



**SECTION 42A REPORT
FUTURE URBAN ZONE CHAPTER**

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1 Executive summary

1. The Proposed New Plymouth District Plan ("PDP") was publicly notified in September 2019. Identified as one of six Special Purpose Zones in the PDP, the Future Urban Zone ("FUZ") identifies and safeguards areas which are likely to be considered for future urbanisation and is a key method to provide for long term housing and business land supply.
2. It is important to note that this report will not address the spatial location and extent of areas which have been proposed as FUZ. All zoning submissions will be addressed as part of the Rezoning Hearing later in the hearing schedule. The current report is therefore focused on the purpose of the FUZ and the scope of plan provisions which are proposed to manage land use within the identified FUZ areas.
3. Twenty original submissions, covering 78 submission points and eight further submissions, covering 44 further submission points were received on the FUZ chapter.
4. The submissions and further submissions addressed in this report have been grouped into the following topic areas;
 - Recognition of tangata whenua values
 - Role and function of the FUZ
 - Provision for, and management of, specific activities within the FUZ
 - Assessment criteria for land use consent activities
 - Consequential and formatting amendments, and
 - Matter of discretion for restricted discretionary activities.
5. Since the notification of the PDP, there have been a number of changes to the relevant regulatory framework, including the Resource Management Act 1991, and the National Policy Statement on Urban Development 2020 which have been taken into account when making recommendations on the submissions.
6. This report has been prepared in accordance with Section 42A of the RMA and outlines recommendations in response to the issues which have emerged from submissions. The report is intended to assist the Hearings Panel to make decisions on the submissions and further submissions on the Proposed District Plan, and to provide submitters with an opportunity to see how their submissions have been evaluated. These recommendations do not represent any final design or assessment of the submissions and further submissions.
7. In summary, and in response to the submissions and further submissions, this report recommends retaining much of the notified plan provisions with some refinement to the objectives, policies and rule provisions to provide more effective implementation of the FUZ and the outcomes anticipated.

2 Introduction

2.1 Authors and Qualifications

8. This report has been prepared by Todd Cyril Whittaker. Louise Wai has also reviewed and contributed to this report.

Todd Whittaker

9. I am an independent planning consultant based in Tauranga with strong family connections to New Plymouth and Taranaki.
10. I have a Bachelor of Resource and Environmental Planning from Massey University, 1994 and I am a full member of New Zealand Planning Institute (NZPI). I have 26 years of professional experience in the resource management field and have previously served on the Board of the NZPI.
11. I have a broad level of experience in terms of the plan review and rezoning provisions under the Resource Management Act 1991. My recent experience includes:
- the assessment and review of plan zones and land supply for Matamata-Piako District Council;
 - a plan change to introduce a new Settlement Zone for Matamata-Piako District Council;
 - assessment and processing of mixed use commercial and large format retail plan change for Waipa District Council;
 - a new Industrial Zone plan change for Waipa District Council;
 - assessment and processing of private plan changes for industrial land around Hamilton Airport;
 - assessment and processing of zone provisions for Hamilton airport; and
 - and assessment and processing of mixed use zones adjacent to Gisborne airport.
12. I have also assisted New Plymouth District Council with the processing of a range of land use and subdivision consents over the last 8 years.
13. I regularly appear at Council level hearings as a professional planning witness and I have presented evidence to the Environment Court and presented affidavits to both the District Court and High Court on planning matters.

Louise Wai

14. My full name is Louise Marie Wai, and I am a Senior Planning Adviser in the District Plan Team at NPDC.

15. I hold the qualification of Bachelor of Resource and Environmental Planning with 1st class honours from Massey University, Palmerston North (2005). I have been a full member of the New Zealand Planning Institute since 2011.
16. I have 15 years' experience in planning and resource management including policy development, formation of plan changes and associated s.32 assessments; s.42a report preparation and associated hearings evidence; Environment Court mediation; and the processing of subdivision resource consent applications predominantly at NPDC, however, I have also worked as a policy planner in England for one year.
17. I have worked in the NPDC District Plan team from 2006 to 2007 and then since 2009. In this role I have undertaken growth focused planning work that has included two plan changes to rezone Future Urban Development Areas to Residential and produced a structure plan for one of these areas.
18. I have worked on the growth components of the District Plan Review, drafted provisions, wrote s32 reports and summarised submissions, for the Special Purpose – Future Urban Zone, Structure Plan Development Areas and Rural Lifestyle Zone chapters of the PDP. I have provided policy advice on the National Policy Statements for Urban Development Capacity (2016) and Urban Development 2020 for the Council.

2.2 Code of Conduct

19. Both Todd Whittaker and Louise Wai confirm that we have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that we have complied with it when preparing this report. Other than when we state that we are relying on the advice of another person, this evidence is within our area of expertise. We have not omitted to consider material facts known to us that might alter or detract from the opinions that we express.
20. We are authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

3 Scope/Purpose of Report

21. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
 - Assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; and
 - provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
22. There are a number of submissions and further submissions which raise matters of land supply and the spatial location and extent of the FUZ. These submissions will be addressed separately in the Rezoning Hearing (#22) which is scheduled to be held in March 2022. As requested by the

Independent Hearings panel, a schedule of rezoning submissions is set out in Section 6 of this report.

23. We have provided a recommendation to assist the Hearings Panel on the submissions and further submissions to the FUZ and have also provided a track change version of the FUZ (**Appendix 1**) to show our proposed amendments in response to the submissions.

4 Statutory Requirements

4.1 Statutory documents

24. We note that the Future Urban Growth Section 32 report provides a detailed record of the relevant statutory considerations applicable to the FUZ.
25. It is noted that some higher order documents have been subject to change since notification of the PDP which are relevant to the FUZ and submissions received. Key legislative changes and indications from the government around significant resource management reform and these have previously been addressed as part of the earlier Strategic Direction hearings. In summary, the following changes are outlined below.

4.1.1 Resource Management Review

26. The Resource Management Review has been initiated by the government for the purpose of replacing the RMA. In February 2021, the government announced three new acts would replace the RMA, namely:
 - Natural and Built Environments Act (NBA) to provide for land use and environmental regulation (this would be the primary replacement for the RMA);
 - Strategic Planning Act (SPA) to integrate with other legislation relevant to development, and require long-term regional spatial strategies; and
 - Managed Retreat and Climate Change Adaptation Act (CCAA) to address the issues associated with managed retreat and funding and financing adaptation.
27. The exposure draft of the Natural and Built Environments Bill was released in July 2021 and submissions on the exposure draft closed on 4 August 2021.

4.1.2 Resource Management (Enabling Housing Supply and Other Matters Amendment Bill)

28. The Proposed Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill was introduced to Parliament on 19 October 2021 and proposes to amend the RMA to rapidly accelerate the supply of housing where the demand for housing is high (in Tier 1 urban environments, or where a Tier 2 urban environment (including New Plymouth) has an acute housing need).

29. Where a Tier 2 urban environment has an acute housing need, the Minister for the Environment, in consultation with the Minister of Housing, may recommend that an Order in Council be made to require the relevant territorial authority develop an intensification planning instrument, incorporating 'Medium Density Residential Standards' (MDRS) using the Intensification Streamlined Planning Process (ISPP). In this case, the Council would be required to apply the MDRS to all existing residential areas, except for areas zoned Large Lot Residential, or areas where qualifying matters apply.
30. This above Bill relates only to residential zoned land within tier 1 councils. New Plymouth District Council is a tier 2 council therefore this Bill is not relevant to the FUZ.

4.1.3 National Policy Statement on Urban Development 2020

31. The National Policy Statement - Urban Development 2020 ("NPS-UD") came into effect in August 2020 replacing the National Policy Statement on Urban Development Capacity 2016 ("NPS-UDC"). The Council is required to give effect to the objectives and policies of the NPS-UD which is a higher order document.
32. The NPS-UD retains and strengthens the foundation concepts of the NPS-UDC and moves beyond a land capacity-based approach. The NPS-UD defines and promotes "well-functioning environments" which forms the core of several objectives and policies. The Strategic Direction Urban Form and Development Section 42A report provides a full summary of the relevance of the NPS-UD to business land (which includes industrial land) in the district, however the following objectives and policies are particularly relevant to the FUZ:
 - **Objective 1:** *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*
 - **Objective 2:** *Planning decisions improve housing affordability by supporting competitive land and development markets.*
 - **Objective 3:** *Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*
 - (a) *the area is in or near a centre zone or other area with many employment opportunities*
 - (b) *the area is well-serviced by existing or planned public transport*
 - (c) *there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

- **Objective 4:** *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*
- **Objective 6:** *Local authority decisions on urban development that affect urban environments are:*
 - (a) *integrated with infrastructure planning and funding decisions;*
 - (b) *and strategic over the medium term and long term; and*
 - (c) *responsive, particularly in relation to proposals that would supply significant development capacity.*
- **Objective 7:** *Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.*
- **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.*
- **Policy 2:** *Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.*
- **Policy 6:** *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*
 - (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 amenity 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.*
- **Policy 7:** Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.

33. The FUZ is proposed as a key District Plan mechanism to safeguard future options for urbanisation of land which is spatially connected to existing urban areas. The FUZ serves the need to identify and provide for sufficient housing and industrial development capacity for the long term, meeting the requirements of the NPS-UD. However, it is important to acknowledge that the FUZ only seeks to maintain existing land use activities within generally a rural land use context and that any urbanisation will be subject to a separate plan change process including a robust assessment of infrastructure and services through a structure plan process.
34. To meet objective 7 of the NPS-UD, the Council has a live-work programme related to robust and frequently updating the Housing and Business Development Capacity Assessment and preparation of quarterly monitoring reports which contains information about our urban environments, which will determine when the housing or industrial demand requires the development capacity of the FUZ to be rezoned. This work has informed the District Plan Review, including the proposed FUZ and the assessment and recommendations of submissions.
35. Since the PDP was notified, Council officers have continued to retest key elements of the Section 32 reports including updates of the following areas:
- Population projections.
 - Business Land Capacity including: - Retail. - Commercial land. - Industrial land.
 - Housing development capacity.
 - Housing demand.

36. Further detailed analysis of the updates that have been undertaken can be found in Appendix 3 of the Strategic Direction Urban Form and Development Section 42A report. The updated analysis has assisted officers in responding to the key issues raised by submissions and include the conclusions:
- The updated district population will be 104,900 by 2051.
 - There has been a negligible impact on the long-term population projections since the PDP was notified.
 - The PDP provides sufficient industrial capacity to meet the expected demand with an oversupply of 80 hectares.
 - The PDP provides sufficient short, medium and long term plan enabled, feasible and reasonably expected development capacity to meet the updated expected demand for housing.

4.1.4 The National Policy Statement for Freshwater Management 2020 (Freshwater NPS 2020) and the National Environmental Standards for Freshwater Regulations 2020

37. The National Policy Statement on Freshwater Management 2020 (NPS-FM 2020) came into effect in September 2020, replacing the 2014 and 2017 NPSs. The NPS-FM 2020 includes the concept of Te Mana o te Wai, which puts the health and well-being of the water body as first priority. The NPSFM 2020 requires regional councils to manage freshwater in a way that gives effect to Te Mana o te Wai (Policy 1), including actively involving tangata whenua in freshwater management (including decision-making processes) (Policy 3.2(a)) and to enable the application of mātauranga Māori, among other values and knowledge systems, to its management (Policy 3.2(2)(d)).
38. While the majority of requirements of the NPS-FM 2020 sit with regional councils, Section 3.4 provides that
- "Every local authority must actively involve tangata whenua (to the extent they wish to be involved) in freshwater management, (including decision-making processes) and including identifying the local approach to giving effect to Te Mana o Te Wai) ...".*
39. National guidance around Te Mana o te Wai and climate change is considered in detail in the Strategic Direction – Natural Environment report and readers are referred to that report for a discussion on the other key issues. In terms of the FUZ, the intent of the zone is to largely retain low density and rural land use until such time as any rezoning process has been completed. Through any rezoning process, all environmental constraints and opportunities will need to be considered included the policy direction set out in Te Mana o te Wai.
40. The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FW 2020) came into force on 3 September 2020. The NES-FW 2020 sets out regulations for carrying out

certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards or obtain a resource consent from Regional Council.

4.1.5 National Planning Standards

41. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how the District Plan should be ordered. The National Planning Standards direct that:

An additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:

- (a) are significant to the district, region or country*
- (b) are impractical to be managed through another zone*
- (c) are impractical to be managed through a combination of spatial layers.*

42. The National Planning Standards describes the FUZ as:

Areas suitable for urbanisation in the future and for activities that are compatible with and do not compromise potential future urban use.

43. Noting that a hearing specifically focused on plan integration, mapping and definitions will be held at the end of the hearing schedule, this report also includes reference to and reliance on matters regarding the National Planning Standard definitions, as well as NPDC-specific definitions relevant to RLZ related matters.

44. Standardised definitions from the National Planning Standards that will be adopted into the FUZ, include such terms as "primary production", "allotment", "net site area", and "site". NPDC-specific definitions, include "Agricultural, pastoral and horticultural activities" and "Sensitive activities".

4.1.6 Treaty Settlements Update

45. The Ngati Maru (Taranaki) Deed of Settlement had not been signed at the time of public notification of the PDP in 2019. Ngati Maru settled their historic Treaty of Waitangi claims against the Crown on 27 February 2021. The Ngati Maru (Taranaki) Claims Settlement Bill 2021 was introduced into Parliament on 19 May 2021. It has yet to receive royal assent. Clause 32 of the Bill requires the Council, as a "relevant consent authority", to have regard to the statutory acknowledgements listed in the Bill if a resource consent application is made for an activity within, adjacent to, or directly affecting a statutory area. The Council must also have regard to the statutory acknowledgement in relation to that area when deciding whether the trustees are affected persons in relation to the application.

46. On 16 December 2021 a submission period opened on the Maniapoto Claims Settlement Bill. The bill would give effect to matters contained in the Deed of Settlement signed on 11 November 2021 between the Crown and Maniapoto. It would settle all historical Treaty of Waitangi claims of Maniapoto resulting from acts or omissions by the Crown before 21 September 1992. The closing date for submissions is 3 February 2022.

4.1.7 Iwi Management Plans Update

47. Te Kotahitanga O Te Atiawa Taranaki's Iwi Environmental Management Plan: Tai Whenua Tai Tangata, Tai Ao was in draft form at the time of public notification of the PDP. This was finalised and lodged with Council in 2019. The issues, objectives and policies of the plan are within eight sections; Te Tai Hauora/Guardianship, Te Tai Awhi–Nuku/Inland and Coastal Whenua, Te Tai o Maru/Freshwater, Te Tai o Tangaroa/Coastal and Marine Environment, Te Tai Awhi–Rangi/Air and Atmosphere, Te Tai o Tanetokorangi/ Flora and Fauna, Te Tai Hekenui/Heritage and Te Tai o Rua Taranaki/Taranaki Maunga.
48. In respect of the FUZ, some objectives and policies are broadly applicable, namely Objective TTAN3.2 (built form and landscaping urban environment) and Policies TTAN3.1 and TTAN 3.2 and Objective TTAN4 (inappropriate subdivision and development can generate effects on Te Atiawa) and Policy TTAN4.5. The FUZ does identify and safeguard areas on the urban fringe for future urbanisation however the FUZ Zone does not provide for any additional development opportunities than what are generally provided for in the rural areas. The FUZ seeks to largely retain existing low density and rural land use activities and purposefully limits any activities that may compromise future options for urbanisation. As such, the objectives and policies of the Te Atiawa EMP will be more directly relevant and applicable to any future rezoning process.
49. The Ngati Mutunga Iwi Environmental Management Plan was in draft form at the time of public notification of the PDP. This was also finalised in 2019 and was formally lodged with the Council in March 2021. The Plan is in seven sections (air and atmosphere (which includes consideration of climate change), whenua ngahere/bushland, te puna waiora/freshwater, whenua mania/plains, takutai/coast, cultural landscapes and wahi tapu, and implementation). There are no FUZ areas within the Ngati Mutunga rohe.
50. A draft version of the Ngāruahine Iwi Environmental Management Plan was received in January 2021 and comments provided in March 2021. This plan was finalised in August 2021, however, it has not yet been formally lodged with the Council. While much of Ngā Ruahine's rohe is out of the New Plymouth District Council's district, one of their statutory acknowledgement areas – the Waipuku Stream – does lie within our district. The Waipuku Stream is included in Schedule 9 (the Schedule of Significant Waterbodies) of the proposed District Plan as a tributary of the Manganui River.
51. In respect of the FUZ and the Ngāruahine Iwi Environmental Management Plan, there are no FUZ areas in the PDP near the Waipuku Stream (which is located by Midhurst).

4.1.8 Taranaki Regional Policy Statement 2010

52. The Taranaki Regional Policy Statement 2010 ("RPS") addresses the Built Environment' as a regional significant issue and sets out the following Objective and Policy.

SUD OBJECTIVE 1

To promote sustainable urban development in the Taranaki region.

SUD POLICY 1

To promote sustainable development in urban areas by:

- (a) encouraging high quality urban design, including the maintenance and enhancement of amenity values;*
 - (b) promoting choices in housing, work place and recreation opportunities;*
 - (c) promoting energy efficiency in urban forms, site layout and building design;*
 - (d) providing for regionally significant infrastructure;*
 - (e) integrating the maintenance, upgrading or provision of infrastructure with land use;*
 - (f) integrating transport networks, connections and modes to enable the sustainable and efficient movement of people, goods and services, encouraging travel choice and low-impact forms of travel including opportunities for walking, cycling and public transport;*
 - (g) promoting the maintenance, enhancement or protection of land, air and water resources within urban areas or affected by urban activities;*
 - (h) protecting indigenous biodiversity and historic heritage; and*
 - (i) avoiding or mitigating natural and other hazards.*
53. The RPS then sets out a number of methods in terms of implementation of the objective and policies.
54. While the RPS sets out a high order objective and policy for built form which is relevant to the FUZ, it is apparent that the RPS does not provide a detailed analysis or comprehensive policy setting for the Proposed Plan to follow in terms of urban form and land supply issues.

4.2 Section 32AA evaluation

55. This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where applicable, the recommended decisions have been evaluated using Section 32AA of the RMA.
56. The s32AA further evaluation for each key issue considers:
- Whether the amended objectives are the best way to achieve the purpose of the RMA.
 - The reasonably practicable options for achieving those objectives.
 - The environmental, social, economic and cultural benefits and costs of the amended provisions.
 - The efficiency and effectiveness of the provisions for achieving the objectives.
 - The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
57. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

4.3 Procedural matters

58. Throughout the District Plan review process, Council staff within the Plan Review team have engaged with various stakeholders and submitters including some parties who have submitted on the FUZ.
59. In terms of the specific submission and further submission points on the FUZ, no formal correspondence or meetings with submitters has been undertaken in terms of addressing or resolving specific submission points and there are no procedural matters to consider for this hearing.
60. Council staff are engaging with iwi and hapū on various chapters of the the PDP to address the concerns raised relating to consultation and provision of cultural values and mātauranga within the Proposed Plan.

5 Future Urban Zone - Background context

5.1 Operative District Plan

61. While the FUZ is a new zone introduced as part of the PDP, it is largely adopted from the existing Future Urban Development ("FUD") Overlay provisions within the Operative District Plan ("ODP"). The FUD Overlay layer is applied over Rural Environment Areas. Over the life of the ODP, Council has been proactive in identifying land for future urban development. Key pieces of work in that growth story include:

- A Land Supply Review (2006) - Initiated in response to economic and household growth occurring at that time, this review aimed to address the supply of residential and employment land in New Plymouth/Bell Block and in those other towns which currently have residential zoning and the potential to grow.
 - The Framework for Growth (4 March 2008) - This document represents the outcomes of the Land Supply Review and set out the recommended growth direction for urban expansion within the New Plymouth District. It was based on growth for twenty years from 2007 – 2027 to ensure that there is adequate residential and industrial land available for future development.
62. In 2006 a separate structure plan process with the communities of Ōākura and Urenui were carried out which led to the development of the Ōākura and Urenui Structure Plans.
63. A Plan Change (PLC09/00015/ "Plan Change 15") to include the Framework for Growth areas was made operative on 25 March 2013. The following areas were adopted as FUD in the ODP: Bell Block Area Q (Wills Road to Airport Drive), Area R, New Plymouth Area N (Egmont Road to Henwood Road), New Plymouth Areas S, K and L (Smart Road), Waitara, Ōākura, Okato, Egmont Village, Onaero, and Inglewood.
64. Some of the FUD areas have already been rezoned to Residential Environment Area (through plan changes), these include the following Council initiated plan changes:
- Bell Block Area Q.
 - Waitara Area A.
 - Cowling Road/Frankley Road/Tukapa Street Area E.
 - Inglewood.
 - Area N to Industrial
65. In addition, the following private plan changes have been processed relating to:
- Private Plan Change 48: Wairau Road, Ōākura Rezoning of FUD (declined 5 June 2020).
 - Private Plan Change 49: Johnston Street, Waitara FUD (Operative as of 20 April 2021).
66. Since Plan Change 15 has made operative in 2013 there has been increasing pressure and a number of resource consent applications seeking to develop FUD as residential ahead of any plan changes to rezone these areas to residential. Examples of these are in Okato and on Smart Road.

67. While the current policy framework in the ODP allows Council to consider these non-complying resource consents against the ability to develop the FUD for residential purposes, the increasing pressure for site-specific responses ahead of the plan changes to rezone FUD to a residential zone is concerning. Not only does this create piecemeal development and fragmentation of land, it also means decision making cannot be made in a strategic or holistic way. Smart Road for example, is a large FUD and requires structure planning to be undertaken to fully understand the implications residential development ahead of any rezoning. Considerations include infrastructure requirements, (especially roading), landscape and cultural values.

5.2 District Plan Review

68. In response to the above, the key resource management issues identified in the Section 32 Report on Future Urban Growth relating to growth were identified as:
- the identification and provision of adequate land in the right location for growth
 - safeguarding this land for future urban growth, and
 - avoiding residential subdivision and development creep into the rural/Future Urban Development Overlay areas which may compromise future urbanisation and infrastructure supply options.
69. As part of this work, the FUD areas in the ODP were revisited. Between 2016 and 2017 a series of audit assessments were undertaken that analysed the development potential for each FUD area and any other opportunities and constraints that would influence the urbanisation of these areas.
70. These assessments formed the basis for the areas included in the notified version of the FUZ, as follows:
- Okato (area being reduced).
 - Area N (reduced due to the Oropuriri Structure Plan area being rezoned).
 - Area R (retained with no change).
 - Waitara East (reduced).
 - Smart Road Areas (K, S and L) (retained with no change).
 - Ranfurly Street, Waitara (new).
 - Frankley Cowling (new).
 - Ōākura West (retained with no change).
 - Junction Street (Stage 2) (new).

- Ōākura South (no change).

Infrastructure Strategy 2018-2048

71. Running parallel to the District Plan Review Council also completed the Infrastructure Strategy in 2018. This strategy identifies the significant infrastructure issues the New Plymouth District is likely to face over the next 30 years. The Infrastructure Strategy is not a budget, rather it takes a long term view of the infrastructure and services our communities will need over time and how we might provide them. The Strategy addresses transportation, recreation and open space, water supply, wastewater, stormwater and solid waste. It also includes and plans for infrastructure within the FUZ and the Structure Plan Development Areas.

Housing and Business Development Capacity Assessment (2019) and updated Housing component of the HBA 2021

72. Council also prepared a Housing and Business Development Capacity Assessment ("HBA") which is a detailed analysis of housing and business growth across the New Plymouth District, based on current and future levels of demand, supply and development capacity. Required every three years, the HBA was based on the Draft District Plan (February 2018) and drew the following conclusions regarding residential development capacity in the district:
- The ODP provides enough residential plan-enabled feasible capacity in the district in the short and medium term. Without the inclusion of areas set aside for future growth there is not sufficient capacity for the long term.
 - There is enough plan-enabled and feasible capacity in the district to meet demand for housing in the short, medium and long term¹.
 - Combined, the Operative and Draft District Plans will provide a maximum capacity for between 12,400 and 21,000 new dwellings. Slightly more than half of these dwellings are feasible to build in the current market conditions. When the 15-20 per cent margin required by the NPS-UDC is included, the residential capacity provided in the Operative District Plan falls short by 3,900 dwellings. However, the urban growth areas indicated in the Draft District Plan provides sufficient long term capacity, with an excess capacity of 2,000 dwellings.
73. The Housing component of the HBA 2021 has been updated as per requirements of the NPS-UD and this will be further discussed as part of the rezoning hearing and the overall supply of land which is subject to the FUZ zone.

5.3 Proposed District Plan

74. As outlined in the Section 32 report for Future Urban Growth, the ODP FUD Overlay activity status and technical standards are generally being retained in the FUZ - albeit in a simplified and streamlined way.
75. The Section 32 report provides the following overview of the objective and policy framework for the FUZ:

In summary the proposed objectives and policies provide a framework to;

- *Maintain the predominant rural character of the FUZ.*
- *Clearly signalling that the Future Urban Zone is the preferred location for urban growth to meet the District's medium and long term housing and industrial needs.*
- *Clearly signalling that it is not the proposed District Plans intention for urban growth to occur within the FUZ by stating that before urban growth occurs the FUZ needs to be rezoned and comprehensively planned by a structure plan.*
- *Ensuring activities within and adjacent to the identified FUZ do not compromise the ability to develop the area for urban growth purposes.*
- *Allow existing agricultural, pastoral, horticultural and low density rural living activities to continue (some of what was previously allowed under the previous Rural Environment Area).*
- *The Future Urban Zone provides the long term land supply for the District. In summary the proposed objectives and policies provide a framework to:*
- *Ensure that any structure plan prepared for the purposes of enabling Future Urban Zone land to transition into urban zoned land, provides for comprehensive, coordinated and efficient development which addresses specific matters.*

76. The areas identified as FUZ in the PDP are shown in the set of planning maps provided in **Appendix 3**.

6 Requests to rezone land to FUZ

77. Multiple submissions have been received requesting changes and deletions to the spatial area and location of the proposed FUZ areas.
78. As discussed in Section 3 of this report, these submissions will be considered at the Rezoning Hearing, along with all submissions seeking to rezone land across all zones of the district. To illustrate the extent of submissions received on the FUZ areas, we provide the following list of rezoning requests:

- Oropūririri Road, Bell Block

Ngāti Tawhirikura Hapū (519.3), Puketapu Hapū (589) oppose the proposed FUZ at Oropūririri Road, Bell Block and seek that the land is zoned Rural Lifestyle Zone as an alternative.
- Ōākura South

Multiple submitters oppose the proposed FUZ located at South Road, Ōākura, including Ngāti Tawhirikura Hapū (519), Rachel Law (586), Luke Peacock (249), Tanya Hansen (95), Michael Taylor (181), Rebecca Scott (184), Richard Shearer (224), Stephen and Jean Wood (226), Stephen Looney (227), Ann Hikaka (228), Charles Cotton/Karen White (229), Elizabeth Beveridge (231), Graeme and Marion Duff (232), Hayden Tompkins (233), Brian and Vincenza Clark (234), Jennifer Brown (235), Jason Peacock (236), Paul Veric (240), Edward Thompson (241), Alexandra Thompson (242), Dennis Green (243), Ana Hislop (250), Kerry Peacock (251), Paul Coxhead (252), Patricia Coxhead (253), Anne Clough (254), Marvin Clough (255), Elaine Jamieson (256), Ōākura Community Action (300), David Harrop (380), Yvonne Peacock (382), Brigitte Hegner Freeman (383), John Freeman (384), Rowan Oldfield (385), Toni Peacock (386), NR Moller (388), CI and GM Farrant (389), R Schafer (391), Paul Beveridge (392), Matt Peacock (394), Maria Townsend (395), Rachel Law (396). The proposed FUZ is supported in part by Juffermans Surveyors Ltd (182).
Hellyar (542) opposes the spread of the urban area at Ōākura.
- Airport Drive/Devon Road, New Plymouth

Erb (560), Puketapu Hapū (589), and New Plymouth Pistol Club (476) oppose the FUZ at New Plymouth airport, Bell Block.
- Broad submission on extent of spatial area of FUZ

Kāinga Ora (563.615) raise concerns with the overall extent and spatial location of the FUZ.

7 Consideration of submissions received

7.1 Overview of submissions received

79. Twenty original submissions, covering 78 submission points and eight further submissions, covering 44 further submission points were received on the FUZ chapter. These submissions were from:
- Iwi and hapū: Te Kotahitanga o Te Atiawa Trust (“TKOTAT”), Puketapu Hapū, Ngāti Tawhirikura Hapū, and Te Kāhui o Taranaki Trust who raise matters for and against the FUZ provisions including the process by which the plan provisions have been developed.

- Public sector agencies and enterprises: Fire and Emergency New Zealand (“FENZ”), Ministry of Education, Kāinga Ora Homes and Communities (“Kāinga Ora”), Kiwi Rail and Waka Kotahi New Zealand Transport Agency who broadly support the FUZ provisions with some key changes in terms of the scope and direction of the FUZ in some areas.
- Organisations: Federated Farmers New Zealand (“Federated Farmers”), Horticulture New Zealand, Tegel Foods Limited (“Tegel”), Taranaki Energy Watch who raise specific issues in relation to their sector/interests and the rule provisions.
- Surveying and planning firms: Johnson Resource Management, and others who are concerned primarily with the rules and standards.

80. The submissions and further submissions addressed in this report have been grouped into the following topic areas;

- Recognition of tangata whenua values,
- Role and function of the FUZ,
- Provision for, and management of, specific activities within the FUZ,
- Assessment criteria for land use consent activities,
- Consequential and formatting amendments, and
- Linkage to other plan sections

81. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. Due to the number of submissions received and the repetition of issues, as noted above, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under key issues. This thematic response assists in providing a concise response to, and recommended decision on, submission points.

7.2 Officer Recommendations

82. A full list of submissions and further submissions on the FUZ chapter is contained in **Appendix 1 – Officers recommended amendments** and **Appendix 2 - Recommended Decisions on Submissions** to this report. Additional information can also be obtained from the [Summary of Submissions](#) (by Chapter or by Submitter), the associated [Section 32 Report](#) and Appendix [1](#) and [2](#) on this chapter.

7.2.1 Key Issue 1: Recognition of tangata whenua values.

Overview

Provision(s)	Officer Recommendation(s)
FUZ Chapter	<ul style="list-style-type: none">• Retain the FUZ as a key District Plan mechanism to identify areas for potential urbanisation.• Retain mandatory provision for a plan change process and structure plan prior to any urbanisation.

Analysis of Submissions on Key Issue 1

83. There are a number of submissions received from iwi and hapū who oppose the FUZ setting out concerns associated with:
- the lack of consultation and engagement with tangata whenua in developing the FUZ provisions and the drafting of the PDP
 - inadequate integration and protection of cultural values and sites within the FUZ
 - the potential for further degradation of cultural values and sites located with FUZ.
84. The preferred option for these submitters is that these areas are retained as rural zoned land.

Submissions

85. Ngāti Tawhirikura Hapū (519.1) generally opposes the FUZ, submitting that the planning process has not benefitted from the advice of mana whenua and that these areas should remain as rural land. However, they partly support the FUZ mechanism as a means to ensure coordinated and well planned development (519.2).
86. Kāinga Ora (FS 201.542 and FS 201.544) has made further submission/s opposing in part the Ngāti Tawhirikura Hapū submissions insofar as they are inconsistent with its primary submission/s.
87. Te Kāhui o Taranaki Trust (534.59, 534.61 and 534.68) also consider that the FUZ has not benefited from the advice of mana whenua and seek further changes to the FUZ to ensure that cultural values and sites are adequately recognised and protected.
88. Kāinga Ora (FS 201.772 and FS 201.773) has made further submission/s opposing in part the Te Kāhui o Taranaki Trust submissions (534.61 and 534.68) insofar as they are inconsistent with its primary submission/s. Kāinga Ora (FS201.771) has made further submission/s supporting in part the Te Kāhui o Taranaki Trust submissions (534.59) insofar as it supports its primary submission/s.

89. Puketapu Hapū (589.2) support in principle the FUZ mechanism to provide for coordinated and well planned growth with specific submissions made on the Te Oropuriri and Area Q provisions. These latter matters will be addressed in the Rezoning Hearing.
90. Kāinga Ora (FS201.645) has made further submission/s opposing in part the Puketapu Hapū submissions (589.2) insofar as it is inconsistent with its primary submission/s.
91. TKOTAT (459.368) submits that the FUZ should be retained subject to amendments to give effect to its overall submissions.
92. Kāinga Ora (FS201.965) has made further submission/s opposing in part the TKOTAT (459.368) insofar as it is inconsistent with its primary submission/s.

Discussion

93. It is noted that the concerns raised and discussed in these submissions have been addressed in part through the Strategic Directions hearing. Council has set out to undertake the District Plan Review process in full accordance with the provisions of the RMA with appropriate engagement and consultation with tangata whenua.
94. As part of the District Plan Review, Council used the Nga Kaitaki group to liaise, seek feedback and input the draft and proposed district plan. Particular emphasise was put into the overlay chapters (ie SASM, waterbodies and coastal) and the district-wide Earthworks and Subdivision Chapters to ensure that tangata whenua values and their associations with scheduled features are recognised and protected and that tangata whenua values are integrated into the development of the District. In addition, the role of tangata whenua as kaitaki is recognised and promoted within the PDP through the strategic objectives, zone provisions and district wide provisions.
95. Nga Kaitiaki have indicated a clear preference for appropriate iwi involvement in all stages of the growth planning process, with significant front-end input. The PDP sets the foundation for increased iwi engagement that will be implemented over time through the development process
96. Acknowledging that implementation of the PDPs approach to growth is an iterative process officers have worked with the 'Nga Kaitiaki friend of the submitter' to prioritise where iwi capacity is best focused to influence the growth planning process. For this reason iwi input has focused on the Structure Plan Development Plan Areas that will be developed in the short/medium term. This work has involved identifying site specific cultural issues that can be integrated into the Structure Plan provisions. Council is also proactively working with developers and iwi on some already zoned areas to achieve better integration of cultural values through the subdivision process.

97. Further cultural assessment will be required on the FUZ areas before they are progressed to development. This is appropriate as the FUZ is a transitional zone which enables land to be used for a range of general rural activities. It provides for the district's long term land supply. The FUZ cannot be used for urban activities until the site is re-zoned for urban purposes and meets the strong policy directives of the zone. This means that scheduled features are protected. Prior to rezoning a full Cultural Values Assessment will be undertaken to assist with understanding the appropriateness of the growth area in the context of other cultural issues in the rohe. Then a more detailed cultural impact assessment can help facilitate any future urban re-zoning and subdivision processes.
98. Overall, we consider that there is substantial merit in retaining the FUZ as an appropriate plan mechanism to identify land for consideration as urban land. This is consistent with the NPS-UD and will ensure that appropriate land supply can be delivered over the long term and provides a clear strategy for growth for community.
99. We also note that the FUZ mechanism largely adopts the direction and approach from the ODP which provided for the Future Urban Development overlay. The key difference now is with the PDP, more directive policies and rule provisions are proposed to manage land use and development within these areas before any rezoning process is commenced. In addition, there is also more direction around the matters and issues to be addressed as part of any rezoning process. Working along site relevant overlay and district-wide chapters, this includes specific recognition of tangata whenua values and sites before and after any redevelopment/rezoning of the area (Policies FUZ-P5(3) and FUZ-P7(10))² as shown below:

FUZ-P5 Ensure activities are located appropriately within the zone, having regard to the effects of the activity and:

1....

3. the potential impact of development on any cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua, and the outcomes of any consultation with and/or cultural advice provided by tangata whenua as mana whenua and kaitiaki, including with respect to:

- a) opportunities to incorporate mātauranga Māori principles into the design and/or development of the structure plan area;*
- b) opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; and*
- c) options to avoid, remedy or mitigate adverse effects;*

4...

² As notified – see recommendations in key issue 3.

FUZ-P7 Require that any structure plan prepared for the purposes of enabling Future Urban Zone land to transition into urban zoned land, provides for comprehensive, coordinated and efficient development and that it addresses, as appropriate, the following matters:

1....

10. the potential impact of development on any cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua, and the outcomes of any consultation with and/or cultural advice provided by tangata whenua as mana whenua and kaitiaki, including with respect to:

- a) opportunities to incorporate mātauranga Māori principles into the design and/or development of the structure plan area;*
- b) opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; and*
- c) options to avoid, remedy or mitigate adverse effects;*

11...

- 100. As such, we recommend that the FUZ be retained in principle with the further amendments proposed in response to the specific submission points recommended in this report.
- 101. While we wish to acknowledge the concerns raised by iwi and hapū, we recommend that:
 - Submissions Ngāti Tawhirikura (519.1) and Te Kāhui o Taranaki Trust (534.68) and be rejected.
 - Submissions Ngāti Tawhirikura (519.2), Te Kāhui o Taranaki Trust (534.59, and 534.61), TKOTAT (459.368) and Puketapu Hapū (589.2) be accepted in part.
 - Submissions Kāinga Ora (FS201.542, FS201.544, FS201.772, FS 201.773, FS201.771, FS201.965 and FS201.645) be accepted.

Section 32AA evaluation

Effectiveness and efficiency

- Retaining the FUZ provides an effective and efficient means to identify land areas which can be retained and considered for urbanisation. The FUZ mechanism also sets out the process and structure plan requirements which must be undertaken as part of any review of these areas and before any future urbanisation can occur.

Costs/Benefits

- The costs include potential uncertainty for landowners within the FUZ areas and whether or not their local area and community will continue to provide for rural land use and activities over the long term.
- The benefits are that a strategic approach can be taken on where future urbanisation can occur and this provides an early signal that land use may change over the long term. This also allows consideration of infrastructure supply and capacity.

Risk of acting or not acting

- There is a risk that failure to identify and safeguard areas on the urban boundary for possible urbanisation may lead to the option of urbanisation being compromised by land use or subdivision which compromises future urbanisation options.

Decision about most appropriate option

- In accordance with the Section 32 report, it is considered that the FUZ is the most appropriate option to identify and safeguard land for consideration as future urban land.

7.2.2 Key Issue 2: Role and function of Future Urban Zone.

Overview

Provision(s)	Officer Recommendation(s)
	<ul style="list-style-type: none">• Retain the overall scope and direction of the objectives and policies to safeguard the future option for urbanisation within the identified FUZ areas.• Provide amendments and refinements to the objectives and policies as follows:
FUZ Overview	<ul style="list-style-type: none">• Minor amendments to strengthen the intent and purpose of the FUZ.
Objective FUZ-O1	<ul style="list-style-type: none">• Amendment to FUZ-O1 that FUZ only provides development capacity in the long term.
Objective FUZ-O2	<ul style="list-style-type: none">• Retain as notified.
Objective FUZ-O3	<ul style="list-style-type: none">• No amendments recommended apart from administrative correction.
Objective FUZ-O4	<ul style="list-style-type: none">• Retain as notified.
Policy FUZ-P1	<ul style="list-style-type: none">• Retain as notified.
Policy FUZ-P2	<ul style="list-style-type: none">• Retain as notified.
Policy FUZ-P3	<ul style="list-style-type: none">• Retain 'avoid' policy setting with amendments to activities within prescribed list.
Policy FUZ-P4	<ul style="list-style-type: none">• No amendments recommended.

Provision(s)	Officer Recommendation(s)
Policy FUZ-P5	<ul style="list-style-type: none"> Minor amendment recommended such that the policy refers to 'future urban growth' and consequential change in terms of reference to 'Matauranga Māori'.
Policy FUZ-P6	<ul style="list-style-type: none"> Amendment to include network utilities as part of reverse sensitivity assessment. <p>Note: This recommendation is from Key Issue 3.</p>
Policy FUZ-P7	<ul style="list-style-type: none"> A series of amendments are recommended to consolidate the policy directive for guidance on the structure plan process.
New Policy FUZ-P8	<ul style="list-style-type: none"> New policy on intent and timing of any plan change process to enable urbanisation within the FUZ

Analysis of Submissions on Key Issue 2

102. The submissions include a mix of broad level support along with specific amendments to FUZ objectives and policies.
103. The submissions in support or support in part, consider that the overall approach of the FUZ is appropriate and that it provides an effective mechanism to safeguard land on the urban boundary for future urbanisation.
104. The submissions seeking amendments to the objectives and policies are generally limited to the management and provision of activities within the FUZ.

Submissions

105. Horticulture NZ supports Objective FUZ-O1 (457.51), Objective FUZ-O2 (457.67) and seeks that these be retained as notified. Horticulture NZ also seek amendments to Policy FUZ-P7 to provide further focus on reverse sensitivity effects (457.64).
106. Federated Farmers (FS128.145) has made further submission/s supporting the Horticulture NZ submission (457.64).
107. Tegel has made submissions on the FUZ objectives and policies as follows:
- Neutral on Objective FUZ-O1 and considers that the FUZ provisions are unclear given that the make-up of any area will not be determined until a future Structure Plan process. Seeks to be involved with any changes and development of the FUZ (467.72)
 - Supports in part and seeks amendment to Objective FUZ-O2 to provide for intensive primary production as a predominant rural land use within the identified FUZ area (467.71)
 - Objective FUZ-O3 is supported in full (467.75)

- Supports in part and seeks amendment to Policy FUZ-P3 so that any issues of incompatible activities are only directed to new activities.

108. Kāinga Ora has made substantive submissions on the FUZ objectives and policies. These are as follows;

- Supports in part 'Overview' however seeks some modification to establish guidance around greenfield land, the type of activities that should be enabled through any rezoning process and strengthening of structure plan guidance (563.580). The requested changes are as follows:

This zone applies to greenfield land that has been identified as being suitable for urbanisation in the future. When the land is ready to be developed for urban purposes, it will be rezoned to enable that to occur. ~~(e.g. to a residential or industrial zone)~~ and a An approved structure plan will be required before future urban zoned land can be developed. Until such time, land within this zone may be used for a range of agricultural, pastoral and horticultural activities, but other types of activities are to be managed and/or avoided to ensure the activities occurring within the zone are compatible with and do not compromise potential future urban uses.

Structure plans will ~~be required~~ to ensure areas within the Future Urban Zone transition successfully and efficiently into urban areas and that all the effects of development are assessed and addressed in advance of development occurring. The level of analysis and detail required in each structure plan should correspond with the type and scale of development

- Oppose Objective FUZ-O1 on the basis that it places too much emphasis on the FUZ as the preferred location for urban growth and that it is too narrow in referring to only housing and industrial needs (563.584).
- Supports Objective FUZ-O2 and seeks that this be retained as notified (563.591).
- Partly supports Objective FUZ-O3, however amendments are sought to clarify that the rural character is only to be retained until such time as a structure plan is undertaken (563.586).
- Supports Objective FUZ-O4 and seeks that this be retained as notified (563.587).
- Partly supports Policy FUZ-P1 however submits that the policy does not need to list or prescribe compatible activities. Kāinga Ora consider the list pre-empts any future assessment of what is a compatible or appropriate activity within the FUZ areas (563.588).
- Partly supports Policy FUZ-P2 however submits that the policy does not need to list or prescribe incompatible activities. Kāinga Ora

consider the list pre-empts any future assessment of what is a compatible or appropriate activity within the FUZ areas (563.590).

- Partly supports Policy FUZ-P3 however seeks amendment to replace 'avoid' with 'discourage' as the appropriate level of policy direction, and amendment to sub-clause 2(b) to clarify how the policy applies to future urban development. See also Key Issue 4 in relation to petroleum prospecting (563.585).
- Supports Policy FUZ-P4 and seeks that this be retained as notified (563.605).
- Partly supports Policy FUZ-P5 with a minor amendment to clarify that any urban growth should more correctly refer to future urban growth (563.608).
- Supports Policy FUZ-P6 and seeks that this be retained as notified (563.593).
- Partly supports Policy FUZ-P7 and submits a series of amendments to ensure a comprehensive structure plan process occurs (563.606).

109. Transpower (FS 129.150) has made a further submission supporting the Kāinga Ora submission (563.585) in relation to FUZ-P3.
110. Federated Farmers (FS 128.144) has made further submission/s supporting the Kāinga Ora submission (563.586) in relation to Objective FUZ-O3.
111. Waka Kotahi supports Objective FUZ-O1 (566.114a), Objective FUZ-O2 (566.11b), Objective FUZ-O3 (566.114c), Objective FUZ-O4 (566.114d), Policy FUZ-P2 (566.113), Policy FUZ-P3 (566.112), Policy FUZ-P6 (566.117) and Policy FUZ-P7 (566.120) and seeks that these objectives and policies be retained as notified.
112. Kāinga Ora (FS 201.274, (FS 201.292, FS 201.288, FS 201.282, and FS 201.299) has made further submission/s opposing/opposing in part the Waka Kotahi submission (566.114a, 566.112, 566.113, 566.114c and 566.120)) insofar as it is inconsistent with its primary submission/s. Kāinga Ora (FS 201.281, FS 201.283 and FS 201.294) has made further submission/s supporting the Waka Kotahi submission (566.114b, 566.114d and 566.117) insofar as it supports its primary submission/s.
113. KiwiRail supports Objective FUZ-O2 (514.75), Policy FUZ-P2 (514.74) and Policy FUZ-P3 (514.73) and seeks that these provisions be retained as notified.
114. Kāinga Ora (FS 201.275) has made further submission/s supporting in part the KiwiRail submission (514.75) insofar as it supports its primary submission/s. Kāinga Ora (FS 201.287 and FS 201.285) has made further submission/s opposing in part the KiwiRail submissions (514.73 and 514.74) insofar as it is inconsistent with its primary submission/s.

115. TKOTAT supports Objective FUZ-O2 (459.369) (459.371) in part however seeks additional provision for any plan change process to require explicit recognition of expert cultural advice and rewording of reference to Mātauranga Māori. In addition, amendment is sought to Policy FUZ-P7 to include a directive for protection of significant sites/features (459.355). TKOTAT submit that a new policy should be included within the FUZ to link back to Strategic Objective UFD-13 (459.370). TKOTAT (FS 200.500) has also made a further submission in support of its submission (459.369)
116. Kāinga Ora (FS 201.964) has made further submission/s supporting in part TKOTAT's submission (459.370) insofar as it supports its primary submission/s. Kāinga Ora (FS 201.962 and FS 201.961) has made further submission/s opposing in part the TKOTAT submissions (459.371 and 459,369) insofar as these are inconsistent with its primary submission/s.
117. Similar submission points have been made by other iwi and hapū, namely Ngāti Tawhirikura Hapū (519.4 and 51.9 , Te Kāhui o Taranaki Trust (534.56, 534.57 and 534.58) and Puketapu Hapū (589.5 and 589.6) who support Objective FUZ-O2 and Policy FUZ-P7 in part however seeks additional provision for any plan change process to require explicit recognition of expert cultural advice and rewording of reference to Mātauranga Māori. In addition, amendment is sought to Policy FUZ-P7 to include a directive for protection of significant sites/features.
118. Kāinga Ora (FS201.551 and FS201.554) has made further submission/s opposing in part the Ngāti Tawhirikura Hapū submissions (519.4 and 519.5) insofar as they are inconsistent with its primary submission/s.
119. Kāinga Ora (FS201.774 and FS201.775) has made further submission/s opposing in part the Te Kāhui o Taranaki Trust submissions (534.57 and 534.58) insofar as they are inconsistent with its primary submission/s.
120. Kāinga Ora (FS201.646 and FS201.647) has made further submission/s opposing in part the Puketapu Hapu submissions (589.5 and 589.6) insofar as these are inconsistent with its primary submission/s.

Overview

121. Kainga Ora's support for the Overview is acknowledged. Some of the amendments proposed by Kāinga Ora are generally considered to have merit and we recommend these be accepted. However, the first reference to 'greenfield' land is not supported as this term is normally associated with land that has development potential, whereas, the FUZ area is largely rural and will not have development potential until any rezoning and structure plan process occurs. In addition, the underlying land supply issues which support the FUZ only identify a shortage of residential and industrial land and therefore it is considered appropriate to maintain the focus on these future zone objectives. In this regard, we do not consider the addition of the word 'greenfield' improves plan interpretation.

122. However, to provide clarity on the process necessary for any development to occur, it is considered that there will be merit in referring to a rezoning process along with an approved structure plan. We therefore also recommend the following amendment be adopted:

A plan change and an approved structure plan will be required before future urban zoned land can be developed.

- In light of this, we recommended the submission from Kāinga Ora (563.580) be accepted in part.

Objective FUZ-01

123. The notified Objective FUZ-01 is as follows:

FUZ-01 The Future Urban Zone is the preferred location for urban growth and is managed to ensure the District's medium and long term housing and industrial needs are provided for.

124. Interim Guidance has been provided from the Independent Hearings Panel that the only long-term land supply will be served by the FUZ³. This will require an amendment to the objective to indicate that the FUZ will only serve land supply and development needs for the long term.
125. Objective FUZ-01 is supported by Horticulture NZ and Waka Kotahi. Kāinga Ora submits against the objective as it consider it places provides too much emphasis on the FUZ for land supply which is detrimental to the outcomes of compact urban form and intensification of existing urban areas.
126. The PDP is seeking to provide for short and medium term land supply primarily through the proposed Residential Zones and through greenfield development in Structure Plan areas. There are also supportive provisions for increased living activity in the Centres Zones.
127. With regard to the Residential Zones, the PDP provisions for intensification and residential design will be addressed in other hearings, where there is the opportunity to critically evaluate the appropriate degree of enabling provisions for greater intensification and flexibility in residential development design to increase efficiency with infill and greenfield development. The interim guidance from the Strategic Directions hearing also reinforces the distinction and interrelationship between the FUZ and the urban development zones.
128. Nevertheless, the interrelationship of land supply and the PDP response in terms of zone provisions does need to be considered holistically.

³ Interim Guidance – Strategic Directions Hearing (Minute 9) of the Independent Hearings Panel dated 20 August 2021

129. The context and background to the FUZ is set out in section 5 of this report and also in the Section 32 report on Future Urban Growth. The intent and purpose of the FUZ is to clearly identify and safeguard areas on the urban fringes for future urbanisation. Importantly, the FUZ does not provide for urbanisation in itself and rural land use activities will continue to be the predominant land use until any rezoning process is undertaken. The FUZ also does not commit to or predetermine the outcome of any rezoning process and it may well be the case that the spatial extent of the FUZ is refined over time and that some areas are not able to be urbanised given constraints in terms of topography, protections of significant sites or values and/or due to constraints on infrastructure capacity and supply.
130. Overall, it is considered that the provisions for the FUZ will work alongside the urban zone chapters to provide an integrated and strategic approach to land supply. The spatial location and extent of the FUZ will be considered as part of the Rezoning Hearing. Any decisions on the spatial location and extent of the FUZ will necessarily be made to avoid any concerns related to unanticipated urban sprawl through the FUZ mechanism.
131. We are of the opinion that the submission from Kāinga Ora and the interim guidance from the Strategic Directions hearing merits a new policy to address any proposal to commence a rezoning process earlier than anticipated. For example, a private plan change could be lodged to rezone part of a FUZ area well ahead of the long-term time horizon which the FUZ is designed to serve.
132. Any policy direction on this matter will need to be carefully balanced as there may be some instances where earlier plan change processes and urbanisation within the FUZ can be determined as appropriate and complementary to the available land supply and housing development capacity within existing urban areas. At the same time, the clear intent of the FUZ is that these areas will provide long term land supply options.
133. FUZ-O1 deliberately refers to land supply for housing and industrial needs as Council's research on land supply does not identify a shortage of commercial land. It is also considered that the framing of the objective and reference to 'urban growth' provides sufficient flexibility to consider local shopping or other open space requirements as part of any plan change/structure plan process.
134. In light of the discussion above, we recommend that Objective FUZ-O1 is amended to refer to long term land supply only and that a new policy is included as follows:

FUZ-O1 The Future Urban Zone is the preferred location for urban growth and is managed to ensure the District's ~~medium~~ and long term housing and industrial needs are provided for.

New Policy FUZ-P8 Ensure that any plan change or structure plan prepared for the purposes of enabling Future Urban Zone land to become urban zoned land will provide development capacity that is not otherwise plan enabled or available through the development of

existing infill and residential intensification opportunities or previously undeveloped land in the residential zones.

135. We recommend that the submissions from Horticulture NZ (457.51), Tegel (467.72), Kāinga Ora (563.584 and FS201.274), Waka Kotahi (566.114a) be accepted in part.

Objective FUZ-O2

136. The notified Objective FUZ-O2 is as follows:

FUZ-O2 Until rezoning for urban growth purposes occurs and the area to be rezoned is comprehensively planned by a structure plan:

- 1. urban growth is avoided within the Future Urban Zone areas; and*
- 2. the Zone is predominantly used for agricultural, pastoral and horticultural activities and low density rural living activities.*

137. Objective FUZ-O2 sets out a clear requirement for any FUZ area to be subject to a full rezoning and structure plan process before any urbanisation occurs. In addition, directives are set that no urban growth otherwise occurs in the interim and that the predominant land use is rural farming and living activities.

138. Objective FUZ-O2 is supported by multiple submitters as notified.

139. Iwi/hapū submitters are seeking additional reassurance that cultural values and sites and areas of significance to Māori will be duly considered and protected in the development of any rezoning and structure plan process rather than being left to matters to be considered as part of a submissions process.

140. As outlined in Key Issue 1, Policy FUZ-P5(3) seeks to ensure activities are located appropriately within the zone having regard to the potential impact of development on any cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua, and the outcomes of any consultation with and/or cultural advice provided by tangata whenua as mana whenua and kaitiaki. This includes opportunities to incorporate mātauranga Māori and opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened.

141. In addition to the statutory duty for any plan review or plan change to require consultation with tangata whenua⁴, Policy FUZ-P7(10) requires consultation with tangata whenua in order to understand the potential impact of development on any cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua as mana whenua and kaitiaki. It also requires consideration of opportunities to

⁴ Clause 3 of Schedule 1 of the RMA. It is noted that this statutory requirement is explicitly for consultation with iwi authorities.

incorporate mātauranga Māori principles into the design and/or development of the structure plan area.

142. This coupled with guidance on the recognition and protection of cultural values and sites through the Strategic Directions and overlay chapters (in particular Historic Heritage and Sites and areas of significance to Māori) establishes a framework for tangata whenua involvement in the future development of the FUZ.
143. We acknowledge the requests from tangata whenua to explicitly refer to 'the expertise of tangata whenua' within the objectives and policy framework for the FUZ. We consider that as Objective FUZ-O2 is framed as a higher order objective to manage any land use activities until urbanisation occurs, that additional reference to cultural expertise within this objective is not required, and that reference to cultural expertise would be more appropriately included in Policy FUZ-P7.
144. Additional provision for intensive farming within these areas as a predominant land use is not supported and it is considered that reference to co-housing is unnecessary.
145. Intensive farming can often have off-site odour effects which require large buffer areas to mitigate adverse effects and these activities are not compatible with future urbanisation. Future urbanisation and the introduction of residential housing and living activities around intensive farming activities is likely to lead to reverse sensitivity effects and this will compromise to the future intent and purpose of the FUZ to provide for urbanisation within the identified FUZ areas.
146. The strategic intent of the FUZ is to identify and safeguard areas on the urban fringe for future urbanisation. To support this intent, the FUZ has purposefully been developed to limit the nature and scale of activities that may be established within the identified FUZ areas. While it is understood that there has been some difficulties in finding suitable land for co-housing opportunities, it is considered that there is little merit in making specific provision for co-housing within objective framework for the FUZ. The FUZ essentially seeks to maintain and provide for existing rural land use activities until such time as any rezoning plan change is undertaken.
147. In light of the above, we recommend that Objective FUZ-O2 is retained as notified.
148. The following decisions are recommended on the submissions:
 - TKOTAT (459.369) and (FS200.500), Tegel (467.1), Cohousing (478.3), Ngāti Tawhirikura Hapū (519.4), Te Kāhui o Taranaki Trust (534.58) and Puketapu Hapū (589.5) be rejected.
 - Horticulture NZ (457.67), Kiwirail (514.75), Kāinga Ora (563.591), (FS 201.275), (FS 201.281), (FS 201.276), (FS 201.551), (FS 201.646), (FS 201.774), (FS201.961) and Waka Kotahi (566.114b) be accepted.

Objective FUZ-03

149. The notified Objective FUZ-03 is as follows:

FUZ-03 The predominant rural character of the Future Urban Growth zone is retained, which includes:

- 1. low density built form with open space between buildings;*
- 2. a diversity of topography and land quality, including land without significant rural production values and/or versatility;*
- 3. a general absence of urban infrastructure;*
- 4. rural roads with low traffic volumes;*
- 5. areas of vegetation, natural features and open space.*

150. The submissions from Tegel and Waka Kotahi supporting Objective FUZ-03 are acknowledged.

151. The submission from Kāinga Ora seeks amendments to the wording of Objective FUZ-03 to clarify that the predominant rural character of the FUZ is only to be retained until such time as the land is rezoned.

152. In our opinion, this clarification is unnecessary as clearly the purpose of the FUZ is to identify land which may be urbanised. As such, we do not consider that any valid argument could be sustained to suggest that rural character should be retained as part of any future rezoning process.

153. It is noted that the current wording of Objective FUZ-03 refers erroneously to the Future Urban Growth zone. It is recommended that this is corrected a minor amendment under Clause 20A of the RMA.

154. The following decisions are recommended on the submissions:

- Kāinga Ora (563.587), (FS 201.282) and Federated Farmers (FS128.144) be rejected.
- Tegel (467.75) and Waka Kotahi (566.114c) be accepted

Objective FUZ-04

155. The notified Objective FUZ-04 is as follows:

FUZ-04 Activities within and adjacent to the identified Future Urban Zones do not compromise the ability to develop the area for urban growth purposes

156. The two submissions and further submission to Objective FUZ-04 support the objective as notified and it is recommended that these are accepted.

157. The following decisions are recommended on the submissions:

- Submission/s – Kāinga Ora (563.608) and (FS 201.283) and Waka Kotahi (566.114d) be accepted

Policies FUZ-P1 and FUZ-P2

158. The notified Policy FUZ-P1 and FUZ-P2 are as follows:

FUZ-P1 Allow activities that are compatible with the role, function and character of the Future Urban Zone while ensuring they will not compromise the ability to comprehensively develop and use the Future Urban Zone for urban growth purposes, including:

- 1. agricultural, pastoral and horticultural activities;*
- 2. residential unit*
- 3. minor residential units;*
- 4. residential activities;*
- 5. rural produce retail;*
- 6. petroleum prospecting;*
- 7. leisure activities;*
- 8. residential visitor accommodation;*
- 9. Māori purpose activities; and*
- 10. home business.*

FUZ-P2 Manage activities that may be potentially incompatible with the ability to comprehensively develop and use the Future Urban Zone for urban growth purposes and ensure it is appropriate for such activities to establish in the Future Urban Zone, having regard to whether:

- 1. the activity will limit, restrict or constrain permitted or existing lawfully established activities and/or the ability to develop and use the Future Urban Zone for the planned urban growth purposes;*
- 2. the purpose of the activity is compatible with and/or will support the needs of existing activities and future urban activities in the area the activity is located within;*
- 3. any potential conflict between activities can be appropriately managed as the area transitions to an urban area in the future;*
- 4. the activity will compromise the provision of connected transport networks that allow ease of movement within, to and from the Future Urban Zone;*

5. *the activity will affect the ability to provide adequate, coordinated and integrated infrastructure to meet the immediate and future needs of the Future Urban Zone area that the activity is located within.*

Potentially incompatible activities include:

1. *large lot rural subdivision;*
2. *community facilities;*
3. *camping grounds; and*
4. *sport and recreation activities.*

159. Kāinga Ora, New Plymouth Co-housing, the Ministry of Education, Taranaki Energy Watch. have all made submissions supporting in part Policies FUZ-P1 and FUZ-P2 with submissions points on the prescribed list of activities. Central Football Inc. opposes Policy FUZ-P2 unless sport and recreation activities is removed from the list of incompatible activities. Kāinga Ora has made submissions to Policies FUZ-P1 and FUZ-P2 to delete the prescribed lists in their entirety as they consider this is unnecessary and pre-emptive in terms of any future assessment of the policy.
160. The submissions from KiwiRail and Waka Kotahi, supporting Policy FUZ-P2 are acknowledged.
161. In terms of specific activities within the prescribed lists, please refer to Key Issue 3 for analysis of these submission points.
162. We note that the request to delete the lists of activities within policies is a common submission from Kāinga Ora.
163. The PDP has adopted a consistent format of including prescribed activity lists which directly connect the respective policy to the rule provisions and activity status for the respective activities.
164. This approach has been put forward as the preferred format as it provides a very robust and direct connection between the policy and rule provisions and aides in the interpretation of the policy directive. Importantly, the wording of the respective policies does not preclude other activities from being assessed under the ambit of the policy direction. The submissions from Kāinga Ora to delete the prescribed lists from the policies are not supported across all sections of the Proposed Plan.
165. We recommend that Policies FUZ-P1 and FUZ-P2 are retained as notified apart from changes arising from submissions in terms of the activity lists and rules. The submissions supporting the policies are accepted in part with further discussion on the submission points on prescribed list of specific activities discussed in Key Issue 3.

166. The following decisions are recommended on the submissions:

- Kiwi Rail (514.74) and Waka Kotahi (566.113), Kāinga Ora (FS 201.287) be accepted in part.
- Kāinga Ora (563.588) and (563.590) be rejected.

Policy FUZ-P3

167. The notified Policy FUZ-P3 is as follows:

FUZ-P3 Avoid activities that are incompatible with the role, function and predominant character of the Future Urban Zone and/or activities that will:

- 1. constrain, limit or compromise the ability to comprehensively develop and use the Future Urban Zone for urban growth purposes;*
- 2. result in reverse sensitivity effects and/or conflict:*
 - a. with permitted activities; and/or*
 - b. between incompatible activities once urban development occurs;*
- 3. result in adverse effects on the character and amenity of the surrounding area which cannot be avoided, or appropriately remedied or mitigated; or*
- 4. inhibit the efficient provision of infrastructure to service future urban growth needs.*

Incompatible activities include:

- 1. small lot rural/rural lifestyle/general residential subdivision;*
- 2. multi-unit development;*
- 3. retirement village;*
- 4. visitor accommodation;*
- 5. primary production (except agricultural, pastoral and horticultural activities);*
- 6. rural industry activities;*
- 7. retail activities;*
- 8. business service activities;*
- 9. industrial activities;*
- 10. commercial service activities;*
- 11. petroleum exploration activities*
- 12. petroleum production activities*
- 13. educational facilities (except Kōhanga reo, cultural education and research facilities);*

14. rural transport activities; and

15. large scale renewable electricity generation activities, including maintenance and repairs and upgrading.

168. Policy FUZ-P3 sets a strong policy directive to avoid activities that are incompatible with the role, function and predominant character of the FUZ. The policy directive deliberately seeks to 'avoid' incompatible activities which for the PDP captures all non-complying activities as set out in Rules FUZ-R16 to FUZ-R29 and also small lot subdivision.
169. Kāinga Ora support Policy FUZ-P3 in part however seek amendment to replace the 'avoid' policy directive with the lower directive of 'discourage'. In addition, Kāinga Ora seek to include petroleum prospecting within the prescribed list of incompatible activities.
170. The adoption of the high threshold 'avoid' directive is aligned with the approach throughout the PDP and provides certainty to users that the prescribed activities are to be avoided within the FUZ areas. The prescribed activities include a wide range of activities and each respective activity may have varying capital investment, infrastructure demand and/or potential effects in terms of compatibility with any future urban land use.
171. It is not clear that in each case of the listed activities, that these are all at odds with the strategic intent of the FUZ. For example, a small-scale childcare facility and even one proposed within an existing dwelling would be captured by Policy FUZ-P3 and the directive that such activities should be avoided. At the same time, kohanga reo are provided for as a permitted activity.
172. It is our recommendation that the 'avoid' policy directive is retained, with some reconsideration of the activities within the prescribed list of incompatible activities. In our view, the following changes should be adopted which will also provide better alignment with the Rural Production and Rural Lifestyle Zones and also provides a response to the submissions from the Ministry of Education.
- Remove 'educational facilities' from non-complying rule section to discretionary rule section and transfer educational facilities from prescriptive list under Policy FUZ-P3 to Policy FUZ-P2, and
 - Amendment to retail activities listing to align with Rural Production Zone. This would delete retail activities from non-complying rule section and replace with supermarkets, integrated retail activities and large format retail activities.
173. The submission from Tegel seeks an amendment to reframe the policy such that it only applies to new activities. In the first instance, this amendment may have merit as there has to be recognition of existing activities and existing use rights in terms of any planning regime and plan review process. However, we are of the opinion that if the policy is amended to only refer to new activities, this could raise issues with the

assessment of activities that are seeking to vary an existing consent or are seeking to expand an existing activity which arguably may then not be a new activity. The current wording provides a clear and unequivocal policy direction and we do not consider that this will lead to any undue issues associated with the use and/or operation of existing activities.

174. On balance, it is considered that there is more value in retaining the wording as notified as this does not leave open any debate as to what constitutes a new activity. In practical terms, this policy will only apply to activities that require land use or subdivision consent. Therefore we do not support the change requested by Tegel and recommend that the submission point is rejected.
175. Kāinga Ora seeks the deletion of this sub-clause 2(b) based on its view that the nature and scope of incompatible activities may change in status following a rezoning process.
176. The policy direction in subclause 2(b) seeks to avoid activities which result in reverse sensitivity effects "... *between incompatible activities once urban development occurs*".
177. It is considered that the wording of subclause 2(b) is appropriate as this simply recognises that any activities will need to take into account the potential for urbanisation and that that this may give rise to reverse sensitivity effects. We do not recommend any changes in this regard.
178. See also discussion Key Issue 4 in regards to assessment criteria.
179. The submissions from KiwiRail and Waka Kotahi, supporting Policy FUZ-P3 are acknowledged.
180. Based on our analysis of the submissions, we consider that Policy FUZ-P3 should be retained with a modification to the list of prescribed activities and associated rule provisions as discussed above.
181. The following decisions are recommended on the submissions:
- Tegel (467.69) be rejected.
 - Kāinga Ora (563.585) and (FS 201.289), Kiwirail (514.73) and Waka Kotahi (566.112) and Transpower (FS129.150) be accepted in part.

Policy FUZ-P4

182. The notified Policy FUZ-P4 is as follows:

FUZ-P4 Maintain the role, function and predominant character of the Future Urban Zone by controlling the effects of:

- 1. the maximum number of residential units per site;*
- 2. building height, bulk and location;*
- 3. setback from boundaries; and*
- 4. height in relation to boundaries.*

5. *shelter belt heights.*

183. There is only one submission to Policy FUZ-P4 from Kāinga Ora (563.605) which supports the policy as notified. It is recommended that this submission is accepted.

Policy FUZ-P5

184. The notified Policy FUZ-P5 is as follows:

FUZ-P5 Ensure activities are located appropriately within the zone, having regard to the effects of the activity and:

- 1. the purpose of the activity and whether the activity will provide for or support the needs of existing lawfully established activities, permitted activities and/or the urban growth planned for the area;*
 - 2. the impact on existing and future activities and the ability to manage any conflict as the area transitions to an urban area in the future;*
 - 3. the potential impact of development on any cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua, and the outcomes of any consultation with and/or cultural advice provided by tangata whenua as mana whenua and kaitiaki, including with respect to:*
 - a. opportunities to incorporate mātauranga Māori principles into the design and/or development of the structure plan area;*
 - b. opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; and*
 - c. options to avoid, remedy or mitigate adverse effects;*
 - 4. the extent to which the activity may adversely affect an identified feature and whether any adverse effects will be appropriately avoided, remedied or mitigated; and*
 - 5. the extent to which any adverse visual effects will be appropriately minimised through screening planting, building design, siting, and the retention of existing vegetation.*
185. Policy FUZ-P5 sets out key matters for consideration in terms of the location of activities, both in terms of activities within the FUZ Zone and also taking into account any future plan change and urbanisation process.
186. Kāinga Ora request that a minor amendment is made to the policy to clarify that any urban growth should more correctly refer to future urban growth.

187. It is considered that a minor amendment to refer to 'future urban growth' is appropriate as this can only occur as part of a plan change process to enable future growth. In this regard, we recommend that this submission point is accepted.
188. A consequential changes is also recommended following submissions from TKOTAT, Ngāti Tawhirikura Hapū, Te Kāhui o Taranaki Trust and Puketapu Hapu to remove the word 'principles' after 'Matauranga Māori' in assessment Policy FUZ-P7. As Policy FUZ-P5 also refers to 'Matauranga Māori', an amendment to this policy is recommended to be consistent with the recommendations on Policy FUZ-P7.
189. It is recommended that the submission from Kāinga Ora (563.587) be accepted.

Policy FUZ-P6

190. The notified Policy FUZ-P6 is as follows:

FUZ-P6 Require sensitive activities to be located and designed appropriately to minimise any reverse sensitivity effects, risk to people, property and the environment and/or conflict with existing primary production, rural industry and/or industrial activities

191. The submissions from Kāinga Ora and Waka Kotahi are acknowledged. These submissions are accepted in part as a change to Policy FUZ-P6 is recommended in terms of including reference to network utilities
192. The submissions relating to FUZ-P6 associated with specific activities and are addressed in Key Issue 3.
- We recommended that the submissions from Kāinga Ora (563.593) and (FS 201.294) and Waka Kotahi (566.117) be accepted in part.

Policy FUZ-P7

193. The notified Policy FUZ-P7 is as follows:

FUZ-P7 Require that any structure plan prepared for the purposes of enabling Future Urban Zone land to transition into urban zoned land, provides for comprehensive, coordinated and efficient development and that it addresses, as appropriate, the following matters:

- 1. the impact on existing activities and the ability to manage any potential conflict between existing activities and future activities as the area transitions to an urban area;*
- 2. the type, location and density of development on the land to ensure it is suitable for the area;*
- 3. the benefits of urban consolidation/intensification to support a quality compact urban form;*

4. *the topography and natural and physical constraints of the site, including natural hazards and areas of contamination;*
5. *the future servicing needs of the area and the provision of adequate, coordinated and integrated infrastructure to serve those needs;*
6. *whether staging is appropriate to ensure development occurs logically and achieves good urban form;*
7. *the relationship of the area to be structure planned with surrounding areas and the way any conflict between areas is to be managed as the area transitions to an urban area;*
8. *the provision of multi-nodal transport links (including pedestrian links) and connected transport networks that allow ease of movement to, from and within the Future Urban Zone;*
9. *the provision and integration of accessible open space networks, parks and esplanade strips;*
10. *the potential impact of development on any cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua, and the outcomes of any consultation with and/or cultural advice provided by tangata whenua as mana whenua and kaitiaki, including with respect to:*
 - a. *opportunities to incorporate mātauranga Māori principles into the design and/or development of the structure plan area;*
 - b. *opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; and*
 - c. *options to avoid, remedy or mitigate adverse effects;*
11. *the maintenance or enhancement of identified features, natural waterbodies and/or indigenous vegetation; and*
12. *opportunities for the provision of business and retail activities which are complementary to the planned growth and will serve the needs of the new community.*

194. Multiple submissions have been received to FUZ-P7 as this sets a directive for the matters to be considered as part of any structure plan which will support a plan change and process of urbanisation. FUZ-P7 sets out twelve matters which must be addressed in a structure plan to ensure that a comprehensive and robust assessment of resource management and infrastructure issues are assessed and taken into account.

195. In general terms, the submissions are all seeking additional criteria or matters to be included. We note that any plan change process is subject to the statutory framework under the RMA and this includes a full evaluation of costs and benefits in accordance with Section 32 of the RMA. Policy FUZ-P7 therefore is designed to clearly articulate the matters which will need to form part of any structure plan process, and which will consequently be part of the Section 32.
196. Horticulture NZ submits that an additional criterion for reverse sensitivity at the future urban/rural interface should be included. This is supported by Federated Farmers. The submissions are supported and it is appropriate that the future urban/rural interface is assessed as part of any future plan change/structure plan process.
197. TKOTAT, Ngāti Tawhirikura Hapū and Puketapu Hapu have submitted that assessment clause 11 should provide for the protection of identified features in addition to their maintenance and enhancement. This is appropriate as some sites and identified feature will require recognition and protection as part of any urbanisation process.
198. TKOTAT, Ngāti Tawhirikura Hapū, Te Kāhui o Taranaki Trust and Puketapu Hapu have made submissions to Objective FUZ-O2 and Policy FUZ-P7 to explicitly require recognition of the input from tangata whenua as 'expert' evidence. While the above discussion and analysis above does not recommend changes to Objective FUZ-O2, it is recommended that changes are made to Policy FUZ-P7. It is apparent to us that the policy wording should provide for input on cultural values and site from a broad range of sources and people and therefore the wording changes should not infer that only expert input will be received. Consultation may also involve hui, informal and formal meetings and discussions and site visits.
199. We support the above submissions however suggest that consideration be given to a modified form of the wording to include both expert cultural advice and consultation. The policy changes sought in the submissions are as follows:
10. the potential impact of development on any cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua, ~~and the outcomes of any consultation with and/or cultural advice provided by tangata whenua~~ and any expert cultural advice received, including with respect to:
200. The amended version which we recommend for discussion is as follows (noting that the track change version within the submissions does not include the full wording of the policy:
- 10. the potential impact of development on any cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua including expert cultural advice received, and the outcomes of any consultation with and/or cultural advice provided by tangata whenua as mana whenua and kaitiaki, including with respect to:*

- a. *opportunities to incorporate mātauranga Māori principles into the design and/or development of the structure plan area;*
- b. *opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; and*
- c. *options to avoid, remedy or mitigate adverse effects;*

201. It is considered that these amendments are appropriate to the FUZ provisions and that other zone chapters that have a different policy context may have a different response to the submission points. The hearings process will also allow for further discussion on what is the most appropriate wording for this policy with submitters.
202. TKOTAT, Ngāti Tawhirikura Hapū, Te Kāhui o Taranaki Trust and Puketapu Hapu have made submissions to remove the word 'principles' after 'Matauranga Māori' in assessment clause 10(a). It appears that the word 'principles' is not necessary, and we support these submissions.
203. Kāinga Ora has made submissions across Policy FUZ-P7 which seek to ensure a robust and comprehensive structure plan process is undertaken. The specific submission points are as follows:

Amend policy FUZ-P7 as follows:

Require that any structure plan prepared for the purposes of enabling Future Urban Zone land to comprehensively develop transition into urban zoned land, provides for ~~comprehensive~~, coordinated and efficient development ~~and that it addresses, as appropriate,~~ the following matters:

...

- 3. *the contribution to a compact urban form and the efficient use of land in conjunction with existing urban areas, to give effect to the Strategic Direction of the Plan; ~~the benefits of urban consolidation/intensification to support a quality compact urban form;~~*
- 4. *the topography and natural and physical constraints of the site, including natural hazards and areas of contamination, and whether any proposed structure plan responds to these constraints;*
- 6. *whether staging is appropriate to ensure development occurs logically, ~~and achieves good~~ taking into account the need for quality urban form and suitable infrastructure;*

...

8. *the provision of multi-nodal transport links (including pedestrian links) to ensure: and*

a. connected transport networks that allow ease of movement to, from and within the Future Urban Zone;

b. the integration of land use and development with the local and strategic transport networks.

...

12. *opportunities for the provision of business and retail activities which are complementary to the planned growth and will serve the needs of the new community, while not compromising the viability of existing centres through significant adverse retail-distributional effects.*

AND

Consider an alternative approach where expanded structure plan requirements are provided as an appendix to the District Plan.

204. We consider that Policy FUZ-P7 can be improved with some strengthening of the wording for what is required in a structure plan. Given that any structure plan will necessary form part of a plan change process, it is also considered appropriate that Policy -FUZ-P7 also refers to the plan change process.
205. We are of the view that the changes proposed assessment clause 3 have merit as these provide a nexus between any new urban areas and existing urban areas. However, reference to the Strategic Direction is not supported as this would give then rise to issues regarding linkages of all other objectives and policies to the Strategic Direction section.
206. The proposed amendments to assessment clause 4 are not supported as the wording does not add value to the assessment clause. If topographical constraints are identified, then any structure plan process will need to address these and how any new zone or structure plan gives effects to the Proposed Plan and RMA provisions addressing hazards and contamination.
207. The amendments to assessment clause 6 are supported as infrastructure supply may heavily influence staging for future urbanisation.
208. The amendments to assessment clause 8 are supported as these provide more explicit reference to the local and strategic transport networks.
209. The amendments to assessment clause 12 are supported as it will be necessary to consider adverse retail distribution effects as part of any rezoning process.
210. Kāinga Ora has also submitted that an alternative approach to FUZ-P7 would be to include a separate appendix in relation to requirements for a structure plan. We consider that Policy FUZ-P7 with the recommended amendments provides appropriate guidance in terms of key matters for

assessment. As discussed above, any rezoning and structure plan process will also be subject to a statutory assessment of alternatives and cost and benefits which will enable a full assessment of all planning and infrastructural matters.

211. The submissions from Waka Kotahi to retain Policy FUZ-P7 as notified is acknowledged and is supported in part, taking into account the amendments that are recommended in this report.
212. After considering the submissions to FUZ-P7 collectively and individually, it is considered that the following amendments will improve the effectiveness of the policy;
- Additional reference to managing reverse sensitivity issues is appropriate in assessment clause 1,
 - Rewording of assessment clause 3 regarding urban consolidation,
 - Amendments to assessment clause 6 regarding staging,
 - Rewording of assessment clause 8 to provide more comprehensive guidance on transportation connections,
 - Rewording of policy reference to Mātauranga Māori in assessment clause 10,
 - Strengthening of the directive around significant sites to protection, maintenance or enhancement of identified features in assessment clause 11,
 - Amendments to assessment clause 12 to refer to adverse retail distribution effects with respect to any new business and retail activities, and
213. While a full set of track changes is provided in Appendix 1, taking into account the multiple submissions and proposed amendments, for ease of reference, the full set of recommended track changes to Policy FUZ-P7 are also provided here:

FUZ-P7 Require that any rezoning process and structure plan prepared for the purposes of enabling Future Urban Zone land to comprehensively develop transition into urban zoned land, provides for ~~comprehensive~~, coordinated and efficient development and that it addresses, as appropriate, the following matters:

- 1. the impact on existing activities and the ability to manage any potential conflict between existing activities and future activities as the area transitions to an urban area, including the potential reverse sensitivity effects at the urban/rural interface;*

2. *the type, location and density of development on the land to ensure it is suitable for the area;*
3. *the contribution to a compact urban form and the efficient use of land in conjunction with existing urban areas; the benefits of urban consolidation/intensification to support a quality compact urban form;*
4. *the topography and natural and physical constraints of the site, including natural hazards and areas of contamination;*
5. *the future servicing needs of the area and the provision of adequate, coordinated and integrated infrastructure to serve those needs;*
6. *whether staging is appropriate to ensure development occurs logically, ~~and achieves good~~ taking into account the need for quality urban form and suitable infrastructure;*
7. *the relationship of the area to be structure planned with surrounding areas and the way any conflict between areas is to be managed as the area transitions to an urban area;*
8. *the provision of multi-nodal transport links (including pedestrian links) to ensure: ~~and;~~*
 - a. *connected transport networks that allow ease of movement to, from and within the Future Urban Zone;*
 - b. *the integration of land use and development with the local and strategic transport networks.*
9. *the provision and integration of accessible open space networks, parks and esplanade strips;*
10. *the potential impact of development on any cultural, spiritual and/or historic values and interests or associations of importance to tangata whenua including expert cultural advice received, and the outcomes of any consultation with and/or cultural advice provided by tangata whenua as mana whenua and kaitiaki, including with respect to:*
 - a. *opportunities to incorporate mātauranga Māori principles into the design and/or development of the structure plan area;*

- b. *opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; and*
- c. *options to avoid, remedy or mitigate adverse effects;*

11. *the protection, maintenance or enhancement of identified features, natural waterbodies and/or indigenous vegetation; and*

12. *opportunities for the provision of business and retail activities which are complementary to the planned growth and will serve the needs of the new community, while not compromising the viability of existing centres through significant adverse retail-distributional effects.*

214. The following decisions are recommended on the submissions:

- TKOTAT (459.371), Ngāti Tawhirikura Hapū (519.5), Te Kāhui o Taranaki Trust (534.57), Kāinga Ora (563.606), (FS201.554), (FS201.775), (FS201.299), (FS201.647) and (FS201.962), Waka Kotahi (566.120) and Puketapu Hapū (589.6) be accepted in part.
- Horticulture NZ (457.64), TKOTAT (459.355), Te Kāhui o Taranaki Trust (534.56) and Federated Farmers (FS128.145) be accepted.

New Policies

215. In accordance with the discussion on Objective FUZ-O1, it is recommended that a new policy is included within the FUZ on the timeframe for any plan change to introduce urbanisation within the FUZ.
216. TKOTAT (459.370) has made a submission to introduce a new policy relating to long term funding to implement Strategic Objective UFD-13. This is supported by Kāinga Ora (FS 201.964) insofar as it supports its other submissions.
217. There is a very close association between District Plan provisions, structure planning and the funding which council must consider and set out in both long term plans and in annual plans. However, it is not considered appropriate for the PDP to include policies that are intended to lead or guide any Council decisions on the long term funding or annual plan process. These processes will necessarily need to be made in accordance with Council's statutory functions and obligations under the Local Government Act and it would not be appropriate to elevate the Proposed Plan as a superior policy document that dictates or guides the outcome of these processes.
218. Given this position, it is recommended that the submissions from TKOTAT (459.370) and Kāinga Ora (FS 201.964) be rejected.

Section 32AA evaluation

Effectiveness and efficiency

- Overall, it is considered that the set of objectives and policies for the FUZ set out an appropriate framework for managing activities to ensure that future urbanisation options are not foreclosed or comprised and for setting clear requirements for any urbanisation process.
- The changes and amendments recommended above provide some fine tuning of the policy directives and these are considered to provide clarity around the scope and intent of the policy directives. This will provide for greater effectiveness and efficiency in terms of the implementation of the PDP.

Costs/Benefits

- It is considered that there are no additional costs in terms of the amendments proposed as these are designed to improve the clarity and effectiveness of the policy directives.
- The benefits are more certainty for landowners and plan users in terms of the nature of activities which may be established in the FUZ and the process for urbanisation.

Risk of acting or not acting

- The risk of not acting is that future urbanisation options may be foreclosed compromised by inappropriate development and land use activities within the FUZ.

Decision about most appropriate option

- In accordance with the Section 32 report, it is considered that the FUZ and associated objectives is the most appropriate option to identify and protect land for future urbanisation.

7.2.3 Key Issue 3: Provision for and management of specific activities within the FUZ

Overview

Provision(s)	Officer Recommendation(s)
Co-Housing	No changes are recommended to include provisions for co-housing.
Educational facilities	Amend activity status of educational facilities from non-complying to discretionary.
Petroleum Prospecting	FUZ-R7, FUZ-R26 and FUZ-R27 – delete rules and defer to equivalent rules within Energy Chapter.
Large Scale Renewable Electricity Generation Activities	FUZ-R29 - delete rule and defer to equivalent rule within Energy Chapter.

Provision(s)	Officer Recommendation(s)
Relocatable Buildings	Deletion of Controlled Activity Rule and proposed new Permitted Activity Rule to align with Rural Lifestyle and Rural Production Zones.
Intensive Production Activities	New rule to clarify and explicitly include intensive indoor primary production as a non-complying activity.
Network Utilities	FUZ-P6 - Amendment to include network utilities as part of reverse sensitivity assessment

Analysis of Submissions on Key Issue 3

219. A number of submitters have made submissions across the objective, policy and rule mechanisms of the FUZ in relations to specific land use activities and how these are either provided for, or managed, within the FUZ areas. In many cases, these issues also affect other Zone chapters and will be considered more fully as part of other hearings. The following discussion considers submissions which directly affect the FUZ.

Co-Housing

220. New Plymouth Cohousing seeks amendments to Objective FUZ-O2 (478.3), Policies FUZ-P1 (478.1) and FUZ-P3 (478.2) to explicitly provide for co-housing opportunities within the FUZ areas until such time as any rezoning occurs.
221. Kāinga Ora (FS201.285, FS201.290 and FS201.276) has made further submission/s opposing in part the New Plymouth Cohousing submissions insofar as they are inconsistent with its primary submission/s. Kāinga Ora consider that any new provisions for co-housing may lead to fragmentation of land and is contrary to the purpose of the FUZ.

Discussion

222. It is understood that New Plymouth Cohousing promotes alternate forms of residential development whereby homes are owned by individual families while common spaces and shared facilities area available for all families collectively.
223. The strategic intent of the FUZ is to identify and safeguard areas on the urban fringe for future urbanisation, and the FUZ proposes rules to effectively retain low density and rural land use activities in the interim. While it is acknowledged that there have been difficulties in identifying suitable land for co-housing opportunities, it is considered that specific provisions for cohousing would not support or be aligned with the strategic intent of the FUZ.
224. Until such time that land within the FUZ was rezoned for residential use, it is considered that the purpose and intent of the FUZ will not be served by provisions for cohousing developments and therefore no amendments are recommended.

225. The following decisions are recommended on the submissions:
- New Plymouth Cohousing to FUZ-O2 (478.3), FUZ-P1 (478.1), and FUZ-P3 (478.2) be rejected.
 - Kāinga Ora (FS201.285, FS201.290 and FS201.276) be accepted.

Education facilities

226. The Ministry of Education partly supports Policy FUZ-P1 however seeks the inclusion of *educational facilities* in the prescribed list of compatible activities (518.47) and deletion of educational facilities from Policy FUZ-P3 which identifies incompatible activities (518.48). A submission is also made opposing Rule FUZ-R25 which proposes a non-complying activity status for education facilities (518.46) and new rules provisions are sought for education facilities as a permitted activity (518.45).
227. Kāinga Ora (FS201.301 and FS201.305) has made further submission/s opposing the Ministry of Education submissions (518.45 and 518.46) insofar as they are inconsistent with its primary submission/s. Kāinga Ora (FS201.286) has made further submission/s opposing in part the Ministry of Education submission (518.47) insofar as it is inconsistent with its primary submission/s. Kāinga Ora (FS201.291) has made further submission/s supporting in part the Ministry of Education submission (518.47) insofar as it supports its primary submission/s.

Discussion

228. The purpose of the FUZ is to retain a rural environment with predominantly rural activities until such time as a plan change and structure plan process has been developed and a full cost/benefit analysis has taken place in terms of how and when any urbanisation should occur.
229. It is unclear why the Ministry of Education would need to consider or establish new schools within these areas while they retain a predominantly rural land use. In addition, it would seem more advantageous to consider any future demand and provision of schools as part of any rezoning and structure plan process.
230. However, it is also acknowledged that there may be circumstances where small scale educational facilities, which may include a day care facility, could be considered as appropriate within a FUZ area and this may not necessarily conflict with the strategic intent or purpose of the FUZ. It is therefore proposed to remove the non-complying status of educational facilities and to include educational facilities as a discretionary activity.
231. Therefore it is recommended that the Ministry of Education (518.45), (518.46), (518.47) and (518.48) and Kāinga Ora (FS201.286), (FS201.291), (FS201.301 and FS201.305) submission be accepted in part.

Petroleum Prospecting and related activities

232. Taranaki Energy Watch partly supports Policy FUZ-P1 however seeks the deletion of petroleum prospecting within the list of compatible activities (543.12). In addition, the associated permitted activity Rule FUZ-R7 is opposed in its entirety (543.13).
233. Greymouth Petroleum (FS119.49) has made further submission/s opposing the Taranaki Energy Watch submission (543.12) and seeks that the list of compatible activities be retained as notified.
234. Kāinga Ora oppose the inclusion of petroleum prospecting in Policy FUZ-P1 as they consider it is inconsistent with the purpose of the FUZ including the objectives and policies which Kāinga Ora support (563.588). Kāinga Ora submit that petroleum prospecting should be included within the list of incompatible activities as prescribed in FUZ-P3 (563.585). Kāinga Ora (FS 201.304) has also made further submission/s supporting in part the Taranaki Energy Watch submission (543.13) insofar it is inconsistent with its primary submission/s.
235. Johnson Resource Management Limited oppose Rules FUZ-R26 (petroleum exploration activities) and FUZ-R27 (petroleum production activities) being listed as Discretionary activities and notes that these rules are a double up with the Energy Chapter Rules ENGY-R3 and ENGY-R4 respectively (484.17 and 484.18).
236. Kāinga Ora (FS 201.302 and FS 201.303) has made further submission/s supporting in part the Johnson Resource Management Limited submissions (484.17 and 484.18) insofar as they supports its primary submission/s.

Discussion

237. The issues associated with the activity status of rules for petroleum prospecting and associated activities have already been addressed in the Hearing 12 – Energy, Hazardous Substances and Contaminated Land. The Energy Chapter as set out in the Proposed Plan is an overarching chapter includes all resource management matters associated with the use and development of energy resources. It is therefore proposed to adopt the assessment and recommendations presented at that hearing.
238. These recommendations include;
- Delete FUZ-R7 Petroleum Prospecting (permitted activity rule) and rely instead on ENGY-R1,
 - Delete FUZ-R26 Petroleum exploration activities (non-complying rule) and rely instead on ENGY-R3, and
 - Delete FUZ-R27 Petroleum production activities (non-complying rule) and rely instead on ENGY-R4(3).
239. These recommendations address potential issues of duplication between the Energy Chapter and the FUZ Chapter provisions.

240. On this basis, the permitted activity status for petroleum prospecting within the FUZ would be retained, albeit with the relevant rule sourced from the Energy Chapter of the PDP. The submissions outlined above which seek to remove the permitted activity status for petroleum prospecting.
241. It is acknowledged that it is counterintuitive to provide for petroleum prospecting within a FUZ area if this does not provide for future exploration or production activities which would clearly be incompatible with any future urbanisation. The assessment from Hearing 12 included the following assessment:
- Petroleum prospecting includes activities that are generally of a low intensity, of a short duration, and do not require substantial earthworks e.g., geological and geochemical surveys, or aerial surveys. Given the nature of these activities we consider that the permitted activity status across all zones is appropriate⁵.*
242. We adopt this assessment and consider that prospecting is an acceptable activity and that this may be necessary to help inform geological models within the broader area of the FUZ. The non-complying activity status for any exploration or production activities and Policy FUZ-P3 very much signals that these activities cannot occur in the FUZ such that there is a clear policy and rule directive that only prospecting activities are acceptable.
243. The following decisions are recommended on the submissions.:
- Taranaki Energy Watch (543.12), Kāinga Ora (563.588), and (FS 201.304) be rejected.
 - Taranaki Energy Watch (543.13) Johnson Resource Management Limited (484.17) and 484.18) and Kāinga Ora (563.585) (FS 201.302), (FS 201.303) and (FS 201.304) be accepted in part,
 - Greymouth Petroleum (FS119.49) be accepted.

Large Scale Renewable Electricity Generation Activities

244. Johnson Resource Management Limited oppose Rule FUZ-R29 (Large Scale Renewable Electricity Generation Activities) as it is a double up with Energy Chapter Rule ENGY-R7(2) (484.16).

Discussion

245. As is similar with the discussion on petroleum activities, Hearing 12 has already considered the provisions associated with energy production including linkage rules to other zone chapters.
246. It is considered that Rule FUZ-R29 is unnecessary and that the Energy Chapter should be contain all energy related rules.

⁵ Section 42a Report – Energy, (Authors Gardiner/Wesney and Stenner) - para 72.

247. It is therefore recommended that Rule FUZ-R29 be deleted. It is noted that the equivalent rule in the Energy Chapter has been recommended for amendment to allow solar panels as a Discretionary Activity.

It is recommended that the submission from Johnson Resource Management Limited (484.16) be accepted.

Relocation of Buildings

248. Kāinga Ora has submitted in opposition to FUZ-R31 which requires land use consent for a relocation of a building as a Controlled Activity (563.613).
249. House Movers Section of the NZ Heavy Haulage Association (House Movers) (FS133.6) has made further submission/s supporting the Kāinga Ora submission (563.613).

Discussion

250. This matter has been comprehensively addressed in the hearing reports for the Rural Production and Rural Lifestyle Zones.
251. Council staff have completed an analysis of the efficiency of the Controlled Activity rule approach, revised case law on relocatable buildings, reviewed other recent plan provisions and have held discussions with Heavy House Haulage representatives.
252. This analysis has led to recommendations within the Rural Lifestyle and Rural Zones to dispense with the Controlled Activity rule and requirement for land use consent and to replace this with a permitted activity rule which includes performance standards for reinstatement.
253. The following specific rule provisions are recommended for the Rural Production and Rural Lifestyle Zones and it is recommended that these are adopted into the FUZ:

FUZ-R31 Relocation of a building

Activity status: PER

Where:

1. *The building will be used as a residential unit;*
2. *a reinstatement works report has been prepared by a licensed building practitioner, or other appropriately qualified person, and submitted to the Council;*
3. *all Future Urban Zone Effects Standards are complied with.*
4. *The building shall be located on permanent foundations approved by building consent, within 12 months of the building being moved to site;*
5. *All reinstatement work to the exterior shall be completed within 12 months of the building being relocated to site.*

Note:

This rule does not apply to:

- *The relocation of a residential unit that is less than 20 years old, provided it will be used as a residential unit and all Future Urban Zone Effects Standards are complied with.*
- *Buildings which will not be used for rural lifestyle living activities, provided all Future Urban Zone Effects Standards are complied with.*
- *Buildings being repositioned on the same site.*

Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted:

- *The proposed timetable for completion of the work required to reinstate the exterior of the building and connections to services as per the reinstatement works report.*
- *The use to which the building will be put and whether it is compatible with the character and amenity of the area.*
- *The extent to which the location, bulk, scale and built form of the building impacts on rural lifestyle character and amenity.*
- *Ability to soften the visual impact of the building from nearby residential properties and adjoining road boundaries, including retention of any existing mature trees and landscaping.*
- *On-site amenity values.*
- *Safety and efficiency of the roading network, including the provision of appropriate parking and access.*
- *Extent of impervious surfaces and landscaping.*
- *The extent and effect of non-compliance with any relevant Future Urban Zone Effects Standards and the matters of discretion in any infringed Effects Standard(s).*

254. In addition, consequential amendments will be required to include relocation of a building into FUZ-P1.

- It is recommended that the submissions from Kāinga Ora (563.613) and (House Movers) (FS133.6) be accepted.

Sport and Recreation Activities

255. NZ Football oppose the inclusion of sport and recreation facilities in the list of incompatible activities as set out in FUZ-P2 (279.1). NZ Football advise that they have purchased land at Airport Drive to develop as a football facility and they have strong issues and concerns with any planning regulations that would compromise their proposal.

256. It is considered that discussions with NZ Football around the necessary consenting process and matters for assessment will be beneficial and can be held in addition to the PDP hearings.

Discussion

257. Sport and recreational activities are included within Policy FUZ-P2 which provides for a policy directive leading into Rule FUZ-R12 and a requirement for a land use consent as a restricted discretionary activity.

258. It is considered that this policy directive and rule mechanism are appropriate as there may be some sport and recreational facilities which are compatible with both an existing rural area as well as any future urban area. This will depend on the scale and nature of activities and the potential for adverse effects beyond the site boundary. The restricted discretionary mechanism provides a limitation on the matters of discretion and this provides guidance for landowners and consent applicants on the type and nature of assessment that will be required.
259. Given the above, it is recommended that the submission of NZ Football (279.1) be rejected.

Intensive Primary Production and Rural Industry

260. Tegel support in part Policy FUZ-P6 and seek an amendment that reverse sensitivity effects are also considered in relation to intensive primary production (467.68).
261. Tegel has also submitted on Rule FUZ-R19 and supports a non-complying activity status for new intensive primary production activities, and that existing intensive primary production activities should have a discretionary activity status (467.67). Tegel has also made the same submission in relation to rural industry (467.66).

Discussion

262. Before discussing the submission points, it is appropriate to refer to matters raised in the Rural Production Zone ("RPROZ") s42a report. This report has identified some matters of inconsistency with the definitions within the PDP and the National Planning Standards and includes recommendations to clarify these issues and definitions. As such, these defined terms will also need to be included in the FUZ.
263. In summary, Ms Young, the reporting planner for the RPROZ s42a report recommends the following:
- Delete definition of "intensive primary production" as this is a double up with the National Planning Standard definition for "intensive indoor primary production";
 - Add definition of free range poultry farming as follows:
Free range poultry farming means the commercial raising of poultry where birds are housed in either stationary, permanent or moveable structures or buildings which enable them to have access to the outdoors;
 - Amend the primary production nesting table to show that intensive indoor primary production is a subset of primary production;
 - Add free-range poultry farming to intensive primary production nesting table; and
 - Delete free-range poultry farming from the rural industry nesting table.

264. These recommendations will affect the FUZ provisions and the discussion on submissions to the FUZ will need to take into account the recommendations and any decisions relating to the RPROZ.
265. We are of the opinion that any new activities that seek to locate/establish within the FUZ should recognise the potential for reverse sensitivity on intensive farming activities which are already lawfully established and existing. However, we do not consider it necessary to specifically refer to intensive primary production activities as poultry farming activities area captured by the broad definition of primary production.
266. Should any rezoning and urbanisation process occur, then the spatial separation and location of activities will need to be revisited and this may result in the out-zoning of some activities which will not be compatible with future urban form and activity.
267. The FUZ assigns a non-complying activity status to all intensive indoor primary production activities. Tegel seeks to ensure this only applies to new activities. The rule mechanisms will only apply to new or expanded activities and legally established existing activities will either have existing use rights or be subject to a land use consent. Therefore, it is considered that there is no need to assign an activity status to existing activities. The same assessment applies to rural industry activities.
268. In light of this discussion, we recommend that the submissions from Tegel (467.66) (467.67) (467.68) be rejected.

Network Utilities

269. KiwiRail supports in part Policy FUZ-P6 and seeks an amendment such that reverse sensitivity effects are also considered in relation to network utilities. (514.78).
270. Transpower (FS129.151) has made a further submission supporting the KiwiRail submission (514.78).
271. Kāinga Ora (FS201.293) has made further submission/s opposing the KiwiRail submission (514.78) insofar as it is inconsistent with its primary submission/s.
272. First Gas Ltd submit that a new rule mechanism should be included within the FUZ for land use development near the Gas Transmission Network (309.21). The submission provides for these activities as a restricted discretionary activity with associated assessment criteria.

Discussion

273. It is considered appropriate that while the FUZ applies is the applicable zone to an area, then any activities which are established within the FUZ should recognise the potential for reverse sensitivity on network utilities which are already lawfully established and existing. As such it is considered appropriate to amend Policy FUZ-P6 to refer to network utilities. In addition, the provisions of the Network Utilities Chapter will apply to

existing infrastructure and rule provisions will assist with avoiding or managing reverse sensitivity effects.

274. First Gas has also made comprehensive submissions to the Network Utilities Chapter of the PDP including submission to manage earthworks, land use and subdivision along the gas transmission pipeline corridor (gas corridor).
275. The Networks Utilities Chapter includes Rules NU-R39 (Earthworks), NU-R40 (Subdivision), and NU-R41 (Sensitive activities) to manage activities along the gas corridor and hearings report on this section has assessed the appropriate provisions to protect the gas corridor across taken into account all submission to that section.
276. We are of the opinion that these matters have been addressed in the Network Utilities Chapter and therefore consider that there is no merit in duplicating rules within the FUZ or to evaluate specific rules only for the FUZ. Therefore no changes are recommended for gas corridors within the FUZ.
277. The following decisions are recommended on the submissions:
- Kāinga Ora (FS201.293) and First Gas Ltd (309.21) be rejected.
 - Kiwirail (514.78) and Transpower be accepted.

Ōākura Settlement urban/rural interface

278. The Kaitake Community Board (531.2) raise a number of concerns in opposition to the proposed Ōākura South FUZ such as landscape values, land supply and infrastructure provision which will be addressed in the Rezoning Hearing.
279. There is also a specific submission on providing for a rule within the FUZ to address the urban/rural interface (531.2).

Discussion

280. The issue of any future urban/rural interface will need to be considered and determined through any rezoning and structure plan process. This may include controls on built form and measures to avoid reverse sensitivity effects. These matters will be best considered through each respective plan change process and may differ depending on the spatial context and land use along the interface corridors.
281. As such, it is not recommended that any rules are provided within the FUZ and it is noted that the urban/rural interface is addressed in the objectives and policies for future plan change processes.

In this regard it is recommended that the Kaitake Community Board (531.2) submission be rejected.

Industrial activities

282. TKOTAT supports industrial activities being identified as a non-complying activity within the FUZ (459.363).

Discussion

283. The submission supports FUZ-R21 as notified and no change is proposed to this rule.

It is recommended that the submission from TKOTAT (459.363) be accepted.

Noise Sensitive Activities – Area East of Airport Drive

284. Papa Rererangi Puketapu Limited/NPL Airport (504.42) opposes the FUZ zone east of Airport Drive (Area R) or alternatively seeks that noise sensitive activities are excluded from this area.

Discussion

285. Noise sensitive activities and the potential impacts of urbanisation on the function and operation of New Plymouth Airport have been addressed in earlier plan changes to the Operative Plan which introduced the Area Q Structure Plan and Residential Zone. A similar assessment of the nature and type of appropriate land use activities and performance standards will be necessary as part of any plan change process to consider the type and extent of any urbanisation within this area. This will also necessarily involve NPL Airport at that stage.
286. It is not considered necessary or appropriate to include rules for noise sensitive activities specifically in relation to New Plymouth airport at this stage. The area in question will retain a low density and rural character under the FUZ provisions.
287. It is recommended that the submission from Papa Rererangi Puketapu Limited/NPL Airport (504.42) be rejected.

Summary of Key Issue 3

288. For the reasons outlined above, we recommend the following amendments:
- FUZ-P6 - Require sensitive activities to be located and designed appropriately to minimise any reverse sensitivity effects, risk to people, property and the environment and /or conflict with existing primary production, rural industry, network utilities, and/or industrial activities.
 - FUZ-R7, FUZ-R26, FUZ-27 and FUZ-R29 - Delete rules for petroleum related activities and for large scale renewable electricity generation activities and defer to equivalent rules within Energy chapter

- FUZ-P1 and FUZ-R31 - Amend activity status for relocation of building activities to a permitted activity and include performance standards as recommended from Rural Lifestyle and Rural Production Hearings.

Section 32AA evaluation

Effectiveness and efficiency

- The above amendments provide for more effectiveness and efficiency with the implementation of the Proposed Plan by ensuring that there is consistency with how activities are managed within areas that have a predominantly rural character and land use.
- In addition, it is appropriate to avoid 'double-ups' on rule mechanisms which may lead to ambiguity and uncertainty.
- It is considered that the identified activity lists and performance standards will be effective and efficient in serving the purpose and intent of the FUZ.

Costs/Benefits

- There will be some costs for landowners who seeking greater flexibility and a greater scope of activities within the FUZ. These landowners will need to apply for a land use consent and this may lead to uncertainty and compliance/assessment costs including additional timeframes for the consent process.
- The benefits of maintaining a reasonably rigid approach to the scope and scale of activities that may establish within the FUZ, is that this helps to safeguard the future options for urbanisation.

Risk of acting or not acting

- The risks of not acting is that future urbanisation options may be foreclosed or compromised by inappropriate development and land use activities within the FUZ.

Decision about most appropriate option

- In accordance with the Section 32 report, it is considered that the FUZ is the most appropriate option to identify land for future urbanisation and that the above amendments will best serve the purpose and intent of the FUZ.

7.2.4 Key Issue 4: Assessment criteria for land use consent activities.

Overview

Provision(s)	Officer Recommendation(s)
Reverse Sensitivity	Include a new assessment criterion for reverse sensitivity associated with a proposed yard reductions.

Reverse Sensitivity and Minimum building setbacks

289. Horticulture NZ (457.65) submits on Effects Standard FUZ-S2 (Minimum building setbacks) and that an additional assessment criterion should be included to address potential reverse sensitivity effects on agricultural, pastoral and horticultural activities, and also highly productive land
290. Federated Farmers (FS 128.146) has made further submission/s supporting the Horticulture NZ submission (457.65).
291. Tegel supports Effects Standard FUZ-S2 and seeks that this be retained as notified (467.73).

Discussion

292. The FUZ does not enable any form of urbanisation until such time as a plan change and structure plan process have been implemented. However, the FUZ may apply to existing rural areas for a substantial period of time before a rezoning process occurs. Therefore, it is appropriate that reverse sensitivity is included as an assessment criteria for a reduction in setback that may be proposed while the FUZ provisions are in place. It is considered that this should apply to boundaries both within the FUZ and adjacent Rural Zones.
293. For the reasons outlined above, we recommend the following amendments:
- FUZ-S2 Insert new assessment criteria.
 - 8. Potential reverse sensitivity effects on agricultural, pastoral and horticultural activity or highly productive land within the FUZ Zone or the Rural Zone.
294. We consider the Tegel submission can be accepted in part as the additional assessment criteria retains the other assessment criteria as notified.
295. The following decisions are recommended on the submissions:
- Tegel Foods (467.73) be accepted in part.
 - Horticulture NZ (457.65) and Federated Farmers (FS 128.146) be accepted.

Section 32AA evaluation

Effectiveness and efficiency

- The above amendment clarifies that reverse sensitivity issues should be considered for activities proposed within the FUZ. This is an effective provision as it signals applicants on the need to assess potential reverse sensitivity issues.

Costs/Benefits

- Limited costs, as this will only be one additional matter of assessment.

- The benefits will be a more comprehensive assessment of effects.

Risk of acting or not acting

- There is a small risk of an inadequate assessment of effects.

Decision about most appropriate option

- In accordance with the Section 32 report, it is considered that the FUZ is the most appropriate option to identify land for future urbanisation and that the above amendments will best serve the purpose and intent of the FUZ.

7.2.5 Key Issue 5: Consequential and Formatting Amendments

Overview

Provision(s)	Officer Recommendation(s)
Overview	Add cross reference to the strategic objectives and district wide chapters.
Cross referencing	Include cross reference to Network Utilities Chapter
Policy FUZ-P3	Minor amendment to policy to clarify interpretation of conjunctive clauses
Hyperlinks	Administrative correction hyperlinks

Reference to the strategic objectives and district wide chapters

296. Forest and Bird (487.34) seeks that each chapter of the PDP includes a cross reference to the strategic objectives. The submission point is also supported in the Interim Guidance of the Hearings Panel contained in Minute 9.
297. Johnson Resource Management Limited (484.3) seeks that each chapter of the PDP includes a general cross referencing statement to ensure all relevant chapters are considered.
298. Along with similar recommendations to the other zone chapters, we therefore recommend that the following statement be inserted into the Overview of the FUZ Chapter:

It is important to note that all objectives and policies in this chapter are to be read and achieved in a manner consistent with the strategic objectives. In addition, to the provisions in this chapter, a number of other Part 2: District-wide Matters chapters contain provisions that may be relevant for activities occurring within the Future Urban Zone, including the specific Overlay Chapters referred to within this chapter and: ...

Linkage Provisions to Other Proposed Plan Chapters

299. Kāinga Ora has also made a primary submission (563.583) opposing all cross referencing from the FUZ to other chapters.

300. Transpower NZ submits on the cross-referencing section at the beginning of the FUZ and seeks inclusion of a linkage clause to the network utilities chapter (565.177).
301. Kāinga Ora (FS201.284) has made further submission/s opposing the Transpower NZ submissions (565.177) insofar as it is inconsistent with its primary submission/s.

Discussion

302. The Proposed Plan has adopted a format of providing linkage clauses and cross referencing to other relevant provisions.
303. It is considered that this formatting approach is appropriate and that there is no substantive reason to move away from this approach. The linkage provisions are considered to provide helpful guidance to users of the Proposed Plan by highlighting the other sections within the Proposed Plan which may be relevant to any rules within the FUZ.
304. It is appropriate to include a linkage to the Network Utilities chapter as part of the Overview section and this will complete the set of linkage provisions.
305. We recommend that:
- Kainga Ora (563.583) and (FS201.284) be rejected.
 - Transpower (565.177) be accepted.

FUZ-P3 Interpretation of policy and use of “and/or”

306. From other hearings, Waka Kotahi (566.2) has sought clarification where “and/or” has been used between listed items within objectives and policies. The submitter seeks those consequential amendments be made to all objectives and policies in the PDP to clarify whether items are to be considered conjointly or can be considered separately. This submission point is supported in full or in part by six further submissions.
307. While “and/or” has been used within clauses, there is only one instance where “and/or” has been used between the listed items of a policy which is Policy FUZ-P3(2).
308. To ensure consistency across the Proposed Plan and to clarify the interpretation of Policy FUZ-P3(2) that the two sub clauses can be assessed as separate criteria, we recommended that the following change is provided to.

FUZ-P3 Avoid activities that are incompatible with the role, function and predominant character of the Future Urban Zone and/or activities that will:

2. result in reverse sensitivity effects and/or conflict:

a. with permitted activities; and/or

b. between incompatible activities once urban development occurs;

Hyperlinks

309. Transpower made two submission points, considered in the General Miscellaneous Section 42A report, noting that while the definition hyperlinks are helpful, some hyperlinks refer to incorrect terms (565.2) and other terms are not hyperlinked back to their corresponding definition (565.3). Transpower seek that the hyperlinks be amended to ensure they are correct and relevant, and that hyperlinks are included across the PDP for all defined terms. Both submission points are supported by four further submissions.
310. We have reviewed the hyperlinks within the FUZ chapter and recommend the following corrections;
- Insert hyperlinks for 'infrastructure' in Objective FUZ-O3
 - Delete hyperlink for all references to 'urban form' as these words are not defined and links to 'urban area'
 - Complete hyperlinks to 'home business' in Rule FUZ-R9
311. For the reasons outlined above, we recommend the following amendments:
- | | |
|------------------|---|
| Overview Section | Insert 'Network Utilities' into list of chapters linked to the FUZ. |
| FUZ-P3(2) | Amendment to policy as detailed above. |

Section 32AA evaluation

Effectiveness and efficiency

- The above amendments are largely formatting issues and consistency across the Proposed Plan will provide greater effectiveness and efficiency with the implementation of the FUZ.

Costs/Benefits

- Limited costs, as these are largely formatting matters.

Risk of acting or not acting

- Limited risks, as these are largely formatting matters.

Decision about most appropriate option

- In accordance with the Section 32 report, it is considered that the FUZ is the most appropriate option to identify land for future urbanisation and that the above amendments will best serve the purpose and intent of the FUZ.

7.2.6 Key Issue 6: Matter of Discretion for restricted discretionary activities

Overview

Provision(s)	Officer Recommendation(s)
RDA Criteria	Amend assessment criteria to provide greater specificity

312. Minute 14 from the Hearings Panel summarised the Panel’s concerns regarding the drafting of matters of control and matters of discretion for controlled and restricted discretionary activity rules. Two residual issues were identified:
- The drafting of some of the matters makes it difficult for plan users to clearly identify the specific matter relevant to the activity in question over which control is reserved or discretion restricted.
 - In some cases, the drafting of the matters is so broad that it raises doubts as to whether the consent authority’s discretion is reserved or restricted at all.
313. The Panel has requested that Section 42A report authors review the matters of control or discretion within the subject chapter and identify instances where the matters are unclear as to what it is they are seeking to provide control or specific discretion over. In such instances, the Panel requests that the drafting be reconsidered.
314. We have reviewed the FUZ Chapter in light of Minute 14 and note there are five restricted discretionary rules with listed matters of discretion.
315. I consider that the inclusion of the term “amenity” where it appears after the term “character” in the matters over which discretion is restricted to be too broad in nature. Given the FUZ is a transitional zone which will retain a rural character until urbanisation occurs, it is not appropriate to refer to the planned character or environment as proposed in other zones. This would introduce some ambiguity. It is therefore recommended that the RDA criteria are modified as follows:
- Whether the activity is compatible with the rural character and low density purpose promoted amenity of the area within the Future Urban Zone.*
316. In addition, there are recommendations from other hearing reports to provide a more specific wording for the RDA criteria regarding ‘*whether the adverse effects of the activity can be avoided, remedied or mitigated*’.

317. To provide consistency across the zone chapters, it is recommended that the following change be made to the respective RDA criteria with the FUZ chapter;

~~*whether the adverse effects of the activity can be avoided, remedied or mitigated.*~~ the extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance in achieving the relevant effects standard.

Section 32AA evaluation

Effectiveness and efficiency

- The above amendments will provide greater effectiveness and efficiency with the implementation of the FUZ.

Costs/Benefits

- Limited costs, more specific criteria should reduce compliance and consenting costs.

Risk of acting or not acting

- Limited risks, apart from potential costs associated with the application process and lack of clear guidance on the matters which are part of the assessment.

Decision about most appropriate option

- In accordance with the Section 32 report, it is considered that the FUZ is the most appropriate option for implementation of the FUZ and the administration of the Proposed Plan in general.

8 Conclusion

318. This report has provided an assessment of submissions received in relation to the FUZ Chapter. The primary amendments that I have recommended relate to:

- Amendments to the objectives and policies to strengthen purpose and intent of FUZ.
- Adoption of changes to rule mechanism and formatting to be consistent with recommendations from other hearings.

319. Section 7 considers and provides recommendations on the decisions requested in submissions. We consider that the submissions on the FUZ should be accepted, accepted in part, rejected or rejected in part, as set out in our recommendations of this report.

320. We recommend that provisions for the FUZ matters be amended as set out in Appendix 1 below for the reasons set out in this report.

321. We consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA (especially for changes to objectives), the relevant objectives of this plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.