

## **Dunedin City 2GP – Plan Change 1 – Minor Improvements**

### **Summary of Submission & Response to Section 42A report**

#### **Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou (Kā Rūnaka) - Submitter S261**

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##### **Operative Changes**

Three changes supported by kā rūnaka submission had no submissions in opposition and are now operative – mapping of native reserves (MW1), wāhi tūpuna 32 viewshaft (MW2), height limits for pou whenua (PA1).

##### **Healthcare Activities (D16)**

Kā rūnaka submitted in support of the notified provisions, which the Section 42A author recommends are retained. Concerns were raised in the rūnaka submission around the workability of marae-related activities (including health services), albeit these are outside the scope of this plan change.

##### **Definitions of standard residential, short term house rentals, visitor accommodation, and campgrounds (Res18)**

The Section 42A author has responded to the rūnaka concern that temporary use of Māori whenua might be caught out as a commercial activity by recommending an amendment to the Visitor Accommodation definition to specifically exclude this activity. This is an efficient solution, but three issues are raised with the proposed amendment:

1. The term ‘payment’ is problematic in relation to koha, as this implies both an expectation and a financial transaction – neither of which are appropriate in relation to koha, which is both voluntary and based on the principle of reciprocity.
2. Defining nohoaka or temporary stays as part of standard residential activity means that other standards apply – most likely to be an issue with the rural density standard. Many Māori land blocks are rural, unoccupied and under minimum density requirements. Despite this, whānau affiliated with these blocks seek to use their land including the temporary hosting of visitors.
3. The Section 42A author recommends inserting the defined term ‘Māori land’ in the exclusion but is open to suggestions regarding this. The rūnaka submission employs the term in the wider sense than the 2GP definition of Māori freehold land, more akin to the now-operative Proposed Otago Regional Policy Statement 2021 definition of Māori land. This definition should be substituted, noting that the term ‘Māori land’ is currently used in a descriptive rather than substantive sense in the 2GP, and that the 2GP definition is too narrow even for this context.

To address these issues, amended drafting of the exclusion is proposed as follows:

This definition also excludes temporary accommodation when occurring on Māori land and a koha (donation or in-kind contribution) is made, which is treated as standard residential, but is exempt in the rural zones from the residential density standard Rule 16.5.2.

Along with the substitution of the definition of ‘Māori land’ from the Proposed Otago Regional Policy Statement 2021 – the lack of use of this term in any other provisions in the 2GP means this should be acceptable as a minor improvement.

## **Rural industry & intensive farming assessment rules in rural zones (RU6)**

The rūnaka submission opposes the introduction of a new policy that provides for the upgrade and expansion of established rural industry and intensive farming. The main points made by the rūnaka submission are as follows:

1. It is too enabling, with the test of ‘positive effects on rural productivity’ not quantified in any way. It is noted that the Section 42A author has recommended additional guidance to address this point.
2. There is no clarity around why these two rural activities have been selected for this enabling policy approach. Other rural activities may be subject to the same potential for reverse sensitivity yet are not included.
3. A policy providing specifically for the upgrading and expansion of existing activities is inconsistent with the 2GP policy drafting approach for land use activities. The proposed different approach of splitting out upgrading or expansion for two particular land use activity types detracts from plan clarity, appears to favour expansion of these activities over other rural activities, and leads to uncertainty around the policy approach to the upgrade or expansion of other land use activities.

Kā rūnaka maintain that there is enough policy guidance within existing policies policy 2.3.1.2, policy 16.2.1.2 and the policies under Objectives 16.2.3 and 16.2.4 to provide a policy framework for managing reverse sensitivity effects. Reverse sensitivity in rural zones is also addressed through other provisions (e.g. separation distance Rule 16.5.10). The addition of new drafting guidance for positive rural effects under Rule 16.10.2.5 sufficiently addresses this issue without the loss of clarity and consistency that this new policy introduces.

Were the new policy to be introduced, a drafting improvement is required to distinguish positive effects from the full range of effects to be managed by the policy framework and to bring the policy language in line with the 2GP drafting protocol for discretionary activities:

*~~Provide for~~ Only allow the upgrade and expansion of existing lawfully established rural industry and intensive farming where this will have positive effects on rural productivity and the any adverse effects will be adequately managed in line with objectives 16.2.2, 16.2.3 and 16.2.4 and their policies, and the objectives and policies of any relevant overlay zones.*