS, states:

“Where terms defined in the Definitions List are used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the Definitions List. However if required, they may define:

- terms that are a subcategory of, or have a narrower application than, a defined term in the Definitions List. Any such definitions must be consistent with the higher level definition in the Definitions List.
- additional terms that do not have the same or equivalent meaning as a term defined in the Definitions List.”

87. The options for this definition are therefore relatively limited. The main shortcoming of the planning standards definition in the context of this RPS, and only in the context of highly productive land, is that the definition is linked to *primary production*, which includes forestry, quarrying and mining, activities which are common in rural areas, but

⁶⁰ 00213.007 Fonterra, 00221.001 Silver Fern Farms, 00411.019 Wafare Group and 00206.012 Trojan

⁶¹ Submitters did not supply the text, but a check on <https://www.qldc.govt.nz/media/kzconrci/pdp-chapter-02-definitions-oct-2021.pdf> accessed 17 January 2022 has provided the following definition.

not functionally dependent on utilising the highly productive land resource, and in the case of quarrying and mining could permanently destroy the resource (depending on the approach taken) in a similar way to the impacts of urban development. The approach taken in the pORPS to rural areas is that primary production and rural industry are appropriately located in rural areas and should be provided for. Within rural areas some areas are areas of highly productive land that have a higher level of protection (against sensitive activities, and even more enabling of rural production that utilises the qualities of this resource). Appropriately differentiating the activities that have a functional connection to the land resource such as horticulture, viticulture, cropping, pastoral farming and forestry, from mining and quarrying (which are seeking mineral resources that are located where they are, and may be in or under highly productive land) is the key challenge.

88. This distinction is not to preclude mining and quarrying from establishing or continuing in highly productive land, but establish that where there are other options they should be explored first, as mining and quarrying are just as effective at precluding the potential for future productive use as urban development. This point was also raised by Kāi Tahu ki Otago 00226.318 submission on UFD-P7.
89. For the application of primary production to Highly Productive land, the draft NPSHPL discussion document provided this definition (which does not include mining or quarrying):
- Primary production means:
- a. any agricultural, pastoral, horticultural, or forestry activities; and
 - b. includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a); and
 - c. includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but
 - d. excludes further processing of those commodities into a different product.
90. This proposed definition is closer to that of the QLDC plan than the definition in the planning standards. The commonality being that processing onsite and the buildings needed to undertake the primary land resource dependant activity are also recognised (i.e. in order to be efficiently productive, some of the land is required for supporting structures and activities).
91. However, the proposed alternative QLDC definition of rural industry is problematic as well, as it uses the phrase ‘outside the urban environment’, which if used in the RPS would apply as an NPSUD, National Planning Standards and RPS defined term, to indicate the location(s) where the term applies. The issue with the very limited and spatially indistinct application of urban environment is why the urban areas definition was created. Outside the urban environment is effectively even broader than *rural area*.

15.4.4.4. Recommendation

92. I recommend the National Planning Standards definition of Rural Industry is inserted as a new definition as follows:

Rural Industry ... has the same meaning as in Standard 14 of the National Planning Standards 2019 (as set out in the box below)

[means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on *primary production*.]

93. A further definition *food and fibre production* as subset of primary production is also recommended⁶² to enable the differentiation between rural activities that should be encouraged in highly productive land and those that should first seek to locate elsewhere in the rural area can be made, and this approach has been taken in the relevant provisions of the UFD Chapter, particularly UFD-P7.

15.4.5. Key civic public spaces

15.4.5.1. Introduction

94. As notified, the definition for Key civic public spaces reads:

Key civic public spaces

are publicly owned and accessible public spaces identified by local authorities where the public use and enjoyment of the space is strongly influenced by sun and daylight access to the extent that loss of sun and daylight may diminish this use and enjoyment.

15.4.5.2. Submissions

95. Ngāi Tahu ki Murihiku⁶³ requests that the definition of Key Civic Public Spaces be amended to clarify the relationship of the 'Key civic public spaces' definition with the provisions of the pORPS.

15.4.5.3. Analysis

96. The included definition of Key Civic Public Spaces was related to an earlier approach to what is now UFD-M3, and is now orphaned and redundant. There is no direct relationship between the definition and the provisions, and the amendment recommended, is the deletion of the definition.

15.4.5.4. Recommendation

97. I recommend the definition of Key civic public spaces is deleted.

⁶² Refer General Themes Section, in response to 00235.008 OWRUG

⁶³ 00223.019 Ngāi Tahu ki Murihiku

15.4.6. Affordability

15.4.6.1. Introduction

98. As notified, there no definition of Affordability has been included.

15.4.6.2. Submissions

99. QLDC⁶⁴ seeks to add a definition for ‘affordability’ as follows:

“Affordability: where a low – or moderate – income household spends no more than 35% of their gross annual income on rent or mortgage (principal and interest) repayments.”

15.4.6.3. Analysis

100. The approach taken in the RPS recognises the role that the provision of plentiful development opportunities supported by infrastructure can have to creating competitive land markets and creating conditions where the cost and price of dwellings (and business) development would be reduced relative to a counterfactual where these opportunities were not provided, where all else being equal, housing would be ‘more affordable’ on a relative, rather than specific basis.

101. There are no provisions in the RPS that specifically relate to ‘affordability’ as a specific threshold as proposed, which appropriately relates to specific measures (such as shared equity schemes, or targeted subsidised housing, or inclusive zoning) and so this definition is not required.

15.4.6.4. Recommendation

102. I do not recommend inserting a new definition for Affordability.

15.4.7. Well-functioning Urban Environment

15.4.7.1. Introduction

103. As notified, *well-functioning urban environment* is a defined term, having the same meaning as set out in Policy 1 of the NPSUD.

15.4.7.2. Submissions

104. Two submissions have been made on this definition.

105. Forest and Bird⁶⁵ submitted to amend the definition (or extend its application) as follows:

“ *Either add to the definition or ensure that where this term is used additional considerations are included:*

⁶⁴ 00138.205 QLDC

⁶⁵ 00230.021 Royal Forest and Bird Protection Society of New Zealand Incorporated

- a well functioning urban environment in Otago, is one in which indigenous biodiversity forms a substantive part; and to protect and restore indigenous biodiversity within urban areas”;

106. NZ Infrastructure Commission⁶⁶ also submitted on UFD - P10 seeking the use of the term in that provision be defined⁶⁷.

15.4.7.3. Analysis

107. I do agree with the submitters point that urban areas are not by definition absent of biodiversity, and biodiversity can and should play a major part in making urban areas attractive, resilient and better functioning, just as biodiversity in urban areas can also be protected and enhanced.

108. However, as the term is defined by the NPSUD (but not the National Planning Standards where by use as provided is compulsory), amending it to reflect the submission of Forest and Bird is not recommended.

109. I would note that Draft National Policy Statement for Indigenous Biodiversity (2019)⁶⁸ included a number of provisions specifically related to the issue of biodiversity in urban areas. At the time of writing, the MfE NPSIB host page was last updated in June 2021, and states “Decisions on the release of an exposure draft of the NPSIB will now be made in the first half of 2022. The exposure draft responds to feedback from submissions and hui and will help test the workability of updated proposals”. I anticipate the exposure draft, when it is released, will contain provisions that are in line with the submitters intentions, and the RPS will need to be amended to give effect to the finalised NPS in due course.

110. The submission of NZ Infrastructure Commission is accepted to the extent that the term is already defined.

15.4.7.4. Recommendations

111. No Changes are recommended to the notified definition of *well-functioning urban environments*.

15.5. UFD-O1 – Form and function of *urban areas*

15.5.1. Introduction

112. This provision outlines the objective for the form (i.e. the size, shape, and internal and external arrangement of things within the urban area) and function (i.e. how the urban area operates and relates to other features, urban areas, and surrounding rural areas and facilitates human and non-human needs and interactions), and focusses on two matters - meeting the needs of people and communities, recognising they are diverse and will

⁶⁶ 00321.098 NZ Infrastructure Commission

⁶⁷ this submission is also addressed in the discussion of submissions on provision UFD- P10

⁶⁸ <https://environment.govt.nz/acts-and-regulations/national-policy-statements/proposed-nps-indigenous-biodiversity/>

change over time, while also maintaining and enhancing significant features and values identified and described more fully elsewhere in the RPS.

113. That is, urban areas have always evolved and changed, and can and should continue to do so, but this change should occur in a way that ideally responds to and remedies existing known issues, and does not create additional ones. Evolution of urban areas must also acknowledge and take account of key environmental constraints. This objective implicitly includes recognition that change can help address poor decisions made in the past and should also prepare urban areas for issues that may arise in the future.

114. As notified, UFD-O1 reads:

UFD-O1 – Form and function of *urban areas*

The form and functioning of Otago’s *urban areas*:

- (1) reflects the diverse and changing needs and preferences of Otago’s people and communities, now and in the future, and
- (2) maintains or enhances the significant values and features identified in this RPS, and the character and resources of each *urban area*.

15.5.2. Submissions

115. There are 11 submissions on UFD – O1. Four in support (retain as notified)⁶⁹, and 7 seeking a range of amendments. No submissions oppose (delete in its entirety) the provision.

116. The majority of the submissions seek a range of changes to clause (2), which sets a goal of maintained or enhanced significant features and values identified in the RPS. No submissions seek specified changes to subclause (1)

117. Three submissions points request amendments to the phasing of how particular features and values are referred to and/or the level of protection these features and values should receive.

- Director General of Conservation ⁷⁰ asks that all objectives are reviewed and amend to provide a clear and consistent approach to the levels and types of protection provided to values and features and make the following specific suggested amendment:
 - “...2. maintains or enhances ~~the significant~~ values and features...”
- Kāi Tahu ki Otago ⁷¹ asks “what is covered by ‘significant values and features’, Section 6 Matters or wider?” Kā Rūnaka seeks that values and features of significance to Kāi Tahu (such as wāhi tūpuna) are covered by this clause
- Daisy Link⁷² requests:

⁶⁹ 00307.034 CIAL, 00138.206 QLDC, 00402.002 Sipka Holdings Ltd, 00401.001 Tussock Rise Ltd

⁷⁰ 00137.151 Director General of Conservation

⁷¹ 00226.307 Kāi Tahu ki Otago

⁷² 00204.002 Daisy Link

- (2) ~~maintains or enhances~~ recognises and provides for the significant values and features identified in this RPS, ~~and the character and resources of each urban area.~~

118. Dunedin City Council’s submission⁷³ requests that the objective be worded as follows: “The towns and cities in Otago have a compact and resilient urban form that supports a sustainable, safe and affordable transportation network and the efficient and sustainable delivery and operation of other critical infrastructure.”

119. Te Waihanga | Te Waihanga’s submission⁷⁴ seeks the objective be amended to clearly prioritise providing for changing needs of people into the future, over the maintenance of existing character, but the submission does not provide any suggested wording on how this should be achieved.

120. Trojan⁷⁵ and Wayfare⁷⁶ seek that the provision be amended by deleting clause 2 entirely.

15.5.3. Analysis

121. Several of the submitters seeking amendments to clause (2) have similar submissions across the UDF chapter, which reflects that the general wording is repeated in several other provisions⁷⁷.

122. The approach taken to drafting the chapter was to focus on key aspects of urban form and development (including development in rural areas) that required specific recognition of the needs for urban areas in particular to change to meet the needs of people. It also recognises that same pressure for change will also spill over into rural areas, which also have a primary human focussed role in terms of rural production in addition to the other values they contain.

123. The majority of the rest of the RPS chapters (with the particular exception of EIT - Energy, Infrastructure and Transport, which is also enabling of these key facilitatory features) focusses on specific aspects of the natural or cultural environment and provides significant level of guidance as to what these features and values are, how they will be identified and what form of protection they should be subject to. In this sense the RPS is an integrated document, with the UFD - Urban Form and Development chapter promoting an enabling approach to urban development, but within within the ‘constraints’ imposed by the other chapters, which also outline how any trade-offs should be managed.

124. The potential shortcomings or challenges of this approach is highlighted in submission of Kāi Tahu ki Otago, the Director General of Conservation, and Dunedin City Council.

⁷³ 00139.250 DCC

⁷⁴ 00321.084 Te Waihanga

⁷⁵ 00206.068 Trojan

⁷⁶ 00411.083 Wayfare

⁷⁷ Including UFD-O3, UFD-O4, UFD-P1, UFD-P3, UFD-P4, UFD-P7, and UFD-P8 (as notified)

125. The short answer is that the features and values are identified elsewhere in the RPS, along with the means to identify them and the level of protection that is afforded or the approach to be taken to managing that feature and or value.
126. A number of general submissions or those made on specific provisions also ask for clarity in how to navigate situations where the ‘balance’ between objectives and policies may not be ‘appropriate’⁷⁸ - again the short answer to this is that a close reading of the relevant objectives and policies (which may lay outside of the UFD chapter) will highlight the pathway required - for example there is a deliberate difficulty created for the expansion of urban areas onto highly productive land.
127. The RPS in this case indicates that the ‘balance’ is towards avoidance of expansion onto highly productive land *as a first preference*. This phrasing allows for the fact that in some cases highly productive land will be unavoidable by expansion as many towns that were established as rural service centres it is the only or otherwise best (or least bad) option for expansion (intensification is an alternative that should also be explored first) - these scenarios will require careful exploration in a transparent and public way though the evidence based strategic planning process. Again the balance is clear (even if this is not desired by submitters), that both outcomes must be achieved.
128. DCC provides a general submission to align the RPS with that Council’s existing strategic framework and 2GP, providing wide scope given the breadth of those documents and the strategic directions in particular (which I could not find were in conflict, despite the inverted approach to hierarchy suggested), while the suggested alternative text focuses largely on infrastructure integration to the exclusion of all other matters (including those outlined in the 2GP strategic directions). This highlights that while Infrastructure is a key part of the RPS and has its own three sub-chapters, and integration with development infrastructure is a key aspect of the UFD chapter, ‘infrastructure’ it is unlikely to be widely recognised as a ‘significant feature and value’ identified by the RPS, though the integration of infrastructure as both a prerequisite for urban development, and managing the reverse sensitivity impacts of development on existing facilities and infrastructure is a key aim of both chapters. Similarly Hazards (while seeking to protect human life and property which are the Region’s greatest assets) are important considerations, a ‘hazard’ or more importantly the risk it creates to life and property in and of itself would not generally be considered a significant feature or value despite the intent for this to be considered.
129. The other request in the DCC submission is that the objective should reflect an ‘end state’. This objectives outcome is *well-functioning urban environments*, which is not a fixed point with a horizon but will delivered by always enabling reasonably foreseeable change - urban areas and cities in particular are dynamic environments and are never completed or finished. While the NPSUD and many strategies by necessity have a focus on specific timeframes it would be wrong to assume that the horizon of these timeframes suggests a cessation of change after that point. There is no ‘end state’ for urban areas, only constant dynamic change to accommodate the changing needs of diverse people and

⁷⁸ This is a key underlying theme of Dunedin City Councils submission for example.

communities of that time and the reasonably foreseeable needs of future communities. *Well-functioning urban environments* (as defined by the NPS-UD) is the objectives desired outcome albeit applied to all of Otago's urban areas (the majority of which are not *urban environments* as defined in the NPSUD), but given that this is itself defined relative to communities' changing needs and preferences it would be incorrect to describe this as an 'end state' after which no further *change* is required or necessary, or would otherwise be adverse (noting also that change, in and of itself is not an adverse effect⁷⁹).

130. Suggestions to delete Clause 2 entirely do not assist in providing greater clarity as this will neither reflect the dual aim nor highlight the inherent tension between allowing urban areas to change while protecting other significant values and features. Neither will deletion help to recognise that there will necessarily be limitations on the way, rate or nature of how urban areas can change as a result of ensuring the maintenance and enhancement of these significant other features and values.
131. The submission of Te Waihanga seeking a general amendment to prioritise change over maintenance of existing character is in general accepted in principle to the extent that the objective already does not seek urban environmental stasis, rather encourages change, as well as the maintenance and potentially enhancement (which could include a change to a new character) of significant features and values identified in the RPS (see also qualifying matters in Clause 3.32 of the NPSUD). Rather than static preservation of amenity values that may be preferred by some, development can create new amenity values as well. Allowing for change is an important matter, but may not always be the most important matter in every part of every urban area, so prioritisation of one important issue over another at the general objective level is considered inappropriate. Other RMA Section 5, 6 and 7 matters may in some cases be more important. Other UFD Objectives and particularly Policies also highlight the strong focus on enabling change and development 'unless' other provisions of the RPS impose constraints.
132. Balancing of these 'unless' issues will be required and is appropriately achieved by way of evidence based and participatory strategic planning processes undertaken at appropriate scales and involving jointly responsible local authorities, mana whenua, local communities, consideration of future communities' needs, while doing so in a way that also protects, maintains and wherever possible enhances features and values identified in other chapters of the RPS, and will be (if not already) articulated in more detail in regional and district plans - the detail of how to identify the features, the management approach required (avoid, remedy, mitigate, enhance, provide for, etc) are outlined in more detail in those chapters (and other subservient documents) and it is considered inappropriate and unnecessary to repeat them.

15.5.4. Recommendation

133. I recommend UFD-O1 is retained as notified.

⁷⁹ See NPSUD Policy 6(b).

15.6. UFD-O2 – Development of *urban areas*

15.6.1. Introduction

134. This provision sets out how development and change in Otago’s urban areas can be managed to deliver positive outcomes. It recognises that change is not necessarily adverse and can be used to improve amenity, function choice and liveability.

135. As notified, UFD-O2 reads:

UFD-O2 – Development of *urban areas*

The development and change of Otago’s *urban areas*:

- (1) improves housing choice, quality, and affordability,
- (2) allows business and other non-residential activities to meet the needs of communities in appropriate locations,
- (3) respects and wherever possible enhances the area’s history, setting, and natural and built environment,
- (4) delivers good urban design outcomes, and improves liveability,
- (5) improves connectivity within urban areas, particularly by *active transport* and *public transport*,
- (6) minimises conflict between incompatible activities,
- (7) manages the exposure of *risk* from *natural hazards* in accordance with the HAZ–NH – Natural hazards section of this RPS,
- (8) results in sustainable and efficient use of *water*, *energy*, *land*, and *infrastructure*,
- (9) achieves integration of *land* use with existing and planned *development infrastructure* and *additional infrastructure* and facilitates the safe and efficient ongoing use of *regionally significant infrastructure*,
- (10) achieves consolidated, well designed and located, and sustainable development in and around existing *urban areas* as the primary focus for accommodating the region’s urban growth and change, and
- (11) is guided by the input and involvement of *mana whenua*.

15.6.2. Submissions

136. A total of 33 submission points were made on UFD – O2. Nineteen are identified as being in support (retain as notified, either in whole⁸⁰ or specific subclauses⁸¹) and the remaining 14 seek various amendments. No submissions are seeking deletion, without replacement, of UFD-O2.

137. The 14 submissions seeking amendments can be grouped as follows (noting that submissions do include points that fall into more than one of these categories):

- General submissions
- Clause (2)
- Clause (6)
- Clause (9)
- Features and values

15.6.2.1. General

138. The submission of DCC⁸² that provides a new reworded objective as follows:

The towns and cities in Otago have well – functioning urban environments, that:

(1) provide good housing choice, quality, and affordability;

(2) have liveable, safe and well – designed centres and neighbourhoods that support social, cultural and economic wellbeing;

(3) have appropriate and adequate opportunities for business and community activities to establish and operate in a way that supports business and community needs and the overall urban form objective in UFD – 01; and

(4) retain, and provide opportunities to celebrate and appreciate, significant heritage, natural environment and mana whenua values

(5) have development opportunities which support the aspirations and values of mana whenua.

139. The submission of Te Waihanga⁸³ that seeks rewording ‘to provide clearer direction and give priority to ‘affordable housing and efficient transport’ but has not provided any specific amendments on how this should be done.

⁸⁰ 00102.008 Ara Poutama Aotearoa the Department of Corrections, 00315.077 Aurora Energy, 00218.008 Susan and Donald Broad, 00201.051 CODC, 00310.016 Chorus, Spark and Vodafone, 00242.010 Cosy Homes Charitable Trust, 00405.002 Glenpanel Limited Partnership, 00412.008 Ministry of Education, 00320.029 Network Waitaki, 00512.029 PowerNet, 00121.098 Ravensdown, 00402.003 Sipka Holdings, 00401.002 Tussock Rise, 00510.063 The Fuel Companies

⁸¹ 00231.090 Otago Fish & Game Council and Central South Island Fish & Game Council supporting subclause 8, and 00305.083 to .086 Waka Kotahi inclusive, supporting Subclauses 5, 8, 9 and 10 respectively.

⁸² 00139.251 Dunedin City Council

⁸³ 00321.085 Te Waihanga

- 15.6.2.2. Clause (2)
140. Submissions seeking amendment for re enabling business.⁸⁴
- 15.6.2.3. Clause (6)
141. Submissions seeking amendment for clause (6) or otherwise relate to reverse sensitivity (in relation to adding mentions of business⁸⁵, infrastructure⁸⁶ and/or rural activities⁸⁷)
- 15.6.2.4. Clause (9)
142. Submissions regarding land use and infrastructure integration and providing for the upgrade and development of regionally significant infrastructure.⁸⁸
- 15.6.2.5. Features and values
143. Submissions seeking clarity about how the features and values that should be protected or enhanced generally, or otherwise cross referenced or specifically listed⁸⁹.
- 15.6.3. Analysis
- 15.6.3.1. General
144. DCC seeks a fundamental rewrite of the Objective but the proposed rewording does not capture all of the matters required and captured in the present wording and is written as a policy. However, the proposed clause 5 does provide clarification that providing for development opportunities that meet the needs and aspirations of mana whenua is required, and is supported, included by a further submission of Kāi Tahu ki Otago.
145. The submission of Te Waihanga prioritises affordable housing and efficient transport over other matters. I accept both of these are important, but not always more important than the other matters in the list, including that affordable housing is not at the expense of business land needs, or at risk of exposure to risk from natural hazards, for example. A focus on transport efficiency over other issues can result in a focus on vehicle speed over safety, which may conflict with well functioning urban environments in centres. As discussed in relation to the Commissions submission on UFD-O1, prioritisation of these issues over others is considered inappropriate and I do not recommend acceptance of this submission.

⁸⁴ 00314.050 Transpower

⁸⁵ 00219.010, 00213.040, 00322.036

⁸⁶ 00313.030 (retain (6)), 00314.050 (reference to national grid OR link to EIT - INF - P15)

⁸⁷ 00239.173 (rural activities) , 00236.097 & 00235.147 (rural/urban interface),

⁸⁸ 00307.035, 00313.030 & 00314.050 (maintenance, development, and upgrades of Regionally significant infrastructure)

⁸⁹ 00137.152 (ecosystems), 00226.308 (wāhi tūpuna, and general note re including an improved version of O1(2)), 00138.207 (environmental limits)

15.6.3.2. Clause (2)

146. Submissions relating to clause (2) seek greater specificity by adding to a list of non-residential activities including emergency service, and social and cultural infrastructure.

147. In my view, these submissions add unnecessary detail to the objective, which is already captures the items suggested and as the items available to add to the list is a function of submissions rather than s32 analysis, there is the potential to create an exclusive list problem (items not listed are deemed to not be included or items on the list are considered more important than those not listed). The existing wording is considered to capture the items suggested already with the benefit of also capturing other activities that are not the subject of submissions.

148. These submissions are therefore recommended to be rejected.

15.6.3.3. Clause (6)

149. Proposed clause (6) amendments have focussed on the inclusion of the term ‘reverse sensitivity’, which is one aspect of incompatibility, and also specify where this applies, both within the urban area, and on the rural urban interface (which may shift over time though expansion);

150. The existing wording is considered to capture reverse sensitivity as well as other potential impacts between all activities, in all places and times in the region.

151. Submissions seeking changes are recommended to be rejected.

15.6.3.4. Clause (9)

152. Submissions seek to amend clause (9) to identify that regionally (and nationally) significant infrastructure requires maintenance upgrade, and development -

153. The proposed amendments also highlight that development and additional infrastructure are needed prerequisites for urban development and must be closely integrated with urban development, but urban development will need to be managed in proximity to and nationally and regionally significant infrastructure to provide for its use and development.

154. Accordingly, the submissions on this clause are accepted in part by splitting into clause (9) (covering development infrastructure) and clause (9A) which addresses the safe and efficient ongoing use of nationally and regionally significant infrastructure and also adding “maintenance, upgrade and development”.

15.6.3.5. Features and values

155. No changes to how this objective refers to features and values identified by the RPS is recommended. These matters remain important and are given additional emphasis throughout this chapter (including supporting objectives UFD-O1 and UFD-O3) and other chapters that more specifically relate to those features and values.

15.6.4. Recommendation

156. I recommend UFD-O2 is amended as follows:

UFD-O2 – Development of *urban areas*

The development and change of Otago's *urban areas*:

- (1) improves housing choice, quality, and affordability,
- (2) allows business and other non-residential activities to meet the needs of communities in appropriate locations,
- (3) respects and wherever possible enhances the area's history, setting, and natural and built environment,
- (4) delivers good urban design outcomes, and improves liveability,
- (5) improves connectivity within *urban areas*, particularly by *active transport* and *public transport*,
- (6) minimises conflict between incompatible activities,
- (7) manages the exposure of *risk* from *natural hazards* in accordance with the HAZ–NH – Natural hazards section of this RPS,
- (8) results in sustainable and efficient use of *water*, *energy*, *land*, and *infrastructure*,
- (9) achieves integration of *land* use with existing and planned *development infrastructure* and *additional infrastructure*,
- (9A) ~~and~~ facilitates the safe and efficient ongoing use, maintenance, upgrade and development⁹⁰ of nationally significant infrastructure and⁹¹ regionally significant infrastructure,
- (10) achieves consolidated, well designed and located, and sustainable development in and around existing *urban areas* as the primary focus for accommodating the region's urban growth and change, and
- (11) is guided by the input and involvement of *mana whenua*, and provides for development opportunities which support the aspirations and values of *mana whenua*⁹².

15.7. UFD-O3 – Strategic planning

15.7.1. Introduction

157. Achieving positive outcomes through change and development is difficult - many issues need to be considered, and actions coordinated, and different ideas, priorities and perspectives considered, not least of all, because development and infrastructure

⁹⁰ 00313.030 QAC and 00314.050 Transpower (in part)

⁹¹ Clause 16(2), Schedule 1, RMA

⁹² 00139.251 Dunedin City Council

decisions have very long tails, result in lock in and are largely irreversible. Strategic planning is a scalable and situationally changeable approach that enables key discussions to be had, opportunities and constraints to be considered and visions and plans for the future laid out. Laying out future plans does not provide absolute certainty that those plans will come to fruition exactly as planned especially as horizons are extended, but they are certainly more likely to occur if they are made through a participatory and considered approach, than if they are not undertaken at all.

158. The Future Development Strategy approach under the NPSUD is a form of strategic planning, but applies (compulsorily) only to Tier 2 urban environments, but as noted in the NPSUD, all local authorities' are strongly encouraged to take up the approach with any modifications that are helpful.
159. The approach taken to strategic planning in the RPS is that it should occur prior to any major change in urban areas, appropriately scaled for the development or issue at hand, including where out of sequence development are proposed in areas with FDS or existing adopted strategic plans, for the reasons outlined above.
160. As notified, UFD-O3 reads:

UFD-O3 – Strategic planning

Strategic planning is undertaken in advance of significant development, expansion or redevelopment of *urban areas* to ensure that

- (1) there is sufficient *development capacity* supported by integrated *infrastructure* provision for Otago's housing and business needs in the short, medium and long term,
- (2) development is located, designed and delivered in a way and at a rate that recognises and provides for locationally relevant regionally significant features and values identified by this RPS, and
- (3) the involvement of *mana whenua* is facilitated, and their values and aspirations are provided for.

15.7.2. Submissions

161. A total of 19 submissions were received on UFD-O3, three in support⁹³, none in opposition with 16 seeking a range of amendments.
162. The submissions seeking amendments cover several main themes across all aspects of the Objective, with most submission points focussing on subclause 2 (relating to locating development in such a way that it recognises and provides for other significant features and values identified by the RPS).

⁹³ 00307.036 Christchurch International Airport Ltd, 00138.208 QLDC, and 00305.087 Waka Kotahi (retain subclause 1 only)

15.7.2.1. General

163. DCC⁹⁴ asks to combine the objective into UFD-P1, but does not provide wording.

164. Daisy Link⁹⁵ suggests:

“Strategic planning is undertaken ~~in advance of~~ in order to identify areas of potential significant development, expansion or redevelopment of urban areas to ensure that;
(1) there is at least sufficient development capacity supported by integrated infrastructure provision for Otago’s housing and business needs in the short, medium and long term,…”

165. Clarification of ‘who’ can undertake strategic planning⁹⁶

15.7.2.2. Clause (2)

166. Changes to clause (2) are seeking clarity about the features and values⁹⁷ referred to, specific reference to reverse sensitivity⁹⁸, the needs of nationally and regionally infrastructure,⁹⁹ highly productive land¹⁰⁰ and rural values¹⁰¹, or clarity that it is not used to preserve the status quo.¹⁰²

15.7.2.3. Clause (3)

167. Deletion of clause (3)¹⁰³ relating to involving mana whenua and providing for their values and aspirations.

15.7.3. Analysis

15.7.3.1. General

168. DCCs submission would result in there being no objective to drive the strategic planning policy, which is untenable. This submission is recommended to be rejected.

169. The submission of Daisy Link proposed two key amendments, one to the chapeau and one to clause (1). The amendment to the chapeau is not supported as strategic planning may be used to identify areas that are not suitable as well. The inclusion of ‘at least’ to clause (1) makes the terminology consistent with the NPSUD, and is supported, as this also highlights the sufficiency is the minimum requirement.

⁹⁴ 00139.252 DCC

⁹⁵ 00204.003 Daisy Link

⁹⁶ 00405.003 Glenpanel Limited Partnership, 00402.004 Sipka Holdings Ltd, 00401.003 Tussock Rise Ltd

⁹⁷ 00137.153 Director-General of Conservation, 00226.309 Kai Tahu ki Otago

⁹⁸ 00322.037 Fulton Hogan

⁹⁹ 00306.075 Meridian Energy Ltd

¹⁰⁰ 00239.174 Federated Farmers, 00236.309 Horticulture NZ, 00235.148 OWRUG

¹⁰¹ 00235.148 OWRUG add ‘including highly productive land, and recognises the importance of rural land for productive capacity, rural character, and long-term viability of the food and fibre sector and rural communities.’

¹⁰² 00321.086 NZ Te Waihangā - no specific wording provided

¹⁰³ 00402.005 Sipka Holdings Ltd, 00401.004 Tussock Rise Ltd

170. Submissions seeking clarity on who can undertake strategic planning largely seek allowance for plan changes and privately lead development to proceed ahead of, out of sequence with or unanticipated by any extant strategic plan. This objective is silent on who does it, simply requiring it be done at an appropriate scale relative to the change proposed. This level of specificity sought about who is inappropriate in an objective, but submitters are directed to UFD-M2(1)(a) that refers to adopted Future Development Strategies which have specific meanings and specified processes under the NPSUD and apply compulsorily to Dunedin and Queenstown urban environments. This process would be jointly lead by responsible local authorities (as required by the NPDUD, and ‘strongly encouraged’ in other areas), but requires input from a wide variety of listed and unlisted parties, including developers land owners and others with information that may influence development capacity.
171. UFD-M2(1)(b) covers all other locations, and refers to *local authority adopted* strategic plans, using the NPSUD approach scaled to the location or development, meaning they could be developed by a private party, alone or in partnership with the local authority (who may also be convinced to adopt the strategic plan as a precursor for as required district plan and LTP changes, for example) and apply to a suitably scaled area. Plan Changes utilising the UFD-P10 pathway (which applies to all urban areas) would also, by definition require a proponent, most likely a private party, to undertake this work outside of the relatively regular strategic planning review cycle.
172. No changes to the provision to address these submission points are recommended, and submitters did not provide suggested wording, but sought clarification. The above explanation provides this clarity.
173. When considering this provision, I noticed that there was a colon missing from the end of the chapeau. I recommend including a colon and consider this corrects an error in accordance with clause 16(2) of Schedule 1 of the RMA.
- 15.7.3.2. Clause (2)
174. Features and Values - No changes are recommended to this clause to specify particular features or values, as the other provisions of the RPS must be read alongside this provision and provide the necessary detail.
175. Adding reference to reverse sensitivity, the needs of nationally and regionally infrastructure highly productive land and rural values are also unnecessary and could result in list issues (excluded features are deemed less important, or included features are considered more important than other values).
176. However, the submission of Kāi Tahu questions the relevance of the term “locationally specific” within the clause and the Director General of Conservation seeks its deletion (along with regionally significant). I recommend accepting these submissions in part, as the term ‘locationally relevant’ is unnecessary, as values and features present in the region but outside of the area (or unaffected by development in the area) subject to spatial planning would not be considered in any case.

15.7.3.3. Clause (3)

177. Submissions seeking the deletion of clause (3) would result in the clause being inconsistent with the NPSUD¹⁰⁴, and the RMA.

15.7.4. Recommendation

178. I recommend UFD-O3 is amended as follows:

UFD-O3 – Strategic planning

Strategic planning is undertaken in advance of significant development, expansion or redevelopment of *urban areas* to ensure that:¹⁰⁵

- (1) there is at least¹⁰⁶ sufficient *development capacity* supported by integrated *infrastructure* provision for Otago’s housing and business needs in the short, medium and long term,
- (2) development is located, designed and delivered in a way and at a rate that recognises and provides for ~~locationally relevant~~¹⁰⁷ regionally significant features and values identified by this RPS, and
- (3) the involvement of *mana whenua* is facilitated, and their values and aspirations are provided for.

15.8. UFD-O4 – Development in rural areas

15.8.1. Introduction

179. This objective sets as an outcome that rural areas are recognised primarily as being the place for rural activities, and on highly productive soils activities that can utilise this resource are enabled. A wide range of other activities, features and values are also located in rural areas (which cover over 99% of the region by area). Development in rural areas should be enabled where it is required for rural activities, and otherwise managed to ensure productive capacity and other values and features are maintained or enhanced. Rural areas close to urban areas are under a range of pressures, and can be transitioned to future urban expansion and rural lifestyle zones, so long as they are not highly productive land, and this transition is considered in advance through strategic planning, suitability is proven, the necessary development and additional infrastructure planned for and the area zoned accordingly.

180. As notified, UFD-O4 reads:

UFD-O4 – Development in *rural areas*

¹⁰⁴ See particularly NPSUD Objective 4, Policy 1, and Policy 9

¹⁰⁵ Clause 16(2), Schedule 1, RMA

¹⁰⁶ 00204.003 Daisy Link Garden Centres Limited, 00405.009 Glenpanel, 00402.012 Sipka Holdings, 00401.006 Tussock Rise

¹⁰⁷ 00137.153 Director-General of Conservation

Development in Otago's *rural areas* occurs in a way that:

- (1) avoids impacts on significant values and features identified in this RPS,
- (2) avoids as the first priority, land and soils identified as highly productive by LF–LS–P19 unless there is an *operational need* for the development to be located in *rural areas*,
- (3) only provides for urban expansion, rural lifestyle and rural residential development and the establishment of *sensitive activities*, in locations identified through strategic planning or zoned within *district plans* as suitable for such development; and
- (4) outside of areas identified in (3), 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.

15.8.2. Submissions

181. A total of 31 submissions were identified as relating specifically to UFD-O4. One submitter is in support¹⁰⁸ (and that support is limited to clause (1)); the position of one submitter is unclear (as it relates to relief sought on LF - LS - P19¹⁰⁹); and 4 seek its deletion.¹¹⁰
182. The other 25 submissions seek various amendments. Submissions seeking amendment can be considered to fall into several general categories or themes set out below:

Appropriateness of rural issues in an 'urban' chapter

183. Oceana Gold¹¹¹ seeks deletion of the chapter or an alternative relief of amendments to refer to urban development in Otago's rural areas"
184. Contact¹¹² also seek deletion or alternative relief (to deletion) of constraining coverage of the provision to "urban residential development" only.

General changes requested but no wording suggested

185. DCC¹¹³ submits the content should be part of policies
186. Forest & Bird¹¹⁴ submits the objective should be amended to capture the viability or life supporting capacity of natural resources and clarify what is meant with respect to the "rural sector"

¹⁰⁸ 00305.088 Waka Kotahi

¹⁰⁹ 00138.209 QLDC

¹¹⁰ 00239.175 Federated Farmers, 00320.030 Network Waitaki, 00511.030 Powernet Ltd. 00115.031 Oceana Gold, 00318.036 Contact also oppose, but also suggest alternative relief and so have been classified as amending submissions.

¹¹¹ 00115.031 Oceana Gold

¹¹² 00318.036 Contact Energy

¹¹³ 00139.253 DCC

¹¹⁴ 00230.144 Forest and Bird

187. Te Waihanga¹¹⁵ asks the provision be amended “to recognise a need for quarrying of aggregate in rural areas for infrastructure development in rural areas”
188. FENZ¹¹⁶ seeks the ability to “have input to what is considered suitable in terms of the ability to serve the community and mitigate fire risk”
189. Silver Fern Farms¹¹⁷ seeks amendments “to remove the requirement to avoid any “impacts” under clause (1) and to clarify the spatial application of clause (2).”

Modification of clause (1)

190. Director General of Conservation¹¹⁸ seeks all objectives be amended to provide a clear and consistent approach to the levels and types of protection provided to features and values, and submits that ‘significant’ be deleted from Clause 1
191. Kāi Tahu ki Otago¹¹⁹ makes three separate points one of which is “As with UFD-O1 and UFD-O3, clause 1 needs clarification in terms of coverage and language”
192. Daisy Link¹²⁰ submits Clause 1 reads as follows: “avoids recognises and provides for impacts on significant values and features identified in this RPS”
193. Transpower¹²¹ submits Clause 1 reads as follows: “~~avoids~~ manages impacts on significant values and features identified in this RPS, and the National Grid, in the manner set out in other sections of this RPS”

Modification of clause (2)

194. QLDC¹²² seeks retention of the Objective as notified subject to relief sought on LF - LS - P19 - Highly Productive Land,
195. AgResearch¹²³ seeks amendments to clause 2 as follows: “(2) avoids as the first priority, land and soils identified as highly productive by LF-LS-P19 unless it directly supports, services or is dependent on “primary production” and there is an operational need for the development to be located in rural areas.”
196. Daisy Link¹²⁴ submits Clause 2 reads as follows: ~~avoids as the first priority,~~ protect land and soils identified as highly productive by LF – LS – P19 unless there is an operational need for the development to be located in rural areas”
197. Transpower¹²⁵ submits Clause 2 reads as follows: ~~avoids as the first priority,~~ gives reference to locations that are not land and soils identified as highly productive by LF –

¹¹⁵ 00321.087 Te Waihanga

¹¹⁶ 00219.017 FENZ

¹¹⁷ 00221.013 Silver Fern Farms

¹¹⁸ 00137.154 DOC

¹¹⁹ 00226.310 Kāi Tahu ki Otago

¹²⁰ 002204.004 Daisy Link

¹²¹ 00314.051 Transpower

¹²² 00138.209 QLDC

¹²³ 00208.009 AgResearch

¹²⁴ 002204.004 Daisy Link

¹²⁵ 00314.051 Transpower

LS – P19 unless there is an operational need for the development to be located in rural areas”

198. Fulton Hogan¹²⁶ submits “~~and soils~~” be deleted from Clause 2
199. Rural Contractors¹²⁷ amends as follows: “2. avoids as the first priority, land and soils identified as highly productive by LF – LS – P19 unless it directly supports, services or is dependent on primary production and there is an operational need for the development to be located in rural areas.”
200. Ravensdown¹²⁸ amends as follows (2) ~~avoids as the first priority,~~ ensures land and soils identified as highly productive by LF – LS – P19 are protected, unless there is an operational need for the development to be located in rural areas, ... “

Clause (3) changes

201. OWRUG¹²⁹ submission amends Clause 3 as follows: (3) ... or zoned within district plans as suitable for such development, and recognises the importance of rural land for productive capacity, rural character, and long-term viability of the rural sector and rural communities.
202. Sipka Holdings and Glenpanel Limited Partnership¹³⁰ ask to amend Clause (3) to remove reference to areas already zoned for urban expansion, rural lifestyle, and rural residential development, because under the definition of Urban Area they would not be captured by this objective which is titled ‘Development in Rural Areas’.

Clause (4) changes

203. Fulton Hogan¹³¹ submits Clause 4 be amended by adding ‘and primary production’ to the end.
204. Sipka Holdings and Glenpanel Limited Partnership¹³² ask to amend Clause (4) so that it is consistent with policy UFD-P4 and so it will enable urban expansion, which by its very nature, will not maintain and enhance rural character but rather recognise that change will occur as part of urbanisation.

Submissions seeking other specific changes not captured above

205. Kāi Tahu ki Otago¹³³ notes “The objective needs to recognise and provide for the location of marae, kāika, papakāika and whānau housing in rural areas” and “add a new clause as follows: provides for the use of rural areas by Kāi Tahu in accordance with MW – P4”
206. Horticulture NZ¹³⁴ proposes the following amendments:

¹²⁶ 00322.038 Fulton Hogan

¹²⁷ 00410.007 Rural Contractors

¹²⁸ 00121.099 Ravensdown

¹²⁹ 00235.149 OWRUG

¹³⁰ 00402.007 Sipka Holdings, 00405.006 Glenpanel respectively

¹³¹ 00322.038 Fulton Hogan

¹³² 00402.008 Sipka Holdings, 00405.007 Glenpanel respectively

¹³³ 00226.310 Kāi Tahu ki Otago

¹³⁴ 00236.099 Horticulture NZ

Development in Otago's rural areas occurs in a way that:

- (1) Does not cause significant adverse effects on the values of outstanding natural features and landscapes ~~Avoids impacts on significant values and features identified in this RPS~~
- (2) Avoids, as the first priority, ~~land and soils identified as highly productive~~ land as identified by LF – LS – P19 unless there is an operational need for the development to be located in the rural area;
- (3) Only provides for urban expansion, and rural lifestyle and rural residential development and the establishment of sensitive activities in locations identified through strategic planning or zoned within district plans as suitable for such development where the potential for reverse sensitivity effects will not compromise primary production;
- (4) Outside of areas identified in 3) ~~maintains and enhances the natural and physical resources that support~~ only provide for activities that have a functional need to locate in the rural area and will not compromise the productive capacity, rural character and long-term viability of the rural sector and rural communities."

207. Trojan and Wayfare¹³⁵ make identical submissions that propose a number of suggested amendments including deletion of clause (1), modification of Clause 3 to remove reference to rural residential development and replacement of most references to *rural area* with 'non-urban area' as follows:

"UFD–O4 – Urban Development in existing non – urban rural areas

Urban dDevelopment in Otago's non – urban rural areas occurs in a way that:

- (1) avoids impacts on significant values and features identified in this RPS,
- (2) avoids as the first priority, land and soils identified as highly productive by LF– LS–P19 unless there is an operational need for the development to be located in rural areas,
- (3) only provides for urban expansion, ~~rural lifestyle and rural residential development~~ and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development; and
- (4) outside of areas identified in (3), maintains and enhances the natural and physical resources that support the productive capacity, ~~rural non – urban~~ character, and long – term viability of the non – urban rural sector and non – urban rural communities."

208. Daisy Link¹³⁶ submits a Clause 5 be added to read as follows:

¹³⁵ 00206.069 Trojan, 00411.084 Wayfare respectively

¹³⁶ 002204.004 Daisy Link

(5) Provides opportunities for unanticipated or out-of-sequence developments that provide significant development capacity that:

- a. would contribute to a well-functioning urban environment;
- b. is well-connected along transport corridors.

209. Infinity Investment Group¹³⁷ and NZ Cherry Corp¹³⁸ propose identical submission that make extensive amendments to the provision as follows:

“Development in Otago’s rural areas occurs in a way that:

1. avoids impacts on significant values and features identified in this RPS,
2. ~~avoids as the first priority, land and soils~~ supports the use of land identified as highly productive by LF – LS – P19 unless for primary productive activity, while also having regard to:
 - a. the extent to which the development will impact on the existing and future use of the land for primary production;
 - b. whether there is an operational a practical and functional need for the development to be located in rural areas,
 - c. the potential for reverse sensitivity effects and proposed methods to avoid or mitigate potential adverse effects on, and conflicts with, lawfully established activities, and
 - d. the environmental, economic, social and cultural benefits of the proposed development compared to the long-term benefits that would occur from the continued or potential use of the land for primary production,
3. ~~only~~ provides for urban expansion in locations identified through strategic planning or zoned within district plans as suitable for such development,
4. provides for rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development, or where consistent with UFD-P8, and
- ~~4.~~ 5. outside of areas identified in (3) and (4), 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.

15.8.3. Analysis

Inclusion of Rural matters in an ‘urban’ chapter:

¹³⁷ 00414.003 Infinity

¹³⁸ 00413.005 NZ Cherry Corp

210. A number of submitters raise a general concern that ‘rural’ issues should not be in an ‘urban’ chapter.
211. This concern appears to be largely based on a narrow reading of the Chapter’s title, “Urban Form and Development” which is a requirement of Table 2 of the National Planning Standards (the Regional Policy Statement Structure Standard). The National Planning Standards are themselves relatively non-definitive about the content of particular chapters, other than positing that if the provision relates to more than one Topic they should be located in the relevant Domain chapter¹³⁹. The ‘Urban Form and Development’ topic heading is included in the District Plan Standard as a compulsory ‘Strategic Direction’ Heading Chapter, but the same does not apply to regional plans¹⁴⁰. Following the ‘topic’ logic down the hierarchy suggests this Chapter will provide an overarching guide for more specific consideration of zoning and land use decisions across the districts within Otago. The national planning standards do not include any suggestions relating to rural-specific chapters with MfE’s response to submissions seeking this (when the National Planning Standards were being developed) noting that a rural chapter could be added if required¹⁴¹, but also recognising that:
- [m]any issues around urban growth play out against a rural environment backdrop and concern productivity matters such as subdivision and productive soils, and overall sustainability and quality of life (transport and amenity values). For most regions, urban-rural land use will be a significant issue which will feed through to the Land and freshwater and Urban form and development chapters. Providing a separate rural environment chapter would only increase the variation around where these matters are dealt with. However we acknowledge that some regions may find a rural environment chapter useful, and this can be added as a special topic if required.*
212. In accordance with the integrated approach taken across the RPS, and a wish to reduce variation around where strongly related issues are dealt with, a separate rural environment chapter has not been added. Accordingly, the approach to the content of the “Urban Form and Development” chapter has been to read the heading as “Urban form, and Development”; that is, anything relating to urban form (and urban issues), and issues relating to ‘development’ generally including in rural areas, that did not sit comfortably in other domain or topic chapters, which largely focus on environmental and cultural values identification and protection.
213. The exception to this general rule is the EIT Chapter which provides a similar enabling, and related role in relation to infrastructure which is a fundamental enabler of urban (and rural) development but can also be impacted by it. Growth in urban and infrastructure demand is largely driven by demand from past and future growth and change in urban

¹³⁹ 00402.006 Sipka Holdings

¹⁴⁰ While an optional chapter in the RPS standard, Urban Form and Development is also included as a compulsory chapter in the Combined Plan Framework, where those combined plans include an RPS.

¹⁴¹ Recommendations on Submissions Report for the first set of National Planning Standards, 2A REGIONAL POLICY STATEMENT STRUCTURE STANDARD, p11 <https://environment.govt.nz/assets/Publications/Files/2A-regional-policy-statement-structure-standard.pdf>

areas (including urban and rural areas beyond the region in respect of nationally significant infrastructure) and is also required to enable to function effectively and safely, and a prerequisite for new urban development to occur.

214. This Chapter has a focus on urban form and urban development planning, as part of giving effect to the NPSUD, while recognising that urban areas are not islands. Rather, they are concentrations of people, business and infrastructure within wider landscapes and are interconnected social, economic and environmental systems, including to and on their surrounding rural areas and can operated as housing and employment markets that do not respect arbitrary jurisdictional or zoning boundaries.
215. The NPSFM is also relevant that requires local authorities to undertake integrated management to “*coordinate and sequence regional and urban growth*”¹⁴² and to also recognise that territorial authorities though their district plans also need to promote positive effects and mitigate adverse effects of urban development on freshwater bodies, ecosystems and receiving environments¹⁴³ for which this RPS and the forthcoming Land and Water Plan need to provide improved guidance on how to manage in an integrated way.
216. Use of rural land for rural activities (and or the effects of them) in rural areas are also indirectly managed by other provisions in the RPS, most notably the LF, AIR, ECO, EIT and HAZ Chapters.
217. Rural residential and Lifestyle development is a specific form of development that has been identified in the SRMS Chapter as requiring particular management, an approach supported by MfE Guidance for District and Zone framework Standards¹⁴⁴. All of the Region’s TAs have rural residential and rural lifestyle development provisions in their district plans, that reflect a desire to manage this form of development.
218. Rural lifestyle and rural residential development is also primarily (albeit in some cases not entirely) a residential activity, largely driven by amenity including the visual amenity of natural, rural and productive rural landscapes. That amenity set also includes relative proximity to urban areas, (resulting in pressures and impacts on those rural areas, as well as implications for urban areas in terms of form function and infrastructure provisions) and has a number of impacts including reverse sensitivity impacts, servicing and transport, and rural character and landscape impacts, if not well managed.

¹⁴² NPSFM 2020 See 3.5(1)d, emphasis added - regional growth as well as urban growth as a subset of that.

¹⁴³ NPSFM 3.5(4)

¹⁴⁴ MfE Guidance for Zone Framework and District Spatial Layers Standard, 12. District Spatial Layers Standard and 8. Zone Framework Standard, , at page 8, “Zones of this type have been applied to areas with environmental characteristics (such as soil type, sunlight hours and other climatic factors) that are particularly supportive of primary production activities. Provisions of these zones seek to avoid loss or degradation of these environmental characteristics to other uses such as countryside residential urban development. Subdivision and land fragmentation are closely managed to avoid urban encroachment onto this land, and have stricter standards than more general rural zones, particularly on non-production activities”, emphasis added. <https://environment.govt.nz/assets/Publications/Files/guidance-for-zone-framework-and-district-spatial-layers-standards.pdf>

219. The UFD Chapter and UFD-O4 in particular therefore provides a desired outcome for urban *and* rural form, function and development to the subsequent more detailed spatial land use planning processes on how demand for and supply of both urban, peri-urban and rural development should be met, the roles and functions of these areas, subsequent approaches to zoning, and the relative weighting to be given in particular places. In effect the provisions collectively require considered forethought (strategic planning, consideration of suitability, including the cumulative impacts of self-servicing infrastructure, and zoning) combined with implementation of (zoning and infrastructure to enable planned outcomes) that enable the planned outcomes to be achieved.
220. The management of ‘spillovers’ from urban areas reflects the overall integrated management approach to the RPS as a whole that is required by s30, and s59 of the Act, and not an unnecessarily restrictive view based on one word in topic chapter title.

Clause 1 changes

221. No Changes are recommended to Clause 1 as the other provisions of the RPS provide the guidance sought by submitters.

Clause 2 changes

222. A wide range of potential amendments are proposed, with the majority seeking to clarify to ensure the provision is not a constraint against any use in highly productive land, which is not the intent. However a small change can be made to ensure the clause reads in the way intended which is to protect highly productive land from activities that do not have a functional or operational need to locate there. The addition of the defined term ‘or functional need’ after operational need will encompass activities that functionally utilise highly productive land. This particular wording was not requested by any single submitter, but elegantly captures though a smaller change, the submission of AgResearch.
223. Removal of “and soils” from the clause is also recommended for consistency with the approach outlined in LF – LS – P19, as soils are only one of the criteria, in accordance with the submission of Fulton Hogan.
224. Further amendment to Clause 3 is also discussed below which may address, in part, many of the submitters concerns.

Clause 3 matters:

225. Amendments to clarify that rural areas will transition though the implementation of policies (eg UFD – P4 and UFD – P8) are not considered necessary as I consider that the potential for transition via these policies, and is already implicitly recognised in this clause.

Clause 4 matters:

226. I recommend the clause is amended to clarify that rural areas are primarily for rural activities, and a key part of maintaining that primacy is managing activities that could negatively impact on rural activities, while also recognising that other activities with operational or functional need will need to locate in rural areas or take advantage of the

resources they contain. I recommend the inclusion of a combination of the submissions of Fulton Hogan, Rural Contractors and Horticulture NZ to achieve this clarification.

New Clause

227. Submission of Kāi Tahu ki Otago in recognition of the fact that *te ture whenua māori land* and other important places and values, including *mahika kai* and *nohoaka* are commonly located in rural areas is accepted for clarity.

15.8.4. Recommendation

228. I recommend UFD-O4 is amended as follows:

UFD-O4 – Development in *rural areas*

Development in Otago's *rural areas* occurs in a way that:

- (1) avoids impacts on significant values and features identified in this RPS,
 - (2) avoids as the first priority, land ~~and soils~~¹⁴⁵ identified as highly productive by LF-LS-P19 unless there is an *operational need* or *functional need*¹⁴⁶ for the development to be located in *rural areas*,
 - (3) only provides for urban expansion, rural lifestyle and rural residential development and the establishment of *sensitive activities*, in locations identified through strategic planning or zoned within *district plans* as suitable for such development, ~~and~~
 - (4) outside of areas identified in (3), ~~maintains and enhances~~ provides for the ongoing use of *rural areas* for *primary production*, supported by *rural industry* in appropriate locations,¹⁴⁷ and facilitates other activities that have an *operational need* or *functional need* to locate in *rural areas*, that will not *compromise*¹⁴⁸ the *natural and physical resources* that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities-, ~~and~~
- (4A) provides for the use and development of land in rural areas by Kāi Tahu for *papakāika, kāika, nohoaka, marae, and marae related activities.*¹⁴⁹

15.9. UFD-O5 – Urban development and climate change

15.9.1. Introduction

229. With over 95% of Otago's population living in urban areas, and the intention that the bulk of growth and change occurs in and around these areas, the opportunities for addressing human impacts, and for managing the impacts of existing baked-in change is high. A

¹⁴⁵ 00322.0038 Fulton Hogan, also 00236.099 Hort NZ

¹⁴⁶ 00414.003 Infinity Investment Holdings, 00413.005 NZ Cherry Corp

¹⁴⁷ 00322.038 Fulton Hogan Limited, 00410.007 Rural Contractors NZ (in part)

¹⁴⁸ 00236.099 Horticulture NZ

¹⁴⁹ 00226.310 Kāi Tahu ki Otago

multi-faceted approach to both reducing current and future impacts and responding to known impacts is the outcome sought

230. As notified, UFD-O5 reads:

UFD-O5 – Urban development and climate change

The impacts of *climate change* are responded to in the development and change of Otago's *urban areas* so that:

- (1) the contributions of current communities and future generations to *climate change* impacts are reduced,
- (2) community resilience increases,
- (3) adaptation to the effects of *climate change* is facilitated,
- (4) energy use is minimised, and energy efficiency improves, and
- (5) establishment and use of small and community-scale distributed electricity generation is enabled.

15.9.2. Submissions

231. A total of 10 submissions are recorded against this provision, 3 in support of the whole provision¹⁵⁰, 2 in support of specific subclauses¹⁵¹ and 5 seeking various amendments.

232. Submissions seeking amendment cover minor to more fundamental changes to the provision:

- a. Meridian Energy¹⁵² seeks the insertion of renewable to subclause 5;
- b. Kāi Tahu ki Otago¹⁵³ and Te Runanga ki Otago¹⁵⁴ seek the insertion of humans contribution to the effects of climate change into the chapeau;
- c. Te Waihanga¹⁵⁵ seeks clarity that there are other natural hazard risks to be planned for and that the *effects* of change are those that should be focussed on;
- d. Dunedin City Council¹⁵⁶ seeks the Objectives content be amended to be part of policies.

15.9.3. Analysis

233. The term *small and community-scale distributed electricity generation* reflects the NPS-REG term and is repeated in the National Planning Standards and repeated in the RPS as

¹⁵⁰ 00405.007 Glenpanel, 00138.210 QLDC, and 00402.009 Sipka Holdings.

¹⁵¹ Waka Kotahi 00305 has 2 recorded support submissions points, one relating to support of subclass 1 (00305.89) and the other subclause 4 (00305.090)

¹⁵² 00306.076 Meridian Energy

¹⁵³ 00226.311 Kāi Tahu ki Otago

¹⁵⁴ 00234.038 Te Rūnanga o Ngāi Tahu

¹⁵⁵ 00321.088 Te Waihanga

¹⁵⁶ 00139.254 DCC

it is used in the same way and in the same context. Accordingly the submission of Mercury must be is rejected.

234. Adding human contribution to climate change to the chapeau is considered unnecessary as it is already included in Clause 1, accordingly I recommend rejecting the submission of Kāi Tahu ki Otago and Te Runanga ki Otago.
235. Te Waihanga rightly identifies there are a range of other hazards impacting urban areas, and the effects of them should also be considered. To the extent that they are, these hazards are managed specifically by the HAZ Natural Hazards Chapter, and apply within the objectives and policies of the UFD chapter. The submission of the Te Waihanga is recommended to be rejected
236. The submission of DCC seeks to move this objective¹⁵⁷ into policies. No suggested wording is proposed. Given such a fundamental change without wording, I cannot recommend accepting this submission.

15.9.4. Recommendation

237. I recommend UFD-O5 is retained as notified.

15.10. UFD-P1 – Strategic planning

15.10.1. Introduction

238. As notified, UFD-P1 reads:

UFD-P1 – Strategic planning

Strategic planning processes, undertaken at an appropriate scale and detail, precede urban growth and development and:

- (1) ensure integration of *land* use and *infrastructure*, including how, where and when necessary *development infrastructure* and *additional infrastructure* will be provided, and by whom,
- (2) demonstrate at least sufficient *development capacity* supported by integrated *infrastructure* provision for Otago’s housing and business needs in the short, medium and long term,
- (3) maximise current and future opportunities for increasing resilience, and facilitating adaptation to changing demand, needs, preferences and *climate change*,
- (4) minimise *risks* from and improve resilience to *natural hazards*, including those exacerbated by *climate change*, while not increasing *risk* for other development,

¹⁵⁷ Indeed, all of the UFD objectives

- (5) indicate how connectivity will be improved and connections will be provided within *urban areas*,
- (6) provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values,
- (7) facilitate involvement of the current community and respond to the reasonably foreseeable needs of future communities, and
- (8) identify, maintain and where possible, enhance important features and values identified by this RPS.

15.10.2. Submissions

239. A total of 25 submission points were recorded against UFD – P1. Eight of these are in support¹⁵⁸ (7 in whole, Waka Kotahi supporting clauses (1) and (2) only), and 17 seek various amendments.

240. Submissions seeking amendments fall into the following general groupings:

- a. Fundamental rewrite - Dunedin City Council¹⁵⁹ seeks redrafting of the policy ‘to reword as a course of action’ and provides a suggested new policy wording,
- b. Strategic Planning and out of sequence developments
 - i. Sipka Holdings¹⁶⁰ seeks amendments to better enable urban expansion, even if not fully anticipated in strategic plans
 - ii. Sipka Holdings and Tussock Rise¹⁶¹ request the policy to be amended to make clear ‘who’ does the strategic planning, particularly if this only covers formal strategic plans prepared by local authorities or separate strategic planning exercises (such as by a proponent of a private plan change)
 - iii. Daisy Link¹⁶² seeks a new provision that enables out of sequence developments that provide for significant development capacity (and a wording change to the chapeau from ‘precede’ to ‘provide for’)
- c. Transport:
 - i. QLDC¹⁶³ seeks a new provision that will provide greater recognition of integrated land use and transport planning, and cross reference to specific provisions in the EIT chapter;

¹⁵⁸ 00315.078 Aurora Energy, 00201.052 CODC, 00307.037 CIAL, 00405.008 Glenpanel, 00421.009 Ministry of Education, 00321.089 NZ Infrastructure Commission Te Waihanga, 00305.091 and 092 Waka Kotahi NZTA (Subclause 1 and 2 respectively)

¹⁵⁹ 00139.255 Dunedin City Council

¹⁶⁰ 00402.010 Sipka Holdings

¹⁶¹ 00402.011 Sipka Holdings, 00401.005 Tussock Rise

¹⁶² 00204.005 Daisy Link Garden Centres Ltd

¹⁶³ 00138.211 Queenstown Lakes District Council

- ii. Waka Kotahi¹⁶⁴ seeks the word multimodal be inserted in clause 5
- d. Reverse sensitivity:
 - i. Meridian and Queenstown Airport¹⁶⁵ both request new provisions relating to avoiding impacts (including mention of reverse sensitivity by QAC) on national and regionally significant infrastructure;
 - ii. Fulton Hogan¹⁶⁶ seeks a new provision relating to avoiding reverse sensitivity effects generally
- e. Subclause 8 - several submitters seek specific mention of Highly productive land¹⁶⁷ as a feature or value to be listed, including protection from the reverse sensitivity effects of urban development. Kāi Tahu ki Otago seeks greater clarity of this clause in relation to the features and values to be protected.
- f. Other Discrete wording changes
 - i. FENZ¹⁶⁸ seeks insertion of 'multi-agency' into clause 7
 - ii. Trojan and Wayfare¹⁶⁹ seek a word change from 'maximise' to increase in subclause 3, and addition of urban before 'development' in the chapeau

15.10.3. Analysis

DCC:

241. The submission of the DCC is not supported. In my opinion the policy delivers the outcomes sought by the submitter. Strategic Planning is an ongoing action and not an end in and of itself, and is comparable to and consistent with requirements of the NPSUD for Tier 2 local authorities (which DCC is) to undertake a Future Development Strategy. Achieving both well-functioning urban environments AND protecting, enhancing or otherwise addressing other features and values identified can be achieved, but not with business-as-usual approaches. Amendments to the policy in response to other submission points may also address in part, the concerns of the submitter.

Out of sequence developments:

242. By definition, out of sequence developments are 'different' from those anticipated by a strategic plan, and will also arise after the plan is developed, so I do not see how they can be logically dealt with in this policy. The approach in the chapter does recognise such developments will occur and UDF-P10 provides criteria for where local authorities' must be responsive to them. I do not recommend changes to this policy to address this point.

Who does strategic planning?

¹⁶⁴ 00305.093 Waka Kotahi

¹⁶⁵ 00306.077 Meridian Energy Ltd, 00313.031 Queenstown Airport Corporation

¹⁶⁶ 003222.039 Fulton Hogan

¹⁶⁷ 00239.176 Federated Farmers of NZ, 00236.100 Horticulture NZ, 00235.150 OWRUG,

¹⁶⁸ 00219.011 Fire and Emergency NZ

¹⁶⁹ 00206.070 Trojan, 00411.085 Wayfare Ltd

243. For the most part this would be undertaken at an urban environment or district scale, jointly by responsible councils (as required by the NPSUD), usually in partnership with other key stakeholders such as man whenua (Kāi Tahu) and central government, with an expectation of significant input and subsequent buy-in from local development industry, communities and other stakeholders. However, smaller scale area based strategic planning could be undertaken by local developers or groups of landowners much like the current approach using structure or master planning (which are forms of strategic planning) to illustrate key concepts and how questions of context, constraint and opportunity are resolved. This policy recognises that this approach is in widespread use, reflects best practice, and provides some high level support for it to continue and become more common. UFD-M2 refers to 'local authority adopted' structure plans, and while the method is silent on who prepares them, it does imply that for a local authority to change its district plan, provide funding through the LTP and commit future ratepayers through Infrastructure strategies, they will need to be at least convinced to adopt the strategic plan, but ideally be a willing partner, but not necessarily the driver or funder of these processes, especially where they are for unanticipated developments, much as structure plans are used now.

Strategic Planning:

244. Daisy Links request for the words 'provide for' to be added is not accepted as this could undermine the purpose of the strategic planning process, meaning that strategic planning could not identify permanent or temporary constraints to development in some locations.

Reverse sensitivity and highly productive land:

245. I agree that the inclusion of the concept of reverse sensitivity, including on highly productive land will assist in making it clear that strategic planning will be a key means to manage these impacts, and these submissions are accepted in part.
246. I recommend the inclusion of a new clause with wording consistent with UFD –O2, which refers to managing conflict between all incompatible activities, with strategic planning also providing the means to set out appropriate methods for how this will be achieved.

Other changes

247. Other submissions seek the addition of particular words or specific provisions that are already captured by the existing provisions in a manner that is appropriate at the RPS level. I do not recommend any further changes.

15.10.4. Recommendation

248. I recommend UFD-P1 is amended as follows

UFD-P1 – Strategic planning

Strategic planning processes, undertaken at an appropriate scale and detail, precede urban growth and development and:

- (1) ensure integration of *land* use and *infrastructure*, including how, where and when necessary *development infrastructure* and *additional infrastructure* will be provided, and by whom,
- (2) demonstrate at least sufficient *development capacity* supported by integrated *infrastructure* provision for Otago’s housing and business needs in the short, medium and long term,
- (3) maximise current and future opportunities for increasing resilience, and facilitating adaptation to changing demand, needs, preferences and *climate change*,
- (4) minimise *risks* from and improve resilience to *natural hazards*, including those exacerbated by *climate change*, while not increasing *risk* for other development,
- (5) indicate how connectivity will be improved and connections will be provided within *urban areas*,
- (6) provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values,
- (7) facilitate involvement of the current community and respond to the reasonably foreseeable needs of future communities, ~~and~~
- (8) identify, maintain and where possible, enhance important features and values identified by this RPS-, and
- (8A) identifies areas of potential conflict between incompatible activities and sets out the methods by which these are to be resolved.¹⁷⁰

15.11. UFD-P2 – Sufficiency of development capacity

15.11.1. Introduction

249. As notified, UFD-P2 reads:

UFD-P2 – Sufficiency of development capacity

Sufficient urban area housing and business *development capacity* in *urban areas*, including any required competitiveness margin, is provided in the short, medium and long term by:

- (1) undertaking strategic planning in accordance with UFD–P1
- (2) identifying areas for urban intensification in accordance with UFD–P3,
- (3) identifying areas for urban expansion in accordance with UFD–P4,

¹⁷⁰ 00306.077 Meridian, 00322.039 Fulton Hogan, 00313.031 QAC, 00235.150 OWRUG, 00236.100 Horticulture NZ, 00239.176 Federated Farmers, 00204.005 Daisy Link.

- (4) providing for commercial and industrial activities in accordance with UFD–P5 and UFD–P6
- (5) responding to any demonstrated insufficiency in housing or business *development capacity* by increasing *development capacity* or providing more *development infrastructure* as required, as soon as practicable, and
- (6) requiring Tier 2 *urban environments* to meet, at least, the relevant housing bottom lines in APP10.

15.11.2. Submissions

- 250. Ten submissions were received on this provision; four in full support¹⁷¹, one supportive of subclause (5) only¹⁷², one opposed to the whole provision¹⁷³, and four seeking amendments.
- 251. Of the four seeking amendments, three of those submitters¹⁷⁴ seek a similar amendment that would replace the word ‘sufficient’ with ‘significant’ or ‘more than sufficient’.
- 252. Fonterra¹⁷⁵ suggests the insertion of ‘existing and new’ before ‘industrial activities’ into subclause (4).

15.11.3. Analysis

- 253. The submissions seeking amendment to the chapeau is accepted in part, to the extent that “At Least” is the term added, making the terminology consistent with the use in the NPSUD and other in other parts of the chapter, in accordance with general submissions¹⁷⁶ on the same issue.
- 254. The submission regarding the insertion of ‘existing and new’ before ‘industrial activities’ is rejected, as the clause is clear in its intent while also providing a pathway to UFD-P5 and UFD-P6 for additional detail.
- 255. An amendment to Clause 5 is also recommended, which will address the submission of Daisy Link Garden Centres¹⁷⁷ made on UFD-P3(3) seeks a new provision that enables out of sequence developments that provide for significant development capacity.

15.11.4. Recommendation

- 256. I recommend amending UFD-P2 as follows:

¹⁷¹ 00307.038 CIAL, 00226.313 Kāi Tahu ki Otago, 00321.090 Te Waihanga, 00138.212 QLDC

¹⁷² 00401.007 Tussock Rise Ltd

¹⁷³ 00139.256 Dunedin City Council

¹⁷⁴ 00504.009 Glenpanel Limited, 00402.012 Sipka Holdings, 00401.006 Tussock Rise

¹⁷⁵ 00213.041 Foterra Co-operative Group

¹⁷⁶ ‘At Least’ See General Submissions of 00211.047 LAC Properties Trustees, 00210.046 Lane Hocking, 00118.066 Maryhill Ltd, 00014.066 Mt Cardrona Station, 00209.046 Universal Developments Hawea Limited

¹⁷⁷ 00204.005 Daisy Link Garden Centres Ltd

UFD-P2 – Sufficiency of *development capacity*

At least sufficient¹⁷⁸ urban area housing and business *development capacity* in urban areas, including any required competitiveness margin, is provided in the short, medium and long term by:

- (1) undertaking strategic planning in accordance with UFD-P1
- (2) identifying areas for urban intensification in accordance with UFD-P3,
- (3) identifying areas for urban expansion in accordance with UFD-P4,
- (4) providing for commercial and industrial activities in accordance with UFD-P5 and UFD-P6,
- (5) responding to any demonstrated insufficiency in housing or business *development capacity* by increasing *development capacity* or providing more *development infrastructure* as required, as soon as practicable, including by being responsive to plan changes that demonstrate compliance with UFD-P10,¹⁷⁹ and
- (6) requiring Tier 2 *urban environments* to meet, at least, the relevant housing bottom lines in APP10.

15.12. UFD-P3 – Urban intensification

15.12.1. Introduction

257. This policy provides direction on urban intensification, recognising that in order to achieve well functioning urban areas, significant change within existing urban areas will be required, and that it is more efficient and sustainable to better utilise what already exists, than to create more.
258. Taking an enabling approach to urban intensification will not preclude expansion, which by definition will result in less efficient infrastructure and longer travel times and more emissions but is required to be greater than expected demand, because of the level of inertia created by existing development. Because of the highly fragmented nature of existing urban areas, (multiple land ownership, widely variable feasibility, ability, demand and willingness to take risk), many small developments across a wide area will be required to accommodate significant change. Because of this, the bulk of any urban area of the future already exists.
259. As notified, UFD-P3 reads:

UFD-P3 – Urban intensification

¹⁷⁸ 'At Least' See General Submissions of 00211.047 LAC Properties Trustees, 00210.046 Lane Hocking, 00118.066 Maryhill Ltd, 00014.066 Mt Cardrona Station, 00209.046 Universal Developments Hawea Limited

¹⁷⁹ 00204.005 Daisy Link Garden Centres Limited

Within *urban areas* intensification is enabled where it:

- (1) contributes to establishing or maintaining the qualities of a *well-functioning urban environment*,
- (2) is well-served by existing or planned *development infrastructure* and *additional infrastructure*,
- (3) meets the greater of demonstrated demand for housing and/or business use or the level of accessibility provided for by existing or planned *active transport* or *public transport*,
- (4) addresses an identified shortfall for housing or business space, in accordance with UFD–P2,
- (5) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents, and
- (6) manages adverse *effects* on values or resources identified by this RPS that require specific management or protection.

15.12.2. Submissions

260. Seventeen submissions were received on this provision; 8 in support¹⁸⁰ (one¹⁸¹ of those supporting only clause (2)), and 9¹⁸² seeking various amendments.

261. The submissions seeking amendments cover several main themes:

- a. Appropriateness of an enabling approach: Dunedin City Council ¹⁸³ seeks a rewording to provide for appropriate opportunities for intensification in existing urban areas that will support the achievement of objectives in the RPS particularly UFD - O1 and UFD - O2. The submitter also provides alternative policy wording as follows:

Provide appropriate opportunities for intensification of housing or other development in existing urban areas where this will support the objectives of this RPS particularly Objective UFD – O1 and UFD – O2; this will generally include areas that:

- (a) are within walking distance of centres and frequent public transportation services; and
- (b) will be well – serviced by existing or planned development infrastructure and additional infrastructure

¹⁸⁰ 00307.039 CIAL, 00405.010 Glenpanel Limited Partnership, 00320.031 Network Waitaki, 00511.031 PowerNet, 00402.013 Sipka Holdings, 00314.052 Transpower, 00401.052 Tussock Rise

¹⁸¹ 00305.094 Waka Kotahi

¹⁸² 00314.053 Transpower submission was allocated to UFD – P3 in the SODR, but clearly relates to UFD – P4 and so has been analysed in that section

¹⁸³ 00139.257 DCC

- b. Clarification of ‘well-functioning’: Te Waihanga¹⁸⁴ seeks the provision be retained as notified, subject to amendments to clarify the term ‘well-functioning’ in subclause (1) to ensure it cannot be used to preserve the status-quo and prevent further development.
- c. Subclause (2) well-served by infrastructure: a number of submitters seek additional text to be added to the end of subclause (2)
 - i. Daisy Link Garden Centres¹⁸⁵ requests “or alternative infrastructure solutions can be provided”
 - ii. Ministry of Education¹⁸⁶ requests “that has sufficient capacity”
 - iii. Both Aurora Energy¹⁸⁷ and Chorus, Spark and Vodafone¹⁸⁸ request “and does not compromise the safe and efficient ongoing use of regionally significant infrastructure”
- d. Subclause (4) addressing shortfalls: Daisy Link¹⁸⁹ seeks additional text be added to subclause (4) to specifically provide for developments that contribute significant development capacity in order to exceed the bottom lines in APP10;
- e. Subclause (6) identified Features and Values: Kāi Tahu ki Otago and QLDC¹⁹⁰ seek that the values and features the provision relates to be clarified, as well as the level of protection (eg avoid vs manage) they should be subject to.
- f. New Clause: Queenstown Airport¹⁹¹ seeks the inclusion of a new subclause (7) that avoids adverse effects including reverse sensitivity effects on nationally and regionally significant infrastructure;

15.12.3. Analysis

262. DCC: The suggested areas for intensification suggested by the DCC are captured by subclause (3), and the outcomes sought by UFD-O1 and UFD-O2 will apply to any development. However, in my view these are not the only areas that may be suitable for intensification nor will they be the only locations that have both demand and are feasible for intensification. In some cases areas with both of these amenities may have justifiable constraints to them being intensified. In my view the proposed amendments are too narrowly focussed and I do not recommend adopting them.
263. The defined term *well-functioning urban environment* reflects the definition provided in the NPSUD. The balancing of existing amenity (or constraints that result in an existing neighbourhood being unsuitable for change) will need to be carefully balanced against

¹⁸⁴ 00321.091 NZ Infrastructure Commission/Te Waihanga

¹⁸⁵ 00204.007 Daisy Link Garden Centres Limited

¹⁸⁶ 00421.010 Ministry of Education

¹⁸⁷ 00315.079 Aurora Energy

¹⁸⁸ 00310.017 The Telecommunications Companies

¹⁸⁹ 00204.007 Daisy Link Garden Centres

¹⁹⁰ 00266.314 Kāi Tahu ki Otago, 00138.213 Queenstown-Lakes District Council

¹⁹¹ 00313.032 Queenstown Airport Corporation

identified need for more choice and change to respond to demand and changing needs and preferences. No changes are recommended in response to this submission.

264. Infrastructure: Ministry of Education: the term ‘well served’ is considered to appropriately capture, if it is not already implicit, that existing or planned *development infrastructure* and *additional infrastructure* has sufficient capacity to meet intensification demand. While the lack of capacity can be a valid reason to slow or delay development where this is demonstrably resulting in adverse impacts, I am also wary of creating a situation where a level of service reduction is unjustifiably utilised to permanently preclude intensification.
265. Daisy Link: in the context of urban intensification, where the safe and efficient operation and maintenance of existing networks is a key concern, allowing ‘alternative infrastructure’ is considered to be an inappropriate addition without further clarification. I am aware of many innovative solutions to current infrastructure constraints that involve developer provided or maintained *development infrastructure* but in my view these fall within the ambit of ‘controlled by council or a CCO’¹⁹² as they are established by negotiation and regulation with the council, and designed and operated in accordance with Codes of Practice or District Plan provisions, and offset against development and financial contributions. I would also note that the typical approach of developer provided (and owned) infrastructure eventually vesting to council on issue of titles provides another example of how the control and ownership of the necessary infrastructure for urban development is fluid though the typical development process.
266. Nationally and Regionally Significant Infrastructure: These submissions highlight that intensification can impact on these important features, and a clarification by inserting a new clause after subclause 2 is recommended to address all these submissions, by accepting the wording of the submission of Aurora Energy and Chorus et al.
267. Out of Sequence Developments/Clause 4: The submission of Daisy Link is accepted to the extent that amendments to UFD-P2 (that in turn refers to UFD-P10) capture the intent of the submission.
268. Features and Values: No changes to this provision is recommended in line with other submission on this issue across the chapter, as the RPS must be read as an integrated whole

15.12.4. Recommendation

269. I recommend UFD-P3 is amended as follows:

¹⁹² I would also note that with ongoing three waters reform, the Urban Development Act and the Infrastructure Funding and Financing Act, the NPSUD definition which focusses on ownership rather than function is already somewhat out of date, and unnecessarily narrow. Consider also the role of State Highways in urban areas which are also excluded by definition from development infrastructure, yet are key arterial routes and part of a wider transport network and yet their ongoing performance is often cited as a source of constraint to new development.

UFD-P3 – Urban intensification

Within *urban areas* intensification is enabled where it:

- (1) contributes to establishing or maintaining the qualities of a *well-functioning urban environment*,
- (2) is well-served by existing or planned *development infrastructure* and *additional infrastructure*,
- (2A) does not compromise the safe and efficient ongoing use of *nationally significant infrastructure* or *regionally significant infrastructure*,¹⁹³
- (3) meets the greater of demonstrated demand for housing and/or business use or the level of accessibility provided for by existing or planned *active transport* or *public transport*,
- (4) addresses an identified shortfall for housing or business space, in accordance with UFD-P2,
- (5) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents, and
- (6) manages adverse *effects* on values or resources identified by this RPS that require specific management or protection.

15.13. UFD-P4 – Urban expansion

15.13.1. Introduction

270. Urban expansion is a necessary component in the provision of choice to meet demand within Otago and cannot reasonably be precluded even if this was intended. As many urban areas of Otago are relatively small, the trade-off between space and proximity is insufficiently widespread (outside of a few locations and market sectors) to drive widespread feasible higher density redevelopment. Meeting reasonably expected demand is likely to involve urban expansion to a greater or lesser degree in all Otago's urban areas.

271. However, as the level of change to create a new urban areas is more significant than that resulting in intensification (which is a process of urban areas becoming slightly more urban), because it results in permanent loss of rural land and permanent expansions of services and infrastructure, is less climate friendly, it is therefore appropriate to take a slightly less enabling approach to expansion than it is to intensification.

272. As notified, UFD-P4 reads:

UFD-P4 – Urban expansion

¹⁹³ 00315.079 Aurora Energy, 00310.017 Chorus, New Zealand Limited, Spark New Zealand Trading Limited and Vodafone New Zealand, 00313.032 Queenstown Airport Commission (in part)

Expansion of existing *urban areas* is facilitated where the expansion:

- (1) contributes to establishing or maintaining the qualities of a *well-functioning urban environment*,
- (2) will not result in inefficient or sporadic patterns of settlement and residential growth,
- (3) is integrated efficiently and effectively with *development infrastructure and additional infrastructure* in a strategic, timely and co-ordinated way,
- (4) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents,
- (5) manages adverse *effects* on other values or resources identified by this RPS that require specific management or protection,
- (6) avoids, as the first priority, highly productive land identified in accordance with LF–LS–P19,
- (7) locates the new urban/rural zone boundary interface by considering:
 - (a) adverse *effects*, particularly reverse sensitivity, on *rural areas* and existing or potential productive rural activities beyond the new boundary, and
 - (b) key natural or built barriers or physical features, significant values or features identified in this RPS, or cadastral boundaries that will result in a permanent, logical and defensible long-term limit beyond which further urban expansion is demonstrably inappropriate and unlikely, such that provision for future development infrastructure expansion and connectivity beyond the new boundary does not need to be provided for, or
 - (c) reflects a short or medium term, intermediate or temporary zoning or infrastructure servicing boundary where provision for future *development infrastructure* expansion and connectivity should not be foreclosed, even if further expansion is not currently anticipated.

15.13.2. Submissions

273. Twenty-six submissions were recorded against this provision. Five¹⁹⁴ seek the whole policy be retained as notified, and two support specific subclauses only: Waka Kotahi supporting only Subclauses (2) and (3)¹⁹⁵, Transpower¹⁹⁶ supporting only Subclause (5). One submission was received where the position of the submitter is unclear¹⁹⁷, and 18 seek a wide range of amendments.

274. Submission seeking amendments fall into several themes or groups as outlined below:

¹⁹⁴ 00218.009 Broad, Susan and Donald, 00307.040 CIAL, 00236.101 Horticulture NZ, 00421.011 Ministry of Education, 00321.092 Te Waihangā

¹⁹⁵ 00305.095, 00305.096 Waka Kotahi

¹⁹⁶ 00314.053 Transpower NZ

¹⁹⁷ 00408.012 Business South Inc

General Amendments:

275. Minster for the Environment¹⁹⁸ requests that the policy be amended or clarified to ensure it does not limit territorial authorities' ability to give effect to the NPS-UD [Part 2] Subpart 2 [Responsive planning] requirements.
276. Dunedin City Council¹⁹⁹ seek three alternate reliefs, including
- a. provision for appropriate opportunities for expansion where this will give effect to UFD – O1 and O2, (no wording provided)
 - b. Delete clause (2) AND Amend clause (6) to allow for balancing with other objectives and policies (no wording provided)
 - c. a suggested alternative policy wording stating:
“Provide appropriate opportunities for expansion of urban areas where the expansion will support the objectives of this RPS particularly Objective UFD – 01 and UFD – 02, this will generally include areas that:
 1. provide a logical and appropriately staged expansion of an existing urban area;
 2. will be serviced by existing or planned development infrastructure and additional infrastructure;
 3. will be developed in an efficient way;
 4. provide a mix of housing types and price points; and
 5. provide for a mix of land uses where this supports good urban form outcomes,”
277. Kāi Tahu ki Otago²⁰⁰ states that the policy does not overtly contribute to meeting UFD - O5 Urban Development and Climate Change and amendments to clearly link this policy to that objective are required, but no suggested wording is provided

Specific amendments:

278. The following submissions are grouped by Subclause:
- a. Subclause (2) inefficient and sporadic patterns:
 - i. Fonterra ²⁰¹ seeks the following additional text - “manage the interface between sensitive activities and industrial activities by avoiding reverse sensitivity effects on, in particular, regionally significant industry”
 - ii. As noted above, one of Dunedin City Council²⁰² sought relief is the deletion of this clause.

¹⁹⁸ 00136.011 MfE

¹⁹⁹ 00139.258 DCC

²⁰⁰ 00226.315 Kāi Tahu ki Otago

²⁰¹ 00213.042 Fonterra

²⁰² 00139.258 DCC

- b. Subclause (3) integrated with infrastructure:
 - i. Aurora Energy²⁰³ seeks the following additional text - “while restricting the establishment of those activities that may result in reverse sensitivity effects”
- c. Subclause (5) Features and Values:
 - i. QLDC²⁰⁴ requests the addition of “or avoid” after manage , but otherwise retain as notified,
 - ii. Kāi Tahu ki Otago²⁰⁵ seeks greater clarity about the features and values referred to,
 - iii. Meridian Energy requests a rewording to replace the reference to RPS identified features and values with a reverse sensitivity effects approach in accordance with EIT-EN-P17, EIT-INF-P15, EIT-TRAN-P21, HAZ-NH-P9 and HAZ-CL-P18
- d. Subclause (6) Highly Productive Land:
 - i. Business South²⁰⁶ states “While there will be many who do not support urban growth limits, having certainty will be beneficial to the business community. [Re] Urban expansion (6) - we note the proposal to limit urban expansion, which effectively means it cannot happen.” No specific amendment is sought.
 - ii. As noted above, Dunedin City Council²⁰⁷ seeks amendment of this subclause “to allow for balancing with other objectives and policies”
 - iii. QLDC²⁰⁸ seeks that Subclause (6) be retained as notified, subject to acceptance of the relief sought²⁰⁹ on LF – LS – P19 Highly Productive Land
 - iv. Kāi Tahu ki Otago²¹⁰ notes that the subclause reference to LF – LS – P19 appears to be incorrect.
 - v. Transpower NZ²¹¹ requests the following amendment: 6. ~~avoids, as the first priority, gives preference to locations that are not on~~ land and soils identified as highly productive land identified in accordance with LF – LS – P19, ...”
 - vi. Daisy Link Garden Centre²¹² requests the following amendments: “ ~~avoids,~~ protects as the first priority, highly productive land identified in accordance

²⁰³ 00315.080 Aurora Energy

²⁰⁴ 00138.214 QLDC

²⁰⁵ 00226.315 Kāi Tahu ki Otago

²⁰⁶ 00408.012 87 Both the position of the submitter in relation to this subclause, and the relief sought is unclear.

²⁰⁷ 00139.258 DCC

²⁰⁸ 00138.214 QLDC

²⁰⁹ Refer QLDC 00138.095

²¹⁰ 00226.315 Kāi Tahu ki Otago

²¹¹ 00314.053 Transpower New Zealand Limited

²¹² 00204.008 Daisy Link Garden Centres Limited

with LF – LS – P19, while recognising the benefits of provided significant residential capacity.”

- vii. Infinity Investment Group²¹³ and NZ Cherry Corp²¹⁴ both seek amendments to clause 6 to support the use of productive land while also enabling consideration of development in appropriate circumstances: “6. ~~avoids as the first priority, land and soils~~ supports the use of land identified as highly productive by LF – LS – P19 ~~unless~~ for primary productive uses, while providing for appropriate urban expansion having regard to:

a. the extent to which the development will impact on the existing and future use of the land for primary production;

~~b. whether there is an operational~~ a practical and functional need for the development to be located in rural areas,

c. the potential for reverse sensitivity effects and proposed methods to avoid or mitigate potential adverse effects on, and conflicts with, lawfully established activities, and

d. the environmental, economic, social and cultural benefits of the proposed urban expansion compared to the long-term benefits that would occur from the continued or potential use of the land for primary production,...

- e. Subclause (7) locating the new urban/rural zone boundary: A number of submitters have requested amendments to this subclause:

- i. OWRUG²¹⁵ seeks the following: “(7) locates the new urban/rural zone boundary interface by ~~considering~~:

(a) avoiding or minimising adverse effects, particularly reverse sensitivity, on rural areas and existing or potential productive rural activities beyond the new boundary, and ...”

- ii. Meridian²¹⁶ seeks amendments along a similar line but for renewable electricity generation: “(a) adverse effects, particularly reverse sensitivity, on rural areas and existing or potential productive rural activities, and on renewable electricity generation activities in rural areas beyond the new boundary,”

- iii. Fulton Hogan²¹⁷ seeks amendments to recognise that *primary production* includes activities that are not farming (such as quarrying), and that these need to be considered as susceptible to reverse sensitivity effects, by amending 7(a) as follows: “...(a) adverse effects, particularly the avoidance

²¹³ 00414.004 Infinity Investment Group Holdings Ltd

²¹⁴ 00413.006 New Zealand Cherry Corp Ltd

²¹⁵ 00235.151 OWRUG

²¹⁶ 00306.078 Meridian

²¹⁷ 0322.042 Fulton Hogan

of reverse sensitivity effects, on rural areas and existing or potential primary production ~~ve rural activities~~ beyond the new boundary, and..."

- iv. AgResearch²¹⁸ requests more fulsome amendments to 7(a) as follows: “adverse effects, particularly reverse sensitivity, on rural areas and existing or potential primary production ~~productive rural~~ activities or activities that directly support, service or are dependent on primary production and have an operational need to be located in rural areas (e.g. rural research activities, rural industry) ~~beyond the new boundary, and..."~~”
- v. Rural Contractors²¹⁹ request changes as follows: “...a) adverse effects, particularly reverse sensitivity, on rural areas and existing or potential primary production ~~productive rural~~ activities or activities that directly support, service or are dependent on primary production and have an operational need to be located in rural areas (e.g. rural industry (such as rural contractor depots)) ~~beyond the new boundary, and..."~~”
- vi. Silver Fern Farms²²⁰ seeks amendment to this policy to ensure clause (7)(c) links appropriately to the policy preamble, but does not provide suggested text
- vii. Glenpanel Partnership²²¹ requests 7(c) be amended to read better, possibly by combining with 7(b) as an either/or policy, but does not provide suggested text.

15.13.3. Analysis

General Amendments:

- 279. Minster for the Environment: As noted by a number of submitters (eg Kāi Tahu ki Otago), expansion is not precluded, but as it does create ongoing commitment for additional resource consumption, sets cadastral, infrastructural and ecological conditions for the foreseeable future and results in irreversible loss of natural values, it does require careful consideration before it is undertaken. Compared to intensification where infrastructure layout and structure are generally existing and the level of change is generally less, relative to conversion of rural areas into new urban places. In the absence of any suggested wording, I cannot reasonably recommend any changes. However, a number of amendments have been made in relation to other submissions that may address the submitters concerns, including the addition of a new Clause 1A.
- 280. Dunedin City Council: This submitter seeks a wide range of potential relief, of which I have found the suggested text of the new clause 1 to be useful to clarify the meaning of existing Clause 2 which I recommend be incorporated into the existing text. For the most part the suggested text largely restates the existing provisions. I also note that UFD-O1 and

²¹⁸ 00208.010 AgResearch Limited

²¹⁹ 00410.008 Rural Contractors NZ

²²⁰ 00410.008 Rural Contractors NZ

²²¹ 00405.011 Glenpanel Limited Partnership

UFD-O2 will always apply. Amendments made in response to other submitters may address the concerns of this submitter.

281. Kāi Tahu ki Otago: I agree with the submitter that expansion is, in most cases, likely to exacerbate emissions relative to a counterfactual intensification scenario, but it is not always a substitute, and given the directives in the NPSUD it is not possible nor desirable to preclude it at the RPS level. Providing significant policy encouragement for intensification may assist in reducing the demand for expansion, and providing clear parameters for where expansion occurs and ensuring it is supported by strategic planning, infrastructure and delivers well functioning urban environments should also reduce its impacts where and when it does occur. No changes are recommended in relation to this submission.
282. The following submissions are grouped by Subclause:
- a. Subclause (2) inefficient and sporadic patterns:
 - i. The submission of Fonterra accepted in principle but is addressed by a proposed amendment to subclause (7) that addresses how the boundary should be set, including consideration of reverse sensitivity impacts on rural activities.
 - ii. The submission of DCC seeks as one of its relief, the deletion of this clause, but in my view, this would not address the concern outlined by the submitter, and indeed is likely to exacerbate the stated concern. An amendment to the clause utilising some of the suggested alternative policy from Clause 1 is instead recommended, the reasons are covered above.
 - b. Subclause (3) integrated with infrastructure:
 - i. The submission of Aurora Energy is accepted in part by adding a new clause 3A in reference to impacts on *nationally significant infrastructure* and *regionally significant infrastructure*, and partially addressed by a proposed amendment to subclause (7) that addresses how the boundary should be set, including consideration of reverse sensitivity impacts.
 - c. Subclause (5) Features and Values:
 - i. The submissions of QLDC and Kāi Tahu ki Otago are not accepted as the RPS must be read as a whole;
 - ii. Meridian Energy's submission is accepted in part and addressed by amendments to clauses 3A that refers to nationally and regionally significant infrastructure, and 7, which refers to boundary setting criteria.
 - d. Subclause (6) Highly Productive Land:
 - i. Dunedin City Council 00139.258 seeks amendment of this subclause "to allow for balancing with other objectives and policies". A number of other submitters seek changes to the provision to allow trade-offs and weaken the primary "avoid" directive. The RPS's intended balance is clear, highly

productive land should be avoided, as a first preference. The inclusion of the “as a first preference” qualifier is specifically in relation to situations where there are no other options for towns, like Mosgiel, that are entirely surrounded by land likely to be identified as highly productive²²². In these cases, and in relation to other features and values, there is unlikely to be a ‘perfect’ location with absolutely no issues - this is why the RPS makes a distinction between enabling intensification more or less unqualified, while also allowing for expansion, but with more criteria. However, I do not recommend making changes to further reduce protections for highly productive land from urban expansion beyond this existing qualifier. All other options should be exhausted before this resource is diminished by activities that have many other locational options including in other towns or areas, or by way of intensification. Highly productive land is the most versatile and can continually grow many things, but once urban activities are established those decisions are irreversible. The submission of QLDC to retain the provision as notified is preferred and recommended.

- e. Subclause (7) locating the new urban/rural zone boundary: A number of submitters request amendments to this subclause:
 - i. As noted above, I have recommended some amendments to this clause to address concerns around the effects of expansion on rural activities, that are beyond any new boundary (by implication impacts on activities between existing development and the new boundary are not a concern as transition is now inevitable)
 - ii. I also recommend some additions for clarity and consistency to align the structure of (c) with (b) - boundary type, then timeframe, then approach to infrastructure connectivity.
 - iii. These amendments accept all submissions made on this subclause in part, though no one submission is accepted in its entirety, in my view the amendments do address the submitters’ concerns to a greater or lesser degree.

283. For completeness, the addition of a new clause 1A is discussed in para 279.

15.13.4. Recommendation

284. I recommend amending UFD-P4 as follows:

UFD-P4 – Urban expansion

Expansion of existing *urban areas* is facilitated where the expansion:

- (1) contributes to establishing or maintaining the qualities of a *well-functioning*

²²² The NZLRI LUC Class map shows Class 2 and 3 and the only area of Class 1 in the region close to Mosgiel, and the DCC 2GP map shows a ‘High Class Soils Mapped Area’ overlay more or less surrounding the town.

urban environment,

- (1A) is identified by and undertaken consistent with strategic plans prepared in accordance with UFD-P1, or is required to address a shortfall identified in accordance with UFD-P2,²²³
- (2) is logically and appropriately staged, and²²⁴ will not result in inefficient or sporadic patterns of settlement and residential growth,
- (3) is integrated efficiently and effectively with *development infrastructure* and *additional infrastructure* in a strategic, timely and co-ordinated way,
- (3A) does not compromise the safe and efficient ongoing use of *nationally significant infrastructure* and *regionally significant infrastructure*,²²⁵
- (4) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents,
- (5) manages adverse *effects* on other values or resources identified by this RPS that require specific management or protection,
- (6) avoids, as the first priority, highly productive land identified in accordance with LF-LS-P19,
- (7) locates the new urban/rural zone boundary interface by considering:
 - (a) adverse *effects*, particularly *reverse sensitivity*, on *rural areas* and existing or potential *primary production*²²⁶ ~~productive or rural~~ *industry*²²⁷ activities beyond the new boundary, and
 - (b) utilising²²⁸ key natural or built barriers or physical features, significant values or features identified in this RPS, or cadastral boundaries that will result in a permanent, logical and defensible long- term limit beyond which further urban expansion is demonstrably inappropriate and unlikely, such that provision for future *development infrastructure* expansion and connectivity beyond the new boundary does not need to be provided for, or
 - (c) ~~reflects a short or medium term, intermediate or temporary utilising~~²²⁹ zoning or infrastructure servicing boundary that reflects a short or medium term, intermediate or temporary limit,²³⁰ where provision for future *development infrastructure* expansion and connectivity should

²²³ 00136.011 Minister for the Environment, 00413.006 NZ Cherry Corp, 00204.008 Daisy Link

²²⁴ 00139.258 DCC

²²⁵ 00315.080 Aurora Energy, 00306.078 Meridian Energy Limited

²²⁶ 00208.010 AgResearch, 00213.040 Fonterra, 00322.040 Fulton Hogan,

²²⁷ 00410.008 Rural Contractors NZ

²²⁸ 00405.011 Glenpanel Limited Partnership, 00402.014 Sipka Holdings Ltd

²²⁹ insert utilising: 00405.011 Glenpanel Limited Partnership, 00402.014 Sipka Holdings Ltd.,

²³⁰ 00221.014 Silver Fern Farms, 00405.011 Glenpanel Limited Partnership, 00402.014 Sipka Holdings Ltd

not be foreclosed, even if further expansion is not currently anticipated.

15.14. UFD-P5 – Commercial activities

15.14.1. Introduction

285. These provisions outline the approach to managing commercial activities in urban areas, and take a ‘soft’ hierarchical approach by encouraging a different concentration and scale of activities within different scales of centre (defined by National planning standard zoning), as not all urban areas in the region face the same pressures or issues. The policy also recognises that in order to reduce the need to drive and to enable people to travel less, facilitating local day to day needs to be met close to where people live will require small scale activities (with small retail catchments and limited impacts) as well as community and cultural activities to be able to located close to the communities they serve.

286. As notified, UFD-P5 reads:

UFD-P5 – Commercial activities

Provide for *commercial activities in urban areas* by:

- (1) enabling a wide variety and scale of *commercial activities*, social activities and cultural activities in central business districts, town centres and commercial areas, especially if they are highly accessible by *public transport* and *active transport*,
- (2) enabling smaller local and neighbourhood centres and rural settlements to accommodate a variety of *commercial activities*, social activities and cultural activities of a scale appropriate to service local community needs,
- (3) providing for the expansion of existing areas or establishment of new areas identified in (1) and (2) by first applying UFD–P1 and UFD–P2, and
- (4) outside the areas described in (1) and (2), allow for small scale retail and service activities, home occupations and *community services* to establish within or close to the communities they serve.

15.14.2. Submissions

287. A total of 8 submission points are noted against this provision. Five are in support²³¹, and 3 seek amendments. Note that the submission of Dunedin City Council 00139.260 is recorded as an ‘amend’, but includes a “Delete, or if that is not preferred ...” statement.

288. The submissions of Trojan²³² and Wayfare²³³ seek the addition of ‘commercial recreation activities’ into the policy at various points. I note that a number of other comments on

²³¹ 00408.013 Business South Inc, 00266.316 Kāi Tahu ki Otago, 00321.093 Te Waihanga, 00138.215 QLDC, 00401.009 Tussock Rise.

²³² 00206.071 Trojan Holdings Ltd

²³³ 00411.086 Wayfare Group

the provision are included in the submitters' reasons but are not included in the 'decision sought'. They are not considered here as they appear to relate to UFD – P7.

289. The decision requested by Dunedin City Council²³⁴ (that also applies to UFD – P6 Industrial Activities as it seeks to partially combine them) is set out in full below:

“Delete or if that is not preferred re-focus on what management or controls on business land as a whole are needed to achieve overall urban form and function objectives, including providing support for city and district plans that contain a centres hierarchy objective.

Provide appropriate and adequate opportunities for business and community activities to establish and operate in a way that:

(1) supports the objectives of this RPS particularly Objective UFD-01 and UFD-02 and any centres hierarchy objectives set out in district or city plans

(2) Supports the establishment, expansion and operation of industrial activities in industrial zones, including by avoiding activities likely to result in reverse sensitivity effects on industrial activities or displacement of industrial activities.

(3) Protects land strategically important for industrial activities, or that contains nationally or regionally significant infrastructure and the requirements of EIT-INF-P15 apply, from incompatible or competing land uses in these areas, in particular retail (other than yard-based retail) and residential activities.”

15.14.3. Analysis

290. The submissions of Wayfare and Trojan are accepted to the degree that commercial areas, particularly town centres, are key locations providing a wide range of amenities, and where the majority of urban commercial activities will be located, including recreational activities. Making (and keeping) town centres vibrant and attractive so that people are attracted to live, work and play in close vicinity to them is key to achieving well-functioning urban areas and improving opportunities to utilise active and public transport.

291. The submission of DCC is concerned that the proposed approach would result in the centres hierarchy of the 2GP being negated by the RPS policy being insufficiently constraining on commercial activities, presumably locating outside of commercially zoned areas. The RPS policy does take an enabling approach, which is consistent with the NPSUD, which seeks to ensure plentiful opportunities are provided for activities to locate within the areas that would be most spatially efficient, rather than taking the alternative constraining approach that focusses where they should not be. However, it should be noted that a focus on providing activities in particular places would imply a more limited enabling (or even disabling) in other, less suitable locations. A centres hierarchy will, for the most part align to where businesses and commercial activities will naturally seek to locate (and in many cases these spatial planning structures already reflect revealed

²³⁴ 00139.260 DCC

preferences) and should be informed by regular monitoring and assessments. In the round I believe an enabling approach will reduce mismatch between supply and demand that leads businesses to seek 'out of zone' locations.

292. This enabling approach can be compared with the approach to industrial activities, that also takes an enabling approach but also allows for the strict management of 'other activities' where preventing 'infiltration' is a concern if adverse amenity impacts are to be avoided or specific locational and site needs unable to be met. This means, that in my view, the polices applying to commercial and industrial location should not be combined. Providing plentiful opportunities in the locations that the housing and business assessment and subsequent strategic planning identify will reduce the need for businesses to seek out of zone opportunities. The allowance for small scale activities to locate close to where demand is will also assist in increasing the potential employment opportunities and reduce the need to drive for day-to-day needs.
293. I also do not agree that the approach as a whole would undermine a centres hierarchy approach, when the policy approach is overtly hierarchical in its description of the appropriate concentration and scale of commercial activities, relative to zoning and location. However, as it is potentially not as clear as it could be, a number of amendments could be made to strengthen the relationship between level and scale, as well as changes to some of the zones listed to be consistent with the national planning standards zone set.
294. The amendment of Tussock Rise²³⁵ seeks to include Mixed Use zoning as a component of accommodating demand is also recommended, as this is consistent with other amendments that align the zone/centres scale to the national planning standards.

15.14.4. Recommendation

295. I recommend UFD-P5 is amended as follows:

UFD-P5 – Commercial activities

Provide for *commercial activities in urban areas* by:

- (1) enabling a wide variety and scale of *commercial activities*, ~~social activities,~~ recreational²³⁶ and cultural activities to concentrate in central business districts city, metropolitan,²³⁷ town centres and commercial zoned²³⁸ areas, especially if they are highly accessible by *public transport* ~~and~~ or²³⁹ *active transport*,
- (2) enabling smaller local and neighbourhood centres, mixed use zones²⁴⁰ and

²³⁵ 00401.013 Tussock Rise Ltd

²³⁶ 00206.071 Trojan Holdings, 00411.086 Wayfare Group

²³⁷ 00139.260 DCC

²³⁸ 00139.260 DCC

²³⁹ 00401.013 Tussock Rise

²⁴⁰ 00206.071 Trojan Holdings, 00411.086 Wayfare Group

rural settlements to accommodate a variety of *commercial activities*, social, recreational activities²⁴¹ and cultural activities of a scale appropriate to service local community needs,

- (3) providing for the expansion of existing areas or establishment of new areas identified in (1) and (2) by first applying UFD-P1 and UFD-P2, and
- (4) outside the areas described in (1) and (2), allow for small scale retail and service activities, home occupations and *community services* to establish within or close to the communities they serve.

15.15. UFD-P6 – Industrial activities

15.15.1. Introduction

296. This Policy establishes the approach to providing for and managing industrial activities within urban areas. It recognises that these activities are essential to the efficient functioning and economies of urban areas, have particular locational, functional and operational needs that also make them sensitive to reverse sensitivity effect and displacement. The policy directs that sufficient, suitable land is provided for these essential urban activities, that the land is protected from sensitive activities (which do not have the same functional or locational requirements), especially where the areas contain particularly important functions. Notwithstanding these directions, in some cases transition and redevelopment is the most appropriate response, but suitable alternative locations for industrial activities should be provided first.

297. As notified, UFD-P6 reads:

UFD-P6 – Industrial activities

Provide for *industrial activities* in *urban areas* by:

- (1) identifying specific locations and applying zoning suitable for accommodating *industrial activities* and their reasonable needs and *effects* including supporting or *ancillary activities*,
- (2) identifying a range of *land* sizes and locations suitable for different *industrial activities*, and their *operational needs* including land-extensive activities,
- (3) managing the establishment of non-industrial activities, in industrial zones, by avoiding activities likely to result in reverse sensitivity *effects* on *industrial activities*, or likely to result in an inefficient use of industrial zoned *land* or *infrastructure*, particularly where:
 - (a) the area provides for a significant *operational need* for a particular *industrial activity* or grouping of *industrial activities* that are unlikely or are less efficiently able to be met in alternative locations, or

²⁴¹ 00206.071 Trojan Holdings, 00411.086 Wayfare Group

- (b) the area contains *nationally or regionally significant infrastructure* and the requirements of EIT–INF–P15 apply, and
- (4) in areas that are experiencing or expected to experience high demand from other urban activities, and the criteria in (3)(a) or (3)(b) do not apply, managing the establishment of non-industrial activities and the transition of industrial zoned areas to other purposes, by first applying (1) and (2).

15.15.2. Submissions

298. A total of 9 submissions were received on this provision. Three in support²⁴² seeking retention of the whole provision as notified, one²⁴³ supporting Subclause (3) only, and five seeking amendments.

299. The submissions seeking amendment cover three main themes:

- a. Kāi Tahu Ki Otago²⁴⁴ seeks the addition of a new clause (3) providing for the expansion of existing areas or establishment of new areas identified in (1) and (2) by first applying UFD–P1 and UFD–P2, to provide for a strategic approach and address a lack of reference to the matters outlined in UFD – P1, particularly infrastructure needs,
- b. Dunedin City Council²⁴⁵ seeks either deletion, or a new policy combined with UFD-P6 as discussed above.
- c. Three other submissions seek amendments to subclause (3).

- i. Fonterra²⁴⁶ requests the following amendments:

“Provide for existing and new industrial activities in urban areas by:

...

(3) ~~managing the establishment of non – industrial activities, in industrial areas, by~~ avoiding the establishment of non – industrial activities likely to result in:

(i) reverse sensitivity effects on existing industrial activities, or

(ii) reverse sensitivity effects on potential industrial activities where the non – industrial activity would occur within an industrial zone.

(iii) an inefficient use of industrial zone land or infrastructure, particularly where:...”

- ii. Ravensdown²⁴⁷ requests adding and adjoining to the subclause as follows:

²⁴² 00321.094Te Waihanga, 00138.216QLDC, 00401.010 Tussock Rise

²⁴³ 00305.097 Waka Kotahi

²⁴⁴ 00226.317 Kāi Tahu ki Otago. It is noted that the submission itself notes the position as oppose, but in line with the global approach taken to summarising, it has been recorded as an amend, as changes are suggested.

²⁴⁵ 00139.260 DCC

²⁴⁶ 00213.043 Fonterra

²⁴⁷ 00121.100 Ravensdown Ltd

- (3) managing the establishment of non – industrial activities, in and adjoining industrial zones, ...
- iii. The Fuel Companies²⁴⁸ request the addition of Major Hazard Facility to the list of particular considerations, along with some other readability edits, as follows:
 - 3. managing the establishment of non-industrial activities, in industrial zones, by avoiding activities likely to result in reverse sensitivity effects on industrial activities, or likely to result in an inefficient use of industrial zoned land or infrastructure, particularly where the area:
 - a. ~~the area~~ provides for a significant operational need for a particular industrial activity or grouping of industrial activities that are unlikely or are less efficiently able to be met in alternative locations, or
 - b. ~~the area~~ contains nationally or regionally significant infrastructure and the requirements of EIT-INF-P15 apply, ~~and~~ or
 - c. contains a Major Hazard Facility, and...”

15.15.3. Analysis

- 300. For the most part, submissions requesting amendment seek to confirm the general policy direction that industrial areas should be maintained for industrial activities, and sensitive activities should be managed. There is also general support for the recognition that despite this intent, some industrial areas will be under pressure from other activities and that it may be more efficient or appropriate in some circumstances to provide for that transition, by first providing alternative locations for industrial activities to relocate or develop. The proposed criteria that would make transition inappropriate also seem to be generally accepted.
- 301. The request by DCC to list specific sensitive activities is accepted as this will avoid unnecessary future debate
- 302. The suggestions of Fonterra are accepted in part as they clarify the application of the clause to both existing and new industrial activities within the zone.
- 303. The submission of Ravensdown is not accepted, as this would imply that the impacts of industrial activities impacts could reasonably extend beyond a zone boundary, and lawfully established and reasonably expected sensitive activities should have no recourse to address this through complaints, which is a strong direction as the as the following part of the clause refers to avoiding such activities. At the boundary interface, it is reasonable to expect industrial activities to internalise their effects rather than sterilise land beyond.
- 304. The suggestion of the Fuel Companies to add major hazard facilities to the list of criteria where transition would not be appropriate as the fuel companies bulk storage facilities

²⁴⁸ 00510.064 The Fuel Companies

are already captured by way of subclause 3(a) and or 3(b), and this also requires the addition of a new bespoke definition.

305. The request by Kia Tahu ki Otago to ‘close the loop’ with the strategic planning and sufficiency policies, UFD-P1 and UPF-P2, is also accepted.

15.15.4. Recommendation

306. I recommend amending UFD-P6 as follows:

UFD-P6 – *Industrial activities*

Provide for *industrial activities* in urban areas by:

- (1) identifying specific locations and applying zoning suitable for accommodating *industrial activities* and their reasonable needs and *effects* including supporting or *ancillary activities*,
- (2) identifying a range of *land* sizes and locations suitable for different *industrial activities*, and their *operational needs* including land-extensive activities,
- (3) ~~managing the establishment of non-industrial activities, in industrial zones,~~ ²⁴⁹ ~~by~~ avoiding activities likely to result in *reverse sensitivity effects* on existing or potential²⁵⁰ industrial activities (particularly residential or retail activities except yard-based retail),²⁵¹ or likely to result in an inefficient use of industrial zoned *land* or *infrastructure*, particularly where the area:²⁵²
 - (a) ~~the area~~²⁵³ provides for a significant *operational need* for a particular *industrial activity* or grouping of *industrial activities* that are unlikely or are less efficiently able to be met in alternative locations, or
 - (b) ~~the area~~²⁵⁴ contains *nationally significant infrastructure*²⁵⁵ or *regionally significant infrastructure* and the requirements of EIT-INF-P15 apply, and
- (4) in areas that are experiencing or expected to experience high demand from other urban activities, and the criteria in (3)(a) or (3)(b) do not apply, managing the establishment of non-industrial activities and the transition of industrial zoned areas to other purposes, and the establishment of new areas²⁵⁶ by first applying (1) and (2).

²⁴⁹ 00213.043 Fonterra

²⁵⁰ 00213.043 Fonterra

²⁵¹ 00139.261 DCC

²⁵² 00510.064 The Fuel Companies

²⁵³ 00510.064 The Fuel Companies

²⁵⁴ 00510.064 The Fuel Companies

²⁵⁵ Clause 16(2), Schedule 1, RMA

²⁵⁶ 00226.317 Kāi Tahu ki Otago

15.16. UFD-P7 – Rural areas

15.16.1. Introduction

307. This provision relates to land use and development in rural areas, and provides guidance on how the primacy of purpose of rural activities in rural areas will be delivered. It also recognises rural areas contain many other features and values, and are areas of future urban development, rural residential and rural lifestyle development, and contain many spatially specific resources such as minerals, landscapes, significant natural areas and tourism destinations.

308. The provision does not address or seek to control the effects of rural activities on the natural environment, as this is a focus of other chapters, particularly LF - Land and Freshwater. This policy seeks to provide for rural activities as an essential component of the character of Otago, contributing significantly to social and economic wellbeing, and concentrates predominantly on managing the development of non-rural activities that could negatively impact this primary purpose.

309. As notified, UFD-P7 reads:

UFD-P7 – Rural areas

The management of *rural areas*:

- (1) provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS,
- (2) outside areas identified in (1), maintains the productive capacity, amenity and character of *rural areas*,
- (3) enables *primary production* particularly on land or soils identified as highly productive in accordance with LF–LS–P19,
- (4) facilitates *rural industry* and supporting activities,
- (5) directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD–P8,
- (6) restricts the establishment of residential activities, *sensitive activities*, and non-rural businesses which could adversely affect, including by way of reverse sensitivity, the productive capacity of highly productive *land*, *primary production* and *rural industry* activities, and
- (7) otherwise limits the establishment of residential activities, *sensitive activities*, and non-rural businesses to those that can demonstrate an *operational need* to be located in *rural areas*.

15.16.2. Submissions

310. A Total of 29 submissions were received on this provision. Three submissions are in support, Ravensdown²⁵⁷ and Sanford²⁵⁸ support the provision in its entirety, but Fonterra²⁵⁹ has focussed support on sub-clause (4) only.²⁶⁰
311. Only Federated Farmers²⁶¹ opposes the provision in its entirety, on the basis that rural activities are addressed throughout the RPS and having another extensive regime in this chapter is unnecessary, contradictory and confusing.
312. The other 25 submissions seek various amendments and described below in general order of the clauses, noting that many submitters have addressed the whole provision or more than one clause:
- a. Subclause (1) Important features and values
 - i. Kāi Tahu ki Otago, consistent with comments on other provisions in this chapter, highlight that the values and features referred to need clarification in terms of coverage and language;
 - ii. OWRUG²⁶² submits amendment is required to specify the important values and features to be provided for;
 - iii. Dunedin City Council²⁶³ submits that the definition of features and values needs to be reasonably clear, that there needs to be some way of reconciling any conflict between objectives, and further, there is an apparent contradiction between the requirements of sub-clauses (1) and (2) in that the character and amenity of the areas identified in (1) should not be excluded from being maintained (as directed by (2));
 - iv. Queenstown Lakes District Council²⁶⁴ requests the addition of protection, “...maintenance, protection and where ever possible enhancement of ...”;
 - v. Silver Fern Farms²⁶⁵ seeks that the qualifier ‘important’ be omitted and replaced as follows “...significant features and values...”
 - vi. Wayfare²⁶⁶ and Trojan²⁶⁷ request deletion of this subclause

²⁵⁷ 00121.101 Ravensdown

²⁵⁸ 00122.031 Sanford

²⁵⁹ 00213.044 Fonterra

²⁶⁰ Fonterra’s submission highlights in the relief sought ‘to retain Policy UFD-P7(4) as notified’ but the reasons and descriptions address the provision as a whole. I have assumed there is a ‘general support’ for the provision as a whole but in particular subclause (4), noting also other submission points relating to rural and industrial activities and reverse sensitivity.

²⁶¹ 00239.177 Federated Farmers

²⁶² 00235.152 OWRUG

²⁶³ 00139.262 DCC

²⁶⁴ 00138.217 QLDC

²⁶⁵ 00221.015 Silver Fern Farms

²⁶⁶ 00411.135 Wayfare

²⁶⁷ 00206.072 Trojan

- b. New Clauses requested:
 - i. Forest & Bird²⁶⁸ propose adding a new clause “(x) provides for the maintenance and protection of indigenous biodiversity in accordance with BIO²⁶⁹ chapter” be added (which is a feature or value identified by the RPS).
- c. Subclause 2: Areas outside (1) - specific text changes
 - i. NZ Cherry Corp²⁷⁰ requests replacing ‘maintains’ with “...has regard to the productive capacity, amenity and character of rural areas...”
 - ii. Wayfare²⁷¹ and Trojan²⁷² request deletion of “amenity and character” from the subclause on the basis that amenity of rural areas is not a matter of regional significance
 - iii. OWRUG²⁷³ requests amendments to recognise that productive capacity can also occur in areas [identified in (1)] and so should not be precluded,
- d. Allowing for Change
 - i. Dunedin City Council 00139.262 highlights the direction in (2) to maintain is inappropriate where inevitable growth or change (including where areas are identified for urban growth) these values may be lost in the achievement of other strategic directions and so requires amendment to provide for this;
 - ii. Sipka Holdings²⁷⁴ and Glenpanel Partnership²⁷⁵ make a similar point to note that rural areas can change to urban as a result of implementing UFD - P4 and that the provision needs amending to enable logical urban extensions into rural areas but do not provide specific wording;
- e. Subclause (3) : Enables *Primary Production* particularly on Highly Productive Land
 - i. Dunedin City Council²⁷⁶ supports the concept, but requests it be the subject of a new objective focussed on rural productivity, without providing wording;
 - ii. Kāi Tahu Ki Otago²⁷⁷ requests a new term to replace the term primary production because the latter is defined in the National Planning Standards and includes a wide range of activities that do not rely on highly productive land such as mining, quarrying, forestry and production of commodities in buildings so would be inappropriate to enable these activities in HPL.

²⁶⁸ 00230.145 Forest and Bird

²⁶⁹ I have assumed that the submission was intending to refer to the ECO - Ecosystems and indigenous biodiversity chapter, but have left the quote verbatim.

²⁷⁰ 00413.007 New Zealand Cherry Corp Ltd

²⁷¹ 00411.135 Wayfare

²⁷² 00206.072 Trojan

²⁷³ 00235.152 OWRUG

²⁷⁴ 00402.015, 00402.016 Sipka Holdings Ltd

²⁷⁵ 00405.012, 00405.013 Glenpanel Limited Partnership

²⁷⁶ 00139.262 DCC

²⁷⁷ 00226.318 Kāi Tahu ki Otago

- iii. Queenstown Lakes District Council²⁷⁸ supports the provision, subject to acceptance of their requested relief on LF - LS - P19 (which identifies highly productive land);
 - iv. Fulton Hogan²⁷⁹ takes a similar position as QLDC, with conditional support subject to relief sought on LF - LS - P19 (which identifies highly productive land) but also requests deletion of 'and soils' from the subclause;
- f. Subclause (4): Facilitates rural activities -
- i. Fonterra²⁸⁰ seeks retention of Clause (4) as notified,
 - ii. Dunedin City Council²⁸¹ note that 'It is inappropriate to 'facilitate' rural industry in every location, for example it may be inappropriate directly adjacent to residential land, in areas that have important biodiversity values or other significant values or where it conflicts with other surrounding land uses', but does not provide a suggested wording;
 - iii. Rural Contractors NZ²⁸² seeks the following amendment: "~~4. facilitates~~ enables activities that directly, support, service or are dependent on primary production and have an operational need to be located in rural areas (e.g. rural industry (such as rural contractor depots)),
 - iv. AgResearch²⁸³ requests the following amendment: "~~facilitates~~ enables activities that directly, support, service or are dependent on primary production and have an operational need to be located in rural areas (e.g. rural research activities, rural industry and supporting activities),"
 - v. Horticulture NZ²⁸⁴ seeks the following change: "~~Facilitates~~ Provides for rural industry and activities which support rural production"
- g. Specific Activities
- i. In addition to the proposed wording amendments above, a number of submitters seek amendments to the provision to better recognise or provide for new or expanded activities that do, can or may occur in rural areas (or outside of urban areas). These include the matters listed below and generally relate to amendments to subclause (4) but are sometimes proposed as new subclauses or are general points without specific wording. These specific 'rural' activities that they request the provision provide for include:
 1. Mineral exploration, extraction and processing²⁸⁵

²⁷⁸ 00138.217 QLDC

²⁷⁹ 00322.041 Fulton Hogan

²⁸⁰ 00213.044 Fonterra Co – operative Group Limited

²⁸¹ 00139.262 DCC

²⁸² 00410.009 Rural Contractors NZ

²⁸³ 00208.011 AgResearch Limited

²⁸⁴ 00236.102 Horticulture NZ

²⁸⁵ 00016.024 Alluvium and Stoney Creek Mining, 00017.022 Danny Walker and Ors, 00115.032 Oceana Gold,

2. Significant existing industry activities²⁸⁶
 3. Outdoor Recreation ²⁸⁷ , commercial recreation and visitor destinations places and activities²⁸⁸
 4. Rural contractor depots²⁸⁹
 5. Infrastructure activities including renewable electricity generating activities and transmission activities²⁹⁰
 6. Marae, papakaika, kaika and nohoaka and other activities by Kāi Tahu in accordance with MW - P4 and UFD - P9²⁹¹
 7. Rural Research Activities²⁹²
 8. other [unspecified] activities that have a functional need and/or operational need to be located in rural areas²⁹³
- h. Reverse Sensitivity
- i. Meridian Energy ²⁹⁴ seeks a new subclause as follows: (8) avoids the potential for reverse sensitivity effects on nationally and regionally significant infrastructure
 - ii. Many other requested amendments, described both above and below, relate either in part or wholly to the approach taken to reverse sensitivity issues affecting rural production activities or other existing (or potential) activities in rural areas, and other more sensitive activities (mainly urban expansion, rural lifestyle and rural residential). These include many submissions from rural interests seeking this be strengthened or clarified, as well as amendments to clauses (6) and (7), to provide smoother pathways for sensitive activities (mainly rural lifestyle development) to establish.
- i. Subclause (5): Rural residential and Rural Lifestyle development)
- i. Lauder Creek Farming²⁹⁵ supports the provision, and particularly seeks to ensure productive land is protected from rural lifestyle, rural residential and urban development, especially in water short catchments

²⁸⁶ 00115.032 Oceana Gold: note this submission, in addition to the point noted in the text, also refers to Macrae’s Mine specifically, as well as requesting the RPS references access to mineral resources as being important for social and economic wellbeing

²⁸⁷ 00231.091 Fish & Game suggest this be added as a new 4(a) subclause)

²⁸⁸ 00206.072 Trojan Holdings and 00411.135 Wayfare Group propose a number of other substantive and integrated changes to the provision

²⁸⁹ 00410.009 Rural Contractors NZ

²⁹⁰ 00321.095 Te Waihangā

²⁹¹ 00226.318 Kāi Tahu ki Otago - this submission includes consequential amendments to subclauses 6 and 7

²⁹² 00208.011 AgResearch

²⁹³ 00321.095 Te Waihangā, who also note that *operational need* and *functional need* are related but different in important ways, and see also 00410.009 Rural Contractors NZ

²⁹⁴ 00306.079 Meridian Energy Limited

²⁹⁵ 00406.011 Lauder Creek Farming

- ii. Dunedin City Council²⁹⁶ supports the subclause, but also requests it be incorporated into UFD - P8²⁹⁷,
 - iii. Trojan²⁹⁸ and Wayfare²⁹⁹ request amendments to reframe the provision from directing rural lifestyle developments into areas zoned for it, to a directive to identify and zone land for rural lifestyle and rural development in accordance with UFD - P8 as follows: “identifies ~~directs~~ rural residential and rural lifestyle development to areas to be zoned for rural residential and rural lifestyle that purposes in accordance with UFD–P8”
- j. (Subclause (6): Restricting activities that could impact productive rural capacity including by reverse sensitivity
- i. Dunedin City Council³⁰⁰ supports the concept but submit it could be in another objective focussed on rural productivity, without providing suggested wording
 - ii. AgResearch³⁰¹ seeks amendments as follows:
 - iii. “restricts the establishment of residential activities, sensitive activities, and non – rural businesses and activities which could adversely affect, including by way of reverse sensitivity, the productive capacity of highly productive land, primary production and activities that directly, support, service or are dependent on primary production and have an operational need to be located in rural areas (e.g. rural research activities, rural industry activities).”
 - iv. Infinity Investment Group³⁰² seeks amendments as follows “ (6) restricts the establishment of residential activities, sensitive activities, and non-rural businesses which are likely to ~~could~~ adversely affect, including by way of reverse sensitivity where this is not appropriately mitigated, the productive capacity of highly productive land, primary production and rural industry activities”
 - v. Rural Contractors NZ³⁰³ seeks amendments as follows: “6. restricts the establishment of residential activities, sensitive activities, and non-rural businesses and activities which could adversely affect, including by way of reverse sensitivity, the productive capacity of highly productive land, primary production and activities that directly, support, service or are dependent on primary production and have an operational need to be located in rural areas (e.g. rural industry activities-(such as rural contractor depots)).”

²⁹⁶ 00139.262 DCC

²⁹⁷ Refer also 00139.236 DCC submission on UFD-P8

²⁹⁸ 00206.072 Trojan Holdings

²⁹⁹ 00411.135 Wayfare Group

³⁰⁰ 00139.262 DCC

³⁰¹ 00208.011 AgResearch Ltd

³⁰² 00414.005 Infinity Investment Group Holdings Ltd

³⁰³ 00410.009 Rural Contractors NZ

- vi. NZ Cherry Corp ³⁰⁴ seeks amendments as follows: “6. restricts the establishment of residential activities, sensitive activities, and non-rural businesses which are likely to could adversely affect, including by way of reverse sensitivity where this is not appropriately mitigated, the productive capacity of highly productive land, primary production and rural industry activities, and...”
- k. Subclause (7): otherwise limiting activities in rural areas to those with an operational need to establish
 - i. AgResearch³⁰⁵, Infinity Investment Group³⁰⁶, NZ Cherry Corp³⁰⁷, and Rural Contractors NZ³⁰⁸ request deletion of this subclause
 - ii. Dunedin City Council³⁰⁹ supports the concept but submit it would be better placed in an objective focussed on rural productivity, but do not provide a suggested wording;
 - iii. Silver Fern Farms³¹⁰ requests a rewording of (6) and (7) to a single clause, as follows: “

6) restricts ~~the establishment of residential activities, sensitive activities, and non – rural businesses which could adversely affect, including by way of reverse sensitivity, the productive capacity of highly productive land, primary production and rural industry activities, and~~

~~(7) otherwise limits~~ the establishment of residential activities, sensitive activities, and non – rural businesses to those that can demonstrate both:

(a) an operational need to be located in rural areas; and

(b) methods to avoid adverse effects, including by way of reverse sensitivity, on rural productive capacity and amenity values, or where avoidance is not practicable, adequate remediation or mitigation.”

15.16.3. Analysis

Subclause (1) Features and Values:

313. These submissions are dealt with consistently in accordance with other submission on this issue across the UFD chapter, and no changes are recommended as the RPS must be read as a whole.

Subclause 2: Areas outside (1)

³⁰⁴ 00417.007 AgResearch Ltd

³⁰⁵ 00208.011 AgResearch Ltd

³⁰⁶ 00414.005 Infinity Investment Group Holdings Ltd

³⁰⁷ 00417.007 AgResearch Ltd

³⁰⁸ 00410.009 Rural Contractors NZ

³⁰⁹ 00139.262 DCC

³¹⁰ 00221.016 Silver Fern Farms

314. The phrasing of the clause, without a careful reading of (1) does appear to separate the treatment of areas with features and values from rural areas and the productive capacity and amenity, when these matters are intertwined both spatially and conceptually. Not all of the identified features and values would necessarily be averse to productive capacity (which is itself a value identified in the RPS) or the maintenance of rural amenity, and some features and values, particularly some of the regions identified values landscapes would require (and indeed seek to maintain) rural production to maintain their identified character. In my view, a close reading of both (1) and (2) together, particularly the direction to provide for the maintenance and enhancement of identified features and values, in (1) already encompasses those features and values that would be maintained or enhanced (or not diminished) by rural, and other activities. However other than deletion of the phrase ‘outside the areas identified in (1)’, there have been no specific wording suggestions to address this subtlety, and many submissions are in support of retaining this clause as notified.
315. Submissions of OWRUG and Oceana Gold are accepted in part, by making additions to recognise that productive capacity can also occur in areas [identified in (1)] and so should not be precluded, however I do not accept deletion of the whole clause or modification of the ‘outside the areas identified in (1)’ is required at this time.

Subclause (3): Enables *Primary Production* particularly on Highly Productive Land and (subclause (4) Facilitates rural activities -)

316. The submission of Kāi Tahu Ki Otago highlights a potential issue with the definition of primary production where not all activities listed (namely mining and quarrying) are functionally dependent on a highly productive land resource, which would conflict with the approach taken in LF - LS - P19 and supporting provisions (including LF - LS - P17 and LF - LS - P20). A suggested new definition land resource dependant primary production is proposed, based on the definition of primary production (excluding mining and quarrying, but including forestry) to address this submission point, but also confirm the use of highly productive land resources for activities that utilise its values is the primary focus of the subclause.
- a. Consequential amendments to Subclause (4) to otherwise provide for primary production (i.e. including quarrying and mining) in locations other than highly productive land are also recommended, as these activities are important for social and economic wellbeing, which addresses the submissions of Oceana Gold, OWRUG, Rural Contractors NZ, and Alluvium Ltd and Stoney Creek Mining.
 - b. The concern of DCC that there may be features and values making it inappropriate to enable rural activities everywhere is addressed, in my view, by way of recommended amendments to Subclause (1) and (2) specifically, as a result of other submissions, and by way of reading across the other provisions of the RPS.

Subclause (5) Rural residential and Rural Lifestyle development

317. The submission of Lauder Creek Farming is accepted in part by amendments recommended to subclause (6) in relation to the impacts of rural lifestyle development on water generally, which will be more pressing in water short catchments;
318. Trojan and Wayfare seek a more directive approach to rural residential zoning, effectively requiring it to be provided. The principal reasons and explanation highlight that rural lifestyle development demand, which is accepted as strong, is best managed by identifying suitable locations and zoning for it, but it is not a requirement³¹¹ to always meet this demand due to its potential impacts on rural production potential, reverse sensitivity issues, infrastructure and the environment, and travel distances (and resulting mode choices) for residents. However, some clarity that areas will be identified and then zoned in accordance with UFD-P8 is recommended, and these submissions are accepted in part.

(Subclause (6) Restricting activities that could impact productive rural capacity

319. A number of submissions on this clause seek greater protection for rural activities, to make it clear that particular rural activities are provided for.
320. I do not recommend amendments that lead to the generation of highly specific lists at the RPS level, which provides a framework for more detailed planning, however the amendments to (3) and (4), and particularly the inclusion of *primary production* and *rural industry*, acceptably captures the additions requested by Rural Contractors NZ and AgResearch (which could fall within the definition of *Primary Production*, *rural industry* or have a functional need). Changes to include a new definition of *food and fibre*, as a subset of *primary production* also address other submitter concerns about the potential impacts of encouraging and enabling quarrying and mining on highly productive land, while also encouraging productive use of this resource
321. Other submissions seek to provide a pathway for sensitive activities including recognition that rural areas will change as a result of the implementation of other policies, namely UFD-P4 (urban expansion) and UFD-P8 (rural residential and lifestyle zoning). I accept this submission point, but rather than recommend amendments I refer the submitter to the recommended amendments to UFD-P9, which accords with the submission of Kāi Tahu ki Otago.
322. I do not however recommend amendments to weaken protection of rural activities from the impacts of activities that do not have a functional or operational need to be in rural areas, and in particular rural activities on productive land, and have added, in response to submission of Lauder Creek, clarification that fragmentation for existing uses are also impacts to be managed when considering whether the activity would be appropriate.

³¹¹ A number of rural residential rezoning applications, evidence provided by applicants has been clear that they are not 'urban' developments, (and so the NPSUD's directives around meeting demand are not in play), a position supported by the planning standards zone framework (which provides no guidance as to sizes), and so the threshold between low density (large lot) urban development and 'not urban' rural residential remains a matter of subjective analysis (considering fact and degree of density, infrastructure provided, likelihood of productive use, visibility, proximity, etc).

323. I have not accepted the submission of Lauder Creek in relation to restricting the establishment of new rural residential in water short catchments specifically to avoid affecting water availability for productive rural uses, as this could potentially conflict with the hierarchy of obligations under Te Mana o Te Wai (water for human health being higher in the hierarchy than water for industry). However, I would refer the submitter to UFD-P8 (that has been recommended for amendment) which ensures that the suitability of an area for rural residential use must be demonstrated, including impacts on the supplying and receiving environments from the supply and disposal of water before rezoning or development occurs.
324. I also consider the wording of the subclause seeks to manage the impacts of activities - where these listed impacts do not arise, the activities are potentially appropriate (or, at least not inappropriate). Accordingly I do not recommend acceptance of the submissions of Infinity Group and NZ Cherry Corp, as they are met, in part, already.

Subclause (7): otherwise limiting activities in rural areas to those with an operational need to establish

325. I do not recommend deleting this subclause as it provides a framework for consideration of other activities not covered by previous subclauses, to establish in rural areas.
326. I also do not recommend adding a short, non-exclusive list relating to activities suggested by submitters that would not be traditional rural activities but have a functional need or a close reliance of features and values of rural areas, including (but not limited to) tourism, passive and active recreation, rural research and renewable energy, as it is more appropriate at the RPS level to identify impacts to be managed, and leave subservient processes to implement the implementation. I do however agree that these suggested activities are likely to be those that would likely be considered appropriate (at least, against the requirements of this provision), as they would have a functional or operational need to be in rural areas. Even if these submissions were accepted, the list would also need to remain non-exclusive to ensure a pathway was provided for activities not listed. Inclusion of these activities in a list would also infer that they are always, and in every case, appropriate, and this cannot be assured.
327. I agree with the submission of Silver Fern Farms, which provides a backstop to allow appropriate management of the potential impacts of those activities and others with functional needs.

Other Amendments

328. The submission of Te Waihanga is accepted as it completes the suite of provisions that comprise the framework the policy establishes. Despite the direction towards a priority for rural activities, the provisions of the EIT Chapter in relation to nationally and regionally significant infrastructure, may place constraints on some rural activities in some locations and times, and is suggested as a new subclause.

15.16.4. Recommendation

329. I recommend amending UFD-P7 as follows:

UFD-P7 – Rural areas

The management of *rural areas*:

- (1) provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS,
- (2) outside areas identified in (1), maintains the productive capacity, amenity and character of *rural areas*, as places where people live, work and recreate and where a range of activities and services are required to support these rural functions, and provide for social and economic wellbeing within rural communities and the wider region,³¹²
- (3) ~~enables~~ prioritises³¹³ food and fibre production ~~primary production~~³¹⁴ ~~particularly on land or soils~~ within areas³¹⁵ identified as *highly productive land*³¹⁶ in accordance with LF-LS-P19,
- (4) facilitates primary production,³¹⁷ *rural industry* and supporting activities,
- (5) directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD-P8,
- (5A) provides for the use by Kai Tahu of Native Reserves and *Te Ture Whenua Maori land*, for *papakāika, kāika, nohoaka, marae* and *marae* related activities, and otherwise provides for Kai Tahu use of rural areas and the resources and values they contain,³¹⁸
- (6) restricts the establishment of residential activities, *sensitive activities*, and non-rural businesses which could adversely affect, including by way of reverse sensitivity; or fragmentation, the productive capacity of highly productive land or existing or potential³¹⁹ *primary production* and *rural industry* activities, unless those *sensitive activities* are undertaken in accordance with UFD-P4, UFD-P8 or UFD-P9 as relevant,³²⁰ and
- (7) otherwise limits the establishment of residential activities, *sensitive activities*, and non-rural businesses to those that can demonstrate:

³¹² 00235.152 OWRUG, 00015.032 Oceana Gold

³¹³ 00236.102 Horticulture NZ, 00226.318 Kāi Tahu ki Otago, 00015.032 Oceana Gold, 00235.152 OWRUG, 00410.009 Rural Contractors NZ, 00016.024 Alluvium Ltd and Stoney Creek Mining

³¹⁴ 00226.310 Kāi Tahu ki Otago and General Themes Section, in response to 00235.008 OWRUG

³¹⁵ 00236.102 Horticulture NZ, 00226.318 Kāi Tahu ki Otago, 00015.032 Oceana Gold, 00235.152 OWRUG, 00410.009 Rural Contractors NZ, 00016.024 Alluvium Ltd and Stoney Creek Mining

³¹⁶ 00236.102 Horticulture NZ, 00226.318 Kāi Tahu ki Otago, 00015.032 Oceana Gold, 00235.152 OWRUG, 00410.009 Rural Contractors NZ, 00016.024 Alluvium Ltd and Stoney Creek Mining

³¹⁷ 00226.310 Kāi Tahu ki Otago, and General Themes Section, in response to 00235.008 OWRUG and consequential to amendment to subclause 2

³¹⁸ 00226.310 Kāi Tahu ki Otago

³¹⁹ 0015.032 Oceana Gold,

³²⁰ 00206.072 Trojan Holdings Ltd, 00411.135 Wayfare Group, 00402.016 & 00401.015 Sipka Holdings Ltd,

(a) ~~a~~ functional need or³²¹ operational need to be located in rural areas, and³²²

(b) methods to avoid adverse effects, including by way of reverse sensitivity, on rural productive capacity and amenity values, or where avoidance is not practicable, remediation or mitigation, and³²³

(7A) may place constraints on certain rural activities where necessary for the effective management of nationally significant infrastructure or regionally significant infrastructure.³²⁴

15.17. UFD-P8 – Rural lifestyle and rural residential areas

15.17.1. Introduction

330. This provision applies specifically to rural lifestyle and rural residential development as a particular development activity and identified issue requiring management, expanding on the more general rural area directions in UFD-P7.

331. In effect the provision manages rural lifestyle and rural residential development by directing into proven 'suitable' areas, that are zoned for it. In considering the suitability of an area for rural residential zoning, a number of criteria are set out. These relate primarily to the residential aspect of this use, requiring newly zoned locations to be closely proximate to urban areas and the employment and services they provide, but not in areas that will be needed for future urban expansion, nor areas that are identified as highly productive land. Management of reverse sensitivity effects on rural production potential, and consideration of the cumulative effects of concentrated residential use on services demand including three waters, whether reticulated or self-servicing, is also required. The policy recognises that significant demand exists for this use

332. As notified UFD-P8 reads:

UFD-P8 – Rural lifestyle and rural residential areas

The establishment, development or expansion of rural lifestyle and rural residential zones only occurs where:

- (1) the *land* is adjacent to existing or planned *urban areas* and ready access to employment and services is available,
- (2) despite the direction in (1), also avoids *land* identified for future urban development in a relevant plan or *land* reasonably likely to be required for its future urban development potential, where the rural lifestyle or rural

³²¹ 00321.095 NZ Infrastructure Commission

³²² 00231.091 Otago Fish and Game, 00411.135 Wayfare Group, 00206.072 Trojan Holdings, 00321.095 NZ Infrastructure Commission

³²³ 00221.015 Silver Fern Farms

³²⁴ 00321.095 NZ Infrastructure Commission

residential development would foreclose or reduce efficient realisation of that urban development potential,

- (3) minimises impacts on rural production potential, *amenity values* and the potential for reverse sensitivity *effects* to arise,
- (4) avoids, as the first priority, highly productive land identified in accordance with LF–LS–P16,
- (5) the suitability of the area to accommodate the proposed development is demonstrated, including
 - (a) capacity for servicing by existing or planned *development infrastructure* (including self-servicing requirements),
 - (b) particular regard is given to the individual and cumulative impacts of domestic *water* supply, *wastewater* disposal, and *stormwater* management including self-servicing, on the receiving or supplying environment and impacts on capacity of *development infrastructure*, if provided, to meet other planned urban area demand, and
 - (c) likely future demands or implications for publicly funded services and *additional infrastructure*, and
- (6) provides for the maintenance and wherever possible, enhancement, of important features and values identified by this RPS.

15.17.2. Submissions

333. A total of 22 submissions have been recorded on this provision
334. The Ministry of Education³²⁵ supports the Policy as a whole.
335. Waka Kotahi³²⁶ supports Subclauses (2) and (5).
336. Kāi Tahu ki Otago³²⁷ generally supports the policy as a whole, and particularly subclause (5), but seeks greater clarity about the features and values referred to in (6).
337. Dunedin City Council³²⁸ opposes the provision, particularly (1) and (5), and as alternative relief also seek a total rewrite.
338. Nineteen submitters (including DCC and Kāi Tahu ki Otago noted above) have requested amendments to the provision. These are discussed below in the general order of the subclauses and their main ‘topics’, noting that many submitters seek comprehensive rewording that traverses several clauses.

Chapeau

³²⁵ 00421.012 Ministry of Education

³²⁶ 00305.098, 00305.099 Waka Kotahi

³²⁷ 00226.319 Kāi Tahu ki Otago

³²⁸ 00139.263 DCC

339. Silver Fern Farms³²⁹ and Horticulture NZ³³⁰, request the deletion of ‘rural residential zones’ from the policy entirely as this zoning is not included in the National Planning Standards;
340. Boxer Hills Trust³³¹ and Waterfall Park Developments³³² request deletion of ‘only’ from ‘only occurs where’ in order to make the provision a directive to provide for rural lifestyle and rural residential zoning rather than a list to apply if the zoning is to be provided;
341. NZ Cherry Corp³³³ and Infinity Investment Group³³⁴ seek replacement of ‘where’ with “...in locations which are suitable, having regard to:” as part of a reframing of the policy.
342. Subclause (1) - adjacent to existing or planned urban areas and ready access to employment and services
343. Boxer Hills Trust³³⁵ and Waterfall Park Developments³³⁶, request this subclause be deleted.
344. DCC³³⁷ seeks reformulation of the whole policy towards a suitability checklist, and opposes subclause (1) noting in the reasoning that areas adjacent to existing urban areas may not be appropriate for a range of reasons including complicating future urban expansion,
345. Wayfare³³⁸ notes concern with the term ‘adjacent’ as being too restrictive, and seeks to replace the ‘and’ conjoining urban area adjacency with access to services and employment with an ‘or’, so that either condition can apply rather than both,
346. NZ Cherry Corp³³⁹ and Infinity Investment Group³⁴⁰, seek replacement of ‘the land is adjacent’ with ‘proximity to existing or planned ...’
347. FENZ³⁴¹ requests the subclause is amended to ensure ‘ready access to services’ includes emergency services.

Subclause (2) - also avoids identified or likely future urban areas

348. Boxer Hills Trust³⁴² and Waterfall Park Developments³⁴³ request a consequential change as a result of changes to the chapeau and deletion of subclause 1, with ‘...is avoided’

³²⁹ 00221.016 Silver Fern Farms

³³⁰ 00236.103 Horticulture NZ

³³¹ 00025.004 Boxer Hill Trust

³³² 00023.005 Waterfall Park Developments

³³³ 00413.008 The Cherry Corp

³³⁴ 00414.006 Infinity Investment Group

³³⁵ 00025.004 Boxer Hill Trust

³³⁶ 00023.005 Waterfall Park Developments

³³⁷ 00139.263 DCC

³³⁸ 00411.087 Wayfare

³³⁹ 00413.008 The Cherry Corp

³⁴⁰ 00414.006 Infinity Investment Group

³⁴¹ 00219.018 FENZ

³⁴² 00025.004 Boxer Hill Trust

³⁴³ 00023.005 Waterfall Park Developments

added to the end of the clause, after the deletion of the introductory phrase ‘despite the direction in (1), also avoids...’

349. NZ Cherry Corp³⁴⁴ and Infinity Investment Group³⁴⁵ request a typographical change, from ‘...avoids land...’ to ‘...avoiding land...’
350. Wayfare³⁴⁶ seeks a number of changes including replacement of the word ‘avoid’ with ‘discourage’, and removal of land likely to be required for urban expansion, as follows: “(2) despite the direction in (1), also ~~avoids discourages~~ land identified for future urban development in a relevant plan ~~or land reasonably likely to be required for its future urban development potential~~, where the rural lifestyle or rural residential development would foreclose or reduce efficient realisation of that urban development potential,...”
351. Te Waihanga³⁴⁷ requests clarity as to the subject of this subclause (what it is that must avoid minimise the specified matters)

Subclause (3) - minimises impacts on rural production including by reverse sensitivity:

352. AgResearch³⁴⁸ requests changes as follows: “(3) minimises impacts on rural production potential, amenity values and the potential for reverse sensitivity effects to arise on primary production activities and activities that directly, support, service or are dependent on primary production and have an operational need to be located in rural areas (e.g. rural research activities, rural industry)”
353. Fulton Hogan³⁴⁹ requests splitting impacts on rural production potential and amenity values from reverse sensitivity effects, and increasing the level of protection to ‘avoids’ as follows:
- “.....(3) minimises impacts on rural production potential, amenity values ~~and the potential for reverse sensitivity effects to arise,~~
- (4) avoids the potential for reverse sensitivity effects to arise”
354. Horticulture NZ³⁵⁰ requests changes as follows: “(3) Avoids, and where avoidance is not possible, mitigate to the least extent possible impacts on rural production potential, rural character and potential for reverse sensitivity effects on primary production activities in adjoining rural zones.”
355. OWRUG³⁵¹ requests “(3) Avoids, and where avoidance is not possible, minimises impacts on rural production potential, rural character and potential for reverse sensitivity effects on primary production activities in adjoining rural zones.”

³⁴⁴ 00413.008 The Cherry Corp

³⁴⁵ 00414.006 Infinity Investment Group

³⁴⁶ 00411.087 Wayfare

³⁴⁷ 00321.096 Te Waihanga

³⁴⁸ 00208.012 AgResearch

³⁴⁹ 00322.042 Fulton Hogan

³⁵⁰ 00236.103 Horticulture NZ

³⁵¹ 00235.153 OWRUG

356. Rural Contractors NZ ³⁵²requests: “(3) minimises impacts on rural production potential, amenity values and the potential for reverse sensitivity effects to arise on primary production activities and activities that directly, support, service or are dependent on primary production and have an operational need to be located in rural areas (e.g. rural industry (such as rural contractor depots)),
357. Silver Fern Farms ³⁵³requests: “~~(3) minimises impacts on rural production potential, amenity values and the potential for reverse sensitivity effects to arise~~ adverse effects, including by way of reverse sensitivity, on rural productive capacity and amenity values are avoided or where avoidance is not practicable, are adequately remedied or mitigated,”
358. NZ Cherry Corp ³⁵⁴and Infinity Investment Group ³⁵⁵seek the word ‘minimise’ be deleted, as part of a reframing of the policy towards a list of matters to be had regard to
359. Wayfare ³⁵⁶ seeks the deletion of ‘amenity values’ from the subclause

Subclause (4) - avoid highly productive land

360. QLDC ³⁵⁷requests the addition of ‘protection’ to the requirement for maintenance and wherever possible enhancement of..., also noting that the cross reference to LF–LS–P16 is incorrect and should be LF–LS–P19. QLDC supports the rest of the provision, subject to relief relating to their submission on LF–LS–P19 which relates to the criteria for the identification of highly productive land.
361. Ravensdown ³⁵⁸requests amendments as follows: ~~(4) avoids, as the first priority,~~ highly productive land identified in accordance with LF – LS – P16 is protected,” and had also noted the incorrect HPL policy cross reference,
362. NZ Cherry Corp ³⁵⁹and Infinity Investment Group ³⁶⁰request amendments as follows: “~~(4) avoids, as the first priority,~~ for highly productive land identified in accordance with LF–LS–P16: a. the extent to which the development will impact on the existing and future use of the land for primary production; b. whether there is an operational a practical and functional need for the development to be located in rural areas, c. the potential for reverse sensitivity effects and proposed methods to avoid or mitigate potential adverse effects on, and conflicts with, lawfully established activities, and d. the environmental, economic, social and cultural benefits of the proposed activity compared to the long-term benefits that would occur from the continued or potential use of the land for primary production,”

³⁵² 00410.010 Rural Contractors NZ

³⁵³ 00221.016 Silver Fern Farms

³⁵⁴ 00413.008 New Zealand Cherry Corp

³⁵⁵ 00414.006 Infinity Investment Group

³⁵⁶ 00411.087 Wayfare

³⁵⁷ 00138.218 QLDC

³⁵⁸ 00121.102 Ravensdown

³⁵⁹ 00413.008 The Cherry Corp

³⁶⁰ 00414.006 Infinity Investment Group

363. Te Waihanga³⁶¹ requests the subject (what it is that must avoid minimise the specified matters) of this subclause is clarified, but no suggested text is provided

Subclause (5) - suitability is demonstrated including the cumulative impacts of self-servicing infrastructure

364. Kāi Tahu ki Otago³⁶² provides qualified general support for the policy as a whole, particularly this subclause
365. Waka Kotahi³⁶³ supports this subclause.
366. Dunedin City Council³⁶⁴ opposes the provision as a whole, but particularly (5), on the basis there is too much detail and submits that a reference to the appropriate objectives would be preferable.
367. FENZ³⁶⁵ seeks that the provision be amended to ensure water availability for firefighting is considered as part of suitability testing, without providing any suggested wording.

Subclause (6) - maintains and enhances important features and values

368. Wayfare³⁶⁶ requests the deletion of this subclause
369. Kāi Tahu Ki Otago³⁶⁷ seeks clarification of the features and values referred to
370. QLDC³⁶⁸ requests the addition of ‘protection’ to the requirement for maintenance and wherever possible enhancement of...
371. NZ Cherry Corp³⁶⁹ and Infinity Investment Group 00414.006 request amending the word ‘provide’ to ‘providing’ to align with other fundamental changes proposed

Other Changes

372. Meridian Energy requests a new clause as follows: “(7) avoids the potential for reverse sensitivity effects on nationally and regionally significant infrastructure”
373. Dunedin City Council³⁷⁰ is recorded as an oppose as their submission first seeks deletion of the entire policy. An alternative relief is proposed as follows:

“Provide appropriate opportunities for rural residential or ‘hobby farm’ activities where this does not conflict with the objectives of this RPS particularly Objectives UFD-01 and UFD-02 and where these activities are directed to areas zoned for that purpose.

In identifying areas appropriate for new rural residential zoning avoid areas:

³⁶¹ 00321.096 Te Waihanga

³⁶² 00226.319 Kāi Tahu ki Otago

³⁶³ 00305.099 Waka Kotahi

³⁶⁴ 00139.263 DCC

³⁶⁵ 00219.019 FENZ

³⁶⁶ 00411.087 Wayfare

³⁶⁷ 00226.319 Kāi Tahu Ki Otago

³⁶⁸ 00138.218 QLDC

³⁶⁹ 00413.008 NZ Cherry Corp

³⁷⁰ 00139.263 DCC

- (1) where development at this scale will conflict with other objectives in this RPS
- (2) where land is identified for, or may be appropriate for, future urban expansion;
- 3) that may give rise to significant reverse sensitivity effects; and
- (4) of highly productive land identified in accordance with LF-LS-P16.”

15.17.3. Analysis

Chapeau

374. I agree with the submission of Silver Fern Farms and Horticulture NZ, that ‘rural residential zones’ is not included in the planning standards (only a single ‘Rural Lifestyle Zone’ is provided for), but in my view there is significant diversity in the region within existing zoning provisions that the line between what would fall in the rural lifestyle zone and large lot (an urban zone), particularly without density guidance in the standards, that the RPS policy should capture this diversity for now. As this is the first application of the National Planning Standards, including the zoning framework (which is not ‘in’ the RPS) I invite further evidence on this matter. My concern is simply that ‘rural residential’ being at the denser end of residential focussed rural zoning could arguably fall through the gaps of the policy in the meantime as no territorial authority has yet undertaken a zone concordance exercise and a number of zone names do use this terminology. Accordingly I do not recommend acceptance of this point at this time.
375. I do not recommend accepting the submissions of Boxer Hill and Waterfall Park as this omission would make the policy a directive to zone for the activity, rather than a set of criteria to apply when deciding if zoning a particular locality is appropriate. The submissions of NZ Cherry Corp and Infinity investment Group are preferred for this reason and these submissions are accepted in part.

Subclause (1) - adjacent to existing or planned urban areas and ready access to employment and services

376. Many submissions focussed on the word ‘adjacent’, as being too restrictive.
377. All submissions essentially concur (if I understand them) that adjacent means³⁷¹ “very near, next to, or touching.” The term adjacent has been defined by the Courts (albeit in relation to the application of Section 95D) as “lying near or close; adjoining; continuous; bordering; not necessarily touching”. It may not be limited to adjoining land and may include nearby properties³⁷².
378. This strong directive is intentional as all other reasonable alternatives will result in an argument as to whether the distance is reasonable (how proximate is proximate?), rather than requiring proponents to provide evidence as to why non-adjacency is appropriate in the circumstances, which in my view is the right test. Adjacent development meeting the

³⁷¹ <https://dictionary.cambridge.org/dictionary/english/adjacent>

³⁷² See in respect of Section 95D. *Ports of Auckland Ltd v Auckland City Council* [1999] 1 NZLR 01, and planning guidance on the application of s95D, <https://qualityplanning.org.nz/sites/default/files/2018-11/To%20Notify%20or%20Not%202018.pdf>, and <https://www.qualityplanning.org.nz/node/566>

other requirements will minimise travel distances and provide a potential buffer between urban and productive rural activity areas. Non- adjacent development may meet other criteria but still have access and halo impacts on surrounding rural areas. The policy has been developed in recognition that rural residential development is driven both by rural amenities (space, privacy, outlook, etc) and urban ones (schools, employment, services, shops, etc), and that concentrating growth in and around urban areas will provide the most efficient way of minimising a wide range of adverse impacts (including the impact on future urban development) while also enabling those who wish to the opportunity for the space, outlook and privacy they seek.

379. The submission of DCC is accepted to the extent that concerns about complicating future urban development are specifically recognised and managed through subclause (2), so no changes are recommended;
380. I do not agree with the submission of Wayfare to split the criteria between adjacency to urban areas OR access to employment being available, as there is no suggested qualifier for employment or services, and the current clauses are intended to work together. The services and employment available in any adjacent urban area will be much more diverse and greater, than the potential for employment or services in rural areas further from urban areas.
381. I do note however the national planning standards list 'Settlement Zone' as a rural zone, but in the context of this policy such locations would provide the adjacency to relative employment potential and services concentration and rural community vibrancy sought by the policy, and are likely to be (more) suitable areas for lifestyle development concentration in otherwise sparsely populated rural areas. Without a national planning standard zone concordance to current zonings framework, it is difficult to be definitive at this time and I invite further comment on the potential to also list 'Settlement Zones' in the subclause.

Subclause (2) - also avoids identified or likely future urban areas

382. No changes are recommended to this subclause as rural lifestyle zoning and development in future urban areas will preclude efficient future urban development through fragmentation, capital improvements, and land value increases.

Subclause (3) - minimises impacts on rural production including by reverse sensitivity

383. Clarity about where the impacts listed should be applied is improved by the addition of 'in adjacent rural zones' to both recognise that these values will be impacted in the rezoned area as part of its transition to rural lifestyle use (accepting in part the submission of NZ Cherry Corp, Infinity Investment Group and Wayfare) , and any adjoining future urban or urban zone. Addition of 'existing primary production and rural industry' will also address submissions of AgResearch, Fulton Hogan, Horticulture NZ, OWRUG, Rural Contractors NZ and Silver Fern Farms which clarifies the intent of the provision.

Subclause (4) - avoid highly productive land

384. I concur with the submission of Ravensdown, in that the ‘as a first priority’ qualifier (shared with UFD-P4) is inappropriate in the context of rural lifestyle zoning which has no functional or operational need to locate in such areas, nor a requirement to meet demand for this development type. For this reason I also recommend not accepting the requests of NZ Cherry Corp and Infinity Investment Group which would provide pathways or exemptions for rural lifestyle development within highly productive land. There are many locations where lifestyle development can be functionally located, including in accordance with the provisions of this RPS, but highly productive land is one of the least appropriate and this use has no operation need to locate there. I would also note that these submissions have proposed the deletion of text from the provision including the phrase “as a first priority”, which provides scope to amend the text to align with the submission of Ravensdown, despite the net result being inconsistent with these submitters intended relief.
385. I also agree that the policy cross reference to LF-LS-P19 should be corrected, as it is currently incorrect and accept the submissions on this point
386. I disagree with the request of Te Waihanga for further clarity on this clause. The subject of the policy and all subclauses is clear in the chapeau.
387. Submissions of AgResearch and Meridian Energy to add specific subclauses have been accepted by expanding this subclause into a list of things to avoid in rural lifestyle zoning suitability.

Subclause (5) - suitability is demonstrated including the cumulative impacts of self-servicing infrastructure

388. I do not recommend deleting the subclause as requested by DCC, as the individual and cumulative environment impacts of self-servicing (and future reticulation or other urban services demand, including transport) has been identified as a key issue in this RPS, and as a matter requiring better management through a number of technical reports by ORC373 and a key area of discussion through the recent Otago Water Plan Change 8 - Discharge management. The submissions of Kāi Tahu ki Otago and Waka Kotahi are accepted.
389. FENZ 00219.019 seeks that the provision be amended to ensure water availability for firefighting is considered as part of suitability testing, without providing any suggested wording. The request can be accommodated in an amended clause 5 and I recommend accordingly.

Subclause (6) - maintains and enhances important features and values

390. No changes to this provision are made, in line with other submissions on this matter across the chapter.

³⁷³ Including <https://www.orc.govt.nz/media/1654/groundwater-contamination-risk.pdf>

15.17.4. Recommendation

391. I recommend amending UFD-P8 as follows:

UFD-P8 – Rural lifestyle and rural residential zones

The establishment, development or expansion of rural lifestyle and rural residential zones only occurs where:

- (1) the *land* is adjacent to existing or planned *urban areas* and ready access to employment and services is available,
- (2) despite the direction in (1), it³⁷⁴ also avoids *land* identified for future urban development in a relevant plan or *land* reasonably likely to be required for its future urban development potential, where the rural lifestyle or rural residential development would foreclose or reduce efficient realisation of that urban development potential,
- (3) minimises impacts on existing *primary production* and *rural industry* and other *rural activities*,³⁷⁵ rural production potential, *amenity values* and the potential for reverse sensitivity effects to arise in adjoining rural production zones,³⁷⁶
- (4) ~~avoids, as the first priority,~~³⁷⁷ highly productive land identified in accordance with LF-LS-P169,³⁷⁸
- (5) the suitability of the area to accommodate the proposed development is demonstrated, including
 - (a) capacity for servicing by existing or planned *development infrastructure* (including self- servicing requirements),
 - (b) particular regard is given to the individual and cumulative impacts of ~~domestic~~³⁷⁹ *water* supply, wastewater disposal, and *stormwater* management including self-servicing, on the receiving or supplying environment and impacts on capacity of *development infrastructure*, if provided, to meet other planned urban area demand, ~~and~~
 - (c) likely future demands or implications for publicly funded services including emergency services³⁸⁰ and *additional infrastructure*, and
 - (d) does not compromise the safe and efficient ongoing use of *nationally significant infrastructure* or *regionally significant infrastructure*, and³⁸¹
- (6) provides for the maintenance and wherever possible, enhancement, of important features and values identified by this RPS.

³⁷⁴ Clause 16(2), Schedule 1, RMA

³⁷⁵ 00236.103 Horticulture NZ, 00208.012 AgResearch, 00235.153 OWRUG, 00410.010 Rural contractors NZ

³⁷⁶ NZ 00236.103 Horticulture, 00208.012 AgResearch, 00235.153 OWRUG, 00410.010 Rural contractors NZ

³⁷⁷ 00121.102 Ravensdown, and 00413.008 NZ Cherry Corp, 00414.006 Infinity Investment Group in part

³⁷⁸ CI 16/00226.319 Kāi Tahu ki Otago QLDC, 00121.102 Ravensdown

³⁷⁹ 00219.019 FENZ

³⁸⁰ 00219.018 FENZ

³⁸¹ 00306.080 Meridian Energy

392. Changes are recommended as indicated in the marked up chapter in accordance with the discussion above, which are:
- a. Clause 3: amendments to clarify that impacts on rural production activities are limited to adjoining rural zones (not internally) and the nature of effects that should be considered;
 - b. Clause 4: removing the ability for rural residential zoning to establish on highly productive land by removing the avoid “as a first priority” qualifier;
 - c. Clause 5: identifying emergency services, and impacts on nationally and regionally significant infrastructure as a matter to consider when establishing new rural residential zones.

15.18. UFD-P9 – Iwi, hapū and whānau

15.18.1. Introduction

393. This provision concerns jointly owned tribal land controlled by mana whenua, and seeks to reduce planning impediments to its development in accordance with its statutory purpose, and the needs and aspirations of the owners, subject only to a requirement that suitable development infrastructure (including recognising that given the location and likely end use and intensity of most of this land, this could be self-servicing in many cases) is provided.

394. As notified, UFD-P9 reads:

UFD-P9 – Iwi, hapū and whānau

Facilitate the development of Native Reserves and *Te Ture Whenua Maori land*, for *papakāika, kāika, nohoaka*, and *marae*, where existing or planned *development infrastructure* of sufficient capacity is or can be provided (including allowance for self-servicing systems).

15.18.2. Submissions

395. Five Submissions were received on this Policy. Ngāi Tahu ki Murihiku³⁸², Te Waihanga³⁸³ and Queenstown-Lakes District Council³⁸⁴, seek the provision be retained as notified.

396. Kāi Tahu ki Otago³⁸⁵ supports the policy but requests amendments as follows: “Facilitate and enable the development by mana whenua of Native Reserves and Te Ture Whenua Māori land, and land with a particular ancestral connection, for papakāika, kāika, nohoaka, ~~and~~ marae and marae related activities, where existing or planned

³⁸² 00223.131 Ngāi Tahu ki Murihiku

³⁸³ 00321.097 Te Waihanga

³⁸⁴ 00138.219 QLDC

³⁸⁵ 00226.320 Kāi Tahu ki Otago

development infrastructure of sufficient capacity is or can be provided (including allowance for self – servicing systems).”

397. Dunedin City Council³⁸⁶ seeks amendments to the policy to address the issues set out below. The submitter proposes no specific wording or amendments.
- a. This policy is flawed in that many of the areas mentioned do not and will not have networked ‘development infrastructure’ in place or planned as they are in rural zones.
 - b. The word ‘facilitate’ is also unusual as a policy term and its meaning is unclear. Should it be ‘provide for’?
 - c. There will be conflicts with development in these locations and other objectives in the RPS (and in District and City plans) that need to be reconciled either through the RPS or noted for assessment when balancing this policy with other objectives and policies. The policy wording should be clear for the need for that balance to occur.

15.18.3. Analysis

398. The submission of Kāi Tahu ki Otago is accepted in part, in that the inclusion of and marae related activities will make it clear that not just the place but the functions are to be provided for. I also accept the inclusion of the qualifier ‘by mana whenua’ as this makes it clear that the purpose of the land and the use relates to mana whenua.
399. I do not accept the suggestion to include land with a particular ancestral connection. The current policy relates to specific, identifiable land that is already identified (including in the RPS) for particular uses and purposes, and the reason for the policy is to reduce one of many barriers to this use. The proposed amendment would broaden the potential spatial application of the policy significantly, especially as the nature of the ‘particular ancestral connection’ is not identified, and so may arguably extend across the whole of the takiwā. However, the applicant may have either particular land, or ancestral connections in mind and I invite the submitter to expand on this in their evidence.
400. I do not share the concerns of DCC in relation to this policy. The land affected by the policy is a tiny fraction of what was once owned or controlled by mana whenua. Many parcels of this land now owned or controlled by iwi were returned as a result of treaty settlements, but many more were not. Many contain features and value of particular importance to iwi that they are unlikely to seek to diminish, and the RMIA chapter also lists the locations of this land. Its development is subject to many statutory, ownership and practical constraints and removing or reducing one of them by providing an enabling planning framework, to allow for development in line for the purpose that it is held by iwi, is considered to give effect to the principles of the Treaty, and address provisions and concerns outlined in the MW and RMIA Chapters.

³⁸⁶ 00139.264 DCC

15.18.4. Recommendation

401. I recommend UFD-P9 is amended as follows:

UFD-P9 – Iwi, hapū and whānau

Facilitate the development, by mana whenua,³⁸⁷ of Native Reserves and *Te Ture Whenua Maori land*, for *papakāika, kāika, nohoaka, and*³⁸⁸ *marae, and marae related activities*³⁸⁹ where existing or planned *development infrastructure* of sufficient capacity is or can be provided (including allowance for self-servicing systems).

15.19. UFD-P10 – Criteria for significant development capacity

15.19.1. Introduction

402. This provision gives effect to Policy 8 of the NPSUD:

Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

(a) unanticipated by RMA planning documents; or

(b) out-of-sequence with planned land release

403. In particular, it implements the compulsory requirement outlined in Clause 3.8(3) of Subpart 2: Responsive Planning to provide criteria for determining ‘adding significantly to development capacity’:

Subpart 2 – Responsive planning

3.8 Unanticipated or out-of-sequence developments

(1) This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.

(2) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:

(a) would contribute to a well-functioning urban environment; and

(b) is well-connected along transport corridors; and

(c) meets the criteria set under subclause (3); and

(3) Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity. (emphasis added)

³⁸⁷ 0026.320 Kāi Tahu ki Otago

³⁸⁸ 0026.320 Kāi Tahu ki Otago

³⁸⁹ 0026.320 Kāi Tahu ki Otago

404. Beyond the obvious requirements, two key aspects of UFD-P10 should be clarified, as a policy that is required to be included as directed by the NPSUD:

- a. First, any development that ‘adds to’ development capacity must actually result in a measurable net increase in development capacity that is likely to be realised, ideally quickly, and not simply result in a ‘transfer’, from one ready to go area to another, especially where this affects otherwise planned and likely to be realised development (for example by taking up scarce infrastructure capacity).
- b. Secondly, the provision is to be read as an instruction to local authorities who must ‘be responsive’ to plan change proposals that meet the criteria, (and this policy is also implicitly an invitation to developers and landowners to come up with comprehensive, well considered proposals) but is not the case that local authorities must not or may not be responsive to other proposals (for example, processing smaller developments) that do not, and in both cases it should also be noted that the other provisions of the RPS also apply.

405. In effect, the resource issue being managed is scarce planning, public finance and infrastructure resources that are most efficiently and effectively directed towards delivering existing strategically planned developments, unless there is a compelling win-win scenario that has not been previously identified and that is able to proceed without significant impact on other planned (or plan consistent) realisable development.

406. As notified, UFD-P10 reads:

UFD-P10 – Criteria for significant development capacity

‘Significant development capacity’ is provided for where a proposed plan change affecting an *urban environment* meets all of the following criteria:

- (1) the location, design and layout of the proposal will positively contribute to achieving a *well-functioning urban environment*,
- (2) the proposal is well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors,
- (3) required *development infrastructure* can be provided effectively and efficiently for the proposal, and without material impact on planned *development infrastructure* provision to, or reduction in *development infrastructure* capacity available for, other feasible, likely to be realised developments, in the short-medium term,
- (4) the proposal makes a significant contribution to meeting a need identified in a *Housing and Business Development Capacity Assessment*, or a shortage identified in monitoring for:
 - (a) housing of a particular price range or typology, particularly more affordable housing,
 - (b) business space or *land* of a particular size or locational type, or
 - (c) community or educational facilities, and

- (5) when considering the significance of the proposal’s contribution to a matter in (4), this means that the proposal’s contribution:
- (a) is of high yield relative to either the forecast demand or the identified shortfall,
 - (b) will be realised in a timely (i.e. rapid) manner,
 - (c) is likely to be taken up, and
 - (d) will facilitate a net increase in district-wide up-take in the short to medium term.

15.19.2. Submissions

407. A total of 10 submissions are noted on this provision.
408. Kāi Tahu ki Otago³⁹⁰ seeks the whole provision be retained as notified. Ministry of Education 00421.013 supports the provision, particularly subclause (4)c. Waka Kotahi 00305.101 supports subclause (3) and seeks amendments to (2).
409. Seven other submissions seek specific amendments, and for the most part also state support for the remainder of the policy.
- a. Te Waihanga³⁹¹ requests that *well-functioning urban environment* in subclause (1) be defined,
 - b. Waka Kotahi³⁹² seeks amendments to subclause (2) as follows: “(2) The proposal is well-connected to the existing or planned urban area, particularly if it is located along existing or planned public transport corridors for Tier 2 urban environments and along existing or planned transport corridors for other urban environments.”
 - c. Glenpanel Limited Partnership³⁹³, Sipka Holdings³⁹⁴ and Tussock Rise³⁹⁵ seek that the policy (specifically subclauses (4) and (5)) be amended to allow for smaller contributions.
 - d. QLDC³⁹⁶ seeks amendments to subclause (6) as follows: “(6) Provides for the maintenance, protection and wherever possible, enhancement, of important features and values identified by this RPS” and the addition of a new (7) as follows: “The proposal adds to the affordable housing stock in the district.”

³⁹⁰ 00226.321 Kāi Tahu ki Otago

³⁹¹ 00321.098 Te Waihanga

³⁹² 00305.101 Waka Kotahi

³⁹³ 00405.014 Glenpanel Limited Partnership

³⁹⁴ 00402.017 Sipka Holdings Ltd

³⁹⁵ 00401.001 Tussock Rise Ltd

³⁹⁶ 00138.221 QLDC

- e. Dunedin City Council ³⁹⁷ seeks a wide range of amendments including not undermining strategic directions in an existing district plan. Potential relief are requested as follows:

“Reword as follows and focus more specifically on the requirement in NPS-UD Policy (3). Other aspects of the merits of a plan change proposal (rather than whether it adds significantly to development capacity) should be incorporated into other policies and the objectives as outlined [elsewhere in this submission] or into a new policy as shown below:

UFD-P10 When assessing a plan change that may provide significant development capacity that is not otherwise enabled in an operative or proposed plan (or plan variation) or is not in sequence with planned land release, have particular regard to the following when assessing if the plan change will add significant development capacity:

- (1) taking into account any capacity that has been added through a plan change or plan variation process, the proposal makes a significant contribution to meeting a need identified in a Housing and Business Development Capacity Assessment, or a shortage identified in monitoring for:

....

UFD-P11 Have regard to the following when assessing whether to adopt or support proposals for plan changes, whether:

- (1) ‘Significant development capacity’ is provided for in accordance with Policy UFD – P10;
- (2) the location, design and layout of the proposal will positively contribute to achieving a well – functioning urban environment,
- (3) the proposal is well – connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors,
- (4) required development infrastructure can be provided effectively and efficiently for the proposal, and without material impact on planned development infrastructure provision to, or reduction in development infrastructure capacity available for, other feasible, likely to be realised developments, in the short – medium term;
- (5) it aligns with any current Spatial Plan or Future Development Strategy for the city or district; and whether it supports the objectives of this RPS and any strategic objectives and policies of the relevant district plan.”

³⁹⁷ 00139.265 DCC

15.19.3. Analysis

410. Te Waihanga submission is rejected to the extent that *well functioning urban environments* is a defined term already in the RPS, consistent with the planning standards and the NPSUD.
411. Waka Kotahi's submission is not accepted, as the urban environment Tier under the NPSUD is not the defining aspect of the existence of public transport or accessibility, accepting that it is only Dunedin and Queenstown (which are Tier 2 urban environments) which have current services in the Region presently, this may not always be the case.
412. Glenpanel Limited Partnership, Sipka Holdings and Tussock Rise allowance for smaller contributions. The policy essentially recognises the primacy of strategic planning as the key guide to further development, but also accepts that there will be circumstances where new ideas or opportunities arise. This policy is a directive to local authorities where they must be responsive, in accordance with NPSUD Policy 8 and Clause 3.2, see particularly (3). It does not mean that councils may not or must not be responsive to smaller proposals if they wish, but in managing their scarce planning, financial and infrastructural resources towards delivering the strategic plan, it is appropriate to have a high threshold before divergence from this approach (which involved long term plans, district plans, infrastructure strategies as well as a range of other infrastructure providers both public and private, and the general public) is considered. It does in effect provide local authorities with a potential high level gateway to use to filter smaller speculative proposals that take a lot of time, effort and resources, but deliver little in return. Having said that, I would note that the thresholds in the policy are also intended as an incentive to smaller contributors to work together with others to develop larger more comprehensive, or affordable proposals that will deliver identified benefits, of scale.
413. For these reasons, the submission of DCC is also rejected. By definition 'out of sequence' or unanticipated proposals will challenge the status quo, particularly alignment with spatial plans, so including 'status quo spatial plan' as an assessment criteria makes little sense other than to always preclude the potential of a responsive outcome to any request. I also note that the inclusion of these criteria in an RPS are compulsory (see NPSUD Policy 8 and Clause 3.8.(3)).
414. The QLDC request to add a new affordable housing stock provision is also rejected, noting that Subclause 4(a) already incorporates 'more affordable housing' as a particular reason to be responsive to a proposal.

15.19.4. Recommendation

415. I recommend UFD-P10 is retained as notified.

15.20. New policies

15.20.1. Introduction

416. Note submissions seeking new AERS are discussed in section 15.37 **Error! Reference source not found.**

15.20.2. Submissions

417. A number of submissions have been specifically categorised in the SoDR as requesting new provisions.

418. Minister for the Environment ³⁹⁸ seeks new policies to give effect to Policy 1 and Policy 5 of the NPS-UD, but has not provided any suggested wording.

419. AgResearch requests new provisions that:

- a. ³⁹⁹– allow existing and future rural research activities to be not constrained by reverse sensitivity effects arising from the establishment of nearby incompatible activities (e.g. urban expansion, new residential and rural residential areas and other “sensitive activities”)
- b. ⁴⁰⁰- clearly provide for *rural research activities* in rural areas (including in areas of highly productive land)
- c. A related submission point is a proposed new definition of *rural research activities* which is discussed in the Definitions Report.

420. Dunedin City Council 00139.259 requests a new policy focused on implementing strategic planning processes incorporating existing content on iwi involvement, as follows:

“Require district plan changes to:

(1) give effect to strategic spatial plans;

(2) address issues of concern to iwi and hapū, including those identified in any relevant iwi planning document;

(3) ensure involvement of mana whenua; and

(4) provide for mana whenua values and aspirations”

15.20.3. Analysis

Minister for the Environment

421. Minister for the Environment submission pertains to Policy 1 and 5 of the NPS-UD. Policy 1 relates to the minimum requirements of well functioning urban environments,

422. Policy 1 of the NPSUD states:

³⁹⁸ 00136.010 MfE

³⁹⁹ 00208.001 AgResearch Ltd

⁴⁰⁰ 00208.002 AgResearch Ltd

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

(a) have or enable a variety of homes that:

(i) meet the needs, in terms of type, price, and location, of different households; and

(ii) enable Māori to express their cultural traditions and norms; and

(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and

(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and

(e) support reductions in greenhouse gas emissions; and

(f) are resilient to the likely current and future effects of climate change

423. The policy lists a number of matters that are captured in and across the objectives and policies of the UFD chapter.

424. Policy 5 pertains to enabling density and height that reflects accessibility or demand, and reads:

Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

(a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or

(b) relative demand for housing and business use in that location.

425. Policy UFD-P3(3) in particular reflects this NPS policy.

426. The UFD chapter (or any chapter of the RPS) contains density or height limits (these would be rules), instead leaving that to strategic planning and district plans that will implement those. Neither does it create any specific barriers that would 'dis-enable' greater density or height from occurring. It is only through the considered application of some objectives or policies in other chapters of the RPS, such as CE, LF, ECO, EIT, HAZ, HCV, or NFL that constraints to achieving density and/or height may appear and that would need to be considered through strategic planning to balance the enabling 'pro-urban development' focus of the NPSUD and the relevant provisions of the UFD Chapter, with these other 'features and values' chapters. This approach is consistent with the NPSUD approach to 'qualifying matters' and Section 5, 6 and 7 matters as outlined in the RMA.

427. In my opinion, the UFD chapter does give effect to the NPSUD401, including Policies 1 and 5, and I recommend rejecting this submission.

AgResearch

428. Submission 00208.001 of AgResearch is accepted to the extent that this is captured in suggested UFD - AER11B and UFD - AER11C that reflects existing provisions that manage reverse sensitivity.
429. Submission 00208.002 of AgResearch is accepted to the extent that rural research activities are already captured in the definitions of primary production, or rural industry and would also clearly have both an operational and functional need to be located in rural areas.
430. Submission 00208.003 of AgResearch is rejected for the reasons noted above.

Dunedin City Council

431. Dunedin City Council⁴⁰² requests a new policy focused on implementing strategic planning processes incorporating existing content on iwi involvement, as follows:
- “Require district plan changes to:
- (1) give effect to strategic spatial plans;
- (2) address issues of concern to iwi and hapū, including those identified in any relevant iwi planning document;
- (3) ensure involvement of mana whenua; and
- (4) provide for mana whenua values and aspirations”
432. This submission is accepted to the extent that amendments to the AERs to address the submission of Ngāi Tahu ki Murihiku incorporate the involvement of mana whenua in decision making.
433. However, the inclusion of iwi involvement across all provisions, rather than as a single policy relating only to strategic planning is intentional. Furthermore, the NPSUD already requires iwi, hapū and whanau involvement in the development of FDS and other strategic plans (for example NPS:UD Policy 9).
434. The other key aspect of the submission being that district plans “give effect to” strategic plans is supported, noting that the NPS:UD applies jointly to local authorities who shared jurisdiction over urban areas. UFD- AER1 also anticipate District plans implementing strategic plans, and the achievement of the other AERs are dependent on strong linkages between strategic planning and the regulatory, financial, infrastructural and wide range of other non-regulatory methods open to councils that create the commercial signals required for the private sector to undertake development.

⁴⁰¹ Compare for example submission points from DCC that suggest the chapter largely paraphrase’s the NPSUD and adds no value.

⁴⁰² 00139.259 DCC

435. Of note is the approach taken by the NPSUD to the relationship between FDSs and district plans outlined in Clause 3.17 whereby the relevant local authorities must ‘have regard to’ the FDS in preparing or changing RMA documents (which would include any District Plan). ‘Giving effect to’ would preclude responding to proposals that are not anticipated. This was a matter of some considerable submission by local authorities (and others) to the draft NPSUD and my opinion reflects the inherent tension within the NPSUD between the somewhat contradictory aims of providing both certainty (for, amongst other things, infrastructure planning, which would support a “give effect to” approach) and responsiveness, which requires the ability to consider proposals that are out of sequence or otherwise unanticipated, on their merits (in accordance with the criteria of UFD-P10 in particular) and outside the FDS review process, which suggests the more rigid “give effect to” approach would not provide for this flexibility. The issue of responsiveness is also explained in MfE guidance⁴⁰³ as a means to manage the scarce resource of planning and infrastructure resources: “ These criteria will help to filter out small, speculative proposals” proposals that are more efficient to process and deliver significant net benefits in terms of rapid take up, without reducing the ability of other planned developments to proceed.” Equally the criteria should not be so stringent as to preclude developments and unreasonably constrain competitive land markets. It is important to note that the requirements of UFD-10 provide criteria for where local authorities’ must be responsive, but do not preclude local authorities’ being responsive to smaller proposals, noting that all the other provisions of the RPS will apply, irrespective.

15.20.4. Recommendation

436. I do not recommend inserting any new policies.

15.21. UFD-M1 – Strategic planning

15.21.1. Introduction

437. As notified, UFD-M1 reads:

UFD-M1 – Strategic planning

Otago Regional Council and *territorial authorities*:

- (1) must, where they are Tier 2 local authorities, jointly determine housing *development capacity* that is feasible and likely to be taken up in the medium and long terms through *Housing and Business Development Capacity Assessments*,
- (2) should, for other districts, jointly determine demand and potential supply responses through similar, but appropriately scaled strategic planning approaches,

⁴⁰³ See page 5 <https://environment.govt.nz/publications/understanding-and-implementing-responsive-planning-policies/>

- (3) must, where they are Tier 2 and Tier 3 local authorities, monitor and regularly assess and report on the supply of, and demand for, residential, commercial and industrial zoned *land development capacity* available at the regional, district and *urban environment* scales, and other local authorities are encouraged to do so,
- (4) must coordinate the redevelopment and intensification of urban areas and the development of extensions to urban areas with *infrastructure* planning and development programmes, to provide the required *development infrastructure* and *additional infrastructure* in an integrated, timely, efficient and effective way, and to identify and manage impacts on key values and resources identified by this RPS, and for Tier 2 local authorities to achieve this through jointly developed *Future Development Strategies* and/or strategic planning, and for all other *local authorities* through strategic planning in accordance with UFD–P1,
- (5) must, where they are Tier 2 local authorities, develop housing bottom lines for *urban environments* and include those bottom lines in APP10 and in the relevant *district plans*,
- (6) must individually or jointly develop further regulatory or non-regulatory methods and actions to implement strategic and spatial plans, including to guide the detail of how, when and where development occurs, including matters of urban design, requirements around the timing, provision, and responsibilities for open space, connections and infrastructure, including by third parties, and the ongoing management of effects of urban development on matters of local importance, and
- (7) must involve *mana whenua*, and provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values and to ensure the requirements of the MW chapter are met, and the issues and values identified in RMIA are recognised and provided for.

15.21.2. Submissions

438. Nine submissions have been received on this provision.
439. Four submitters, Kāi Tahu ki Otago⁴⁰⁴, Ministry of Education⁴⁰⁵, QLDC⁴⁰⁶ and Waka Kotahi⁴⁰⁷ support retention of the provision as notified.
440. Dunedin City Council⁴⁰⁸ seek the deletion of the provision on the basis that as it is unnecessary and does not add to the NPS-UD.
441. Four submitters seek amendments to the provision.

⁴⁰⁴ 00226.322

⁴⁰⁵ 00421.014 Ministry of Education

⁴⁰⁶ 00138.221 QLDC

⁴⁰⁷ 00305.102 Waka Kotahi

⁴⁰⁸ 00139.266 DCC

- a. FENZ ⁴⁰⁹ seeks that subclause (6) be amended to incorporate consideration of emergency services accessibility, water supplies to assist firefighting and land for fire station resources
- b. Trojan⁴¹⁰ and Wayfare⁴¹¹ seek amendments to subclause 6 to require spatial plans to identify key visitor destinations outside of the urban environment, and provide a suggested amendment as follows: “(6) must individually or jointly develop ... matters of local importance, and any spatial plan shall identify key visitor destinations outside the urban environment, and...”
- c. Daisy Link Garden Centres ⁴¹² requests the addition of a new subclause as follows: “Must provide opportunities for for out of unanticipated or out of sequence developments that provide significant development capacity.”

15.21.3. Analysis

442. The submission of DCC to delete the method relating to Strategic Plans is not accepted, as strategic planning is a cornerstone of the approach to urban development in this RPS and establishes the joint responsibilities of both regional and territorial authorities under the NPSUD.
443. FENZ seeks specific mention of layout, design, access and infrastructural capacity in relation to firefighting, fire risk, and the provision of fire station land. The issue of fire as a natural hazard is captured by the HAZ chapter. Matters of layout and provision for infrastructure including emergency services can be included though FENZ involvement as a third party (eg NPSUD 3.15(b)) in strategic planning to provide the expert input around fire access and special locational needs of fire stations. However, specific design and infrastructural capacity issues are best captured by the detail of Building Code and relevant New Zealand Standards and District Plans. I do not support the specific inclusion in the RPS of this level of detail.
444. Trojan and Wayfare note that the Strategic Planning method does not specifically recognise or list key visitor destinations, amongst many other important aspects of urban (or rural) form and function. In my option, key visitor destinations (as defined by the submitter) would be expected to be captured⁴¹³ due to their nature, as key economic activities that generate employment, visitor movement and traffic, and demand for temporary and permanent housing, as well as be subject to bespoke zoning arrangements in recognition of their locations and quite specific impacts. The point made is accepted, but listing every important matter and activity to be considered in a strategic plan would create inconsistency with the approach taken in the RPS to matters of detail,

⁴⁰⁹ 00219.012 FENZ

⁴¹⁰ 00219.073 Trojan

⁴¹¹ 00411.088 Wayfare

⁴¹² 00204.009 Daisy Link Garden Centres Limited

⁴¹³ For example the recently completed Queenstown Lakes Spatial Plan, which focusses largely on urban development (intensification and expansion areas) also identifies “a sustainable tourism system’ as one of its key outcomes, and encompasses 3 strategies to achieve this- see <https://www.qldc.govt.nz/your-council/council-documents/queenstown-lakes-spatial-plan>

be very long and is in my view unnecessary, particularly given extensive guidance in the NPSUD (Subclause 4) and evolving guidance from the Ministry for the Environment on the nature, content and best practice process for FDS 414 and, by association, appropriately scaled strategic plans in non-Tier 2 districts. I recommend capturing the intent of this submission by using language that is more more generic while also capturing key visitor destinations, as well as key constraints and opportunities.

445. Daisy Links requests that strategic plans must provide opportunities for out of sequence proposals. This is not logical. By definition out of sequence or otherwise unanticipated developments cannot be 'in' a strategic plan. The potential for strategic plan unanticipated developments to arise and be considered is expressly recognised by UFD-P10. The submitter is referred to the submission (and the recommended response to that submission) by Tussock Rise (00401.012) in respect of UFD-M2, whereby the recommended response is to ensure that plan change proposals that meet the criteria of UFD-P10 are dealt with responsively by the relevant local authority.

15.21.4. Recommendation

446. I recommend UFD-M1 is amended as follows:

UFD-M1 – Strategic planning

Otago Regional Council and *territorial authorities*:

- (1) must, where they are Tier 2 local authorities, jointly determine housing *development capacity* that is feasible and likely to be taken up in the medium and long terms through *Housing and Business Development Capacity Assessments*,
- (2) should, for other districts, jointly determine demand and potential supply responses through similar, but appropriately scaled strategic planning approaches,
- (3) must, where they are Tier 2 and Tier 3 local authorities, monitor and regularly assess and report on the supply of, and demand for, residential, commercial and industrial zoned *land development capacity* available at the regional, district and *urban environment* scales, and other local authorities are encouraged to do so,
- (4) must coordinate the redevelopment and intensification of urban areas and the development of extensions to urban areas with *infrastructure* planning and development programmes, to provide the required *development infrastructure* and *additional infrastructure* in an integrated, timely, efficient and effective way, and to identify major existing and future activities, constraints and opportunities⁴¹⁵ and manage impacts on key values and

⁴¹⁴ See for example <https://environment.govt.nz/assets/Publications/Files/FDS-Fact-sheet-updated.pdf>

⁴¹⁵ 00411.088 Wayfare Group, 00206.073 Trojan Holdings, 00219.012 FENZ

resources, identified by this RPS, and for Tier 2 local authorities to achieve this through jointly developed *Future Development Strategies* and/or strategic planning, and for all other *local authorities* through strategic planning in accordance with UFD–P1,

- (5) must, where they are Tier 2 local authorities, develop housing bottom lines for urban environments and include those bottom lines in APP10 and in the relevant *district plans*,
- (6) must individually or jointly develop further regulatory or non-regulatory methods and actions to implement strategic and spatial plans, including to guide the detail of how, when and where development occurs, including matters of urban design, requirements around the timing, provision, and responsibilities for open space, connections and infrastructure, including by third parties, and the ongoing management of effects of urban development on matters of local importance, and
- (7) must involve *mana whenua*, and provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values and to ensure the requirements of the MW chapter are met, and the issues and values identified in RMIA are recognised and provided for.

15.22. UFD-M2 – District plans

15.22.1. Introduction

447. As notified, UFD-M2 reads:

UFD-M2 – District plans

Territorial authorities must prepare or amend their *district plans* as soon as practicable, and maintain thereafter, to:

- (1) identify and provide for urban expansion and intensification, to occur in accordance with:
 - (a) any adopted *future development strategy* for the relevant district or region, which must be completed in time to inform the 2024 Long Term Plan, or
 - (b) where there is no *future development strategy*, a *local authority* adopted strategic plan developed in accordance with UFD-P1, for the relevant area, district or region,
- (2) in accordance with any required *Housing and Business Development Capacity Assessments* or monitoring, including any *competitiveness margin*, ensure there is always sufficient *development capacity* that is feasible and likely to be taken up and, for Tier 2 urban environments, at a minimum meets the bottom

lines for housing in APP-10, and meets the identified *land* size and locational needs of the commercial and industrial sectors,

- (3) ensure that urban development is designed to:
 - (a) achieve a built form that relates well to its surrounding *environment*, including by identifying and managing impacts of urban development on values and resources identified in this RPS,
 - (b) provide for a diverse range of housing, *commercial activities*, industrial and service activities, social and cultural opportunities,
 - (c) achieve an efficient use of *land*, energy, *water* and *infrastructure*,
 - (d) promote the use of water sensitive design wherever practicable,
 - (e) minimise the potential for reverse sensitivity *effects* to arise, by managing the location of incompatible activities, and
 - (f) reduce the adverse *effects* of Otago's cooler winter climate through designing new subdivision and development to maximise passive winter solar gain and winter heat retention, including through roading, lot size, dimensions, layout and orientation,
- (4) identify and provide for locations that are suitable for urban intensification in accordance with UFD-P2,
- (5) identify and provide for locations that are suitable for urban expansion, if any, in accordance with UFD-P3,
- (6) identify and provide for *commercial activities* in accordance with UFD-P5,
- (7) identify and provide for *industrial activities* in accordance with UFD-P6,
- (8) manage development in *rural areas* in accordance with UFD-P7,
- (9) manage rural residential and rural lifestyle activities in *rural areas* in accordance with UFD-P8,
- (10) provide for *papakāika*, *kāika*, *nohoaka*, and *marae*, in accordance with UFD-P9, and
- (11) must involve *mana whenua* and provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values and ensure the requirements of the MW chapter are met, and the issues and values identified in RMIA are recognised and provided for at the local level.

15.22.2. Submissions

448. Thirteen Submissions have been received on this provision.

449. Cosy Homes Charitable Trust⁴¹⁶, Silver Fern Farms⁴¹⁷, and Waka Kotahi⁴¹⁸ (whose support does not include subclause (2)), support retention of the provision as notified.
450. Horticulture NZ⁴¹⁹ also seeks subclauses (8) and (9) be retained as notified, but has sought changes to other subclauses.
451. Dunedin City Council⁴²⁰ seeks deletion of the provision on the basis that it is unnecessary and does not add to the NPS-UD.
452. Nine Submitters request various amendments, described below in general accordance with the order of the subclause to which they relate.
- a. Subclause (1) Tussock Rise⁴²¹ seeks subclause (1) be amended to provide for greater flexibility by allowing for departures from the future development strategy or a local authority adopted spatial plan at the discretion of the local authority. I agree that this amendment is required in order to allow local authorities to respond to shortages responsively, particularly in accordance with UFD-P2.
 - b. Subclause (3)
 - i. Kāi Tahu ki Otago⁴²² seeks clarification of the scope and meaning of subclause 3(a) (features and values)
 - ii. Trojan⁴²³ seeks that the term ‘water sensitive design’ in subclause 3(d) be clarified or defined
 - iii. Fulton Hogan⁴²⁴ seeks reverse sensitivity effects be avoided and that ‘avoid’ replaces ‘minimise’ in subclause 3(e)
 - iv. OWRUG⁴²⁵ requests the following amendment to subclause 3(e): add “..within the urban area and at the rural - urban interface” to the end of the existing text
 - v. The Fuel Companies⁴²⁶ request a new 3(g) as follows:
 “Avoid the potential for reverse sensitivity effects on regionally and nationally significant infrastructure and major hazard facilities.

⁴¹⁶ 00242.011

⁴¹⁷ 00221.017

⁴¹⁸ Waka Kotahi submissions were recorded (and made) as, 00305.103, support subclause (1), 00305.104 support subclause (3), 00305.105 support subclause (4)-(11) inclusive,

⁴¹⁹ 00236.104 Horticulture NZ

⁴²⁰ 00139.266 DCC

⁴²¹ 00401.012 Tussock Rise Ltd

⁴²² 00226.323 Kāi Tahu ki Otago

⁴²³ 00206.074 Trojan

⁴²⁴ 00322.043 Fulton Hogan

⁴²⁵ 00235.154 OWRUG

⁴²⁶ 00510.065 The Fuel Companies

- vi. Trojan⁴²⁷ and Wayfare⁴²⁸ seek amendments to Subclauses (7) and (8) as follows:

“(7) manage development in ~~rural~~ non – urban areas in accordance with UFD – P7,

(8) manage rural residential and rural lifestyle activities in ~~rural areas~~ in accordance with UFD – P8,”

- vii. Kāi Tahu ki Otago⁴²⁹ seeks amendments to subclause (10) as follows:

“(10) provide for papakāika, kāika, nohoaka, ~~and~~ marae and marae related activities, in accordance with UFD – P9, and...”

453. QLDC⁴³⁰ seeks correction of a potential cross referencing issue from the mention of UFD-P3 [in Subclause (5)] onwards. On a similar note, OWRUG⁴³¹ requests that subclause (4) should be amended to refer to UFD - P3 and clause (5) to refer to UFD - P4

15.22.3. Analysis

Subclause 1:

454. The issue identified by Tussock Rise is accepted, in that responsive planning is a key component of implementing the NPSUD, and is provided for by way of requiring responsive approaches to developments that meet the criteria of UFD-P10, which should be reflected in the method. By definition, these developments may either be out of sequence with a FDS or strategic plan (in which case infrastructure rather than general suitability for development issues are more likely to be of concern), or unanticipated, (where both suitability and infrastructure will be issues for clarification). Tussock Rise has not provided any suggested wording.

Subclause 3:

455. 3(a) - Kāi Tahu ki Otago: the RPS must be read as a whole and other provisions more clearly and fulsomely identify the features and the approach to take to them and no change is recommended;
456. 3(d) - Trojan - water sensitive design - the term refers to approaches to urban development that reduce impacts of development on both water quantity and quality and is widely used⁴³² and applied in the industry, and details of any application is context responsive and place specific; accordingly no change is recommended;

⁴²⁷ 00206.074 Trojan

⁴²⁸ 00411.136 Wayfare

⁴²⁹ 00226.323 Kāi Tahu ki Otago

⁴³⁰ 00138.222 QLDC

⁴³¹ 00235.154 OWRUG

⁴³² For E.g. a selection of NZ examples: Water NZ:

https://www.waternz.org.nz/Attachment?Action=Download&Attachment_id=666 Auckland:

[https://content.aucklanddesignmanual.co.nz/regulations/technical-](https://content.aucklanddesignmanual.co.nz/regulations/technical-guidance/Documents/GD04%20WSD%20Guide.pdf)

[guidance/Documents/GD04%20WSD%20Guide.pdf](https://content.aucklanddesignmanual.co.nz/regulations/technical-guidance/Documents/GD04%20WSD%20Guide.pdf), Wellington: <https://www.wellingtonwater.co.nz/land->

457. Fulton Hogan’s request to replace minimise with avoid in clause 3(e) is, in the context of urban development and particularly intensification, impractical in all but the most significant cases, for example in the case of nationally or regionally significant infrastructure as requested by the Fuel Companies.
458. OWRUG’s requested amendments highlights that the rural urban boundary is likely to be an area of friction in particular, but inside urban areas and on the edges are not the only place where these impacts arise and accordingly no change is recommended.
459. The Fuel Companies request for a new clause provides a useful clarification and is in line with the directives of the EIT Chapter, and is therefore accepted by inserting a new subclause.
460. Trojan and Wayfare requests to amend ‘rural’ in clause 8 to ‘non-urban’ is consequential to the broader submission to separate the region into 3 areas - urban, non-urban and natural. This submission is rejected for the same reasons as the primary submission point - namely natural areas traverse both urban and rural areas and are highly valued aspects of both, where they exist, and are subject to topic specific chapters in the pORPS.
461. Trojan and Wayfare request in respect of clause 9 would delete ‘in rural areas’ as by default rural residential and rural lifestyle activities would only occur in those locations. The policy referenced UFD-P8 relates to rural areas so nothing is lost by the removal, and the amendment aligns the wording with the other provisions.
462. Kāi Tahu ki Otago seeks the addition of ‘and marae related activities’ to clause 10, and I agree for consistency with amendments recommended to the referenced policy UDF-P9.

Cross referencing issues:

463. The issues noted by QLDC and OWRUG are indeed errors and should be corrected.

15.22.4. Recommendation

464. I recommend UFD-M2 is amended as follows:

UFD-M2 – District plans

Territorial authorities must prepare or amend their *district plans* as soon as practicable, and maintain thereafter, to:

- (1) identify and provide for urban expansion and intensification, to occur in accordance with:
 - (a) any adopted *future development strategy* for the relevant district or region, which must be completed in time to inform the 2024 Long Term Plan, or
 - (b) where there is no *future development strategy*, a *local authority*

[development/water-sensitive-design/](https://www.tauranga.govt.nz/Council/Water-services/Stormwater/Water-sensitive-design), Tauranga: <https://www.tauranga.govt.nz/Council/Water-services/Stormwater/Water-sensitive-design>

adopted strategic plan developed in accordance with UFD-P1, for the relevant area, district or region,

- (2) in accordance with any required *Housing and Business Development Capacity Assessments* or monitoring, including any *competitiveness margin*, ensure there is always at least⁴³³ sufficient *development capacity* that is feasible and likely to be taken up and, for Tier 2 urban environments, at a minimum meets the bottom lines for housing in APP-10, and meets the identified *land size* and locational needs of the commercial and industrial sectors, and where there is a shortage, respond in accordance with UFD-P2,⁴³⁴
- (3) ensure that urban development is designed to:
 - (a) achieve a built form that relates well to its surrounding *environment*, including by identifying and managing impacts of urban development on values and resources identified in this RPS,
 - (b) provide for a diverse range of housing, *commercial activities*, industrial and service activities, social and cultural opportunities,
 - (c) achieve an efficient use of *land, energy, water* and infrastructure,
 - (d) promote the use of water sensitive design wherever practicable,
 - (e) minimise the potential for reverse sensitivity *effects* to arise, by managing the location of incompatible activities, within the urban area, at the rural-urban interface, and in rural areas, ~~and~~⁴³⁵
 - (ea) avoid the potential for reverse sensitivity effects on *nationally significant infrastructure* and *regionally significant infrastructure*, ~~and~~⁴³⁶
 - (f) reduce the adverse *effects* of Otago's cooler winter climate through designing new subdivision and development to maximise passive winter solar gain and winter heat retention, including through roading, lot size, dimensions, layout and orientation,
- (4) identify and provide for locations that are suitable for urban intensification in accordance with UFD-P2~~3~~,⁴³⁷
- (5) identify and provide for locations that are suitable for urban expansion, if any, in accordance with UFD-P~~3~~~~4~~,⁴³⁸
- (6) identify and provide for *commercial activities* in accordance with UFD-P5,

⁴³³ 00204.003 Daisy Link Garden Centres Limited, 00405.009 Glenpanel, 00402.012 Sipka Holdings, 00401.006 Tussock Rise

⁴³⁴ 00401.012 Tussock Rise

⁴³⁵ 00236.104 Horticulture NZ, 235.154 OWRUG

⁴³⁶ 00510.065 The Fuel Companies

⁴³⁷ Clause 16(2), Schedule 1, RMA, 00138.222 QLDC, 00235.154 OWRUG

⁴³⁸ Clause 16(2), Schedule 1, RMA, 00138.222 QLDC, 00235.154 OWRUG

- (7) identify and provide for *industrial activities* in accordance with UFD-P6,
- (8) manage development in *rural areas* in accordance with UFD-P7,
- (9) manage rural residential and rural lifestyle activities ~~in rural areas~~⁴³⁹ in accordance with UFD-P8,
- (10) provide for *papakāika, kāika, nohoaka, and marae* and marae related activities⁴⁴⁰, in accordance with UFD-P9, and
- (11) must involve *mana whenua* and provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values and ensure the requirements of the MW chapter are met, and the issues and values identified in RMIA are recognised and provided for at the local level, and
- (11A) ensure the design and maintenance places and spaces, including streets, open spaces, public buildings and publicly accessible spaces so that they are safe, attractive, accessible and usable by everyone in the community.⁴⁴¹

15.23. UFD-M3 – Design of public spaces and surrounds

15.23.1. Introduction

465. As notified, UFD-M3 reads:

UFD-M3 – Design of public spaces and surrounds

Territorial authorities must design and maintain public places and spaces, including streets, open spaces, public *buildings* and publicly accessible spaces so that they are safe, attractive, accessible and usable by everyone in the community.

15.23.2. Submissions

- 466. Three submissions were received on this provision.
- 467. Kāi Tahu ki Otago⁴⁴² and QLDC⁴⁴³ support the provision and seek it be retained as notified.
- 468. Dunedin City Council⁴⁴⁴ seeks the provision be deleted or if not deleted, amended in such a way that it is a method clearly linked to an objective and policy in this section and is done so in a way that aligns with the DCC submissions on those items.

⁴³⁹ 00411.136 Wayfare, 00206.074 Trojan

⁴⁴⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 0026.320 Kāi Tahu ki Otago

⁴⁴¹ 00139.268 DCC

⁴⁴² 00226.324 Kāi Tahu ki Otago

⁴⁴³ 00138.223 QLDC

⁴⁴⁴ 00139.268 DCC

15.23.3. Analysis

469. This method does appear, as it is out on its own, to be a conceptual orphan⁴⁴⁵ as noted by the DCC. Moving the text into UFD-M2 could more clearly link the requirement into the list of matters to be controlled by district plans in order to achieve well functioning urban environments. However, the management of public open spaces and places is not just a district plan matter, and may encompass requirements under the Reserves Act 1977, Land Transport Management Act 2003, and others. The link to the objective and policy framework is that maintaining and improving the accessibility and useability of public open spaces is a key facilitating action to offset the loss of private open space that can occur through intensification. Further, it is often a key catalyst for activating centres, and can enable better access to and use of public transport (including by reducing safety fears and generating activity). The importance of universal accessibility is particularly important, facilitating the very young and the elderly, and the temporarily impacted (e.g. sports injuries, old age, pregnancy - it is also estimated that up to 60% of people will experience a disability at some point in their life⁴⁴⁶). Particular facilities and buildings will be captured by the building Code and NZS 4121.2001 Design for Access and Mobility⁴⁴⁷, but the intent is that this provision would cast a wider net recognising that universal access requires a whole of environment approach to ensure truly inclusive, vibrant and celebrated public spaces that encourage more intensive development in their vicinity through their high amenity.

15.23.4. Recommendation

470. I recommend amending UFD-M3 as follows:

UFD-M3 – Design of public spaces and surrounds

Territorial authorities must design and maintain public places and spaces, including streets, open spaces, public *buildings* and publicly accessible spaces so that they are safe, attractive, accessible and usable by everyone in the community.

15.24. UFD-E1 – Explanation

15.24.1. Introduction

471. As notified, UFD-E1 reads:

UFD-E1 – Explanation

The policies in this chapter are designed to facilitate the provision of sufficient housing and business capacity and ensure all of the region's *urban areas* demonstrate the

⁴⁴⁵ A related submission is that of Kāi Tahu ki Otago in relation to the definition *key civic public spaces*, which has been similarly orphaned as a result of pre-notification changes to this Method.

⁴⁴⁶ See for example the personas https://content.aucklanddesignmanual.co.nz/design-subjects/universal_design/Documents/Universal%20Design%20Personas.pdf

⁴⁴⁷ <https://www.building.govt.nz/building-code-compliance/d-access/accessible-buildings/>

features of *well-functioning urban environments* and meet the needs of current and future communities. Urban intensification must be enabled, and urban expansion should be facilitated, however these important decisions should be preceded and guided by strategic planning processes that consider how best this can be achieved, while also maintaining and, wherever possible, enhancing the important values and features identified in other chapters of this RPS, and in consideration of local context, values and pressures. The strategic planning process will also consider and demonstrate where, when, how and by whom the necessary *development infrastructure* and *additional infrastructure* will be provided in order to both facilitate development and change and minimise environmental impacts from it, including avoiding impacts on the operation of *regionally and nationally significant infrastructure*.

In addition, this chapter seeks to maintain the character and *amenity values* of Otago's rural areas, including by facilitating the use of the *natural and physical resources* that support the viability of the rural sector. Otago's rural and urban areas also contain significant natural, cultural and historic values and features as identified by other parts of this RPS. In all cases while facilitating urban development and managing rural productive activities these values must also be identified, maintained and, wherever possible, enhanced. This approach includes direction on different types of development within rural areas, managing the expansion and location of *urban areas*, and rural lifestyle and rural residential development, and directing that growth be enabled in *urban areas* to minimise the need for development to occur within rural areas, other than what is needed to facilitate rural community and rural productive activities.

The policies in this chapter are primarily focused on directing where development is and is not appropriate and under what circumstances, but provides discretion for *local authorities* to determine the detail of how that development is managed, its ultimate density, height, bulk and location, timing and sequencing, the detail of any required *development infrastructure* and *additional infrastructure* that may be needed, and allows for the consideration of particular locally significant features values and needs that contribute to the attractiveness or uniqueness of the diverse communities, landscapes, and environments of the region.

This more detailed determination must, however, be informed by evidence and information collated through appropriately scaled *strategic planning* processes and will be implemented by a range of regulatory and non-regulatory methods, including joint development of *Housing and Business Assessments* and *Future Development Strategies* for Tier 2 local authorities, and similar but appropriately scaled processes undertaken in and for other areas, including regular regional, district and *urban environment* scale monitoring, analysis and evaluation.

In delivering on the objectives and policies in this chapter, which relate largely to human activities and settlements, the natural, physical, and built values and features of importance to the region must be recognised and provided for.

The following chapters of this Regional Policy Statement have particular relevance to the achievement of the objectives of this chapter by identifying particular aspects of Domains or Topics to be managed, and where there is an apparent conflict, must be balanced in accordance with the directions outlined in the Integrated Management chapter:

- *MW – Mana Whenua*
- AIR – Air
- CE – Coastal environment
- LF – *Land and freshwater*
- ECO – Ecosystems and indigenous *biodiversity*
- EIT – Energy, *infrastructure* and transport
- HAZ – Hazards and *risks*
- HCV – Historical and cultural values
- NFL – Natural features and landscapes

15.24.2. Submissions

472. Five submissions were received on this section.
473. Waka Kotahi⁴⁴⁸ and QLDC⁴⁴⁹ seek the section be retained as notified.
474. FENZ⁴⁵⁰ requests the section be amended to consider risks of development in unique locations where factors such as vulnerability to fire risk, lack of escape routes, emergency services accessibility and sufficient water supplies are important considerations for community safety.
475. Federated Farmers⁴⁵¹ seeks that paragraph 2 be deleted. Horticulture NZ⁴⁵² requests that paragraph 2 be moved to a new chapter focussed on the rural area. Both submitters (and others) have made substantive comments on the inclusion or treatment of rural development in the RPS generally and in the UFD chapter specifically and these points are in line with those narratives.

15.24.3. Analysis

FENZ: fire risk

476. The submission of FENZ highlights a potential gap in the RPS where the importance of emergency services is potentially understated. Fire and fire risk is a natural hazard, which is also likely to increase in risk with climate change and development, and as are dealt

⁴⁴⁸ 00305.106 Waka Kotahi

⁴⁴⁹ 00138.224 QLDC

⁴⁵⁰ 00219.020 FENZ

⁴⁵¹ 00239.178 Federated Farmers

⁴⁵² 00236.105 Horticulture NZ

with in the HAZ chapter (see HAZ-NH-P3 to HAZ-NH-P5 inclusive). Including the matters listed in the submission highlight they are a useful part of broader considerations for decision-making on suitability of zoning for urban expansion and new rural residential development, and their inclusion in the explanation in a general way will add value and recognise the linkages between overall suitability assessments and the particular requirements of the HAZ chapter.

477. With respect to sufficiency of water supplies for individual developments with respect to firefighting capability⁴⁵³, this is best dealt with via detailed Building Act, Infrastructure Code of Practice or NZ Standards updates or requirements but a small amendment has been made to UFD-P7, to refer to ‘water supplies’ generally, rather than ‘drinking water supplies’ specifically, so inclusion here would also be consistent with that approach.

Paragraph 2: delete or move

478. In line with other submissions seeking separation of rural aspects from this chapter, these submissions are not accepted for those same reasons, in that the UFD chapter captures development issues in urban and rural areas.

15.24.4. Recommendation

479. I recommend amending UFD-E1 as follows:

UFD-E1 – Explanation

The policies in this chapter are designed to facilitate the provision of sufficient housing and business capacity and ensure all of the region’s *urban areas* demonstrate the features of *well-functioning urban environments* and meet the needs of current and future communities. Urban intensification must be enabled, and urban expansion should be facilitated, however these important decisions should be preceded and guided by strategic planning processes that consider how best this can be achieved, while also maintaining and, wherever possible, enhancing the important values and features identified in other chapters of this RPS, and in consideration of local context, values and pressures. The strategic planning process will also consider and demonstrate where, when, how and by whom the necessary *development infrastructure* and *additional infrastructure* will be provided in order to both facilitate development and change and minimise environmental impacts from it, including avoiding impacts on the operation of *regionally significant infrastructure*⁴⁵⁴ *and nationally significant infrastructure*.

In addition, this chapter seeks to maintain the character and *amenity values* of Otago’s rural areas, including by facilitating the use of the *natural and physical*

⁴⁵³ The sufficiency of water for development is an important part of the criteria for demonstrating suitability of areas for rural residential development (including impacts on existing water takes) and the management of a regulatory function of regional councils, this discussion relates to the specific submission of FENZ to include standards or criteria for water availability at the site level which is inappropriate to include in an RPS.

⁴⁵⁴ Clause 16(2), Schedule 1, RMA

resources that support the viability of the rural sector. Otago's rural and urban areas also contain significant natural, cultural and historic values and features as identified by other parts of this RPS. In all cases while facilitating urban development and managing rural productive activities these values must also be identified, maintained and, wherever possible, enhanced. This approach includes direction on different types of development within rural areas, managing the expansion and location of *urban areas*, and rural lifestyle and rural residential development, and directing that growth be enabled in *urban areas* to minimise the need for development to occur within rural areas, other than what is needed to facilitate rural community and rural productive activities and particular activities that have a *functional need or operational need* to locate in rural areas.⁴⁵⁵

The policies in this chapter are primarily focused on directing where development is and is not appropriate and under what circumstances, but provides discretion for *local authorities* to determine the detail of how that development is managed, its ultimate density, height, bulk and location, timing and sequencing, the detail of any required *development infrastructure* and *additional infrastructure* that may be needed,⁴⁵⁶ and allows for the consideration of particular locally significant features values and needs that contribute to the attractiveness or uniqueness of the diverse communities, landscapes, and environments of the region.

This more detailed determination must, however, be informed by evidence and information collated through appropriately scaled *strategic planning* processes and which will identify how constraints to urban development, such as hazards, landscapes, highly productive land, and environmental limits, are responded to, and opportunities for meeting demand, integration with lifeline utilities, infrastructure and other requirements may be provided for. They⁴⁵⁶ will be implemented by a range of regulatory and non-regulatory methods, including partnership arrangements with iwi, developers, infrastructure providers and central government,⁴⁵⁷ joint development of *Housing and Business Assessments* and *Future Development Strategies* for Tier 2 local authorities, and similar but appropriately scaled processes undertaken in and for other areas, including regular regional, district and *urban environment* scale monitoring, analysis and evaluation.

In delivering on the objectives and policies in this chapter, which relate largely to human activities and settlements, the natural, physical, and built values and features of importance to the region must be recognised and provided for. These values and features are largely identified within other chapters and provision of the RPS. They also provide detail on how they should be identified and managed. Achieving the objectives of this chapter requires consideration of those other relevant parts of this

⁴⁵⁵ 0023.6105 Horticulture NZ - and consequential to amendments to UFD-P7 and UFD-P8

⁴⁵⁶ FENZ 00219.020, DCC 0139.268

⁴⁵⁷ FENZ 00219.020, DCC 0139.268 DCC 00139.268

RPS.⁴⁵⁸

The following chapters of this Regional Policy Statement have particular relevance to the achievement of the objectives of this chapter by identifying particular aspects of Domains or Topics to be managed, and where there is an apparent conflict, must be balanced in accordance with the directions outlined in the IM -⁴⁵⁹ Integrated Management chapter:

- MW – *Mana Whenua*
- AIR – Air
- CE – Coastal environment
- LF – *Land and freshwater*
- ECO – Ecosystems and indigenous *biodiversity*
- EIT – Energy, *infrastructure* and transport
- HAZ – Hazards and *risks*
- HCV – Historical and cultural values
- NFL – Natural features and landscapes

15.25. UFD-PR1 – Principal reasons

15.25.1. Introduction

480. This provision sets out the principal reasons for adopting the objectives, policies, and methods of this chapter. For the most part, they relate to s30 and s31 requirements of both regional and territorial authorities, giving effect to the NPSUD and other national guidance as it relates to urban development, and implementing integrated management through the lens of *ki uta ki tai*, recognising that siloed approaches will not achieve sustainable management generally nor result in well-functioning urban areas specifically.

481. As notified, UFD-PR1 reads:

UFD-PR1 – Principal reasons

The provisions in this chapter assist in fulfilling the functions of the regional council under section 30(ba) and *territorial authorities* under section 31(aa) of the RMA 1991 to ensure sufficient *development capacity* in relation to housing and *business land* to meet the expected demands of the region and districts respectively. They also assist in giving effect to the similar but more detailed requirements of the *NPSUD*.

Urban areas are important for community well-being and are a reflection the inherently social nature of humans. Well-functioning urban areas enable social interactions and provide a wide variety (across type, location and price) of housing, employment and recreational opportunities to meet the varied and variable needs and preferences of communities, in a way that maximises the well-being of its present

⁴⁵⁸ DCC00139.268, and 00139.259

⁴⁵⁹ Cl16, Consistency with National Planning Standards

and future inhabitants, and respects its history, its setting and the *environment*. The combination of population growth and demographic change will result in changes in the quantity and qualities demanded of housing, employment, business, *infrastructure*, social facilities and services across the region. Upgrade and replacement of the existing development and infrastructure will also continue to be required even where growth is limited, resulting in changes in the built environment. Some of these changes will also be driven by changes in the *natural environment*, including the impacts of climate change. Urban areas are highly dynamic by nature, so the provisions in this chapter seek to manage, rather than limit, the form, function, growth and development of urban areas in a way that best provides for the community's well-being both now and into the future.

The pace and scale of growth and change, and the scale and nature of urban environments and areas in the region is variable, meaning no single response at a regional level is appropriate in all cases. Accordingly, the process identified in this RPS remains flexible and responsive (outside of Tier 2 urban environments, which have specific requirements under the NPSUD). Key requirements of strategic planning include considering and providing for reasonably expected changes in overall quantum of demand and supply as well as changes in needs and preferences that may drive or add to these changes in demand, designing to maximise the efficient use of energy, land and infrastructure (including transport infrastructure). This can best be achieved by prioritising development in and around the region's existing urban areas as the primary focus of the region's growth and change, by enabling development within and adjacent to those urban areas, where it generally is most suitable and most efficient to do so.

These strategic planning processes provide the mechanism by which longer term issues can be considered, integration between land use and infrastructure can be achieved, and various constraints, opportunities and key trade-offs can be identified and appropriately resolved, while identifying and managing the values and resources identified in this RPS. These processes, and others should always involve *mana whenua*, at all levels of the process to ensure their views and values can be incorporated and celebrated, and their needs and aspirations appropriately provided for.

All development should seek to maximise efficient use of water consumption (through water efficient design) and disposal (reduced consumption reduces sewerage loads, and the water sensitive design reduces impacts on both supplying and receiving natural systems and can reduce flooding from stormwater), and maximise the winter capture and retention of the sun's energy, which will also assist with reducing the energy needed to heat homes in winter and can also help reduce air pollution from solid fuel burning for home heating. Development in more central parts of the region also need to be designed to be cognisant of minimising excess sun capture in the summer months. Enabling the establishment and use of small-scale renewable energy generation also facilitates local energy resilience, contributes to national renewable energy generation targets with associated climate change benefits, and may reduce

the need for additional large-scale generation and transmission infrastructure and associated impacts.

Rural areas are attractive as residential living areas, and for other non-rural activities. However, they contain areas, activities and resources critical for rural production that can be impacted by sensitive activities. Non-urban areas also contain a wide range of other values that can be negatively impacted by the impacts of rural-residential and other activities, that do not have a functional need to be in rural areas. The provisions in this chapter focus on managing where rural living opportunities and other non-rural activities are provided for, so that the potential *effects* on the rural character, productive potential and the wide range of environmental values, features and resources that rural areas also contain are appropriately managed. The supply of rural lifestyle opportunities to meet demand should be directed to suitably located and zoned areas to minimise impacts on values in rural areas. In designing and planning for rural residential and rural lifestyle development, local authorities will need to be aware of the potential future constraints on future urban expansion and development, including the cumulative impacts of infrastructure servicing irrespective of whether this is onsite, community or through connections to urban reticulated schemes.

Implementation of the provisions in this chapter will occur partially through *regional plans* but primarily *district plan* provisions, as well as through preparation of *future development strategies* and *structure plans*. To appropriately and efficiently achieve the objectives and policies, other non-regulatory spatial planning exercises and associated action plans, agreements and infrastructure delivery programs will be needed to complement regulatory approaches, including setting aside the necessary funding for delivery, and partnering with *mana whenua*, central government, communities and developers to deliver the quality and quantity of urban development needed to meet demand and provide for change, improve land and development market competitiveness, and achieve resilient, efficient and attractive urban places.

15.25.2. Submissions

- 482. Five submissions were received on this section.
- 483. Waka Kotahi ⁴⁶⁰ and QLDC ⁴⁶¹ seek the section be retained as notified.
- 484. Federated Farmers ⁴⁶² seeks that references to use and development within rural areas be deleted.
- 485. Horticulture NZ ⁴⁶³ requests that paragraph 6 be moved to a new chapter focussed on the rural area and amended as follows:

⁴⁶⁰ 00305.107 Waka Kotahi

⁴⁶¹ 00138.225 QLDC

⁴⁶² 00239.179 Federated Farmers

⁴⁶³ 00236.105 Horticulture NZ

~~“Rural areas are attractive as residential living areas and for other non – rural activities. The rural areas are important to Otago for the primary production activities that are undertaken within those areas. There is pressure from non – rural activities, such as residential living and lifestyle to locate within the rural area. However, such activities can adversely affect rural production and are incompatible with primary production activities.”~~

486. Dunedin City Council ⁴⁶⁴ has not provided any suggested text but seeks significant amendments to address the following points:
- a. Make all amendments necessary to align with the DCC submission on the rest of this section.
 - b. Amend so this section gives greater recognition to relative roles and responsibilities for growth planning being between territorial authorities and regional councils.
 - c. Make note that territorial authorities are the primary entity responsible for many aspects of growth management and the importance of district plan setting strategic directions for growth and urban form.
 - d. Note that management of most land use and development consents and responsibility for delivery of most infrastructure lies with territorial authorities but also note the important role the ORC plays in being a provider of public transport services, hazards mitigation, and the overlay with issues managed at the regional level particularly in terms of freshwater outcomes and air quality.
 - e. Discuss how the NPS – UD sets out requirements for regional councils to be part of the urban growth planning and how the RPS content reflects that and the need to manage any regionally significant issues (and what those are) and how that is reflected in the content of the RPS.

15.25.3. Analysis

Federated Farmers: Delete Rural Provisions

487. In line with other submissions seeking separation of rural aspects from this chapter, these submissions are not accepted for those same reasons, which are that the UFD chapter manages development issues in an integrated way in both rural and urban areas.

Horticulture NZ: Amendments and additions

488. These amendments seek to highlight the importance of rural areas for rural activities, and the functional and operation need for them to be both located there and protected from sensitive activities, which is supported in principle, but no amendments are recommended as the principle reasons already captures this.

Dunedin City Council: Amend to reflect submission points

489. In line with the NPSUD which requires local authorities with jurisdiction over an urban environment to take joint responsibility for various implementation tasks, the RPS has

⁴⁶⁴ 00139.269 DCC

taken a high level approach to outlining what needs to be done without necessarily predetermining who does what, apart from in the Methods where M1 and M2 separate joint responsibilities at the strategic planning level and recognise the key role of District Plans (in line with s30 and s31 RMA responsibilities), which do not need to be restated.

490. There is no doubt that under current roles and responsibilities, TAs take on the bulk of the day to day implementation and enabling workload, but this does not necessarily need to be the case (for example under the Urban Development Act, Kainga Ora may take on these tasks) and may not always be the case particularly with ongoing three waters and RM reforms well underway. Division of responsibilities is also open to negotiation under any FDS, and also by way of Triennial Agreements, and various powers of delegation which is relatively common practice in Otago⁴⁶⁵.
491. The submission outlines the current arrangements, but they do not need to be protected or recognised in the RPS, and the submission is rejected to the extent that these points are not already implicit or explicit in the provisions or otherwise outlined in other legislation or regulations. Furthermore achieving integrated management and *ki uta ki tai* requires all actors to work together to achieve these objectives, rather than focussing on silos or narrow readings of functions and duties.
492. A number of amendments are suggested to clarify some aspects of PR1, and the submission of DCC is accepted in part.

15.25.4. Recommendation

493. I recommend UFD-PR1 is amended as follows:

UFD-PR1 – Principal reasons

The provisions in this chapter assist in fulfilling the functions of the regional council under section 30(ba) and *territorial authorities* under section 31(aa) of the RMA ~~1991~~⁴⁶⁶ to ensure sufficient *development capacity* in relation to housing and *business land* to meet the expected demands of the region and districts respectively. They also assist in giving effect to the similar but more detailed requirements of the *NPSUD*.

Urban areas are important for community well-being and are a reflection the inherently social nature of humans. *Well-functioning urban areas* enable social interactions and provide a wide variety (across type, location and price) of housing, employment and recreational opportunities to meet the varied and variable needs and preferences of communities, in a way that maximises the well-being of its present and future inhabitants, and respects its history, its setting and the *environment*. The combination of population growth and demographic change will

⁴⁶⁵ For example both CODC and QLDC have delegations in relation to resource consenting some activities within the beds and lakes of rivers.

⁴⁶⁶ Clause 16(2), Schedule 1, RMA

result in changes in the quantity and qualities demanded of housing, employment, business, *infrastructure*, social facilities, emergency services and lifeline utilities⁴⁶⁷ and other⁴⁶⁸ services across the region. Upgrade and replacement of the existing development and infrastructure will also continue to be required even where growth is limited, resulting in changes in the built environment. Some of these changes will also be driven by changes in the *natural environment*, including the impacts of climate change. Urban areas are highly dynamic by nature, so the provisions in this chapter seek to manage, rather than limit, the form, function, growth and development of urban areas in a way that best provides for the community's well-being both now and into the future.

The pace and scale of growth and change, and the scale and nature of urban environments and areas in the region is variable, meaning no single response at a regional level is appropriate in all cases. Accordingly, the process identified in this RPS remains flexible and responsive (outside of Tier 2 *urban environments*, which have specific requirements under the *NPSUD*). Key requirements of strategic planning include considering and providing for reasonably expected changes in overall quantum of demand and supply as well as changes in needs and preferences that may drive or add to these changes in demand, designing to maximise the efficient use of energy, land and infrastructure (including transport infrastructure). This can best be achieved by prioritising development in and around the region's existing urban areas as the primary focus of the region's growth and change, by enabling development within and adjacent to those urban areas, where it generally is most suitable and most efficient to do so.

These strategic planning processes provide the mechanism by which longer term issues can be considered, integration between land use and infrastructure can be achieved, and various constraints, opportunities and key trade-offs can be identified and appropriately resolved, while identifying and managing the values and resources identified in this RPS. These processes, and others should always involve *mana whenua*, at all levels of the process to ensure their views and values can be incorporated and celebrated, and their needs and aspirations appropriately provided for.

All development should seek to maximise efficient use of water consumption (through water efficient design) and disposal. Reduced⁴⁶⁹ consumption reduces sewerage loads, and the⁴⁷⁰ water sensitive design reduces impacts on both supplying and receiving natural systems and can reduce flooding from stormwater⁴⁷¹, and maximise the winter capture and retention of the sun's⁴⁷² energy, which will also

⁴⁶⁷ 00219.020 FENZ

⁴⁶⁸ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00219.020 FENZ

⁴⁶⁹ Clause 16(2), Schedule 1, RMA

⁴⁷⁰ Clause 16(2), Schedule 1, RMA

⁴⁷¹ Clause 16(2), Schedule 1, RMA

⁴⁷² Clause 16(2), Schedule 1, RMA

assist with reducing the energy needed to heat homes in winter and can also help reduce *air* pollution from solid fuel burning for home heating. Development in more central parts of the region also need to be designed to be cognisant of minimising excess sun capture in the summer months. Enabling the establishment and use of *small-scale renewable energy generation* also facilitates local *energy* resilience, contributes to national *renewable energy* generation targets with associated *climate change* benefits, and may reduce the need for additional large-scale generation and transmission infrastructure and associated impacts.

Rural areas are attractive as residential living areas, and for other non-rural activities. However, they contain areas, activities and resources critical for rural production that can be impacted by sensitive activities. Non-urban areas also contain a wide range of other values that can be negatively impacted by the impacts of rural-residential and other activities, that do not have a ~~functional need~~ *functional need*⁴⁷³ to be in rural areas. The provisions in this chapter focus on managing where rural living opportunities and other non-rural activities are provided for, so that the potential *effects* on the rural character, productive potential and the wide range of environmental values, features and resources that rural areas also contain are appropriately managed. The supply of rural lifestyle opportunities to meet demand should be directed to suitably located and zoned areas to minimise impacts on values in rural areas. In designing and planning for rural residential and rural lifestyle development, local authorities will need to be aware of the potential future constraints on future urban expansion and development, including the cumulative impacts of infrastructure servicing irrespective of whether this is onsite, community or through connections to urban reticulated schemes.

Implementation of the provisions in this chapter will occur partially through *regional plans* but primarily *district plan* provisions, as well as through preparation of *future development strategies* and *structure plans* and the financial and infrastructure planning processes they inform. While the functions and duties of regional and territorial authorities are different, each brings different focus and responsibilities to the task of achieving well-functioning urban environments. Working together, and with others, in accordance with specified joint responsibilities under the NPSUD, will assist with achieving the purpose of the RMA and the outcomes sought by this RPS.⁴⁷⁴

To appropriately and efficiently achieve the objectives and policies, other non-regulatory spatial planning exercises and associated action plans, agreements and infrastructure delivery programs will be needed to complement regulatory approaches, including setting aside the necessary funding for delivery, and partnering with *mana whenua*, central government, communities and developers to deliver the quality and quantity of urban development needed to meet demand and

⁴⁷³ Clause 16(2), Schedule 1, RMA

⁴⁷⁴ DCC00139.268

provide for change, improve land and development market competitiveness, and achieve resilient, efficient and attractive urban places.

15.26. UFD-AER1

15.26.1. Introduction

494. As notified, UFD-AER1 reads:

UFD-AER1

Appropriately scaled strategic planning occurs in advance of regulatory planning, and regulatory plans are changed in a timely manner to facilitate the outcomes identified in these processes.

15.26.2. Submissions

495. Two submissions⁴⁷⁵ were received on this provision, both seeking it be retained as notified.

15.26.3. Analysis

496. There are no requests for amendments to this provision and there is limited scope for amendment other than as a consequence of another submission or in response to general relief.

15.26.4. Recommendation

497. I recommend UFD-AER1 is retained as notified.

15.27. UFD-AER2

15.27.1. Introduction

498. As notified, UFD-AER2 reads:

UFD-AER2

Urban expansion only occurs when suitable and sufficient *development infrastructure* is in place or will be provided at the time of expansion and provision is made for the needs of *additional infrastructure*.

15.27.2. Submissions

499. Three submissions⁴⁷⁶ were received on this provision, all seeking it be retained as notified.

⁴⁷⁵ QLDC 00138.226, Waka Kotahi 00305.108

⁴⁷⁶ 00138.227 QLDC, 00305.109 Waka Kotahi, 00421.015 Ministry of Education

15.27.3. Analysis

500. There are no requests for amendments to this provision and there is limited scope for amendment other than as a consequence of another submission or in response to general relief.

15.27.4. Recommendation

501. I recommend UFD-AER-2 is retained as notified.

15.28. UFD-AER3

15.28.1. Introduction

502. As notified, UFD-AER3 reads:

UFD-AER3

Development infrastructure is in place in time to facilitate reasonably expected urban intensification or planned expansion.

15.28.2. Submissions

503. Two submissions⁴⁷⁷ were received on this provision, both seeking it be retained as notified.

15.28.3. Analysis

504. There are no requests for amendments to this provision and there is limited scope for amendment other than as a consequence of another submission or in response to general relief.

15.28.4. Recommendation

505. I recommend UFD-AER3 is retained as notified.

15.29. UFD-AER4

15.29.1. Introduction

506. As notified, UFD-AER4 reads:

UFD-AER4

New developments including redevelopments are designed to maximise energy and transport efficiency and minimise impacts on *water* quality and quantity.

⁴⁷⁷ 00138.228 QLDC, 00305.110 Waka Kotahi

15.29.2. Submissions

507. Two submissions⁴⁷⁸ were received on this provision, both seeking it be retained as notified.

15.29.3. Analysis

508. There are no requests for amendments to this provision and there is limited scope for amendment other than as a consequence of another submission or in response to general relief.

15.29.4. Recommendation

509. I recommend UFD-AER4 is retained as notified.

15.30. UFD-AER5

15.30.1. Introduction

510. As notified, UFD-AER5 reads:

UFD-AER5

The majority of new development is located close to services, jobs, and other urban amenities and can access those amenities by a range of transport modes including *active transport* and, where available, *public transport*.

15.30.2. Submissions

511. Two submissions⁴⁷⁹ were received on this provision, both seeking it be retained as notified.

15.30.3. Analysis

512. There are no requests for amendments to this provision and there is limited scope for amendment other than as a consequence of another submission or in response to general relief.

15.30.4. Recommendation

513. I recommend UFD-AER5 is retained as notified.

15.31. UFD-AER6

15.31.1. Introduction

514. As notified, UFD-AER6 reads:

⁴⁷⁸ 00138.229 QLDC, 00305.111 Waka Kotahi

⁴⁷⁹ 00138.230 QLDC, 00305.112 Waka Kotahi

UFD-AER6

The mode share and use of *active transport* and *public transport* increases.

15.31.2. Submissions

515. Three submissions were received on this provision, two seeking it be retained as notified⁴⁸⁰.

516. Dunedin City Council⁴⁸¹ seeks amendments as follows: “The mode share and use of active transport and public transport increases, for trips where travel distances allow and facilities or services to support these modal options are present.”

15.31.3. Analysis

517. Achieving mode share change requires fundamental changes to the relative attractiveness and safety of alternative modes relative to the single occupant vehicle. This requires changes to the provision of services, including safer and more attractive walking and cycling, and public transport, as well as land use changes to enable more people to access more things within walkable, bikeable or busable distances. Not all trips can or will be made by these modes. The anticipated result is that they increase, as a proportion of all trips, at the same time as the overall number of trips and distance travelled is increasing. The result can be applied at varying scales and the lack of PT provision will clearly be a limitation on mode share in certain locations, but lack of current service should not be a suggestion to foreclose future service provision and the success of public transport is highly correlated to walkability and accessibility to stations and stops.

15.31.4. Recommendation

518. I recommend UFD-AER6 is amended as follows:

UFD-AER6

The mode share and use of *active transport* and where available,⁴⁸² *public transport* increases.

15.32. UFD-AER7

15.32.1. Introduction

519. As notified, UFD-AER7 reads:

UFD-AER7

⁴⁸⁰ 00138.231 QLDC, 00305.113 Waka Kotahi

⁴⁸¹ 00139.270 DCC

⁴⁸² 0139.272 DCC

New developments are at minimal *risk* from *natural hazards* including changes to *risk* due to the impacts of *climate change*, and do not increase *risk* to existing or planned developments.

15.32.2. Submissions

520. A single submission⁴⁸³ was received on this provision, in support of retaining it as notified.

15.32.3. Analysis

521. There are no requests for amendments to this provision and there is limited scope for amendment other than as a consequence of another submission or in response to general relief

15.32.4. Recommendation

522. I recommend UFD-AER7 is retained as notified.

15.33. UFD-AER8

15.33.1. Introduction

523. As notified, UFD-AER8 reads:

UFD-AER8

In existing urban areas at *risk* from *natural hazards*, including changes to *risk* due to the impacts of *climate change*, communities are informed, *resilient* and prepared for the *effects* of known *natural hazard risks*.

15.33.2. Submissions

524. A single submission⁴⁸⁴ was received on this provision, in support of retaining it as notified.

15.33.3. Analysis

525. There are no requests for amendments to this provision and there is limited scope for amendment other than as a consequence of another submission or in response to general relief.

15.33.4. Recommendation

526. I recommend UFD-AER8 is retained as notified.

⁴⁸³ 00138.232 QLDC

⁴⁸⁴ 00138.233 QLDC see also New UFD Related Definitions section.

15.34. UFD-AER9

15.34.1. Introduction

527. As notified, UFD-AER9 reads:

UFD-AER9

There is an increased range of housing types and locations and an increased number of *dwellings*, particularly more affordable housing in existing and planned *urban areas*.

15.34.2. Submissions

528. Two submissions⁴⁸⁵ were received on this provision, both seeking it be retained as notified. I note, however, that QLDC's support is conditional on a new definition of 'affordability'⁴⁸⁶ being included in the RPS.

15.34.3. Analysis

529. There is limited scope for amendments to this provision other than in response to consequential or general relief, which relates to the proposed definition of 'affordability' sought by QLDC.

530. Affordability is generally considered as a function of the relationship between income and housing costs, both of which can be identified using a wide range of data and techniques. The term 'affordability' is also used in a wide and general sense. The RPS has only a relatively indirect influence on both of these matters. Through its directions that will influence land use and infrastructure planning by local authorities, the potential for an increased supply of housing (and thereby a potential reduction in the cost of housing, either in absolute terms or in respect of what it could have otherwise been) is likely to be a stronger correlation or impact. These same approaches will also increase supply of space for business, but the relationship (if any) or directionality between any increased capacity for business and employees' incomes is unknown.

531. In my view QLDC's proposed definition would better relate to 'affordable' as a 'threshold' or 'gateway' for the application of particular locally appropriate approaches to target specific measures towards lower income households. While I support these measures, in my view the definition proposed by QLDC is too specific for an RPS and is more appropriate and consistent with more detailed approaches such as the QLDC's Housing

⁴⁸⁵ 00305.114 Waka Kotahi, 00138.234 QLDC

⁴⁸⁶ See 00138.028QLDC: "Affordability: where a low – or moderate – income household spends no more than 35% of their gross annual income on rent or mortgage (principal and interest) repayments."

Strategy and Action Plan⁴⁸⁷ one specific action being an inclusive zoning proposal⁴⁸⁸ with specific, and reasonably required bounds for entry.

532. The key direction of influence of the RPS is therefore by providing the support needed to TAs to increase the plan enabled (and infrastructure serviced) *potential* for more housing (choice, localities, types, and prices) to be provided, making (or at least providing the preconditions necessary for) *all* housing more affordable. This occurs because the ratio between income and prices, (particularly for lower income households) reduces, however measured. A particular weighting for responsive planning to 'more affordable' housing is provided, for example, in UFD - P10, and TAs may wish to provide a greater level of local specificity based on their monitoring and research about what this means for their district as a whole or particular urban areas. At the RPS level, the approach does not focus on one segment of society or threshold but seeks to reduce *unnecessary* costs, that can be attributed to capacity shortages, to enable the whole market to function more easily, to achieve *well functioning urban environments*. This in turn will facilitate and smooth churn across all market segments (resulting in, for example, increased ability and therefore likelihood, for empty nester retirees to age in place by moving to a smaller unit nearby and sell up the former family home to another young family) but also not precluding the more targeted approach, such as proposed by QLDC in its Housing Strategy

15.34.4. Recommendation

533. I recommend UFD-AER9 is retained as notified.

15.35. UFD-AER10

15.35.1. Introduction

534. As notified, UFD-AER10 reads:

UFD-AER10

The current and future needs of business are met by the availability of a range of opportunities for *land* and space that meets their requirements.

15.35.2. Submissions

535. Two submissions were received on this provision. QLDC ⁴⁸⁹ seeks it be retained as notified.
536. Dunedin City Council ⁴⁹⁰ seeks an addition to the existing provision as follows: "The current and future needs of business are met by the availability of a range of

⁴⁸⁷ <https://www.qldc.govt.nz/your-council/major-projects/housing-in-the-queenstown-lakes/queenstown-lakes-homes-strategy>

⁴⁸⁸ <https://www.qldc.govt.nz/your-council/district-plan/proposed-district-plan/planning-for-affordable-housing>

⁴⁸⁹ 00138.235 QLDC

⁴⁹⁰ 00139.271 DCC

opportunities for land and space that meets their requirements and the objectives of this RPS and any relevant objectives of district plans.”

15.35.3. Analysis

537. In respect of DCCs submission, this proposes the inclusion of two separate (but related) criteria. The relationship is twofold, being that the provision of business space is not entirely business need or demand driven, but subject to constraints of both the RPS, and (secondly) the District Plans that must give effect to the RPS.
538. Part of the challenge for implementing the NPSUD in particular, is the requirement for ‘responsive planning’ - by definition this could mean that decisions need to be made that do not accord with current planning provisions.
539. This AER is not a ‘get out of jail free’ card for any proposal for additional business space, but reflects the objectives and policies of this chapter (and others) and enable the development of measure(s) of both overall supply (quantity) and suitability of zoning/sites for the intended use (quality) of subsequent decisions made, ideally in accordance with strategic planning (which would accord with the RPS and the strategic directions of DPs), that should reduce the need for ‘responsive planning’ that by its nature is more likely to challenge DP objectives, to the extent that possible changes to the extant zoning conflict with them.
540. All AERs are to be read as a whole, and they reflect the measurable, intended outcomes to the Objectives (and the policies that give further clarity and detail), so adding “and the objectives of this RPS” would be inappropriate.

15.35.4. Recommendation

541. I recommend UFD-AER10 is retained as notified.

15.36. UFD-AER11

15.36.1. Introduction

542. As notified, UFD-AER11 reads:

UFD-AER11

All new rural residential or rural lifestyle development occurs within areas zoned for this use.

15.36.2. Submissions

543. Four submissions were received on this provision. Two⁴⁹¹ seek the provision be retained as notified.

⁴⁹¹ 00138.236 QLDC, 00305.115 Waka Kotahi

544. Dunedin City Council 00139.272 requests the following amendments: “~~All~~ New rural residential or rural lifestyle development is directed towards ~~occurs within~~ areas zoned for this use”.

545. Horticulture NZ 00236.107 requests the following as a replacement for the notified version: “Primary production will continue within rural areas where the focus is on rural production with only rural supporting activities locating within the zone.”

15.36.3. Analysis

546. The submission of DCC suggests a change from one that reflects a measurable outcome to a measure that reflects ‘intentions’ to achieve an outcome. For this reason I do not recommend accepting this submission.

547. The submission of Horticulture NZ fundamentally changes the focus of the AER from one that focusses on rural residential and rural lifestyle development occurring in appropriately zoned areas to one that focusses on primary production. I do not agree with the deletion of the current AER, but I do accept that to align with the objectives and policies of the UFD chapter to require an outcome consistent with the proposed replacement. Accordingly, the submission of Horticulture NZ is recommended to be rejected, but I refer the submitter to the discussion on new AERs below.

15.36.4. Recommendation

548. I recommend UFD-AER11 is retained as notified.

15.37. New AER

15.37.1. Introduction

549. A number of submitters have proposed additional or new UFD-AERs

15.37.2. Submissions

550. Federated Farmers⁴⁹² requests two new AERs:

“UFD – AER12 Highly productive soils are protected from inappropriate development
UFD – AER13 The productive capacity, amenity and character of the rural environment and rural activities are not adversely impacted by inappropriate urban expansion and urban activities and reverse sensitivity issues.”

551. Beef & Lamb⁴⁹³ requests:

“UFD – AER12: avoid adverse effects on rural areas caused by reverse sensitivity.”

552. Ngāi Tahu ki Murihiku⁴⁹⁴ seeks the addition of a new AER relevant to effects management and supporting values, as there is a need to be clear that one of the outcomes from

⁴⁹² 00239.180 Federated Farmers

⁴⁹³ 00237.064 Beef + Lamb and DINZ

⁴⁹⁴ 00223.132 Ngāi Tahu ki Murihiku

implementation of the chapter is preservation of values as a result of strategic planning, as stated for instance in UFD-O3(3), but has not provided a suggested wording.

15.37.3. Analysis

Highly productive Land

553. Federated Farmers⁴⁹⁵ proposed new AER pertains to Highly productive *soils* [I have assumed this is minor error and read as 'land' for consistency], which is also covered by LF-LS-AER13 which reads "The availability and capability of Otago highly productive land is maintained". However, the value in the proposal is the reference to the effect of 'inappropriate development', which is managed by the UFD chapter and appropriate to incorporate into the UFD Chapter, but with more specificity and consistency, for example:

"The area of highly productive land [identified in accordance with LF – LS – P19] affected by new urban expansion or nationally or regionally significant infrastructure is minimised, and there is no loss from rural residential or rural lifestyle development or rezoning."

554. This change would respond to the specific proposal of Federated Farmers, the general proposal of Ngāi Tahu ki Murihiku, and also address a number of points made by DCC in respect of the constraints that could apply to expansion of Mosgiel in particular, where the entirety of the urban environment is surrounded by soil likely to meet the identification criteria of LF – LS – P19(1), and also reflects the 'avoid as the first priority' approach to urban expansion in UFD-P4(6).

555. The draft NPS for Highly Productive Land also recognises that urban expansion or functional need (such as nationally significant infrastructure) would be provided with a potential, albeit difficult (strategic needs based) pathway, separate from less locationally necessary uses like rural lifestyle, as outlined in Objective 3 and Policy 3 of the Discussion document⁴⁹⁶. At the time of writing, the timing of any finalised NPS:HPL is unclear⁴⁹⁷, but may be in place in time to provide further guidance or refinement to the above AER and associated objectives and policies in this chapter and the LF - LS chapter though further evidence.

Maintenance of productive capacity

556. Federated Farmers⁴⁹⁸ requests the following new AER:

⁴⁹⁵ 00239.180 Federated Farmers

⁴⁹⁶ <https://www.mpi.govt.nz/dmsdocument/36624-Discussion-document-on-a-proposed-National-Policy-Statement-for-Highly-Productive-Land> see p 44 proposed Policy 3 and Objective 3 discussion.

⁴⁹⁷ <https://www.mpi.govt.nz/consultations/proposed-national-policy-statement-for-highly-productive-land/> accessed 28 Jan 2022 states: " Next steps of the NPS-HPL (Updated 15 April 2021) ... Final decisions on the proposed NPS-HPL will be made by ministers and Cabinet in the second half of 2021. If approved by Cabinet, the proposal would likely take effect in the second half of 2021."

⁴⁹⁸ 00239.180 Federated Farmers

“The productive capacity, amenity and character of the rural environment and rural activities are not adversely impacted by inappropriate urban expansion and urban activities and reverse sensitivity issues.”

557. Beef & Lamb⁴⁹⁹ seek:

“avoid adverse effects on rural areas caused by reverse sensitivity.”

558. The AERs are lacking an outcome that pertains to the rural outcomes anticipated through implementation of UFD-P7 and UFD-P8.

559. The approach proposed by Federated Farmers recognises that adverse effects from reverse sensitivity (including direct displacement) are likely from appropriate (that is strategically planned and zoned) urban expansion, and rural lifestyle developments. The more stringent ‘avoid’ proposed by Beef & Lamb refers to rural areas generally, and is limited to reverse sensitivity, the management of being a key part of this chapter.

560. I recommend the inclusion of the above submission points to cover key aspects of the UFD chapters expected outcomes that are not presently captured, but with some rewording for consistency to ensure the outcomes expected are clear and measurable.

Features and Values

561. Ngāi Tahu ki Murihiku⁵⁰⁰ seeks the addition of a new AER relevant to effects management and supporting values, as there is a need to be clear that one of the outcomes from implementation of the chapter is preservation of values as a result of strategic planning, as stated for instance in UFD-O3(3).

562. I agree the UFD AERs are lacking a direct reference to the preservation of features values.

563. This is because, the identification and management regime and outcomes expected for values and features is outlined by the chapter that pertains to those values, and therefore AERs relevant to them are found in those chapters.

15.37.4. Recommendation

564. I recommend inserting the following new AERs:

UFD AER 12

The establishment of sensitive activities within rural areas does not result in adverse effects on activities functionally dependent on rural resources and rural surroundings.

UFD AER13

Inappropriate urban expansion and urban activities do not adversely affect the amenity and character of the region’s rural areas.

UFD-AER14

⁴⁹⁹ 00237.064 Beef + Lamb and DINZ

⁵⁰⁰ 00223.132 Ngāi Tahu ki Murihiku

Mana whenua are involved in strategic planning and other planning processes.

UFD-AER15

The development of Native reserves and Te Ture Whenua Maori land occurs in accordance with the needs, aspirations and cultural values of mana whenua.

UFD-AER16

Urban and rural development maintain recognised regionally significant features and values.

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