

QLDC Council
18 December 2014

Report for Agenda Item: 16

Department:

Planning and Development

16: District Plan Review: Landscape and Rural Chapters

Purpose

- 1 To present the following proposed District Plan provisions for Council's acceptance:
 - Landscape Chapter (Chapter 5);
 - Rural Zone (Chapter 13);
 - Gibbston Character Zone (Chapter 14)
 - Rural Residential and Rural Lifestyle Zones (Chapter 15)
 - The District Plan Maps (webmap/Geographic Information Systems viewer) illustrating the proposed Rural Lifestyle zone extensions and landscape boundaries;
<http://qldc.maps.arcgis.com/apps/Viewer/index.html?appid=9675cdf2b2854d2cab2198f2090ee986>
- The accompanying Section 32 Evaluation reports.

Recommendation

- 2 *That Council:*
 - a. **Note** the contents of this report and in particular:
 - i. The Resource Management issues associated with the current provisions.
 - ii. The RMA Section 32 Evaluations.
 - b. **Agree** to accept the revised landscape and rural provisions.
 - c. **Note** that these provisions will be brought back for Council's final approval along with others forming Stage 1 of the District Plan Review, prior to statutory consultation and public notification anticipated in May 2015.
 - d. **Authorise** officers to make further minor changes to the Section 32 Evaluation reports and provisions without further recourse to the Council, where this is necessary to:

- i. Ensure consistent numbering and formatting of the proposed District Plan text; and
- ii. To fix identified minor errors and / or omissions.
- iii. Ensure continuity with other proposed provisions.

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03/12/14



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Background

- 3 The provisions within the operative District Plan that address the Landscape, Surface of Lakes and Rivers Chapters (District Wide), Rural General, Gibbston Character and Rural Living Zones have been the subject of environmental monitoring which investigated the effectiveness of the Plan.
- 4 The District Plan Review was formally (and legally) commenced by a resolution of Council in April 2014. The Review adopts a changed approach to the structure and philosophy of the District Plan and is led by the Strategic Directions chapter.
- 5 In undertaking this review, the following components have been reviewed individually, while acknowledging linkages and the overall strategic approach:
 - Landscape and Visual Amenity Chapter (District Wide part 4.2);
 - Surface of Lakes and Rivers Chapter (District Wide part 4.6);
 - Rural General and Ski Area Sub Zones (part 5);
 - Gibbston Character Zone (part 5.5);
 - Rural Living (part 8) comprising the Rural Residential and Rural Lifestyle Zones.

As a result of the analysis of these chapters, the associated resource management issues and provisions are presented as follows:

- Landscape Chapter (replaces operative District Plan Chapter 4.2)

- Rural Zone Chapter (including Ski-Area Subzones and Activities on the Surface of Lakes and Rivers) (replaces operative District Plan Chapters 4.6 and 5)
 - Gibbston Character Zone Chapter (Replaces Chapter 5.5)
 - Rural Residential Zone and Rural Lifestyle Zone (replaces Chapter 8)
- 6 The proposed provisions seek to address the specific resource management issues identified, whilst also giving effect to the wider objective to simplify and streamline the District Plan. An overarching change proposed is to amend the manner in which the provisions are structured.
- 7 The changes are broadly summarised as follows:

Landscape, Rural Zone, Gibbston Character Zone:

- a. Identification of the Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan Maps.
- b. The operative District Plan provision 'Outstanding Natural Landscape Wakatipu Basin' has been removed and this land is part of the Outstanding Natural Landscape.
- c. The existing 'Visual Amenity Landscape' and 'Other Rural Landscape' categories have been removed and renamed a 'Rural Landscape Classification'
- d. Residential subdivision and development and non-farming buildings in the Outstanding Natural Landscape and on Outstanding Natural Features will require resource consent as a non-complying activity.
- e. Residential subdivision and development and non-farming buildings in the Rural Landscape Classification will require a discretionary activity resource consent (similar to existing).
- f. Rezoning of identified land in the Wakatipu Basin from Rural General to Rural Lifestyle, in recognition of the ability of this land to absorb further rural-lifestyle development from a landscape perspective.
- g. New policy recognising tourism and its relationship with the landscape and the economic dependence of these activities on the landscape resource.
- h. Largely retaining the structure of the operative District Plan's assessment matters, with modifications to simplify and improve effectiveness.
- i. Farm buildings are permitted subject to standards. The operative District Plan standards require resource consent as either a controlled or restricted discretionary activity.

Surface of Lakes and Rivers (Rural Zone)

- j. Recognise the different scale and nature between motorised and non-motorised commercial boating activities by requiring a restricted discretionary resource consent for non-motorised activities. The

operative District Plan requires a discretionary activity resource consent for all commercial activities.

- k. Jetties in the Frankton Arm will no longer be subject to the full landscape assessment, recognising their more urban setting. Performance standards based on the QLDC Jetties and moorings policy to bring the District Plan provisions and this policy closer together.
- l. The removal of a range of activities listed in the operative District Plan as prohibited for both commercial and recreational activities.
- m. The management of boating activities on identified rivers is better managed through the QLDC's Navigational Safety Bylaw.

Rural Zone, Gibbston Character Zone, and Rural Residential and Rural Lifestyle Zones

- n. To make the construction and alteration of buildings within previously consented building platforms a permitted activity. Currently these activities would require a resource consent.
- o. Rural Residential Zone, buildings are permitted subject to standards. Currently these activities require a controlled activity resource consent.
- p. New standards for permitted buildings including controlling the exterior colour of buildings, a maximum footprint size of buildings and a setback of buildings from water bodies.

Other Rural Zone provisions

- q. Dairy Farming remains a permitted activity, being compliant with the operative District Plan's definition of farming. Standards have been introduced to manage the potential effects on rural amenity associated with milking sheds and silage pits, potential effects from stock travelling on formed roads and, the exclusion of stock from water bodies to manage potential effects on rural amenity, the degradation of riparian areas and contamination of water bodies. There are currently no provisions in the operative District Plan specific to dairy farming.

8 In addition to the above changes, the following matters will be moved to new District Wide chapters that are also part of Stage 1 of the Review. These matters will be likely to be structured as follows:

- a. District Wide Chapter 23: Vegetation and Indigenous Biodiversity. Comprising indigenous vegetation, significant indigenous vegetation and significant habitats of indigenous fauna, and the planting and establishment of wilding trees.
- b. District Wide Chapter 27: Renewable Energy. Comprising provisions for domestic scale energy generation.

A full list of the relevant documents that inform the analysis of issues and options considered is contained within the individual appended section 32 reports.

- 9 Guidance for the approach to these changes has come from the proposed Strategic Directions Chapter, with the following goals and objectives having relevance to the chapters reviewed:

Goal 1:	<i>To develop a prosperous, resilient and equitable economy</i>
Obj. 4:	<i>To recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character and healthy ecosystems.</i>
Goal 4:	<i>The protection of our natural environment and ecosystems</i>
Obj. 1:	<i>To promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems.</i>
Obj. 5:	<i>To preserve or enhance the natural character of the beds and margins of the District's lakes, rivers and wetlands.</i>
Obj. 6:	<i>To maintain or enhance the water quality of our lakes and rivers.</i>
Obj. 8:	<i>To respond positively to Climate Change.</i>
Goal 5:	<i>Our distinctive landscapes are protected from inappropriate development</i>
Obj. 1:	<i>To protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.</i>
Obj. 2:	<i>To minimise the adverse landscape effects of subdivision, use or development in Rural (visual amenity) Landscapes.</i>
Obj. 3:	<i>To direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.</i>
Obj. 4:	<i>To recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.</i>
Obj. 5:	<i>To recognise that agricultural land use is fundamental to the character of our landscapes.</i>
Goal 7:	<i>Council will recognise the significance of the principles of the Treaty of Waitangi and the importance of its relationship with Ngai Tahu.</i>
Obj. 1:	<i>To protect Ngai Tahu values, taonga and cultural sites and enable Ngai Tahu to express kaitiakitanga.</i>

Issues and options considered

- 10 The identified resource management issues and proposed measures to address them are contained in the attached Section 32 Evaluation Reports. In broad terms, the following options were considered for the identified issues and management of the landscape and rural resource:

- 11 **Option 1** is to retain the current operative provisions as they stand. This would allow for the familiarity of users to remain but would not address the resource management issues that were identified through monitoring. It would also not address the structural issues with the existing policy, and its lack of clarity.
- 12 **Option 2** is to undertake a critical analysis of the current provisions, but largely continue with the status quo with minor amendments and adjustments made. This would promote increased ease of use, but would not provide the simplicity sought by the RMA amendments. Although some of the provisions are shown to be effective, and this appeared to be the favoured option at the commencement of the review in 2010, for aspects such as the structure, formatting and treatment of policy, there are alternatives which should be considered.
- 13 **Option 3** is to critically examine all the provisions in light of the needs of the District, including managing the cumulative effects of subdivision and development and, making farming more enabling, current legislation, a desire to simplify the District Plan. Readability and relevancy would be greatly improved. This option allows clearer links between objectives, policies and rules, and alignment with the Strategic Directions chapter.
- 14 **Option 3 is the preferred option.**

Financial Implications

- 15 There are no budget or cost implications resulting from the decision. The work is accounted for in already approved budgets.

Local Government Act 2002 Purpose Provisions

- 16 The proposed provisions are considered to be consistent with the LGA purpose provisions (ss10, 11, 11A) summarised as:
- Activity (local democracy, infrastructure, local public services or performance of regulatory functions);
 - Quality (efficient, effective and appropriate to present and future circumstances); and, or
 - Economic (most cost-effective for households and businesses).
- 17 The process that has been followed in developing the proposed policy is consistent with democratic local decision making. The policy will help the District meet the current and future needs of communities by providing for the sustainable management of the Districts landscape and rural resource.

Council Policies

- 18 The following Council Policies were considered:
- Annual Plan
 - Long Term Plan

- Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu
- The existing (2011) and proposed (2014) Navigational Safety Bylaw Policy

Consultation

- 19 Public consultation commenced in 2010. Brochures identifying issues and potential policy approaches were circulated and feedback was obtained and considered. A number of feature articles were published in the Otago Daily Times.
- 20 As the issues raised in this consultation are still valid, no further public consultation has taken place.
- 21 As part of the District Plan Review a Resource Management Focus Group has been established, comprising a number of experienced resource management professionals, business and community leaders from across the district. Issues and potential policy responses in terms of managing activities in the rural areas have been discussed in this forum.

The approach to these chapters was presented to a Council workshop on 2 September 2014.

- 22 The proposed provisions will be publicly notified together with all of Stage 1 of the District Plan review in May 2015.

Publicity

- 23 No media statement or public communication is required.

Attachments

- A Chapter 5 – Landscape Chapter Draft Provisions
- B Chapter 13 – Rural Zone Draft Provisions
- C Chapter 14 – Gibbston Character Zone Draft Provisions
- D Section 32 Evaluation Report – Landscape, Rural Zone and Gibbston Character Zone
- E Section 32 Evaluation Report – Informal Airports
- F Section 32 Evaluation Report – Surface of Lakes and Rivers
- G Chapter 8 – Rural Residential and Rural Lifestyle
- H Section 32 Evaluation Report – Rural Residential and Rural Lifestyle