



Section 32 Evaluation Report

Chapter 24 Wakatipu Basin

Comprising the

Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct (for Proposed Variation to the PDP)

And consequential Variations to Proposed District Plan 26 August 2015:

Chapter 2 Definitions

Chapter 22 Rural Residential and Rural Lifestyle

Chapter 27 Subdivision and Development

Chapter 36 Noise

Report dated: November 2017

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2. Section 32 Evaluation Report: Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct

2.1 Purpose of the report

Section 32 of the *Resource Management Act 1991* (the Act) requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives (MFE, 2014).

Accordingly, this report provides an analysis of the key issues, objectives and policy response to be incorporated within the **Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct (Chapters 21A and 22A)** of the Proposed District Plan;

As required by section 32 of the RMA, this report provides the following:

- An overview of the applicable **Statutory Policy Context**
- Description of the **Non-Statutory Context** (strategies, studies and community plans) which have informed proposed provisions
- Description of the **Resource Management Issues** which provide the driver for proposed provisions
- An **Evaluation** against Section 32(1)(a) and Section 32(1)(b) of the Act, that is:
 - Whether the objectives are the most appropriate way to achieve the RMA's purpose (s32(1)(a)).
 - Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives (S32(1)(b)), including:
 - identifying other reasonably practicable options for achieving the objectives,
 - assessing the efficiency and effectiveness of the provisions in achieving the objectives, and
 - summarising the reasons for deciding on the provisions.
- A **level of detail** that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (s32(1)(c))
- Consideration of **Risk**

2.2 Introduction

The Wakatipu Basin Chapter 24 applies to all land identified as Wakatipu Basin Rural Amenity Zone (**the Zone or WBRAZ**) or Wakatipu Basin Lifestyle Precinct (**the Precinct or WBLP**) within the Planning Maps attached to the Stage 2 Proposed District Plan (PDP) notification bundle. The Precinct is a sub-zone within the Zone and all references to the Zone include the Precinct. The Wakatipu Basin Chapter 24 also contains rules relating to visitor accommodation, refer to the separate section 32 evaluation report addressing that matter. also, a separate section 32 evaluation has been prepared for the variation to the definition of *site*.

All of the land covered by the WBRAZ was notified in Stage 1 as Rural Zone, Rural Lifestyle Zone or Rural Residential Zone. The notification of the Chapter 24 Wakatipu Basin and the WBRAZ is therefore a variation to the Stage 1 Planning Maps. The Wakatipu Basin Chapter 24 itself, forms part of Stage 2 of the PDP.

The Strategic chapters, and a number of District Wide annotations and District Wide chapters¹ were notified for submissions in Stage 1 and they therefore already apply to all land notified in Stage 1 including all of the WBRAZ. Through Stage 2, some additional zone specific District Wide provisions are being notified that apply specifically to the WBRAZ and WBLP zones and Chapter 24, for example new standards for subdivision, noise and also new definitions.

¹ For instance, including but not limited to Heritage Items, Protected Trees, Outstanding Natural Features and Landscapes.

For clarity, **Table 1** below identifies the land area (generally described by way of zone) and various components of the PDP that together comprise Volume A of the District Plan at Stage 2 of the District Plan review. All other land within the District continues to fall into Volume B of the District Plan.

Table 1. District Plan Volume A components, showing Stage 2 components as related to the Wakatipu Basin Rural Amenity Zone Chapter 24.

| Volume A | |
|---|--|
| Stage 1 Proposed District Plan 26 August 2015 | Stage 2 As it relates to the Wakatipu Basin Chapter 24 only |
| Introduction | |
| 1. Introduction 2. Definitions | <ul style="list-style-type: none"> Variation to Stage 1 Definitions Chapter 2. Definition of site is related in part to the Wakatipu Basin Rural Amenity Zone components. The variation to the definition of site is applicable district wide. |
| Strategy | |
| 3. Strategic Direction 4. Urban Development 5. Tangata Whenua 6. Landscapes | |
| Urban Environment | |
| 7. Low Density Residential 8. Medium Density Residential 9. High Density Residential 10. Arrowtown Residential Historic Heritage Management Zone 11. Large Lot Residential 12. Queenstown Town Centre* (part withdrawn) 13. Wanaka Town Centre 14. Arrowtown Town Centre 15. Local Shopping Centres 16. Business Mixed Use Zone 17. Queenstown Airport Mixed Use Variation 1: Arrowtown Design Guidelines 2016 | |
| Rural Environment | |
| 21. Rural Zone 22. Rural Residential and Lifestyle 23. Gibbston Character Zone | <ul style="list-style-type: none"> Variation to Stage 1 Rural Lifestyle and Residential Zone Chapter 22, as related to Stage 2 Wakatipu Basin Rural Amenity Zone components. |
| District Wide Matters | |
| 26. Historic Heritage 27. Subdivision and Development 28. Natural Hazards 30. Energy and Utilities 32. Protected Trees 33. Indigenous Vegetation and Biodiversity 34. Wilding Exotic Trees 35. Temporary Activities and Relocated Buildings 36. Noise 37. Designations | <ul style="list-style-type: none"> Variation to Stage 1 Subdivision Chapter 27, as related to Wakatipu Basin Rural Amenity Zone components. Variation to Stage 1 Noise Chapter 36, as related to Wakatipu Basin Rural Amenity Zone components. |
| Special Zones | |
| 41. Jacks Point 42. Waterfall Park 43. Millbrook | |

District Plan Review

The review of the Operative District Plan is being undertaken in stages. Stage 1 commenced in April 2014 and was publicly notified on 26 August 2015. Hearings on Stage 1 components comprising ten individual hearing streams for 33 chapters, 1 variation² and three separate hearing streams for rezoning requests and mapping annotations³ were held from March 2016 to September 2017.

On 29 September 2016 the Council approved the commencement of Stage 2 of the review of the Operative District Plan. As part of the 29 September 2016 resolutions, the Council addressed what the plan outcome would be at the end of the partial review, and approved the separation of the District Plan into two volumes, Volume A and Volume B. Volume A (at the point in time of notification of Stage 2) consists of the Proposed District Plan chapters notified in Stages 1 and 2 of the proposed District Plan, which includes variations to Stage 1, and all the land as identified in the Planning Maps forming the Stage 2 notification bundle, as discussed above.

All other land currently forms Volume B of the District Plan. This includes zones that have not yet been reviewed and notified (i.e. Township Zone, Industrial A and B Zones, Rural Visitor Zone), land that has been withdrawn from the district plan review (i.e. the land subject to Plan Changes 46 - Ballantyne Road Industrial and Residential extensions, 50 - Queenstown Town Centre extension and 51 - Peninsula Bay North) and the Frankton Flats B Special Zone and the Remarkables Park Special Zone. All Volume B land is subject to the Operative District Plan.

Jurisdictional Matters

No decision has been made on the Proposed District Plan 2015 (Stage 1 and Variation 1) at the time of notification of Stage 2, and therefore this Stage 2 Wakatipu Basin Chapter 24 cannot anticipate what Panel recommendations and subsequently the Council's decision might be, in terms of notifying zone specific standards. The chapter therefore refers to PDP chapters/zones as notified in Stage 1 and any statutory changes made since notification⁴.

2.3 Statutory Context

Resource Management Act 1991

The purpose of the Act requires an integrated planning approach and direction, as reflected below:

5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The assessment contained within this report considers the proposed provisions in the context of advancing the purpose of the Act to achieve the sustainable management of natural and physical resources. The District's landscapes and natural environment are highly recognised and valued. The Council's Economic Development Strategy 2015 states:

² Variation 1 – Arrowtown Design Guidelines 2016

³ Ski Area Sub Zones, Upper Clutha Area and the Queenstown Area (excluding the Wakatipu Basin).

⁴ For instance, Variation 1 Arrowtown Design Guidelines, withdrawal of land subject to PC 46, PC 50 and PC 51.

'The outstanding scenery makes the District a highly sought after location as a place to live and visit.' And, 'The environment is revered nationally and internationally and is considered by residents as the area's single biggest asset.'

The Queenstown Lakes District is recognised as one of New Zealand's high growth areas and is expected to see doubling of usually resident population over the next 30 years. Together with the demand for residential visitor accommodation, this will see demand for nearly 14,000 additional dwellings over the next 30 years. The 'Queenstown Ward' area (which includes both the Queenstown and Wakatipu Basin areas as defined for the purposes of the PDP hearings) is expected to see substantial growth with nearly 4,800 new dwellings required by 2028 and 9,500 by 2048⁵.

Section 31 of the Act (as amended in April 2017) outlines the function of a territorial authority in giving effect to the purpose of the Act:

s31 Functions of territorial authorities under this Act

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

(aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:

Section 31 of the Act provides the basis for objectives, policies, and methods within a District Plan, to manage the effects of use, development or protection of land and associated natural and physical resources of the district. S31 is further supported by the National Policy Statement on Urban Development Capacity (NPS-UDC), which came into effect on 1 December 2016. The NPS-UDC directs councils on how to provide sufficient development capacity for current and future housing and business demand under the RMA.

The level of feasible residential capacity in the Queenstown Ward available under the PDP's provisions (as notified) is currently estimated as being in the range of 15,100- 20,300 dwellings (spread across a range of different zones). This capacity exceeds the demand projection for 9,500 new dwellings by 2048⁶. by a significant margin.

A strategic policy approach is essential to manage future growth pressures in the Wakatipu Basin in a logical and coordinated manner to promote the sustainable management of the valued landscape, nature conservation, productive land and infrastructure resources within it. Consistent with the intent of Section 31 of the Act, the proposed provisions of the **Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct** chapter enables an integrated approach to the management of the multiple resources, opportunities and constraints within the land areas subject to the zone and precinct. Whilst the primary purpose of the Variation is to protect the Wakatipu Basin's landscape resource, the proposed zoning provisions will also contribute to the requirements of the NPS-UDC by enabling additional capacity for a low density 'rural living' form of residential development within the precinct (in particular)⁷.

Section 6 Matters of National Importance is of direct relevance to the **Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct** and **Landscape** chapters.

6 Matters of National Importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

⁵ Refer evidence before the PDP Hearings Panel: SECOND STATEMENT OF EVIDENCE OF PHILIP MARK OSBORNE ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL DWELLING CAPACITY 19 June 2017.

⁶ *ibid*

⁷ Note the council's Development Capacity Model currently reflects PDP zonings within the Wakatipu Basin, and will need to be updated in respect to the land areas subject to the WBRAZ and WBLP in due course.

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights*

The Wakatipu Basin Rural Amenity Zone is located primarily on the valley floor of the Wakatipu Basin and is enclosed by the Outstanding Natural Landscapes of the District. Roche Moutonnee are located amidst the valley floor of the Wakatipu Basin. Development adjacent to Outstanding Natural Features and landscapes has the potential to degrade the important quality, character and visual amenity values of these and the Council is required to protect these from inappropriate use, subdivision and development as a matter of national importance.

Section 7 Other matters also includes a number of matters directly relevant to these chapters.

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (e) *[Repealed]*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

Section 7(b) requires having particular regard to the efficient use and development of natural and physical resources. The **Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct** contain land utilised for a variety of rural production, low density housing and rural lifestyle options. Section 7(c) requires having particular regard to the maintenance and enhancement of amenity values, while section 7(f) is the maintenance and enhancement of the quality of the environment. Section 7(g) requires that particular regard is had to any finite characteristics of natural and physical resources. All these matters are applicable and important in the context of the Wakatipu Basin in determining the most appropriate way to manage the natural and physical resources located within the Wakatipu Basin in terms of the landscape and amenity values, maintaining and enhancing the quality of those values and recognising the finite nature of the landscape quality and character of the Wakatipu Basin. Careful management of these matters is required to ensure that the overall landscape quality and character of the Wakatipu Basin valley floor environment is maintained.

Local Government Act 2002

Section 14 - Principles relating to local authorities

Sections 14(c), (g) and (h) of the Local Government Act 2002 are also of relevance in terms of policy development and decision making:

- (c) when making a decision, a local authority should take account of—
- (i) the diversity of the community, and the community's interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and
- (h) in taking a sustainable development approach, a local authority should take into account—
- (i) the social, economic, and cultural interests of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations

As per Part II of the RMA, the provisions emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

Section 14(g) is of relevance in so far as a planning approach emphasises that the **Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct** are located amidst District's valued landscapes, and rural productive land resources.

Having regard to these provisions, the planning approach is to not interpret these provisions through a single lens, but to manage the resource for the benefit of the District and wider region. The approach through the PDP review is to provide a balanced framework in the District Plan to manage these resources appropriately. Furthermore, there is an emphasis on presenting the provisions in a manner that is clearly interpreted to facilitate effective and efficient District Plan administration.

2.4 Iwi Management Plans

When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council's must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

The following iwi management plans are relevant:

The Cry of the People, Te Tangi a Tauria: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)

Section 3.4, Takitimu Me Ona Uri: High Country and Foothills contain the following policies that have specific regard to subdivision and development:

3.4.14 Protecting Sites of Significance in High Country and Foothill Areas

Policy 6. Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.

Section 3.5, Southland Plains: Te Rā a Takitimu contains the following policies that have specific regard to subdivision and development:

3.5.2 Wastewater

9. Encourage creative, innovative and sustainable approaches to wastewater disposal that make use of the best technology available, and that adopt principles of waste reduction and cleaner production (e.g. recycling grey water for use on gardens, collecting stormwater for a pond that can then be used for recreation in a new subdivision).

3.5.7 Subdivision and Development

Policies 1- 18 contain a range of policies that are relevant to the Subdivision and Development cover iwi involvement in planning processing and plan development, interaction with developers and iwi, particularly where there may be significant effects, long term planning and cumulative effects, avoiding adverse effects on the natural environment and advocating for the use of esplanades reserves.

Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)

Part 10: Clutha/Mata-au Catchments *Te Riu o Mata-au* outlines the issues, and policies for the Clutha/Mata-au Catchments. Included in this chapter is a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments. Generic issues, objectives and policies for all catchments across the Otago Region are recorded in Chapter 5 Otago Region.

The following policies are of particular relevance;

5.6.4 Cultural Landscapes General Policies

Subdivisions:

1. *To discourage subdivisions and buildings in culturally significant and highly visible landscapes.*
2. *To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:*
 - i. *All consents related to the subdivision to be sought at the same time.*
 - ii. *Protection of Kāi Tahu ki Otago cultural values.*
 - iii. *Visual amenity.*
 - iv. *Water requirements.*
 - v. *Wastewater and storm water treatment and disposal.*
 - vi. *Landscaping.*
 - vii. *Location of building platforms.*
3. *To require that where any earthworks are proposed as part of a subdivision activity, an accidental discovery protocol is to be signed between the affected papatipu Rūnaka and the Company .*
4. *To require applicants, prior to applying for subdivision consents, to contact Kāi Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory.*
5. *To require public foot access along lakeshores and riverbanks within subdivisions.*

Land Use 10.2.3 Wai Māori Policies in the Clutha/Mata-au Catchment

9. *To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.*
10. *To promote sustainable land use in the Clutha/Mata-au Catchment.*
11. *To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.*
12. *To require reticulated community sewerage schemes that have the capacity to accommodate future population growth.*

2.5 Regional Planning Documents

Operative Regional Policy Statement 1998

Section 74 of the Act requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The operative *Otago Regional Policy Statement 1998* is the relevant regional policy statement to be given effect to within the District Plan.

The operative RPS contains a number of objectives and policies of relevance to this plan change, specifically Objectives 5.4.1 to 5.4.4 (Land) and related policies which, in broad terms promote the sustainable management of Otago’s land resource by:

- Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources;

- Avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource;
- Protect outstanding natural features and landscapes from inappropriate subdivision, use and development.

Objective 9.4.3 (Built Environment) and related policies are relevant and seek to avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources, and promote the sustainable management of infrastructure.

These objectives and policies highlight the importance of the rural resource both in terms of the productive resources of the rural area and the protection of the District's outstanding natural features and landscapes.

Proposed Regional Policy Statement 2015⁸

Section 74 of the Act requires that a District Plan must "*have regard to*" any proposed regional policy statement.

The Proposed RPS was notified for public submissions on 23 May 2015. Decisions on submissions were released on 1 October 2016. The majority of the provisions of the Decisions Version have been appealed and mediation is currently taking place. Accordingly, limited weight can be provided to the Decisions Version of the Proposed RPS. However, the provisions of the Proposed RPS are relevant in highlighting the direction given toward local authorities managing land use activities in terms of the protection and maintenance of landscape, infrastructure, hazards and urban development. The following objectives and policies are relevant to the **Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct**:

| Proposed RPS 2015 Objective (Decision Version 1 October 2016) | Objectives | Policies | Relevance to the Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct |
|--|-------------------|-----------------------|---|
| Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago | 1.1 | 1.1.1, 1.1.2 | The Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct , provide for both permitted farming and viticulture and horticulture activities to use natural and built resources, subject to requirements to protect existing natural and built amenity. |
| The principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions. Kai Tahu values, rights and customary resources are sustained | 2.1 | 2.1.1, 2.1.2 2.2.1 | The Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct manage land that is of interest and value to Kāi Tahu's traditions, culture and practices (including ancestral lands, sites of significance, water, wahi tapu and other taoka). |
| The values of Otago's natural and physical resources are recognised, maintained and enhanced | 3.1 | 3.1.1 to 3.1.12 | The integrated management of resources includes the management of activities with regard to freshwater values, margins of water bodies, soil values, ecosystem and biodiversity values, recognising values of natural features and landscapes. |
| Otago's significant and highly-valued natural resources are identified, and protected or | 3.2 | 3.2.3-3.2.8 | The Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct apply to an area that |

⁸ The council's track changed version incorporating decisions was released on 1 October 2016 and is currently subject to live appeals. Refer <http://www.orc.govt.nz/Documents/Publications/Regional/RPS/RPS%20Appeals%20Version.pdf>

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|--|-------------|----------------------------|---|
| enhanced | | | <p>contains significant natural areas, outstanding natural features and landscapes, special amenity landscapes, lakes and soil resource. These highly valued resources can become degraded if they are not adequately protected from inappropriate subdivision, use and development.</p> <p>Policies 3.2.5 and 3.2.6 require District Plans to identify and protect or enhance highly valued natural features, landscapes or seascapes, defined in the PRPS as <i>'those which have natural values that are of significance under Sections 6(a), 6(c), 7(c) and 7(f), but are not 'outstanding natural features and landscapes' under Section 6(b) of the RMA'</i>.</p> |
| Risk that natural hazards pose to the communities are minimised. | 4.1 | 4.1.1.-4.1.13 | The Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct contain land that is subject to natural hazards. Many non-farming activities including residential activity require resource consent as a restricted discretionary or discretionary activity (with assessment criteria) and this provides the Council with the opportunity to assess the risk of natural hazards to development proposals. |
| <p>Infrastructure is managed and developed in a sustainable way.</p> <p>Energy supplies to Otago's communities are secure and sustainable.</p> | 4.3 and 4.4 | 4.3.1-4.3.4 4.4.1-4.4.6 | <p>While much of the Districts infrastructure is located within urban areas, roads, walkways/trails and utilities (e.g. electricity, telecommunications, stormwater) pass through or affect the development potential of the Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct. The creation and maintenance of infrastructure needs to be managed to be protected and to avoid impacts on users and receivers, whilst contributing to their economic and social wellbeing.</p> |
| Urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments | 4.5 | 4.5.1, 4.5.2 | The Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct adjoin urban areas. Unanticipated growth places pressure on adjoining productive land and maintenance of landscape amenity values. The maintenance of amenity landscape values and |

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|---|-----|-------|---|
| | | | retention of soil resource is co-dependant on the strategic planning of urban areas and the certainty provided by the identification of urban growth boundaries. |
| People are able to use and enjoy Otago's natural and built environment Public access to areas of value to the community is maintained or enhanced. | 5.1 | 5.1.1 | Public trails are contained within the Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct . Public access is often raised as an issue that presents both opportunities and constraints for development proposals and the maintenance of productive activities. |
| Sufficient land is managed and protected for economic production. | 5.3 | 5.3.1 | Notwithstanding the value of the landscape and recreational resources to the District, the rural economy is an important component and the protection of the soil resource is recognised. The maintenance of relatively large landholdings in the WBRAZ will contribute to the predominance of open spaces and low intensity of housing and subdivision of land for rural lifestyle purposes, and contribute to the retention of productive farms and avoidance of reverse sensitivity effects |
| Adverse effects of using and enjoying Otago's natural and built environment are minimised | 5.4 | 5.4.8 | People are drawn to the Wakatipu Basin primarily for low density housing and recreational activity amidst the amenity benefits of the surrounding ONL's/ONF's. A precautionary approach to non-residential activities that have potential to detract from people's enjoyment of the natural environment (e.g. mining) has been taken in the zone activity tables. |

The evaluation and provisions have regard to the Proposed RPS. In particular, there are consistencies in the application of the Proposed RPS Schedule 4 '*Criteria for the identification of outstanding natural features and landscapes*' and the Proposed District Plan (PDP) assessment matters in outstanding natural landscapes and features, for guiding decision makers when considering proposals for activities within identified outstanding natural landscapes and features. Activities within the **Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct** will also be subject to specific assessment matters included in the provisions of the Variation.

2.6 Proposed District Plan

The Variation is consistent with the objectives and policies of the Strategic Directions chapter of the proposed District Plan (PDP).

In general terms, and within the context of this Variation, these goals and objectives are met by:

- enabling anticipated residential development and enhancement while maintaining the Districts landscape values and amenity values within and adjoining the WBRAZ and LP;
- creating efficiencies in the administration of the District Plan and reducing costs for the community;
- avoiding commercial activities that have the potential to undermine the amenity of the zone and the role of commercial centres;
- avoiding urban subdivision and development in sensitive landscapes;
- recognising natural hazards exist in the WBRAZ and LP and managing the risks of development, where hazards have been identified.

Determining the most appropriate methods to resolve the issues highlighted for the WBRAZ and WBLP will enable the Plan to give effect to relevant parts of the Strategic Directions chapter, and ultimately meet the purpose of the RMA.

The following objectives and policies provide an indication of the PDP's strategic directions underpinning the Variation:

Proposed District Plan Notified 26 August 2015, Chapter 3 Strategic Directions:

3.2.4 Goal - The protection of our natural environment and ecosystems

Objective 3.2.4.1

Promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems.

Objective 3.2.4.2

Protect areas with significant Nature Conservation Values.

Policies

3.2.4.2.1

Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, referred to as Significant Natural Areas on the District Plan maps and ensure their protection.

3.2.4.2.2

Where adverse effects on nature conservation values cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative.

Objective 3.2.4.3

Maintain or enhance the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities.

Policies

3.2.4.3.1

That development does not adversely affect the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities

Objective 3.2.4.4

Avoid exotic vegetation with the potential to spread and naturalise.

Policies

3.2.4.4.1

That the planting of exotic vegetation with the potential to spread and naturalise is banned.

Objective 3.2.4.5

Preserve or enhance the natural character of the beds and margins of the District's lakes, rivers and wetlands.

Policies

3.2.4.5.1

That subdivision and / or development which may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins be carefully managed so that life-supporting capacity and natural character is maintained or enhanced.

Objective 3.2.4.6

Maintain or enhance the water quality and function of our lakes, rivers and wetlands.

Policies

3.2.4.6.1

That subdivision and / or development be designed so as to avoid adverse effects on the water quality of lakes, rivers and wetlands in the District.

Objective 3.2.4.7

Facilitate public access to the natural environment.

Policies**3.2.4.7.1**

Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.

3.2.5 Goal - Our distinctive landscapes are protected from inappropriate development.**Objective****3.2.5.1**

Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.

Policies**3.2.5.1.1**

Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps, and protect them from the adverse effects of subdivision and development.

Objective**3.2.5.2**

Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.

Policies**3.2.5.2.1**

Identify the district's Rural Landscape Classification on the district plan maps, and minimise the effects of subdivision, use and development on these landscapes.

Objective 3.2.5.3

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.

Policies**3.2.5.3.1**

Direct urban development to be within Urban Growth Boundaries (UGB's) where these apply, or within the existing rural townships.

Objective**3.2.5.4**

Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.

Policies**3.2.5.4.1**

Give careful consideration to cumulative effects in terms of character and environmental impact when considering residential activity in rural areas.

3.2.5.4.2

Provide for rural living opportunities in appropriate locations.

Objective**3.2.5.5**

Recognise that agricultural land use is fundamental to the character of our landscapes.

Policies**3.2.5.5.1**

Give preference to farming activity in rural areas except where it conflicts with significant nature conservation values.

3.2.5.5.2

Recognise that the retention of the character of rural areas is often dependent on the ongoing viability of farming and that evolving forms of agricultural land use which may change the landscape are anticipated.

Council reply versions upon completion of hearings on submissions:

Following the hearings on submissions held between March 2016 and October 2017, the following include updated versions of Chapter 3 objectives and policies particularly relevant to the Variation, as recommended to be modified by the Council's s42A report authors. Underline text identifies the additions, and strikethrough for deletions.

Ch. 3: Strategic Direction (Reply dated 07/04/2016)

3.2.1.4 Objective – Recognise and provide for the significant socioeconomic benefits of tourism activities across the District are provided for and enabled.

3.2.1.4.1 Policy – Enable the use and development of natural and physical resources for tourism activity where adverse effects are avoided, remedied or mitigated.

3.2.4.4 Objective - Avoid the spread of wilding exotic vegetation to protect nature conservation values, landscape values and the productive potential of land.

3.2.4.4.1 Prohibit the planting of identified exotic vegetation with the potential to spread and naturalise

3.2.4.6 Objective - Maintain or enhance the water quality and function of our lakes, rivers and wetlands.

Policies

3.2.4.6.1 That subdivision and / or development be designed so as to avoid adverse effects on the water quality of lakes, rivers and wetlands in the District.

3.2.5.1 Objective – Protection of the natural character quality of the Outstanding Natural Features and Landscapes and Outstanding Natural Features from inappropriate subdivision, use and development.

3.2.5.2 Objective - The quality and visual amenity values of the Rural Landscapes are maintained and enhanced, whilst acknowledging the potential for managed and low impact change.

3.2.5.3 Objective - ~~Direct a New~~ urban subdivision, use or development ~~to will~~ occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.

Proposed District Plan Notified 26 August 2015, Chapter 6 Landscapes:

6.3.1 Objective

- The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.

Policies

6.3.1.1

Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the Planning Maps.

6.3.1.2

Classify the Rural Zoned landscapes in the District as:

- Outstanding Natural Feature (ONF)
- Outstanding Natural Landscape (ONL)
- Rural Landscape Classification (RLC)

6.3.1.3

That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations, meaning successful applications will be exceptional cases.

6.3.1.4

That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.

6.3.1.5

Avoid urban subdivision and development in the Rural Zones.

6.3.1.6

Enable rural lifestyle living through applying Rural Lifestyle Zone and Rural Residential Zone plan changes in areas where the landscape can accommodate change.

6.3.1.7

When locating urban growth boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise disruption to the values derived from open rural landscapes.

6.3.1.8

Ensure that the location and direction of lights does not cause glare to other properties, roads, and public places or the night sky.

6.3.1.9

Ensure the District's distinctive landscapes are not degraded by forestry and timber harvesting activities.

6.3.1.10

Recognise that low-intensity pastoral farming on large landholdings contributes to the District's landscape character.

6.3.1.11

Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.

6.3.1.12

Recognise and provide for the protection of Outstanding Natural Features and Landscapes with particular regard to values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua, including Tōpuni.

6.3.2 Objective

- Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.

Policies

6.3.2.1

Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained.

6.3.2.2

Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.

6.3.2.3

Recognise that proposals for residential subdivision or development in the Rural Zone that seek support from existing and consented subdivision or development have potential for adverse cumulative effects. Particularly where the subdivision and development would constitute sprawl along roads.

6.3.2.4

Have particular regard to the potential adverse effects on landscape character and visual amenity values from infill within areas with existing rural lifestyle development or where further subdivision and development would constitute sprawl along roads.

6.3.2.5

Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with mitigation of the visual effects of proposed development such as screening planting, mounding and earthworks.

6.3.3 Objective

- Protect, maintain or enhance the district's Outstanding Natural Features (ONF).

Policies

6.3.3.1

Avoid subdivision and development on Outstanding Natural Features that does not protect, maintain or enhance Outstanding Natural Features.

6.3.3.2

Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Landscapes adjacent to Outstanding Natural Features would not degrade the landscape quality, character and visual amenity of Outstanding Natural Features.

6.3.4 Objective

- Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).

Policies

6.3.4.1

Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.

6.3.4.2

Recognise that large parts of the District's Outstanding Natural Landscapes include working farms and accept that viable farming involves activities which may modify the landscape, providing the quality and character of the Outstanding Natural Landscape is not adversely affected.

6.3.4.3

Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.

6.3.4.4

The landscape character and amenity values of the Outstanding Natural Landscape are a significant intrinsic, economic and recreational resource, such that large scale renewable electricity generation or new large scale mineral extraction development proposals including windfarm or hydro energy generation are not likely to be compatible with the Outstanding Natural Landscapes of the District.

6.3.5 Objective

- Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC).

Policies

6.3.5.1

Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.

6.3.5.2

Avoid adverse effects from subdivision and development that are:

- Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and
- Visible from public roads.

6.3.5.3

Avoid planting and screening, particularly along roads and boundaries, which would degrade openness where such openness is an important part of the landscape quality or character.

6.3.5.4

Encourage any landscaping to be sustainable and consistent with the established character of the area.

6.3.5.5

Encourage development to utilise shared accesses and infrastructure, to locate within the parts of the site where they will be least visible, and have the least disruption to the landform and rural character.

6.3.5.6

Have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.

6.3.6 Objective

- Protect, maintain or enhance the landscape quality, character and visual amenity provided by the lakes and rivers and their margins from the adverse effects of structures and activities.

Policies

6.3.6.1

Control the location, intensity and scale of buildings, jetties, moorings and utility structures on the surface and margins of water bodies and ensure these structures maintain or enhance the landscape quality, character and amenity values.

6.3.6.2

6.3.6.3

Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District's distinct landscapes.

6.3.7 Objective

- Recognise and protect indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes.

Policies

6.3.7.1

Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.

6.3.7.2

Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's distinctive landscapes.

6.3.8 Objective-

Recognise the dependence of tourism on the District's landscapes.

Policies

6.3.8.1

Acknowledge the contribution tourism infrastructure makes to the economic and recreational values of the District.

6.3.8.2

Recognise that commercial recreation and tourism related activities locating within the rural zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.

in recognition of its contribution to tourism and viticulture while controlling the impact of buildings, earthworks and non-viticulture related activities on the wider environment.

Council reply versions upon completion of hearings on submissions:

Following the hearings on submissions held between March 2016 and October 2017, the following include updated versions of Chapter 6 as recommended to be modified by the Council's s42A report authors. Underline text identifies the additions, and strikethrough for deletions.

Ch. 6 Landscape (Reply evidence dated 7 April 2016) notes:

"Some rural areas, particularly those closer to Queenstown and Wanaka town centres and within parts of the Wakatipu Basin, have an established pattern of housing on smaller landholdings. The landscape character of these areas has been modified by vehicle accesses, earthworks and vegetation planting for amenity, screening and shelter, which have reduced the open character exhibited by larger scale farming activities. While acknowledging these rural areas have established housing rural living and development, and there is limited capacity for sensitive and sympathetic housing and development in appropriate locations, a substantial amount of subdivision and development has been approved in these areas and the landscape values of these areas are vulnerable to degradation from further subdivision and development. It is realised that rural lifestyle living development has a finite capacity if the District's distinctive rural landscape values are to be sustained". The lakes and rivers both on their own and, when viewed as part of the distinctive landscape, are a significant element of the national and international identity of the District and provide for a wide range of amenity and recreational opportunities. They are nationally and internationally recognised as part of the reason for the District's importance as a visitor destination, as well as one of the reasons for residents to belong to the area. Managing the landscape and recreational values on the surface of lakes and rivers is an important District Plan function.

Landscapes have been categorised into three classifications within the Rural Zone. These are Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF), where their use, development and protection are a matter of national importance under Section 6 of the RMA. The Rural Landscapes C classification (RLC) makes up the remaining Rural Zoned land and has varying types of landscape character and amenity values. Specific policy and assessment matters are provided to manage the potential effects of subdivision and development in these locations".

6.3.1 Objective - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development Landscapes are managed and protected from the adverse effects of subdivision, use and development

Policies

6.3.1.2 That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations within the Wakatipu Basin, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes meaning successful applications will be exceptional cases.

6.3.1.5 Enable rural lifestyle living through applying Rural Lifestyle Zone and Rural Residential and Resort Zone plan changes Encourage Rural Lifestyle and Rural Residential Zone plan changes in preference to ad-hoc subdivision and development and ensure these occur in areas where the landscape can accommodate change

6.3.2 Objective - Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development Landscapes are protected from the adverse cumulative effects of subdivision, use and development

Policies

6.3.2.1 Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained.

6.3.2.2 Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.

6.3.2.3 Require that proposals for residential subdivision or development in the Rural Zone take into account existing and consented subdivision or development in assessing the potential for adverse cumulative effects.

6.3.2.4 Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads.

6.3.2.5 Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with mitigation of the visual effects of proposed development such as screening planting, mounding and earthworks.

2.7 Resource Management Issues

The Variation arises from the Wakatipu Basin Land Use Planning Study March 2017 (WB Study) which was undertaken in response to a detailed brief from Queenstown Lakes District Council (QLDC) which followed from a minute from the Chair of the Hearings Panel for the QLDC PDP. Upon completion of the hearing of submissions on the Strategic Direction, Landscape, Urban Development and Rural Zone chapters of the Proposed District Plan, the Hearing Panel issued a memorandum on 1 July 2016 which stated:

“that continuation of the fully discretionary development regime of the Rural General Zone of the ODP, as proposed by the PDP, was unlikely to achieve the Strategic Direction of the PDP in the Wakatipu Basin over the life of the PDP. We are concerned that, without careful assessment, further development within the Wakatipu Basin has the potential to cumulatively and irreversibly damage the character and amenity values which attracts residents and other activities to the area. In addition, we consider there is some merit in the proposition that the rural character and amenity values of the Wakatipu Basin do not derive predominantly from farming and agricultural practices”.

The Panel set out a number of specific matters that they sought responses to. The primary matters were summarised in the Council's brief as follows:

- a) *Identify the environmental characteristics and amenity values of the area that should be maintained and enhanced, noting that these will vary across the Wakatipu Basin floor;*
- b) *Identify those areas able to absorb development without adversely affecting the values derived in (a) and without adversely affecting the values associated with the surrounding Outstanding Natural Landscapes and Outstanding Natural Features;*
- c) *Identify those areas that are unable to absorb such development;*
- d) *Determine whether, given the residual development already consented, there is any capacity for further development in the Wakatipu Basin (WB) floor and, if there is, where it should be located and what form it should take.*

The Council's brief (dated September 2016) identified a number of primary resource management matters that needed further assessment and analysis in order to assist the Council [and the Panel] in making its recommendations.

- a. To critically review the Council's reports and evidence used to date to support the PDP as it relates to the approach to manage development in the Wakatipu Basin, and to consider submissions received on zoning in the Wakatipu Basin and the evidence relevant to the Wakatipu Basin heard in the PDP Hearing Streams 1 & 2.
- b. To identify and consider, given the residual development already consented and approved HASHA developments, the capacity of the Wakatipu Basin to accommodate further development, and the nature and type of any such development.
- c. To identify, at a high level, any other important planning opportunities and constraints including but not limited to transportation, walking and cycle trails, water, waste water and stormwater management, and any environmental constraints such as natural hazards which should be taken into account when considering the future capacity of the Wakatipu Basin to absorb further development.
- d. Based on a-c, to provide an assessment of the capacity of the Wakatipu Basin to absorb further development and to recommend resource management methods to appropriately manage the character and amenity values of the Wakatipu Basin to achieve the Strategic Direction of the PDP.

As background to the WB Study, the Council's Monitoring Report: Monitoring the Effectiveness and Efficiency of the Rural General Zone 2009 examined the effectiveness of the existing operative provisions and reflected on the amount of residential subdivision and development that had been consented in the Rural General Zone.

The 'Rural Monitoring Report 2009' had a particular focus on subdivision and development in the WB, an area which has received a relatively high number of resource consent applications and approvals for subdivision and development.

A key theme of the report was whether the existing provisions were effectively managing cumulative effects of residential subdivision and development. The report noted that the WB area has also been subject to private plan changes to create rural lifestyle living and resort activities and accommodation, and identified that the cumulative effects of development pressure within the WB were not being effectively managed.

In particular, the report identified a lack of connection between the objectives and policies of the landscape categories identified within the Plan and the assessment matters. The report suggested that these could

more explicitly outline the desired landscape outcome, particularly for the areas subject to the 'Visual Amenity Landscapes category' assessment criteria.

The following summary of the planning history of the Queenstown Lakes District's rural areas planning regimes is drawn from the Council's Monitoring Report: Monitoring the Effectiveness and Efficiency of the Rural General Zone 2009:

The Transitional District Plan (Pre-1995)

In the Transitional District Plan, the majority of the rural area was zoned "Rural". Within the Rural zone, subdivision that met a minimum allotment size was allowed as a conditional activity. A further rule provided for the subdivision of land in order to enable a retiring farmer to establish a home on the property. In regard to the establishment of dwellings in the zone, a dwelling was allowed to be established provided it was a necessary adjunct to an economic farming unit.

Notified Proposed District Plan 1995 (1995 – 1998)

The now Rural Zone and much of the Rural Lifestyle Zone was zoned as a mixture of Rural Uplands and Rural Downlands, which, as the names suggest, were largely based on topography. There were also defined "Areas of Landscape Importance". There were also small areas of Rural Residential and other living and tourist-related zones within the rural area.

In both the Rural Downlands and Rural Uplands areas, the minimum site for a residential unit was 20ha. Further rules set out a limit of one residential unit on any land comprised in a separate certificate of title less than 150ha, and on sites greater than 200ha, there could be more than one residential unit, where the additional residential unit(s) are accessory to and situated on the same site as a farming activity.

Throughout the Rural zone, all subdivision was a discretionary activity (requiring an assessment of landscape effects) and the minimum lot size was 20 ha, which, if breached, triggered a non-complying activity resource consent. In Areas of Landscape Importance buildings other than accessory buildings, buildings in the ski areas, buildings on particular scheduled sites (for which it was considered that an existing development right should be retained) were non-complying. In the rest of the Rural Zone, residential dwellings on less than 20ha or where there was more than 1 dwelling on a single title were non-complying, with the exception of particular scheduled sites.

Proposed District Plan following decisions on submissions (1998 – 2001)

As a result of decisions on submissions released in 1998, the Rural Uplands and Rural Downlands Zones were replaced with a single Rural General Zone. That Zone provided for subdivision of lots greater than 20 hectares as a controlled activity, lots between 4 and 20 hectares as a discretionary activity, and lots of less than 4 hectares as a non-complying activity. Residential building could then occur at these densities as a controlled activity.

The 'Operative District Plan' (2001 – present)

As a result of decisions from the Environment Court on appeals to the Decision version, (issued from late 1999 onwards) the provisions were changed considerably. The Rural General zone remained but there was no longer a minimum lot size, and all subdivision and land uses comprising a request for a residential building platform were a discretionary activity.

Landscape categories were introduced and applications for development assessed against a range of landscape assessment matters depending on whether the site is an Outstanding Natural Landscape Wakatipu Basin or Outstanding Natural Feature - District Wide, Outstanding Natural Landscape District Wide, Visual Amenity landscape or Other Rural Landscape. Development

applications were also assessed against the District Wide and Subdivision policy frameworks. Landscape classification maps areas were provided in Appendix 8 of the Operative District Plan. The maps contain both indicative and determinative landscape boundary positions. Part 5.4 in the Rural General Zone sets out a 3-step process for assigning the landscape classification.

Development within an approved building platform required resource as a controlled activity. In most cases conditions imposed through the subdivision and registered on the resultant certificate of title were also required to be adhered to.

Proposed District Plan 2015 (PDP)

In the context of the Wakatipu Basin study area, the PDP 2015 retained the 'discretionary regime' of the Operative Plan in the Rural Zone, and identified 3 landscape classifications on the Planning Maps: Outstanding Natural Features and Outstanding Natural Landscapes (the RMA s(6) landscapes), and Rural Landscape Classification. The RMA s(7) landscapes that make up the majority of the valley floor are classified as Rural Landscapes.

New Rural Lifestyle Zones were identified in several locations, both recognising the built environment and areas where there was capacity for development. An average density of 2ha was retained. In both the Rural and Rural Lifestyle zones it is permitted to construct buildings and undertake alterations within approved building platforms, subject to additional conditions imposed by the 'discretionary' approval in principal.

The WB Study was completed in March 2017. The WB Study found that the existing character of the study area is perceived to no longer reflect a traditional rural productive farming landscape and built environment character; rather it has a rural amenity value and character that derives from a mix of rural activities that reflect lifestyle uses of land, with a limited component of what could best be termed 'hobby farming'. There are few larger blocks of land that are actively farmed for productive purposes, and they tend to be located in the outer 'peripheral parts' of the Basin (e.g. Crown Terrace).

That existing environment context is influenced by: a) a range of Special Zones where development has occurred in a predominantly urban form; as well as, b) a number of Special Housing Areas (SHAs) which enable pockets of urban development within the rural area. That environment has also been shaped by the legacy ODP Rural Lifestyle and Rural Residential zones, coupled with the discretionary opportunity to consent subdivision and building platforms up to 1,000m² in area, and provide for dwellings as a permitted activity, in the General Rural zone.

Those influences have combined cumulatively to create the existing environment against which the appropriateness of the PDP zones has been re-assessed.

Returning to the more specific matters raised in the Council's brief, the 2014 Read Report⁹ recognised that the WB comprises a landscape in its own right, and that a range of landscape character units are nested within that larger landscape, loosely defined by the large-scale and very high (landscape) value mountain ranges that encircle the Basin.

The WB Study identified a total of 25 landscape character units within the study area, each with a varying capability to absorb additional development. Overall, the study found that the identifiable (and established) rural character and amenity values of the Basin do not derive predominantly from rural productive/agricultural land-uses. The nature and extent of approved/existing development and the lot size (and ownership) patterns that exist in the Basin do not support the characterisation of the study area as having a dominant rural production landscape character¹⁰. The study found that the area is best described as an Amenity

⁹ Landscape Character Assessment(June 2014), prepared by Dr Marion Read for QLDC

¹⁰ On an employment basis, the primary production sector in the Basin is at a similar level (estimated to account for around 200 jobs) to what it was a decade ago (2006). By contrast there has been significant growth in 'non-farming' employment sectors (e.g.

Landscape, largely as a consequence of its high recreational values, generally high aesthetic values (derived from both natural and man-made elements) and its almost unbroken connection with the ONL / ONF context throughout and surrounding the Basin.

Further, the spatial distribution and number of dwellings (noting there is no lot size minimum) approved under the ODP discretionary regime has resulted in approved building platforms (many of which are still undeveloped) and an associated built environment with a cumulative built form patterning that runs contrary to many of the PDP's landscape driven planning directives.

In addition it was evident that the current extent of the PDP Rural Residential and Rural Lifestyle zones do not reflect the actual patterning of rural residential development in places (particularly taking into account consented and unbuilt development), and suggest the potential for development creep in some locations where PDP zone edges do not align with defensible edges.

The Wakatipu Basin Land Use Study produced the following conclusions:

- The Basin is a special landscape that is critical to retaining the high quality of Queenstown's environment. The Basin is integral to the visitor and resident experience of Queenstown and plays an important part in the local economy;
- Increasing populations from both residents and visitor accommodation is a core driver of the development pressures on the Basin and contribution to cumulative adverse effects on its values;
- Protection of the Basin from inappropriate development is the fundamental driver to establishing an appropriate planning regime. The existing rural character of the area is no longer derived solely from farming activities but a mix of rural activities that reflect lifestyle uses of land, with pockets of small scale "hobby farming". Larger farming blocks that are actively farmed for productive purposes are generally located in the outer 'peripheral parts' of the Basin;
- Areas within the Basin can be characterised as having High to Very Low capability to absorb additional development. This varying absorption capability commends a range of potential planning strategy responses;
- The 'Discretionary Activity' planning regime is unlikely to achieve the Strategic Direction of the Proposed District Plan; and
- Planning provisions of the Basin should stand alone and be clearly distinguishable from the general zonings that apply to the rest of the District.

The proposed Variation sets out a planning response to the findings and recommendations of the WB study and reflects subsequent further investigations to develop the detail of specific zoning provisions. The Variation seeks to address the key resource management issues of:

1. appropriately managing the character and amenity values of the Wakatipu Basin, and
2. managing the capacity of the Wakatipu Basin to accommodate further development, and the appropriate nature and type of any such development

The proposed **Wakatipu Basin Rural Amenity Zone** zone works together with the proposed **Wakatipu Basin Lifestyle Precinct (WBLP)** to define a total area of the Wakatipu Basin that enables activities and development to occur on an appropriate basis having regard to the current landscape amenity values.

Accommodation and Food Services) in the study area over the same period, which reflects the increased presence of residential and visitor accommodation/facilities development and land-use activities in the area.

The Variation applies the **Wakatipu Basin Rural Amenity Zone (WBRAZ)** provisions to landscape character areas assessed as having a 'moderate' to 'very low' capability to absorb additional development, and the **Lifestyle Precinct (WBLP)** provisions to areas assessed as having a 'moderate - high' or higher capability to absorb additional development.

The Proposed WBRAZ and WBLP supersede the current Rural, Rural Residential and Rural Lifestyle Zones as they apply to the Wakatipu Basin under the PDP but with the following significant changes:

1. The WBRAZ and WBLP apply to land areas that may currently be zoned either Rural, Rural Residential or Rural Lifestyle but do not coincide with those zone's current boundaries in the PDP. These boundary differences derive primarily from the following factors:
 - The use of more detailed GIS data to inform the delineation of the WB Study landscape character units (and consequently the zone/precinct boundaries).
 - A fundamental aim of the WB Study is to align the zone and precinct boundaries with defensible edges wherever possible to minimise the potential for development creep.
2. The WBLP provides residential living opportunities within specific locations amidst the WBRAZ (similar in effect to the Rural Residential and Rural Lifestyle Zones in the PDP but with revised provisions).
3. The existing PDP approach applies a fully discretionary regime across the Basin for sites located in the Rural Zone (and no minimum lot size). The PDP Rural Lifestyle zone requires a minimum 2ha average site size and 1ha minimum, with subdivision a controlled activity, and buildings on an approved platform (subject to development controls) provided for as a permitted activity. The PDP Rural Residential zone requires a 0.4ha minimum site size, with subdivision a controlled activity and building platforms are not required to be identified, and buildings are provided for as a permitted activity subject to development controls. In both the WBRAZ and the WBLP a minimum allotment size and the introduction of a restricted discretionary activity status for buildings (with location specific assessment criteria) is considered necessary to maintain the character and quality of the natural and built landscape.

The PDP's provisions relating to other resource management matters (e.g. natural hazards, tangata whenua, landscapes) are not altered in the Variation. While development is anticipated in the WBRAZ and WBLP, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards and other matters at the time of subdivision or when seeking consents for the construction of buildings.

2.8 Evolution of the Variation

Following the publication of the WB Study report on the QLDC website (2017 [link](#)), QLDC have embarked on a more detailed study to determine the appropriate planning policy approach across the Study area. The scope of this work is outlined below, and comment is made (where appropriate) on any instances where the proposed zoning provisions and spatial extents of the WBRAZ and WBLP as promulgated in this Variation, vary from the recommendations and mapping in the WB Study report.

Mapping

In tandem with the more detailed analysis to determine the appropriate planning provisions outlined below, the WBLP and WBRAZ mapping was reviewed. The WBLP mapping was retained intact for the most part, with three exceptions. These related to the southern side of Tucker Beach Landscape Character Unit (LCU) 4, a portion of the Fitzpatrick Basin LCU 2 to the north of Littles Road, and to the north west of the Speargrass Flat Road/Hogans Gully intersection (LCU 8). In each of these locations the WB Study recommended that buildings were not allowed above a certain contour line.

Consideration of the policy options required to deliver such an outcome were explored as part of the detailed work following the completion of the WB Study. On balance it was determined that a more preferable approach would be to amend the WBLP boundary in these locations to correspond to the relevant contour line (Tucker Beach: 400m; Fitzpatrick Basin: 440m; Speargrass Flat Road/Hogans Gully intersection 360m). In the case of the Speargrass Flat Road/Hogans Gully intersection, the more detailed work subsequent to the WB Study revealed that the 360m contour rather than the 370m contour line was the more appropriate 'boundary'. Following this more detailed workstream, a number of consequential changes were made to the Landscape Character Unit worksheets to ensure that they were in sync with the revised mapping.

Amendments were also made to the mapping along the northern side of Tucker Beach where the line was reconfigured in response to public land ownership and cadastral patterns.

The Ladies Mile Gateway Precincts and Arrowtown Precincts recommended in the WB Study was not mapped in the case of the Ladies Mile Gateway Precinct and in the case of Arrowtown was remapped as WBRAZ (as explained below). Graphically, the WBLP and WBRAZ mapping was amended to co-ordinate with the mapping styles used in the Queenstown Lakes District Plan.

The Slope Hill and Lake Hayes, Arrow River and Shotover River Outstanding Natural Features and Landscapes as identified in the Stage 1 PDP that are located within or adjacent to the study area have been retained as Rural Zone.

The WBRAZ and WBLP replace the areas of land identified in the PDP as Rural, Rural Lifestyle or Rural Residential zones within the non ONF or ONL land in the Wakatipu Basin, some residual land zoned Rural Lifestyle within the ONF/L of the Shotover River near Littles Road, and at Arrow Junction near the Crown Range Road were identified and these areas have been rezoned to Rural, consistent with the remainder of the land within those ONF/L areas.

Also as part of the Stage 2 notification, the Open Space and Recreation Zone will apply to Council owned parks and reserves and several Council owned properties in the Wakatipu Basin Study Area have been identified by the Council for inclusion in the Open Space and Recreation Zone.

Wakatipu Basin Rural Amenity Zone

Further assessment was undertaken of the existing lot sizes throughout the non WBLP area of the WBRAZ which indicated that a 80ha minimum lot size was an appropriate threshold to ensure that limited development could occur as of right throughout this part of the Basin, consistent with the recommendations of the WB Study.

In addition, the spatial extents of the zone as incorporated in the Variation, vary slightly from the map of the WBRAZ in the WB Study report. The changes comprise adjustment of the interface boundary between the WBRAZ and WBLP to reflect natural topological features (e.g. ridgelines, contours) in some landscape character units. For clarity, no changes have been made to ONF/ONL boundaries as shown in the PDP planning maps.

Wakatipu Basin Lifestyle Precinct

With respect to the WBLP, this included the detailed investigation of four case study areas to understand:

- The nature of the approved resource consents for each case study area including lot sizes, protected areas (pastoral land/vegetation/landform features etc.), mitigation/enhancement planting, setbacks and typical consent conditions.
- The 'potential' yield applying a range of minimum and average lot size scenarios.
- The 'actual' yield applying a range of minimum and average lot size scenarios together with the typical suite of mitigation associated with rural residential development in the area (and that would be required under a restricted discretionary activity regime).

The four case study areas were selected to include a range of circumstances within the WBLP including 'greenfield' land, subdivided and undeveloped land, and established rural residential development. The case study areas included an area in the Fitzpatrick Basin, part of the Hawthorne Triangle, part of Arrow Junction and land at the intersection of Arrowtown Lake Hayes Road and Hogans Gully.

The WB Study recommended a minimum lot size of 4,000m² throughout the WBLP as a starting point for consideration. That recommendation was largely informed by the existing lot size regime associated with the PDP Rural Residential zone and on-site servicing requirements. As a consequence of the more detailed investigations undertaken (and as outlined above), it was determined that a minimum lot size of 6,000m² together with an average lot size of 1ha are required to secure the maintenance of landscape and visual amenity values within the WBLP.

The review of the resource consents supported the recommendations within the WB Study report with respect to the scope of matters to be addressed in assessment criteria. This work also revealed the importance of considering the following matters in the development of the WBLP planning provisions:

- The protection and retention of existing exotic and native vegetation over a height of 4m (excluding pest species). This vegetation contributes to the attractive leafy character of the WBLP in places and also plays a key role in assisting the integration of existing buildings.
- Consideration of existing covenants and consent notice conditions, given the role that they play in managing the adverse landscape and visual amenity effects of existing development.
- The introduction of a 75m road setback for buildings from all public roads throughout the WBLP (rather than just scenic routes as recommended in the WB Study). The general prevalence of this patterning in more recent developments throughout the case study areas points to its importance across the WBLP.
- The introduction of a 50m setback for dwellings, accessways or earthworks associated with residential activity, from Identified Landscape Features.
- Restricting the further subdivision of an allotment that has previously been used to calculate the minimum and average lot size for subdivision in the Wakatipu Basin Lifestyle Precinct.
- Restricting the subdivision of an existing or approved residential flat from the residential unit it is ancillary to, or the subdivision of a second dwelling on any allotment in the Wakatipu Basin.

Ladies Mile

The WB Study recommended the introduction of a specific precinct for this area (Ladies Mile Gateway Precinct) that enabled urban parkland type development, subject to a 75m road setback for buildings and a structure plan process to assess amenity, landscape and infrastructure issues at a granular level. Since the WB Study was prepared the Ladies Mile area has been subject to an Indicative Master planning exercise which has addressed many of these issues.

Although it is still considered part of the wider WB amenity landscape the Ladies Mile Area is deliberately not included in the WBRAZ under this Variation and is not subject to an additional Ladies Mile Gateway Precinct. The Council is currently progressing plans to carefully manage urban development in this area, to address the above issues and to address the need to facilitate urban growth in the future in suitable locations such as this in an efficient way. Other factors include that it may be subject to a Special Housing Area Application or a future detailed plan variation. More detailed assessment of a range of factors such as transport infrastructure capacity is required in order to complete a detailed plan change for this area.

Arrowtown

The WB Study recommended consideration be given to a similar urban parkland type precinct in the vicinity of Arrowtown (Arrowtown Precinct), together with the integration of defensible edges and the implementation of a structure plan process to address amenity, landscape and infrastructure issues.

The Council have no current plans to develop the Arrowtown Golf Course for urban development and since the WB Study was prepared the Arrowtown area has not been subject to any structure planning process. The Golf Course itself is identified as Open Space and Recreation: Community Purpose Golf Course Zone¹¹ and other areas have been included in the WBRAZ, to reflect that it is also part of the wider WB amenity landscape, and it is appropriate to apply the WBRAZ at this time. Any provision for subdivision or development beyond that provided for in the WBRAZ should require a comprehensive structure plan process to be completed and incorporated in a future Variation or Plan Change. This also includes the small triangular parcel at the far eastern end of the Millbrook LCU bordered by Arrowtown-Lake Hayes and McDonnell Roads.

Landscape Character Unit Worksheets

It was agreed that it would be beneficial to cross reference to the LCU worksheets in the provisions to provide more detailed guidance for plan users as to the features and attributes of each area that need to be protected, maintained or enhanced. Minor consequential amendments were made to the LCU worksheets to ensure consistency with the provisions.

2.9 Variation Purpose and Options

The Variation proposes to establish a new Wakatipu Basin Rural Amenity Zone together with a Lifestyle Precinct overlay:

Wakatipu Basin Rural Amenity Zone (WBRAZ) key elements:

- Covering the majority (close to 90%) of the WB Study Area (68% if excluding the WBLP overlay)
- Location specific objectives and policies
- Minimum lot size of 80 ha
- All buildings except small farm buildings 50m² area require consent (Restricted Discretionary)
- Landscape (or location) driven assessment criteria
- Introduce setbacks and controls to minimise adverse building impact:
 - 20 m from any public road
 - 50m from Identified Landscape Features

Wakatipu Basin Lifestyle Precinct (WBLP) key elements:

- Covers 22% of the WB Study Area
- WBRAZ Objectives and Policies also apply to the WBLP
- Location specific objectives and policies to the WBLP
- Average lot size of 1ha with minimum lot size of 6,000m²
- Stringent controls to ensure the special qualities of the Basin are preserved
- All buildings require consent (Restricted Discretionary)
- Landscape (or location) driven assessment criteria
- Introduce setbacks and controls to minimise adverse building impact:
 - 75 m from any public road
 - 50m from Identified Landscape Features.

¹¹ Refer to PDP Stage 2 Notification Planning Maps 13d Wakatipu Basin and Map 27 – Arrowtown.

This chapter applies to the Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct. The purpose of the Zone is to protect, maintain and enhance the particular rural landscape character and amenity of the zone which distinguishes the Wakatipu Basin from other parts of the District that are zoned Rural.

A primary focus of the Zone is on protecting, maintaining and enhancing rural landscape and amenity values while noting that productive farming is not a dominant activity in the Wakatipu Basin. To achieve the purposes of the Zone a minimum lot size of 80 hectares is required if subdividing and all buildings require resource consent as a means to ensure rural landscape character and visual amenity outcomes are fulfilled.

A wide range of supportive activities that rely on and seek to locate within the rural landscape resource are contemplated in the Zone including rural living at low densities, recreation, commercial and tourism activities as well as enabling farming and farming related activities. There are also some established industrial type activities that are based on rural resources or support rural type activities.

Land within the District is subject to natural hazards and, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards at the time of subdivision and applications for resource consent for buildings.

Within the Wakatipu Basin, variations in landscape character support higher levels of development in identified areas that have been defined as the Wakatipu Basin Lifestyle Precinct. The Precinct provides for rural residential living opportunities within areas where additional development can be absorbed without detracting from the landscape and visual amenity values of the Precinct and the wider landscape character and amenity values of the Zone and its surrounding landscape context.

There is a diversity of topography and landscape character within the Precinct which has a variety of existing lot sizes and patterns of development. The Precinct incorporates a range of rural lifestyle type developments, generally characterized as low-density residential development on rural land, as well as farmlets and horticultural sites. Existing vegetation including shelter belts, hedgerows and exotic amenity plantings characterise the Precinct.

While the Zone and Precinct do not contain Outstanding Natural Features or Landscapes, they form part of the District's distinctive landscapes and are located adjacent to or nearby Outstanding Natural Features and Landscapes. Some land within the Precinct has been identified as being of particular landscape sensitivity. A rule identifying a setback of buildings and development from these Identified Landscape Features is utilised to require that an assessment is undertaken to ensure the values of these landscapes are maintained.

Development within the Zone or Precinct is to be managed to ensure that Outstanding Natural Features and Landscapes located adjacent to or nearby are protected from inappropriate subdivision, use and development. While there are no specific setback rules for development in relation to Outstanding Natural Features and Landscapes, all buildings and subdivision require resource consent with discretion to manage the effects of subdivision, use and development on any adjacent or nearby Outstanding Natural Feature or Landscape, as well as managing the effects on landscape character and visual amenity values within the Zone and Precinct.

In the Precinct a limited opportunity for subdivision is provided with a minimum lot size of 6000m² provided for in conjunction with an average lot size of one hectare (10,000m²). Controls on the location, nature and visual effects of buildings are used to provide a flexible and design led response to the landscape character and visual amenity qualities of the Precinct.

Building location, access, services, earthworks, landscaping, infrastructure and natural hazards are managed through the identification of suitable building platforms at the time of subdivision. These matters as well as the bulk and location, building design and finish may also be assessed at the time of obtaining resource consent for a building.

The WBRAZ and WBLP applies to the areas identified as such on the PDP Stage 2 Notification maps. In particular, Planning Map 13d has been created to show the entire extent of the WBRAZ, WBLP, landscape features and the Open Space and Recreation Zones.

As required by section 32(1)(b) RMA, the following section considers various broad options considered to address the resource management issues which generate the need for the Variation and makes recommendations as to the most appropriate course of action.

Broad options considered to address the key resource management issues of: “appropriately managing the character and amenity values of the Wakatipu Basin and managing the capacity of the Wakatipu Basin to accommodate further development, and the appropriate nature and type of any such development”.

Option 1: Retain the PDP Rural, Rural Residential and Rural Lifestyle zones and provisions (Status Quo).

Option 2: Apply a Wakatipu Basin Rural Amenity Precinct Overlay over the PDP Rural Zone component of the Basin to recognise the value of the landscape resource by applying a minimum lot size of 80ha; otherwise retain Rural Residential and Rural Lifestyle zones and provisions as per the PDP

Option 3: Apply new zoning provisions and zone boundaries that reflect the landscape character values of the Basin and provide for new development subject to landscape assessment criteria (**Recommended**).

| | Option 1: Status quo/ No change | Option 2: Apply a WBAZ Precinct Overlay to PDP Rural zoned land only | Option 3: Rezone to WBRAZ with LP over defined areas |
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| Costs | <ul style="list-style-type: none"> The spatial application of the PDP zones (Rural, Rural Residential and Rural Lifestyle) in the Wakatipu Basin is not considered to adequately reflect the capability of areas to absorb additional development without compromising landscape character and amenity values The PDP zoning provisions (e.g. subdivision and development controls) do not provide a sufficient basis for avoiding subdivision and development in areas that are identified as being unsuitable for development or for managing cumulative effects in the Basin The zoning controls do not reflect a sufficiently strong link to the Strategic Directions or Landscapes chapters in the context of the Basin and the landscape resource is subject to potential degradation from further subdivision The existing policies do not particularly assist with the retention of rural production activities given a flexible ‘enabling’ approach to subdivision of existing lots and dwellings | <ul style="list-style-type: none"> Would reduce potential for development of smaller (non-complying) lots in the Rural zone in the Basin Some landscape character areas assessed in the WB Study as having moderate to high potential to absorb further development would remain inappropriately restricted under the PDP Rural Lifestyle Zone (as current boundaries would remain) Costs associated with going through the Variation process (but this is required by legislation) Would retain the development control regime (including assessment matters) of the PDP Rural-Residential and Rural Lifestyle zones which do not include specific reference to the context of the Wakatipu Basin Inconsistent with the WB Study and does not respond to concerns about the appropriate location of the Rural Lifestyle Zone or Rural Residential Zone (likely lead to increasing demand for private plan changes or non-complying consents) | <ul style="list-style-type: none"> Would reduce potential for development of existing lots in the PDP Rural Zone (due to minimum lot size) Would reduce development potential in current Rural-Residential zoned areas (due to higher lot size of 6,000m² and 1ha average) Would increase development potential able to be achieved in current Rural Lifestyle zoned areas (due to reduced lot size from 2ha average) Costs associated with going through the Variation process (but this is required by legislation) High costs for Council from potential litigation if many resource consents for dwellings have expired and would be non-complying under the WBRAZ/LP |

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| | <p>development in the Rural Zone (e.g. no minimum lot size for subdivision in the Rural Zone)</p> <ul style="list-style-type: none"> • Does not respond to issues identified in the WB study about the appropriate locations for accommodating rural-residential types of development (which could lead to increasing demand for private plan changes or non-complying consents) • Would continue the current approach which has been identified as being a major cause of the erosion of landscape and amenity values in the Basin | | |
| Benefits | <ul style="list-style-type: none"> • Retains the established approach which parties are familiar with • No 'cost of change' for Council | <ul style="list-style-type: none"> • Would bolster the protection of productive rural land and landscape amenity values • Low degree of change to administer compared to PDP- subdivision would remain fully discretionary in the WBRAZ (no change in activity status) whilst activity status for dwellings in the Rural-Residential and Rural Residential zones would remain as per the PDP • Improve consistency with the Strategic Directions Chapter for the Rural zoned area | <ul style="list-style-type: none"> • Applying a more development restrictive zoning such as the WBRAZ would enable the Council to more effectively protect, maintain and enhance the districts distinctive landscapes • Reduces development pressure on the 'main' Wakatipu Basin Rural Amenity Zone (WBRAZ) whilst allowing efficient use of the limited 'rural living' resource • WBLP enables a spread of future development potential over a wider pool of existing lots (less concentration of development potential) • Requires all buildings to be set back from public road boundaries, Identified Landscape Features and internal boundaries so that they do not compromise the qualities of those features and landscapes or outlook from neighbouring properties and scenic vantage points • Would treat areas assessed as having moderate to high potential to absorb further development on a consistent basis and allow a higher yield to be achieved than current PDP Rural Lifestyle zone • Improved alignment of zone boundaries with |

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| | | | landscape character units and defensible edges <ul style="list-style-type: none"> • Cumulative effects of residential subdivision and development able to be managed • Tighter connection between the objectives and policies of the WBRAZ and WBLP (and assessment matters), with the PDP's objectives and policies in the Strategic Directions and Landscapes chapters • Lower transaction costs for resource consents moving from fully discretionary to restricted discretionary |
| Ranking | 3 | 2 | 1 |

2.10 Scale and Significance Evaluation

The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the Proposed District Plan.
- Have effects on resources that are considered to be a matter of national importance in terms of section 6 of the Act.
- Adversely affect those with specific interests, e.g. Tangata Whenua.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

The level of detail of analysis in this report is moderate-high. The WBRAZ and WBLP chapter contains resources of strategic importance to the District, region and nation. Many elements of the chapter build on existing approaches within the Proposed District Plan, but there is a significant change in policy direction.

A number of the provisions also change existing approaches in terms of implementation.

The proposed objectives provide for new buildings to be subject to amenity standards, set-back rules, better integration of the subdivision and land use framework, control over vegetation removal etc.

Other reasons for the moderate-high detail of analysis include that the provisions set an important direction for an area outside of the general zoning framework of the balance of the District Plan. The District's economy is largely based on the benefits derived from tourism and the landscape resource. Activities within the WBRAZ and LP can impact on the vitality and integrated management of this area.

2.11 Evaluation of proposed Objectives Section 32 (1) (a)

| WBRAZ Proposed Objectives | Appropriateness |
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| <p>24.2.1 Objective - Landscape and visual amenity values are protected, maintained and enhanced.</p> | <p>The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises the importance of the landscape resource to the District and the location of the WBRAZ within it (S5(2)(c) RMA). The objective acknowledges the expectation of limiting development in the zone so as to maintain and avoid degrading the existing landscape.</p> <p>This objective establishes the framework for a wide range of landscape related provisions. The District contains high quality landscapes that are of national importance and these shall be recognised and provided for when considering development (S6(a) and 6(b) RMA). The Council, in exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to the ethic of stewardship (S7(a) of the Act) and the broad range of rural landscapes with amenity values (S7(c) of the Act).</p> <p>An integrated policy framework is applied to control further subdivision, land and building development, and activities on sites within the zone. Controls on vegetation clearance will complement the PDP's protection of scheduled trees in the Basin, recognising that existing vegetation contributes to the Basin's existing landscape character. The policy framework in summary:</p> <ul style="list-style-type: none"> • Provides for a 80 hectare minimum lot size • Ensures subdivision and developments are designed (including accessways, services, utilities and building platforms) to minimise modification to the landform, and maintain and enhance the landscape character and visual amenity values of the Zone • Establishes a basis for assessment against landscape character and visual amenity values identified for the landscape character units as described in Schedule 24.8. • Requires all buildings to be located and designed so that they do not compromise the qualities of Outstanding Natural Features, Outstanding Natural Landscapes and, Identified Landscape Features. • Provides for control over the colour, scale, form, coverage, location (including via road boundary, Identified Landscape Feature setbacks) and height of buildings and associated infrastructure, vegetation and landscape elements. • Provides for activities that maintain a sense of openness and spaciousness in which buildings are subservient to natural landscape elements. • Controls earthworks and vegetation clearance so as to minimise adverse changes to rural landscape character and visual amenity values. • Facilitates the provision of walkway, cycleway and bridle path networks. |

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| | <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Consistent with Objective 3.2.5.1 'Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development'. • Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Consistent with Objective 3.2.5.3 - 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. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to RPS 2015 Objectives:</p> <p>1.1 Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago</p> <p>3.1 The values of Otago's natural and physical resources are recognised, maintained and enhanced</p> <p>3.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced</p> |
| <p>24.2.2 Objective – Non-residential activities are compatible with infrastructure, and maintain and enhance landscape character and amenity values.</p> | <p>The proposed objective is the most appropriate way to achieve the purpose of the Act (S5(2)(c)) Sets expectation for predominantly rural activities on large lots and identifies ability for residential and non-residential activities, subject to scale and intensity, where these activities can be appropriately accommodated within the landscape.</p> <p>The policy framework:</p> <ul style="list-style-type: none"> • Provides for commercial, recreation and tourism related activities where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values. • Restrict the type and intensity of non-residential activities to those which are compatible in visual amenity terms and in relation to other generated effects (e.g. traffic, noise, and hours of |

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| | <p>operation) with surrounding uses and the natural environment.</p> <ul style="list-style-type: none"> • Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua • Ensure traffic generated by non-residential development does not individually or cumulatively compromise road safety or efficiency. • Ensures non farming activities with potential for nuisance effects from dust, visual, noise or odour effects are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity. <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Consistent with Objective 3.2.5.1 ‘ Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development’. • Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Consistent with Objective 3.2.5.3 - 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. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to RPS objectives 1.1, 3.1, 3.2 (as above) and:</p> <p>4.3 Infrastructure is managed and developed in a sustainable way.</p> <p>10.3 Sufficient land is managed and protected for economic production</p> |
| <p>24.2.3 Objective – Reverse sensitivity effects are avoided or mitigated where rural living opportunities, visitor and tourism activities, community and recreation activities occur.</p> | <p>The proposed objective is the most appropriate way to achieve the purpose of the Act (S5(2)) because it acknowledges that notwithstanding the enabling zoning, reverse sensitivity risk is present within the zone and needs to be managed.</p> <p>This objective recognises and maintains the existence of established rural activities and that activities such as residential development seeking to locate amidst established rural activities have an expectation to not hinder these activities, providing the rural activity being undertaken is within reasonable limits. For instance, with particular regard to aspects such as odour, noise, lighting and traffic generation.</p> <p>The policy framework:</p> <ul style="list-style-type: none"> • Protects legally established informal airports from the establishment of incompatible activities. • Ensure reverse sensitivity effects likely to arise between residential lifestyle and non-residential activities are avoided or mitigated. |

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| | <ul style="list-style-type: none"> • Supports productive farming activities such as agriculture, horticulture and viticulture in the Zone by ensuring that potential reverse sensitivity issues do not constrain productive activities. <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Consistent with Objective 3.2.5.3 - 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. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural area as if the qualities of our landscape are to be maintained. <p>The objective has regard to section 7(b), (d) and (g) RMA.</p> <p>Gives effect to RPS 2015 objectives 1.1, 3.1, 3.2, 4.3 (as above) and: 5.4 Adverse effects of using and enjoying Otago's natural and built environment are minimised</p> |
| <p>24.2.4 Objective - Subdivision and land use development maintains and enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.</p> | <p>Recognises the need to avoid adverse cumulative impacts on ecosystem services and nature conservation and heritage values, whilst ensuring development does not generate servicing and infrastructure costs that fall on the wider community associated with connecting its infrastructure to subdivision and development isolated from existing network capacity.</p> <p>The objective is the most appropriate way to achieve the purpose of the Act in accordance with Section 5 and 7 of the RMA.</p> <p>The policy framework:</p> <ul style="list-style-type: none"> • Avoids adverse cumulative impacts on ecosystem services and nature conservation values. • Ensures development does not generate servicing and infrastructure costs that fall on the wider community. • Provides for improved public access to and the maintenance and enhancement of the margins of waterbodies including Mill Creek and Lake Hayes. • Ensures that other utilities including Regionally Significant Infrastructure are located and operated to maintain landscape and visual amenity values, having regard to the important function and location constraints of these activities. |

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| | <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Consistent with Objective 3.2.5.1 'Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development'. • Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Consistent with Objective 3.2.5.3 - 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. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. • Consistent with Objective 3.2.1.5 - Maintain and promote the efficient operation of the District's infrastructure, including designated Airports, key roading and communication technology networks. <p>The objective has regard to section 7(b), (d) and (g) RMA.</p> <p>Gives effect to RPS 2015 objectives 3.2, 4.3, and 5.4 (as above)</p> |
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| <p>WBLP Proposed Objectives</p> <p>NB. The above objectives for the WBRAZ also apply to the precinct.</p> | <p>Appropriateness</p> |
| <p>24.2.5 Objective - The landscape quality, character and amenity values of the Precinct are maintained and enhanced in conjunction with enabling rural residential living opportunities.</p> | <p>The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises the importance of the landscape resource to the District and the location of the WBRAZ within it (S5(2)(c) RMA). The objective acknowledges the expectation of additional development in the Precinct with the understanding that development is subject to controls to maintain and enhance the landscape.</p> <p>The policy framework:</p> <ul style="list-style-type: none"> • Provides for rural residential subdivision, use and development only where it protects, maintains or enhances the identified landscape character and visual amenity values as described within the landscape character unit as defined in Schedule 24.8. • Promotes design-led and innovative patterns of subdivision and development that respond to the |

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| | <p>specific landscape setting.</p> <ul style="list-style-type: none"> • Manages the bulk and location of all buildings through minimum standards for height, coverage and by specifying minimum setbacks from site and road boundaries and Identified Landscape Features so as to avoid or minimise adverse effects on landscape character and visual amenity values. • Provides for non-residential activities, including restaurants, visitor accommodation, and commercial recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures that the amenity, quality and character of the Precinct is retained. • Ensure the visual dominance of buildings is avoided or mitigated particularly development and associated earthworks on prominent slopes and ridgelines. • Implements minimum, and average lot size standards in conjunction with permitted building coverage and height standards so that the landscape character and visual amenity values of the Wakatipu Basin are not compromised by the cumulative adverse effects of development. • Maintain and enhance a distinct and visible 'defensible' edge between the Precinct and the wider Wakatipu Basin Rural Amenity Zone. • Retain vegetation where this contributes to landscape character and visual amenity values, and assists with the maintenance of the established character of the Precinct. <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Consistent with Objective 3.2.5.1 'Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development'. • Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Consistent with Objective 3.2.5.3 - 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. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. <p>Gives effect to RPS 2015 Objectives:</p> <p>1.1 Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago</p> <p>3.1 The values of Otago's natural and physical resources are recognised, maintained and enhanced</p> <p>3.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced</p> <p>4.3 Infrastructure is managed and developed in a sustainable way.</p> <p>5.3 Sufficient land is managed and protected for economic production.</p> <p>5.4 Adverse effects of using and enjoying Otago's natural and built environment are minimised.</p> |
|--|---|

2.12 Evaluation of the proposed provisions Section 32 (1) (b)

The following tables consider whether the proposed provisions are **the most appropriate way** to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient. For the purposes of this evaluation the proposed objectives are grouped together for each of the WBRAZ and WBLP.

(Also refer to the Table detailing broad options considered, above)

Appropriately managing the character and amenity values of the Wakatipu Basin and managing the capacity of the Wakatipu Basin to accommodate further development, and the appropriate nature and type of any such development

WBRAZ

24.2.1 Objective - Landscape and visual amenity values are protected, maintained and enhanced.

24.2.2 Objective - Non-residential activities are compatible with infrastructure, and maintain and enhance landscape character and amenity values.

24.2.3 Objective - Reverse sensitivity effects are avoided or mitigated where rural residential lifestyle living opportunities, visitor and tourism activities, community and recreation activities occur.

24.2.4 Objective - Subdivision and land use development maintains and enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.

Summary of proposed provisions and broad evaluation of the environmental, economic, social and cultural costs and benefits:

- Require all buildings to be located in relation to ONF's, ONL's, public road boundaries, Identified Landscape Features and internal boundaries so that they do not compromise the qualities of those features and landscapes or outlook from neighbouring properties and scenic vantage points
- Require all buildings to obtain resource consent so that the scale, form, colour and location of buildings, plantings and associated ancillary elements do not result in adverse effects on the landscape character and visual amenity values of the zone.
- Ensure non farming activities with potential for nuisance effects from dust, visual, noise or odour effects are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.
- Identify and where appropriate, require the provision of walkways, cycleways and bridle path networks
- Require any new lots to be no less than 80ha in order to maintain a rural character and preserve the conservation, ecological and visual amenity values of the zone.
- Only enable rural land use activities that protect, maintain and enhance the range of landscape and amenity values associated with the Wakatipu Basin

area (as identified for the landscape character units as described in Schedule 24.8).

- Ensure development does not exceed capacities for infrastructure servicing
- Support productive activities such as agriculture, horticulture and viticulture in the zone whilst managing any associated reverse sensitivity issues.
- The maximum site coverage shall be 15% of lot area or 500m² whichever is the lesser
- The minimum setback of any building from side and rear lot boundaries shall be 10m
- The minimum setback of any building from a public road boundary shall be 20m.
- Control and mitigate earthworks and vegetation clearance so as to minimise adverse changes to rural landscape character and amenity.
- The construction of and/or exterior alteration/additions to buildings including buildings located within an existing approved building platform area, will be subject to Restricted Discretionary assessment criteria for all of the following:
 - building height;
 - building colours/materials;
 - building coverage;
 - design, size and location of accessory buildings.
 - the design and location of fencing / gates, external lighting;
 - earthworks, retaining, fencing, gates, accessways, external lighting, domestic infrastructure (water tanks etc.), vegetation removals, and proposed plantings;
 - accessway alignment and paving materials;
 - the retention of existing vegetation and landform patterns;
 - earth mounding, and framework planting to integrate buildings and accessways;
 - planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.8;
 - riparian restoration planting;
 - the retirement and restoration of steep slopes over 15° to promote slope stabilisation or indigenous vegetation enhancement;
 - The integration of existing and provision for new public walkways and cycleways/bridlepaths.

| <i>Proposed provisions</i> | <i>Costs</i> | <i>Benefits</i> | <i>Effectiveness & Efficiency</i> |
|---|--|--|---|
| Policies: 24.2.1.1 to 24.2.1.12 (inclusive) 24.2.2.1 to 24.2.2.6 (inclusive) 24.2.3.1 to 24.2.3.3 | <i>Environmental</i> Low. The provisions emphasise that the predominant activity is rural use; and earthworks and indigenous vegetation clearance will be managed to minimise adverse changes to rural landscape character and amenity. <i>Economic</i> The provisions will have the potential to | <i>Environmental</i> The provisions will better protect the zones and surrounding rural areas from ad-hoc subdivision and development. <i>Economic</i> The provisions provide more certainty for the Council and persons contemplating activities in the zones. | The provisions are effective at protecting the landscape resource within the zone by referencing to landscape assessment policy which gives effect to the strategic directions chapter and enables consideration of activities within the zone that may affect the District's landscape resource. |

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| <p>(inclusive)</p> <p>24.2.4.1 to 24.2.4.6 (inclusive)</p> <p>Rules:</p> <p>24.4.1 to 24.4.29 (inclusive) 24.5.1 to 24.5.16 (inclusive)</p> | <p>constrain residential, industrial or commercial activities in the zones.</p> <p>Social & Cultural Land owners will incur costs to obtain resource consents (e.g. controlling the scale, form, colour and location of buildings to ensure they do not result in adverse effects on the landscape character and visual amenity values of the zone).</p> | <p>Would protect the landscape resource which the District relies on for tourism.</p> <p>Social & Cultural Maintaining the landscapes within the zone will provide for peoples well-being by not degrading these landscapes.</p> <p>More certainty for future landowners with regard to locations suited or not suited to further development.</p> | <p>Seeking to determine/control the extent of future development through a complex plan change requires a lot of resources to defend and implement successfully.</p> <p>Efficiencies would be established to introduce clearer parameters for permitting anticipated activities, while providing direct policies to gauge the appropriateness of residential or farming activities, or activities that can have a significant impact on amenity.</p> |
| <p>Alternative options considered less appropriate to achieve the relevant objectives and policies:</p> | | | |
| <p><i>Option 1: Status quo (PDP)</i></p> | | <ul style="list-style-type: none"> • <i>The PDP's objectives and policies are not considered to place adequate emphasis on the importance of the landscape resource, nor do they provide a strong link to District Wide/Strategic Directions chapter.</i> • <i>The integrity of the existing objective and policy framework has been weakened by the cumulative effects of subdivision and development (due in part to an ad hoc fully discretionary regime across the Basin for sites located in the Rural Zone). The landscape resource is subject to potential degradation from further subdivision.</i> • <i>Would also retain inappropriate boundaries between the Rural Zone and Rural-Residential and Rural-Lifestyle zones (having regard to the Wakatipu Land Use study's assessment of landscape character areas) .</i> | |
| <p><i>Option 2: Apply a Wakatipu Basin Rural Amenity Precinct Overlay over the PDP Rural Zone component of the Basin to recognise the value of the landscape resource by applying a minimum lot size of 80ha; otherwise retain Rural Residential and Rural Lifestyle zones and provisions as per the PDP</i></p> | | <ul style="list-style-type: none"> • <i>Applying a 80ha minimum lot standard would offer greater protection of landscape values from subdivision and development. However, subdivision would be subject to the Rural zone policies and rules which are considered inadequate in the context of the Wakatipu Basin study area</i> • <i>The type and scale of non-residential activities which require resource consent has not substantially changed, however the rule structure has clarified what activities require consent and the policies make it clearer what types of non-residential activities may be appropriate. There is not considered the need to make non-residential activity either more permissive or constrained, but to better identify the appropriateness of these activities by providing more thorough policy to assess the merits of proposals</i> | |

Appropriately managing the character and amenity values of the Wakatipu Basin and managing the capacity of the Wakatipu Basin to accommodate further development, and the appropriate nature and type of any such development

WBLP

24.2.5 Objective - The landscape quality, character and amenity values of the Precinct are maintained and enhanced in conjunction with enabling rural residential living opportunities.

Summary of proposed provisions that give effect to this objective:

- Manage the bulk and location of all buildings including height, coverage and minimum setbacks from site, public road and identified landscape features so as to avoid or minimise any potential adverse effects on landscape character, visual amenity values and outlook from neighbouring properties
- Enable appropriately located and scaled non-residential activities, including restaurants, visitor accommodation, recreation and rural support activities while ensuring that the visual amenity, quality and character of the Lifestyle precinct is not compromised.
- Implement minimum and average lot size standards in conjunction with permitted building coverage and height standards so the landscape character and amenity qualities of the Wakatipu Basin are not compromised
- Maintain and enhance the landscape character and visual amenity values associated with the Precinct by controlling the colour, scale, form, location and height of buildings and associated infrastructure, vegetation and landscape elements.
- Maintain and enhance a distinct and visible defensible edge between the Precinct and the WBRAZ
- Restrict the type and intensity of non-residential activities to those which are compatible in visual amenity terms and in other generated effects (e.g. traffic, noise, and hours of operation) with surrounding rural residential uses and the natural environment
- Ensure subdivision and developments are designed (including accessways, services, utilities and building platforms) to be in keeping with the visual and landscape characteristics of the precinct
- The maximum site coverage shall be 15% of the net site area or 500m² whichever is the lesser
- The minimum setback of any building from a public road boundary defined on the planning maps shall be 75m
- The minimum setback of any building from an identified landscape feature boundary on the planning maps shall be 50m
- The construction of and/or exterior alteration/additions to any buildings including buildings located within an existing approved and registered building platform area will be subject to Restricted Discretionary consent criteria for all of the following:
 - building height;
 - building colours/materials;
 - building coverage;
 - design, size and location of accessory buildings.
 - the design and location of fencing / gates, external lighting:

- earthworks, retaining, fencing, gates, accessways, external lighting, domestic infrastructure (water tanks etc.), vegetation removals, and proposed plantings;
- accessway alignment and paving materials;
- the retention of existing vegetation and landform patterns;
- earth mounding, and framework planting to integrate buildings and accessways;
- planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.8;
- riparian restoration planting;
- the retirement and restoration of steep slopes over 15° to promote slope stabilisation or indigenous vegetation enhancement;
- The integration of existing and provision for new public walkways and cycleways/bridlepaths.

| Proposed provisions | Costs | Benefits | Effectiveness & Efficiency |
|---|---|---|--|
| <p>Policies: 24.2.5.1 to 24.2.5.6</p> <p>Rules: 24.4.1 to 24.4.29 (inclusive) 24.5.1 to 24.5.16 (inclusive)</p> | <p>Environmental Low impact due to requirements for set-back from landscape features and ONL/ONFs.</p> <p>Economic Potential for higher costs with subdivision and development than previously due to wide range of assessment matters required to be addressed.</p> <p>Some loss of development potential for owners in PDP Rural-Residential zoned areas due to increase in minimum lot size in LP.</p> <p>Social & Cultural Potential for amenity effects on neighbouring owners of some properties due to the reduction in minimum lot size compared to PDP Rural Lifestyle Zone</p> | <p>Environmental Enables additional development in those areas that have been assessed as being capable (from a landscape perspective) of absorbing this level of change</p> <p>Effects from earthworks and vegetation clearance will be minimised as part of assessment of accessways and the location of building platforms and associated utilities.</p> <p>The proposed colour range is considered to provide a suitable balance to control the visual effects of buildings by ensuring that built development is visually recessive.</p> <p>More emphasis for landscaping requirements to be at the time of subdivision. The introduction of landscape driven assessment criteria for subdivision and buildings will ensure rural residential development is well integrated into the landscape and maintains the existing landscape character and visual amenity</p> | <p>The new urban zoning would better reflect development that has occurred in these areas or is anticipated to occur.</p> <p>The proposed provisions restrict the grounds for discretion for a resource consent by permitting buildings subject to a clear range of controls to achieve objectives and policies to maintain landscape values.</p> <p>The introduction of a maximum building size and colour standards are necessary to enable the Restricted Discretionary activity status of buildings and alterations to buildings; in this context the additional standards are both effective and efficient and are significantly more appropriate than the PDP provisions in terms of meeting the purpose of the RMA.</p> |

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| | | <p>values</p> <p>If required, any controls imposed on a site by a subdivision consent notice will still apply, thus ensuring location specific landscaping requirements are provided for.</p> <p>Economic</p> <p>Reduces development pressure on the 'main' Wakatipu Basin Rural Amenity Zone (WBRAZ) whilst allowing efficient use of the limited 'rural living' resource (estimated theoretical capacity for 880 additional lots, subject to application of consent assessment criteria).</p> <p>Significantly reduces pressure for subdivision of larger lots in the Basin, which may be retained for rural productive purposes.</p> <p>Social & Cultural</p> <p>Emphasis on avoidance and mitigation of landscape amenity effects applied at the time of subdivision to mitigate effect of infrastructure and future buildings.</p> <p>More certainty for future landowners with regard to locations with development potential.</p> | |
| <p>Alternative options considered less appropriate to achieve the relevant objectives and policies:</p> | | | |
| <p>Option 1: Status quo (PDP)</p> | | <ul style="list-style-type: none"> • Would retain differing standards for subdivision of land in the Rural Residential and Rural Lifestyle zones which is inconsistent with the WB Study's assessment of areas | |

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| | <p><i>with moderate to high potential to absorb additional development</i></p> <ul style="list-style-type: none"> • <i>Would also retain inappropriate boundaries of Rural Residential and Rural Lifestyle zones compared to the LP</i> |
| <p><i>Option 2: Apply a Wakatipu Basin Rural Amenity Precinct Overlay over the PDP Rural Zone component of the Basin to recognise the value of the landscape resource by applying a minimum lot size of 80ha; otherwise retain Rural Residential and Rural Lifestyle zones and provisions as per the PDP</i></p> | <ul style="list-style-type: none"> • <i>The type and scale of non-residential activities which require resource has not substantially changed, however the rule structure has clarified what activities require consent and the policies make it clearer what types of non-residential activities may be appropriate. There is not considered the need to make non-residential activity either more permissive or constrained, but to better identify the appropriateness of these activities by providing more thorough policy to assess the merits of proposals</i> |

2.13 Efficiency and effectiveness of the provisions

The above provisions are drafted to specifically address the resource management issues identified for the Wakatipu Basin. The objectives, policies and rules (the provisions), provide greater certainty than the PDP current provisions in respect to the zoned areas and will be easier to understand for users of the Plan both as applicant and administrator (processing planner). The provisions create a more efficient consent process by reducing the number of fully discretionary consents required and by expediting the processing of those consents.

2.14 The risk of not acting

Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.

The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.

3. References

Also refer to any footnotes within the text

1. Wakatipu Land use Planning Study March 2017 [link](#)
2. Council Reply Evidence on the PDP
3. Read Landscapes Limited 'Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features' 2014. - [link](#)
4. Read Landscapes Limited 'Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment' June 2014 - [link](#)
5. District Plan Monitoring Report, Monitoring the Effectiveness and Efficiency of the Rural General Zone, April 2009 - [link](#)
6. District Plan Monitoring Report, Rural Living Zones of the Queenstown Lakes District Plan, January 2010 - [link](#)
7. Ministry for the Environment. 2014. A guide to section 32 of the Resource management Act: incorporating changes as a result of the Resource Management Amendment Act 2013. Wellington. Ministry for the Environment – [link](#)



**Queenstown Lakes District Proposed District Plan
Section 32 Evaluation
Variation to Proposed District Plan 26 August 2015**

For:

Definition of Site - Chapter 2 Definitions:

Report dated: 31 October 2017

1. OVERVIEW

- 1.1. This variation to the notified Proposed District Plan (**PDP**) definition of *site* applies to all land notified in Stage 1¹ of the Proposed District Plan on 26 August 2015, and all additional land notified in Stage 2. This land collectively forms the geographic area currently subject to Volume A of the District Plan.
- 1.2. For clarity, **Table 1** below identifies the land area (generally described by way of zone) and various components of the PDP that together comprise Volume A of the District Plan at Stage 2 of the District Plan review as it relates to this variation. All other land within the District continues to fall into Volume B of the District Plan.

Table 1. District Plan Volume A components, showing Stage 2 components as related to the variation of the definition of site.

| Volume A | |
|---|--|
| Stage 1 Proposed District Plan 26 August 2015 | Stage 2 Items notified as part of Stage 2. |
| Introduction | |
| 1. Introduction 2. Definitions | <ul style="list-style-type: none"> Variation to the definition of Site – Chapter 2. |
| Strategy | |
| 3. Strategic Direction 4. Urban Development 5. Tangata Whenua 6. Landscapes | <ul style="list-style-type: none"> Variation to the definition of Site all chapters. |
| Urban Environment | |
| 7. Low Density Residential 8. Medium Density Residential 9. High Density Residential 10. Arrowtown Residential Historic Heritage Management Zone 11. Large Lot Residential 12. Queenstown Town Centre* (part withdrawn) 13. Wanaka Town Centre 14. Arrowtown Town Centre 15. Local Shopping Centres 16. Business Mixed Use Zone 17. Queenstown Airport Mixed Use Variation 1: Arrowtown Design Guidelines 2016 | <ul style="list-style-type: none"> Variation to the definition of Site all chapters, including the new Stage 2 Visitor Accommodation variation. |
| Rural Environment | |
| 21. Rural Zone 22. Rural Residential and Lifestyle 23. Gibbston Character Zone | <ul style="list-style-type: none"> Variation to the definition of Site all chapters, including the new Stage 2 Wakatipu Basin Variation. |

¹ With the exception of land formally withdrawn from the PDP (Plan Change 50 Queenstown Town Centre extension, Plan Change 41 Peninsula Bay North, Plan Change 45 Northlake Special Zone, Plan Change 46 Ballantyne Road Industrial and Residential extension).

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| District Wide Matters | |
| 26. Historic Heritage 27. Subdivision and Development 28. Natural Hazards 30. Energy and Utilities 32. Protected Trees 33. Indigenous Vegetation and Biodiversity 34. Wilding Exotic Trees 35. Temporary Activities and Relocated Buildings 36. Noise 37. Designations | <ul style="list-style-type: none"> Variation to the definition of Site all chapters, including the Earthworks Chapter 25, Transport, Chapter. 29 and Signs Chapter 31. Including Open Space and Recreation Zones Chapter 39. |
| Special Zones | |
| 41. Jacks Point 42. Waterfall Park 43. Millbrook | <ul style="list-style-type: none"> Variation to the definition of Site all chapters. |

2. BACKGROUND

District Plan Review

- 2.1. The review of the Operative District Plan (**ODP**) is being undertaken in stages. Stage 1 commenced in April 2014 and was publicly notified on 26 August 2015. Hearings on Stage 1 components comprising ten individual hearing streams for 33 chapters, 1 variation² and three separate hearing streams for rezoning requests and mapping annotations³ were held from March 2016 to September 2017.
- 2.2. On 29 September 2016 the Council approved the commencement of Stage 2 of the review of the ODP. As part of the 29 September 2016 resolutions, the Council addressed what the plan outcomes would be at the end of the partial review, and approved the separation of the District Plan into two volumes, Volume A and Volume B. Volume A (at the point in time of notification of Stage 2) consists of the PDP chapters notified in Stages 1 and 2 of the District Plan Review, which includes variations to Stage 1, and all the land as identified in the Planning Maps forming the Stage 2 notification bundle, as discussed above.
- 2.3. All other land currently forms Volume B of the District Plan. This includes zones that have not yet been reviewed and notified (i.e. Township Zone, Industrial A and B Zones, Rural Visitor Zone), land that has been withdrawn from the District Plan Review (i.e. the land subject to Plan Changes 46 - Ballantyne Road Industrial and Residential extensions, 50 - Queenstown Town Centre extension and 51 - Peninsula Bay North) and the Frankton Flats B Special Zone and the Remarkables Park Special Zone. All Volume B land is subject to the Operative District Plan.

² Variation 1 – Arrowtown Design Guidelines 2016

³ Ski Area Sub Zones, Upper Clutha Area and the Queenstown Area (excluding the Wakatipu Basin).

3. SECTION 32 EVALUATION REPORT: SITE - DEFINITION REVIEW

Strategic Context

- 3.1. This report has been prepared in accordance with s32 of the Resource Management Act 1991 ("RMA") to analyse the issues associated with the notified definition of *site*, to identify various options and determine the most effective option to resolve the issues.
- 3.2. The purpose of the Act demands an integrated planning approach and direction:

5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

- 3.3. Resolving the various issues with the notified definition of *site* will ensure that the definition is clear, unambiguous and ultimately useful to Plan users, and will enable effective sustainable management. Accordingly, this variation has been prepared as a means to achieve the purpose of the Act.

4. REGIONAL PLANNING DOCUMENTS

- 4.1. The District Plan must *give effect* to the operative Regional Policy Statement (**RPS**) and must *have regard to* the Proposed Otago Regional Policy Statement (**PRPS**). Section 74(2) of the RMA requires that a district plan prepared by a territorial authority shall "have regard to" any proposed regional policy statement. The PRPS was notified for public submissions on 23 May 2015, and decisions on submissions were released on 1 October 2016. The majority of the provisions of the Decisions Version have been appealed and mediation is currently taking place. Accordingly, limited weight can be provided to the Decisions Version of the PRPS.
- 4.2. The changes to the notified definition of *site* that are considered here-in are for administrative purposes. The changes enable more effective and efficient implementation of the objectives and provisions considered in the various s32 analyses for Stage 1 and Stage 2 of the District Plan Review, which include assessments of the degree of consistency with the RPS and PRPS. As such, it is not considered necessary to duplicate that analysis, other than to confirm that the proposed changes give effect to the operative RPS and have regard to the PRPS.

5. NOTIFIED DEFINITION OF *SITE*

5.1. The notified PDP definition of *site* was 'rolled-over' in an unmodified form from the ODP.

The notified definition is as follows:

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| Site | <p>Means:</p> <ol style="list-style-type: none"> 1. An area of land which is: <ol style="list-style-type: none"> i comprised in a single lot or other legally defined parcel of land and held in a single Certificate of Title; or ii comprised in a single lot or legally defined parcel of land for which a separate certificate of title could be issued without further consent of the Council. <p>Being in any case the smaller land area of i or ii, or</p> <ol style="list-style-type: none"> 2. an area of land which is comprised in two or more adjoining lots or other legally defined parcels of land, held together in one certificate of title in such a way that the lots/parcels cannot be dealt with separately without the prior consent of the Council; or 3. an area of land which is comprised in two or more adjoining certificates of title where such titles are: <ol style="list-style-type: none"> i subject to a condition imposed under section 37 of the Building Act or section 643 of the Local Government Act 1974; or ii held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or 4. In the case of land not subject to the Land Transfer Act, the whole parcel of land last acquired under one instrument of conveyance; <p>Except:</p> <ol style="list-style-type: none"> i in the case of land subdivided under the cross lease of company lease systems, other than strata titles, site shall mean an area of land containing: <ol style="list-style-type: none"> a) a building or buildings for residential or business purposes with any accessory buildings(s), plus any land exclusively restricted to the users of that/those building(s), plus an equal share of common property; or b) a remaining share or shares in the fee simple creating a vacant part(s) of the whole for future cross lease or company lease purposes; and ii in the case of land subdivided under Unit Titles Act 1972 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units and an equal share of common property; and iii in the case of strata titles, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision. |
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| | <p>In addition to the above.</p> <ul style="list-style-type: none"> a) A site includes the airspace above the land. b) If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary. c) Where a site is situated partly within the District and partly in an adjoining District, then the part situated in the District shall be deemed to be one site. |
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6. ISSUE 1 – WAKATIPU BASIN VARIATION

6.1. The proposed Wakatipu Basin Rural Amenity Zone (**WBRAZ**) and Wakatipu Basin Lifestyle Precinct (**WBLP**) are located within a geographic area and the extent of the Zone and Precinct has been identified for landscape reasons and not for the purposes of recognising any existing or approved legal boundaries. The WBRAZ is overlaid in locations by the WBLP, and at the outer extent of the WBLP are slithers of WBRAZ land that extend up to a change in zone, for instance where the WBRAZ adjoins the Rural Zone and Outstanding Natural landscape.

6.2. Limb b) of the notified PDP definition states *'If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary.'* is considered to be unhelpful and at odds with the purpose of the WBRAZ and WBLP as set out in PDP Chapter 24 and the accompanying section 32 evaluation. The purpose of the WBRAZ and WBLP are to maintain, protect and enhance the particular landscape values of the Wakatipu Basin. Zoning is used as a method based primarily on the capacity of the landscape to absorb additional development. It is considered incongruous with the zone therefore if small areas of land zoned WBRAZ can be treated as a separate site.

6.3. The merits of limb b) have also been investigated across the other Stage 1 and Stage 2 PDP zones and chapter text and the result of this review is that it is considered that limb b) does not offer any value in terms of providing certainty in achieving the purpose of the zones and the Strategic Directions of the PDP.

7. ISSUE 2 - DEFICIENCIES IDENTIFIED DURING THE STAGE 1 PROPOSED DISTRICT PLAN HEARINGS AND SUBMISSIONS

7.1. The only submission on the definition of site was received from Patterson Pitts Group (370). The submissions was:

Amend the definition of site, which refers to the Unit Titles Act 1972, to include 'and replacement Acts', or 'or Unit Titles Act 2010'. References to the Unit Titles Act 1972 throughout the Plan also include reference to replacement legislation. i.e. for now, the Unit Titles Act 2010.

7.2. Through the course of hearings on Stage 1 topics, the Hearings Panel raised the matter of the efficacy of the notified definition of site on at least two occasions in Hearing Stream 4 (Subdivision Chapter 27) and Hearing Stream 6 (Residential Chapters).

7.3. At the hearing on Chapter 27 – Subdivision and Development, the Panel requested that Mr Nigel Bryce (for the Council) review the definition of *site*, in particular clauses b) and c) below:

"In addition to the above.

- a) A site includes the airspace above the land.*
- b) If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary.*
- c) Where a site is situated partly within the District and partly in an adjoining District, then the part situated in the District shall be deemed to be one site. "*

7.4. However, in his right of reply⁴, Mr Bryce deferred consideration of *site* until the hearing on Chapter 2 – Definitions.

7.5. Also in response to questioning by the Hearings Panel in relation to developments occurring across more than one lot and the intended application of the definition of *site* to cross lease, company lease, unit titles and strata titles, Ms Kim Banks in her right of reply for Chapter 9 – High Density Residential⁵ addressed the definition of *site* and in paragraph 12.13 of her reply concludes:

"To address all of these matters, and simplify the definition of 'site' a possible revision to the definition is set out below. I maintain however that this should be reconsidered at the Definitions hearing, or addressed via a variation.

⁴ Mr Bryce's Reply for Chapter 27 – Subdivision and Development dated 26 August 2016 at section 15: <http://www.gldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-4/Council-Right-of-Reply/QLDC-04-Subdivision-Chapter-27-Nigel-Bryce-Reply-28305692-v-1.pdf>

⁵ Ms Banks' Reply for Chapter 9 – High Density Residential dated 11 November 2016 at Paragraphs 12.6 – 12.13: <http://www.gldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-6/Council-Right-of-Reply/QLDC-06-Residential-Chapter-9-Kimberley-Banks-Reply-28591089-v-1.pdf>

Site – Any land on which an activity is carried out or is proposed to be carried out, whether such land comprises the whole or part of a legally defined parcel of land and held in a single Certificate of Title; or more than one legally defined parcel of land where these are contiguous."

7.6. In considering this definition further, Ms Amanda Leith⁶ in the hearing on Stage 1 Definitions (a component of Hearing Stream 10) suggested that the definition of *site* that is included within the Operative (in part) Auckland Unitary Plan as an appropriate definition. The definition is as follows:

"Any area of land which meets one of the descriptions set out below:

(a) An area of land which is:

- (i) Comprised of one allotment in one certificate of title, or two or more contiguous allotments held together in one certificate of title, in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or*
- (ii) Contained in a single lot on an approved survey plan of subdivision for which a separate certificate of title could be issued without any further consent of the council;*

Being in any case the smaller area of clauses (i) or (ii) above; or

(b) An area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are:

- (i) Subject to a condition imposed under section 37 of the Building Act 2004 or section 643 of the Local Government Act 1974; or*
- (ii) Held together in such a way that they cannot be dealt with separately without the prior consent of the council; or*

(c) An area of land which is:

- (i) Partly made up of land which complies with clauses (a) or (b) above; and*
- (ii) Partly made up of an interest in any airspace above or subsoil below a road where (a) and (b) are adjacent and are held together in such a way that they cannot be dealt with separately without the prior approval of the council;*

⁶

Ms Leith's s42A Report for Chapter 2 – Definitions dated 15 February 2017 at section 19: <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-10/Section-42A-Reports-and-Council-Expert-Evidence/QLDC-10-Definitions-Section-42A-report.pdf>

Except in relation to each description that in the case of land subdivided under the Unit Titles Act 1972, the cross lease system or stratum subdivision, 'site' must be deemed to be the whole of the land subject to the unit development, cross lease or stratum subdivision."

7.7. Ms Leith considered that the above Auckland Unitary Plan definition addresses the Hearing Panel's questions to Ms Banks in relation to cross leases and strata subdivisions.

7.8. As noted by Ms Leith, the above definition does not however address the questions put to Mr Bryce by the Hearings Panel in Hearing Stream 4, and the Unitary Plan definition does not include the same provisions relating to zone and district boundaries. Ms Leith considered that in practice, there was no need for a change in zoning or district within the land area of a property to necessitate a site being considered as two (or more) sites. The potential effects upon the environment and people as a result of development remain the same notwithstanding this technicality. This definition necessitates arbitrary assessment such as assessing breaches of setbacks within the middle of a site. Ms Leith considered that the zone (or District-wide) rules that are applied should be those that apply where the development is located. If it is located across two zones, two sets of rules may apply. Ms Leith did not consider that the abovementioned provisions are necessary within the definition of *site*.

7.9. Ms Leith's ability to recommend these changes, and to respond to the questions by the Hearings Panel were constrained by scope due to the matters raised not being subject to a submission. At the close of hearings on Stage 1 of the PDP the definition of *site* largely resembles the notified version. As a result, the issues identified with the notified definition of *site* were not able to be addressed through the Stage 1 Hearings, and consequently a variation to the notified PDP is required.

7.10. The Hearings Panel recommended in a Minute that the Council consider a variation to amend the definition of *site*⁷.

8. RECOMMENDATIONS

⁷ Minute identifying matters appropriate for variation. 22 May 2017. <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Memorandums/General/General-Recommended-matters-for-Variation-22-5-17.pdf>

8.1. It is recommended that the changes to the definition of *site* considered by Ms Leith for the Council in the hearing on Chapter 2 Definitions are advanced through a variation to the PDP.

8.2. The recommended definition of *site* is that recommended by Ms Leith, with the addition of more recent legislation. The recommended definition is outlined below (underlined text shows additions and ~~strike through~~ text shows deletions):

| | |
|-------------|---|
| Site | <p>Means:</p> <p><u>Any area of land which meets one of the descriptions set out below:</u></p> <p>(a) <u>An area of land which is:</u></p> <p style="padding-left: 40px;">(i) <u>Comprised of one allotment in one certificate of title, or two or more contiguous allotments held together in one certificate of title, in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or</u></p> <p style="padding-left: 40px;">(ii) <u>Contained in a single lot on an approved survey plan of subdivision for which a separate certificate of title could be issued without any further consent of the council;</u></p> <p style="padding-left: 40px;"><u>Being in any case the smaller area of clauses (i) or (ii) above; or</u></p> <p>(b) <u>An area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are:</u></p> <p style="padding-left: 40px;">(i) <u>Subject to a condition imposed under section 37 of the Building Act 2004; or</u></p> <p style="padding-left: 40px;">(ii) <u>Held together in such a way that they cannot be dealt with separately without the prior consent of the council;</u> <u>or</u></p> <p>(c) <u>An area of land which is:</u></p> <p style="padding-left: 40px;">(i) <u>Partly made up of land which complies with clauses (a) or (b) above; and</u></p> <p style="padding-left: 40px;">(ii) <u>Partly made up of an interest in any airspace above or subsoil below a road where (a) and (b) are adjoining and are held together in such a way that they cannot be</u></p> |
|-------------|---|

| | |
|--|---|
| | <p><u>dealt with separately without the prior approval of the council;</u></p> <p><u>Except in relation to each description that in the case of land subdivided under the Unit Titles Act 1972 and 2010, the cross lease system or stratum subdivision, 'site' must be deemed to be the whole of the land subject to the unit development, cross lease or stratum subdivision.</u></p> <p>1. An area of land which is:</p> <p style="padding-left: 40px;">(i) — comprised in a single lot or other legally defined parcel of — land and held in a single Certificate of Title; or</p> <p style="padding-left: 40px;">(ii) — comprised in a single lot or legally defined parcel of land for — which a separate certificate of title could be issued without further consent of the Council.</p> <p>Being in any case the smaller land area of i or ii, or</p> <p>2. an area of land which is comprised in two or more adjoining lots or other legally defined parcels of land, held together in one certificate of title in such a way that the lots/parcels cannot be dealt with separately without the prior consent of the Council; or</p> <p>3. an area of land which is comprised in two or more adjoining certificates of title where such titles are:</p> <p style="padding-left: 40px;">(i) — subject to a condition imposed under section 37 of the Building Act 2004 or section 643 of the Local Government Act 1974; or</p> <p style="padding-left: 40px;">(ii) — held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or</p> <p>4. In the case of land not subject to the Land Transfer Act 1952, the whole parcel of land last acquired under one instrument of conveyance;</p> <p>Except:</p> <p style="padding-left: 40px;">(i) — in the case of land subdivided under the cross lease</p> |
|--|---|

| | |
|--|---|
| | <p>of company lease systems, other than strata titles, site shall mean an area of land containing:—</p> <p>a) — a building or buildings for residential or business — purposes with any accessory buildings(s), plus any land — exclusively restricted to the users of that/those — building(s), plus an equal share of common property; or</p> <p>b) — a remaining share or shares in the fee simple creating a vacant part(s) of the whole for future cross lease or company lease purposes; and</p> <p>ii — in the case of land subdivided under Unit Titles Act 1972 and 2010 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units and an equal share of common property; and</p> <p>iii — in the case of strata titles, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision.</p> <p>In addition to the above.</p> <p>a) — A site includes the airspace above the land.</p> <p>b) — If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary.</p> <p>c) — Where a site is situated partly within the District and partly in an adjoining District, then the part situated in the District shall be deemed to be one site.</p> |
|--|---|

9. BROAD OPTIONS

| | Option 1: Status quo/ No change | Option 2: Vary the definition of <i>site</i> to address the identified issues | Option 3: Remove the definition |
|-----------------|--|--|--|
| Costs | <p>Does not address the identified issues.</p> <p>Definitions with outdate references may be open to challenge, decreasing the enforceability of Plan standards.</p> | <p>Costs associated with critically examining the definition and determining the best solution to addressing issues. However, this cost would be low, as some analysis of the issues associated with the definition of <i>site</i> has also been undertaken through the various Stage 1 Hearing Streams.</p> <p>Plan users would need to familiarise with the amended definition.</p> <p>Introducing a variation may add further complexity to the Plan Review processes currently in train.</p> | <p>Removing the definition entirely would significantly decrease the Plan's operability and provide less certainty for Plan users.</p> <p>Decreased efficiency for Council Officers, who would need to provide interpretation on an ad hoc basis. Resultant cost to ratepayers to fund increased resourcing requirements, or consequential reduction in level of service delivered to ratepayers.</p> <p>Would undermine the ability for Plan standards and rules to be effectively implemented and enforced, with greater scope for interpretation to be challenged. Consequential financial and time cost to Plan users.</p> |
| Benefits | <p>Retains the established approach which parties are familiar with.</p> | <p>Broadly retains the established approach but improves where necessary to address identified issues for clarity, certainty and to assist implementation.</p> <p>Provides certainty as to how the term is correctly and consistently applied in the specific context of this District.</p> <p>Enables consideration to be given to making substantive changes to the definition,, including providing the opportunity for amendments to the definition of <i>site</i> to be introduced so that the PDP standards and rules that apply on a 'per site' basis are applied in the manner intended. Most notably,</p> | <p>Would reduce the volume of text in the Plan, which may increase general legibility, however this benefit would be negligible.</p> |

| | | | |
|----------------|----------|--|----------|
| | | <p>this will result in the correct and consistent application of standards and rules relating to subdivision density, and associated development and activities.</p> <p>Enables references to legislation to be updated where necessary.</p> <p>In the absence of a submission seeking amendments that address the identified issues, introducing a variation would enable the PDP to be updated sooner, rather than undertaking a plan change in the future, once the PDP is operative. A variation is therefore considered to present the most timely option for addressing the identified issues.</p> | |
| Ranking | 2 | 1 (PREFERRED) | 3 |

10. SCALE AND SIGNIFICANCE EVALUATION

10.1. The level of detailed analysis undertaken for the evaluation of the variation of the definition of site has been determined by an assessment of the scale and significance of the implementation of the definition. In making this assessment, regard has been had to the following, namely whether the proposed variation would:

- Result in a significant variance from the existing baseline.
- Have effects on matters of national importance.
- Adversely affect those with specific interests, e.g, Tangata Whenua.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

10.2. In this case the scale of the recommended amendments is minor as the amendments do not result in a shift in policy approach, rather the amendments would result in clearer administration of the PDP (most notably, in respect of the PDP standards and rules that apply on a 'per site' basis); however the significance is moderate, given that the term site is applied throughout the PDP.

11. EVALUATION OF PROPOSED OBJECTIVES S32(1)(a)

11.1. Council is required to undertake an evaluation of the proposed objectives of a proposal. In this instance no District Plan 'objectives' are being considered for review, however the objective of this variation is to provide a definition of *site* that is clear, easy to understand and unambiguous, as well as overcoming the various issues highlighted in Sections 6 and 7 of this report.

12. EVALUATION OF THE PROPOSED PROVISIONS S32(1)(b)

| Costs | Benefits | Effectiveness and Efficiency |
|---|---|---|
| <ul style="list-style-type: none"> • Loss of any familiarity with the existing definition. • Potential cost to landowners that may benefit from the notified version of the definition. | <ul style="list-style-type: none"> • Referencing up to date legislation will remove possible confusion and allows for ease of reference. • The proposed definition is more succinct and accurate in terms of the application of the word <i>site</i> in the context of district plan administration and the subdivision process. • The notified definition necessitates arbitrary assessment such as assessing breaches of setbacks within the middle of a site. The proposed variation will remove this issue. • The proposed definition is more streamlined and removes a range of qualifiers (b) – d)) that have marginal benefit. | <ul style="list-style-type: none"> • The recommended changes are effective and efficient as they will remove ambiguity and promote more certain and confident administration of the PDP. |

| Costs | Benefits | Effectiveness and Efficiency |
|--------------|---|-------------------------------------|
| | <ul style="list-style-type: none"> • The removal of limb b) will dispense with the potential for confusion and unintended consequences associated with treating a spilt zone as two different sites. Zoning is often determined on the basis of the most appropriate use of the land resource and not, to follow an existing allotment cadastral boundary. The zone boundary should not be used as a surrogate for a site boundary. • Enables consistent application of standards and rules that apply on a 'per site' basis. | |