

**BEFORE THE OTAGO REGIONAL COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the Proposed Otago Regional Policy Statement 2021 –  
Chapter 15 UFD – Urban form and development

---

**STATEMENT OF EVIDENCE OF ELIZABETH JANE SIMPSON ON BEHALF  
OF QUEENSTOWN LAKES DISTRICT COUNCIL (138)**

**23 NOVEMBER 2022**

---

PO Box 323 QUEENSTOWN 9348  
Tel +64 3 379 7622  
Fax +64 3 379 2467

**WYNN WILLIAMS**

Solicitor: Alice Balme / Jake Robertson  
(alice.balme@wynnwilliams.co.nz)  
(jake.robertson@wynnwilliams.co.nz)

## **1. INTRODUCTION**

1.1 My name is Elizabeth Jane Simpson. I am a Senior Planner – Urban Development employed by the Queenstown Lakes District Council (**QLDC**) and have prepared planning evidence on Chapter 15 / UFD – Urban form and development of the Otago Regional Council's Proposed Regional Policy Statement (**RPS**).

1.2 I hold the qualifications of a Master of Resource and Environmental Planning from Massey University (NZ, 2017) and an Honours Degree in Business and Environmental Management from Huddersfield University (UK, 2002). I am an Intermediate member of the New Zealand Planning Institute and an Associate member of the New Zealand Institute of Surveyors.

1.3 I have been employed in planning and development roles by Council since 2005 and employed in my current position since March 2019. My current role includes coordinating and forming council policy on urban growth initiatives such as the Te Pūtahi Ladies Mile masterplan and plan variation; and the monitoring of development and housing capacity for the National Policy Statement – Urban Development. Prior to this, I was Councils Team Leader: Subdivision, Development Contributions and Property, which included the supervision and delivery of Council's post subdivision approvals.

1.4 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying upon the evidence of another person.

## **2. PURPOSE AND STRUCTURE OF EVIDENCE**

2.1 The purpose of my evidence is to provide evidence in support of QLDC's planning submissions on the Urban Form and Development provisions of the RPS. I address these matters raised in QLDC's submission below.

2.2 In preparing my evidence I have reviewed:

- (a) Proposed Amendments PORPS

- (b) S 42A Report
- (c) Supplementary Evidence 15
- (d) Second Supplementary Evidence (HPL) 15
- (e) National Policy Statement – Highly Productive Land
- (f) National Policy Statement – Urban Development
- (g) QLDCs Proposed District Plan

**3. Objectives UFD-O4 – Development in *rural areas***

- 3.1 QLDC’s submission sought that UFD-O4(2) be retained as notified, subject to its relief on LF-LS-P19 being accepted, given that the notified provision stated that:

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

...

*(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,*

...

- 3.2 With respect to LF-LS-P19, QLDC’s submission was concerned that the notified version of the provision did not capture other factors that contribute to land being highly productive and would not capture, for example, the Gibbston wine area.

- 3.3 Objective UFD-O4 has since been amended and QLDC’s relief sought on LF-LS-19 was rejected in the s 42A report. However, the Second Supplementary Evidence (HPL) has recommended to remove the reference to LF-LS-P19 in UFD-O4(2) and amend this clause as:

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

...

*(2) avoids as the first priority, highly productive land,*

...

- 3.4 Given this amendment, I am satisfied that the Gibbston Character Zone is ‘highly productive land’, as it is a rural zone with a LUC 3 category rating primarily used for viticulture purposes is now sufficiently protected through the National Policy

Statement on Highly Productive Land (NPS-HPL), and subsequently the PORPS as amended. Therefore, I support the UFD-O4 as amended.

#### 4. Policies UFD-P6, UFD-P7 and UFD-P8

##### UFD-P6 *Industrial activities*

- 4.1 QLDC's original submission supported UFD-P6, and that it be retained as notified. Through the submission process, UFD-P6(3) has been amended as:

*Provide for industrial activities in urban areas by:*

...

*(3) ~~managing the establishment of non-industrial activities, in industrial zones, by avoiding activities likely to result in reverse sensitivity effects on existing or potential industrial activities (particularly residential or retail activities except yard-based retail)~~...*

- 4.2 I support the addition of avoiding reverse sensitivity effects on "existing or potential" industrial activities, as this amendment allows the plan to be adaptable and flexible as uses of the land changes over time, and therefore doesn't undermine the potential future uses of the zone.
- 4.3 I do not support the inclusion of '*(particularly residential or retail activities except yard-based retail)*'. The inclusion of a small list of activities has the potential to unnecessarily narrow the application of the policy.
- 4.4 In my view, the range of uses listed as incompatible or competing with industrial type activities is too narrow. In reality, there are a wide range of activities that are likely to result in reverse sensitivity effects on land identified for industrial uses, including any type of activity that is not an Industrial or Service activity, an activity that is ancillary to an Industrial or Service activity, or an activity type that clearly supports the operation of the industrial economy in a particular area.
- 4.5 Therefore, a more efficient and effective alternative would be to remove the activity specific text, as recommended below (deletions indicated by red strikethroughs):

~~(3) managing the establishment of non-industrial activities, in industrial zones, by Avoiding activities likely to result in reverse sensitivity effects on existing or potential industrial activities (particularly residential or retail activities except yard-based retail), or likely to result in an inefficient use of industrial zoned land or infrastructure, particularly where the area....~~

4.6 It is acknowledged however that residential and retail activities do have reverse sensitivity effects on activities intended to be accommodated within industrial zones. An alternative approach to that recommended above would be to identify a broader range of activities within the policy so that it is more explicit about the types of activities that are to be avoided. As an example, Policy 18A.2.2.1 of the proposed Queenstown Lakes District General Industrial and Service Zone identifies the following activities as needing to be avoided (unless otherwise provided for):

- Office, Commercial and Retail activities
- Large Format Retail
- Residential Activity, Residential Units and Residential Flats
- Visitor accommodation, Residential Visitor accommodation and Homestay activities
- Retail based Trade Suppliers

#### UFD-P7 Rural areas

4.7 QLDC's submission sought that the balance of UFD-P7 be retained as notified.

4.8 I support the amendments in Policy UFD-P7(3), specifically the removal of 'primary production' and the inclusion of prioritising 'land-based primary production' on highly productive land. *Land-based primary production* is a definition from the National Policy Statement on Highly Productive Land (**NPS-HPL**) and is defined as:

- (a) "*means production from agriculture, pastoral, horticulture or forestry activities, that is reliant on the soil resource of the land*"

- 4.9 The previous version of the policy that included *primary production*<sup>1</sup> was enabling of wider activities on the land such as quarrying and mining that would in my opinion take highly productive land out of use for production activities that are reliant on the soil resource of the land. By replacing this with specific reference to *land-based primary production*, as defined by the NPS-HPL, this ensures that the impacts of other *primary production* activities, such as mining, are not prioritised, so that primary production activities that are reliant on the soil resource can be prioritised on highly productive land.
- 4.10 I support the amendment to Policy UFD-P7(6), specifically the addition of restricting activities that could have reserve sensitivity effects on '*existing or potential*' primary production activities. This text ensures that the productive capacity of highly productive land is protected into the future which aligns with the NPS-HPL, in respect of avoiding inappropriate use and development of land that could impact the ability to use highly productive land for productive purposes now and into the future.

UFD-P7 *Rural areas* & UFD-P8 *Rural lifestyle and rural residential zones*

- 4.11 QLDC's original submission sought that UFD-P7(1) and UFD-P8(6) be amended to include the 'protection' of 'important features and values' identified in the RPS. I support this because the term 'maintenance' of important features and values is not directive enough.
- 4.12 The s 42A report rejected this submission, and instead references to 'important features and values' have been deleted in their entirety throughout the UFD Chapter. These deletions include:
- UFD-O (2)
  - UFD-O3(2)
  - UFD-O4(1)
  - UFD-P1(8)
  - UFD-P3(6)
  - UFD-P4(5)
  - UFD-P7(1)
  - UFD-P8(6)

---

<sup>1</sup> Primary Production has the same meaning as in clause 1.4 of the National Planning Standards 2019

- UFD-M1(4)
- UFD-M2(3a)
- UFD-E1

4.1 I support these recommended deletions. I consider that the NFL – Natural Features and Landscapes Chapter, specifically NFL-O1 and supporting policies NFL-P1, NFL-P2 & NFL-P3, clearly provide for both ‘protection’, and the ‘maintenance or enhancement’ of Otago’s outstanding and highly valued features and values. Therefore, as noted by the s 42A officer, the original cross referencing (now removed) used inconsistent wording that altered the manner in which the provisions in other chapters apply.

## 5. Method UFD-M1 – Strategic Planning

5.1 QLDC’s original submission sought that UFD-M1 be retained as notified. Through the submission process, UFD-M1(4) was amended to require ORC and territorial authorities to identify ‘*major and future activities, constraints and opportunities*’. This addition is supported; however, it has resulted in a limb (4) being long and difficult to understand. A more straightforward alternative would be to split the two requirements into an a) and b).

5.2 Accordingly, I recommend UFD-M1(4) is amended as follows: (amended text highlighted in red):

*Otago Regional Council and territorial authorities:*

*(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:*

- (a) provide the required development infrastructure and additional infrastructure in an integrated, timely, efficient and effective way; and*
- (b) to identify major existing and future activities, constraints and opportunities.*

*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*

## **6. Anticipated Environmental Results**

6.1 QLDC's original submission sought that UFD-AER1-8, and UFD-AER10 and UFD-AER11 be retained as notified, and that UFD-AER9 be amended to include a definition on 'affordable housing'. ORCs s 42A officer rejected inclusion of an 'affordable housing' definition. As QLDC has now developed its own definition for QLDC's Inclusionary Housing Plan Change<sup>2</sup>, this is not a matter that QLDC finds necessary to pursue.

6.2 However, whilst QLDC's original submission generally supported that UFD-AER1-11 be retained as notified, through the submissions process, there has been the additions of UFD-AER11-16. Whilst these additions are generally supported, the newly inserted AER13 through the s 42A report analysis is not supported:

UFD-AER13 Inappropriate urban expansion and urban activities do not adversely affect the amenity and character of the region's rural areas.

6.3 It is understood that the inclusion of AER13 was from both Federated Farmers and Beef and Lamb. Both submitters were concerned about the adverse effects from reverse sensitivity, including direct displacement from strategically planned and zoned urban expansion and Rural Lifestyle developments. It is my view that UFD-AER12 appropriately responds to both submitters concerns regarding reverse sensitivity.

6.4 The addition of AER13 in my opinion appears to suggest that 'inappropriate urban expansion and urban activities' are anticipated within the region's rural areas. It is noted that throughout the Objectives, Policies, Methods, Explanation and Principal reasons that there is no inclusion of inappropriate urban expansion

---

<sup>2</sup> Notified October 2022



and therefore this appears to be a disconnect by including inappropriate urban expansion and urban activities within the Anticipated Environment Results.

- 6.5 If development has been either strategically planned or '*planned appropriately*' as per the wording of UFD AER13, then that would indicate that the development is appropriate, therefore a more efficient and effective alternative would be to remove the word inappropriate, as recommended below:

UFD AER13

~~Inappropriate~~ Urban expansion and urban activities are planned appropriately ~~so do~~ not to adversely affect the amenity and character of the region's rural areas.

**Elizabeth Jane Simpson**

**23 November 2022**