



# **Section 32 Evaluation Report**

## **Rural Residential Zone and Rural Lifestyle Zone**

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# Section 32 Evaluation Report: Rural Residential Zone and Rural Lifestyle Zone

## 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 Rural Residential and Rural Lifestyle zone chapters 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. 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:

'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 one of the fastest growing areas in New Zealand and the recent estimates (refer to more detail in the Strategic Directions Section 32 report) predict that the District will continue to experience significant population growth over the coming years, largely off the back of strong forecasted growth in visitors. A strategic policy approach is essential to manage future growth pressures in a logical and coordinated manner to promote the sustainable management of the valued landscape, nature conservation, productive land and infrastructure resources within the Rural Residential and Rural Lifestyle zones.

Section 31 of the Act outlines the function of a territorial authority in giving effect to the purpose of the Act:

*31 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*

Section 31 provides the basis for objectives, policies, and methods within a District Plan, to manage the effects of development.

Section 31 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.

Consistent with the intent of Section 31, the proposed provisions of the Rural Residential and Rural Lifestyle zones Chapter enables an integrated approach to the management of the multiple resources, opportunities and constraints within the zones.

Section 6 Matters of National Importance is of direct relevance to the Rural 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:*

- (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*

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.*

In particular, Section 7(b) requires regard is had to the efficient use and development of natural and physical resources. The Rural Residential and Rural Lifestyle zones contain land utilised for a variety of low density housing and rural lifestyle options.

## **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 Rural Residential and Rural Lifestyle zones 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 this 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.

## **3. 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.*

## 4. 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 2015

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, and contains the following objectives and policies relevant to Rural Residential and Rural Lifestyle Zones:

<b>Proposed RPS 2015 Objective</b>	<b>Objectives</b>	<b>Policies</b>	<b>Relevance to the review of the Rural Residential and Rural Lifestyle Zones.</b>
The principles of Te Tiriti o Waitangi are taken into account in resource management decision.	1.1	1.1.1, 1.1.2	The Ngāi Tahu Claims Settlement Act 1998 and associated Statutory Acknowledgement Areas in the Queenstown Lakes District are located within the Rural Zone.  In addition, the lakes and rivers and majority of indigenous vegetation is contained within the Rural Zone. Refer to the respective Section 32 reports for these.
Kai Tahu values, rights and customary resources are sustained	1.2	21.2.1, 1.2.2, 1.2.3	The Rural Residential and Rural Lifestyle zones chapters manage land that is of interest and value in terms of culture and practices, ancestral lands, water, site, wahi tapu and other taoka.
The values of Otago’s natural and physical resources are recognised, maintained and enhanced	2.1	2.1.1, 2.1.2, 2.1.5, 2.1.6, 2.1.7	Without falling out of scope or unnecessarily duplicating functions, 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 enhanced	2.2	2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.5, 2.2.6, 2.2.14, 2.2.15. Schedule 4, Schedule 5	The Rural Residential and Rural Lifestyle zones are located amidst the Rural Zone, which contains the majority of the District's land that contains significant natural areas, outstanding natural features and landscapes, special amenity landscapes and the soil resource for the productive use of land.
Natural resource systems and their interdependencies are recognised.	2.3	2.3.1, 2.3.2	Applying an integrated approach to the management of Otago's physical resources to achieve sustainable management. To ensure that effects of activities on the whole of a resource are considered when that resource is managed by sub-units.
Protection, use and development of natural and physical resources recognises environmental constraints.	3.1	3.1.1	The Rural Residential and Rural Lifestyle zones contain areas of varying sensitivity that may create opportunities or constraints for activities seeking to utilise the respective resource.
Risk that natural hazards pose to the communities are minimised.	3.2	3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10, 3.2.11	The Rural Residential and Rural Lifestyle zones contain land that is subject to natural hazards. Many non-farming activities including residential activity require resource consent as a discretionary activity and this provides the Council with the opportunity to assess the risk of natural hazards to development proposals.
Good quality infrastructure and services meet community needs. Infrastructure of national and regional significance is managed in a sustainable way. Energy supplies to Otago's communities are secure and sustainable.	3.4 and 3.5	3.4.1, 3.4.2, 3.4.3, 3.4.4, 3.5.1, 3.5.2, 3.5.3,	While much of the District's infrastructure is located within urban areas. Roads, Airports, and utilities pass through or affect the development potential of the Rural Residential and Rural Lifestyle zones. Also, often the resource is located within the Rural areas. The creation and maintenance of these need to be managed to be protected and to avoid impacts on users and receivers.
Energy Supplies to Otago's communities are secure and sustainable	3.6	3.6.1, 3.6.2, 3.6.3, 3.6.4, 3.6.5, 3.6.6	Much of the District's energy supplies are located within the Rural Residential and Rural Lifestyle zones.
Urban growth is well designed and integrates effectively with adjoining urban and rural environments.	3.8	3.8.1, 3.8.2, 3.8.3	The maintenance of rural landscape values and 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.

Public access to areas of value to the community is maintained or enhanced.	4.1	4.1.1	Public trails are contained within the Rural Residential and Rural Lifestyle zones . 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.	4.3	4.3.1, 4.3.2, 4.3.6	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 retention of productive farms can also assist with the maintenance of large landholdings that contribute to the predominance of open spaces and low intensity of housing and subdivision of land for rural lifestyle purposes.
Otago's communities can make the most of the natural and built resources available for use.	4.4	4.4.3	Both permitted farming and viticulture and horticulture activities, in addition to other development proposals that seek to locate in the rural areas can degrade ecosystem health and recognition for opportunities to enhance existing areas.
Adverse effects of using and enjoying Otago's natural and built environment are minimised	4.5	4.5.1, 4.5.4, 4.5.5, 4.5.6, 4.5.7, 4.5.8	People are drawn to the Rural Residential and Rural Lifestyle zones primarily for low density housing options amidst the amenity benefits of the surrounding Rural Zone. A wide range of farming and entrepreneurial opportunities and recreational activities. How these activities are managed will impact the communities' experience of the resource.

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 assessment matters in outstanding natural landscapes and features, for guiding decision makers when considering proposals for activities within identified outstanding natural landscapes and features. While the Rural Residential and Rural Lifestyle zones are not subject to the operative (or Proposed) District Plan assessment matters, any proposals for rezoning from Rural General zoned land to either Rural Residential or Rural Residential would have regard to the effect on the District's landscape resource.

## 5. Resource Management Issues

The Plan anticipates the Rural Residential and Rural Lifestyle zones are to provide for residential opportunities as an alternative to the suburban living areas of the District.

The 'environmental results anticipated' in part 8.1.3 of the Plan state:

- (i) *The achievement of a diversity of living and working environments.*
- (ii) *Conservation and enhancement of outstanding landscape values of the District.*



- (iii) *A variety of levels of building density throughout the District.*
- (iv) *Safeguarding the life supporting capacity of water and soil.*
- (v) *Self-sufficiency of services in rural living areas.*

In general terms, anticipated environmental results (i), (iii) and (iv) are considered to have been met, while development within the zones has resulted in less than ideal outcomes with regard to anticipated environmental results (ii) and (v).

This review seeks to address a number of key issues (detailed below), whilst also strengthening the existing provisions by providing more targeted objectives and policies, making the Plan easier to understand and improving certainty to what activities are permitted in the zones and whether they require a resource consent.

The resource management issues set out in this section have been identified from the following sources:

- Wanaka Land Demands – Review of the Wanaka Structure Plan (2007)
- Plan Change 14 – Makarora Rural Lifestyle Zone
- Plan Change 20 – Wanaka Urban Boundary
- Plan Change 21 - Queenstown Urban Boundary
- Plan Change 33 – Non-Residential Activities in the Residential, Rural Living and Township Zones
- Hawea Community Plan 2003
- Luggate Community Plan 2003
- Makarora Community Plan 2003
- Tomorrows Queenstown
- Wanaka 2020
- Rural General Zone Monitoring Report 2009
- Rural Living Zones Monitoring report 2009
- Informal Airports Research Report 2012
- QLDC Liquefaction Hazard 2013, prepared by Tonkin and Taylor Limited
- Otago regional Council Natural hazard reports
- 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.
- Read Landscapes Limited 'Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment' 2014.
- Otago Regional Council Regional Policy Statement 1998
- Relevant legislative changes enacted since the Plan became operative

## **Consultation**

Consultation on the District Plan Review and management of the rural zones was initiated in 2010 and included the following:

- Rural Discussion Document and Brochure in 2010, with feedback invited via the Council's website
- A series of articles in the Otago Daily Times titled 'Our Rural Future' in 2010, with opinion pieces from Anne Steven (Landscape Architect), Clive Geddes (Former Mayor), Council staff, Julian Howarth (Upper Clutha Environmental Society), Peter Constantine (Planner) and Richard Burdon (Farmer).
- Meeting with Federated Farmers and farmers at Mt Burke 11 May 2010
- Meeting with Department of Conservation 28 November 2011
- Meeting with Upper Clutha Environmental Society (UCES) 28 November 2011
- Meeting with the Upper Clutha Tracks Trust 10 January 2012
- Meeting with the NZTA 24 May 2012
- Meeting with NZIA and NZILA 30 April 2012
- Meeting with planning commissioners 11 October 2012
- Stall and posters at the Lake Hayes and Wanaka A & P Shows 2012
- Meeting of the Council's Resource Management Focus Group 2014 and 2015

- January 9 – February 10 2015 Draft provisions and Section 32 reports placed on the Council’s website and circulated to persons on the Council’s District Plan Review distribution list, persons with an interest in the changes and statutory consultation parties required by the RMA
- Written feedback from in the order of 40 persons/groups
- Meeting with Federated Farmers 16 February 2015
- Attended and spoke at the Hawea Community Association Meeting 10 January 2015 at Lake Hawea.
- Invited to meeting with Farmers 10 February 2015 at Wanaka, all from Upper Clutha area except Mark Hasselman from Glenorchy.

The key issues are:

**Issue 1: The majority of the Rural Residential and Rural Lifestyle zones are located within and adjacent to sensitive landscapes, and the existing objectives and policies do not place adequate emphasis on the protection and maintenance of these landscapes.**

Generally, the Rural Residential Zone provides for a density of one dwelling per 4000m<sup>2</sup>, and the Rural Lifestyle Zone provides for an average of one dwelling per two hectares with sites up to one hectare.

Many of the zones, some of which remain undeveloped, are located within the District’s visually sensitive and valued landscapes, including Glenorchy, Bob’s Cove, Lake Hayes, Mt Iron, Mt Barker, Makarora and Hawea.

While recognising the ability for this land to be developed for residential activity, it is located amidst and/or adjacent to the district’s valued landscape resource and subdivision and development undertaken at a higher density than anticipated has a high likelihood for adverse effects on the landscape resource.

Subdivision of an urban-density has occurred in the Rural Living zones throughout Wanaka and near Lake Hayes Estate in Queenstown.

The existing 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 policy.

**Issue 2: Effective and efficient resource management. The zones anticipate residential development but there are too many resource consents required for residential activity in the zones.**

Generally, anticipated residential development in the Rural Residential and Rural Lifestyle zones require resource consent as a controlled activity. Consequently, the alteration of buildings also require a resource consent, as do changes in colour or changes to previously approved site and landscape plans. Where existing buildings are to be altered, more often than not they require resource consent under section 127 of the RMA to change the conditions of the ‘original’ resource consent.

In the period from January 2011 to June 2014, 505 resource consents were granted in the Rural Residential and Rural Lifestyle zones (363 Rural Residential zone and 142 Rural Lifestyle zone). Of these, 331 (65%) were identified as a resource consent for a ‘controlled activity’, with relatively straightforward design and appearance related resource consents. Averaged over a five year period, these resource consents constitute approximately 18% of the resource consents issued by the Council per year.

This reflects a relatively high amount of intervention for development which is anticipated to occur. While acknowledging the comment made in Issue 1 relating to the location of the zones within the District’s sensitive landscapes and the desire to control the effects of development on the landscape, it is considered the amount of resource consents required can be reduced without increasing the visual effects of development within these zones.

Standards can be introduced that enable residential buildings as a permitted activity subject to performance standards controlling colour and the bulk and location of buildings.

It is also considered that the emphasis on any landscaping would be better dealt with at the time of subdivision, particularly where integrated landscaping affecting the entire area to be subdivided would be beneficial, particularly where the subdivision would occur in the more visually sensitive locations.

The entire package of existing rules would benefit from a review to improve phrasing, understanding and certainty of what types of activities require a resource consent.

### **Issue 3: Protecting amenity values for inhabitants**

There is a lack of specificity in the objectives and policies relating to non-residential activities in the Rural Residential and Rural Lifestyle zones. The maintenance of amenity values and a pattern of development consistent with the expectations of inhabitants is an important determinant of the character and amenity of the zones.

Furthermore, the existing objective and policy framework does not identify existing rules relating to specific activities identified such as visitor accommodation within a visitor accommodation subzone.

Through this review, there is also considered an opportunity to specify community activities<sup>1</sup> which may be beneficial to the Rural Residential and Rural Lifestyle zones.

### **Issue 4: Some of the Rural Residential and Rural Lifestyle zones have been developed to an urban-density and are located within the identified urban growth limits. This has created an inefficient resource management regime.**

Subdivision of an urban density has occurred in the Rural Residential and Rural Lifestyle zones and it is not appropriate for these areas to remain under the current zoning.

It would be prudent for a new objective and policy framework to start with a clean slate to uphold the integrity of the provisions for the remaining zones. This would also assist the Council resisting proposals for subdivision and development in inappropriate rural locations or where they would be better dealt with as a plan change.

A legacy associated with urban density subdivision and developments being approved by resource consents in the Rural Residential and Rural Lifestyles zones are that they result in inefficient resource management practices. The reason being, that any applications for resource consent, including anticipated urban residential development approved by the subdivision would be required to be assessed against the underlying Rural Residential or Rural Lifestyle zoning.

An example being a situation where a minor boundary setback rule is not complied with, the resource consent application is required to be processed as a variation to the approval in principle, and also requires assessment under the underlying Rural Residential or Lifestyle zoning. In effect, this results in what would likely be an otherwise relatively straightforward resource consent for a bulk or location non-compliance requiring multiple resource consents. In addition, where the 'rules' for development in these situations are registered on the property's certificate of title, a variation under section 221 of the RMA is also required to change the consent notice/instrument registered on the property's certificate of title. This has created an unnecessarily complex regulatory regime.

Another relevant aspect is the location of Operative Rural Living Zones within the Wanaka urban growth boundary. It would not be appropriate for 'rural' zones to be located within identified area for urban growth. It is acknowledged there are established Rural Residential zoned neighbourhoods within the urban growth limits and to ensure the character and amenity values of these neighbourhoods are maintained provisions are included in the proposed District Plan residential zones for these established neighbourhoods.

Where urban subdivision has occurred within the Rural Residential or Rural Lifestyle zones, and where the zones are located within the urban growth limits, the review will identify these areas and apply a more suitable zone.

### **Issue 5: Managing development with Natural hazards**

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<sup>1</sup> The District Plan definition of Community Activity means: Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes schools, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres, government and local government offices.

The Council and the Otago Regional Council has undertaken investigations of natural hazards in the District. Plan Change 14 – Makarora Rural Lifestyle Zone, made operative in 2008, introduced to the Rural Lifestyle zone in Makarora provisions to consider the effects of building within or near natural hazards at the time of subdivision and development. The Council and the Otago Regional Council have undertaken district wide assessment of natural hazards, namely:

- QLDC: liquefaction hazard maps 2013 prepared by Tonkin and Taylor Ltd;
- ORC: Otago Alluvial Fans: High hazard Investigation 2011
- ORC: Natural hazards in the Cardrona Valley 2010
- Natural hazards at Glenorchy 2010
- Otago Alluvial Fans project supplementary information 2009
- Seismic Risk in the Otago region 2005

The Rural Lifestyle and Rural Residential zones are located in areas identified as having a natural hazard risk.

### **Issue 6: Miscellaneous and existing provisions.**

#### Provisions to be retained

The existing Plan identifies and provides objectives, policies and rules for specific areas such as Bob's Cove, Ferry Hill, and managing natural hazards and the density of subdivision in Makarora. These issues remain valid and are not considered to be necessary to change.

Where relevant, changes to phrasing are considered prudent to assist with clarity, and the layout of the proposed district plan. The effectiveness and efficiency of the provisions can be improved, however, overall, there are not any significant issues identified with the management of these activities.

#### Activity status of activities not specific in the provisions

The proposed structure of the provisions has a more prescriptive framework and focus than the operative District Plan provisions. Where an activity is not specified by the provisions resource consent would be required as a non-complying activity.

This framework is logical and provides clarity and assists with understanding whether or not an activity requires a resource consent or not. In addition, it is difficult to anticipate every potential activity that may seek to locate in the rural zones and the non-complying status directs attention<sup>2</sup> to the objectives and policies of the District Plan. In this regard the applicable Strategic Direction, Landscape and Rural Residential and Rural Lifestyle Zone policies allow a holistic view to be taken of whether an activity is appropriate.

#### Residential Flat

The operative provisions in the Operative District Plan Rural Living Zone (Rule 8.2.2.2.ii) require a controlled activity resource consent is required for a residential flat. Of note, the respective rule does not contain any specified matters of control.

Provisions 8.3.1.iii and iv state:

- iii In the case of Controlled and Discretionary Activities, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s) only, the assessment matters taken into account shall only be those relevant to that/these standard(s).*
- iv In the case of Controlled Activities, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.*

Whilst the 'general' assessment matters at the end of the chapter contain assessment matters it is doubtful whether these matters are applicable in both a legal and practical sense to residential flats.

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<sup>2</sup> Section 76(4)(e) and Section 104D RMA 1991

Residential flat as a land use sits within the ambit of residential unit. The Operative District Plan's Transportation provisions require car parking and access as permitted standards and, any servicing related aspects can be controlled via the building approval process.

Provisions relating to buildings are provided for in the respective bulk and location or building platform requirements.

For these reasons it is appropriate to relax the controlled activity status for residential flats and provide for them as a permitted activity.

#### **Issue 7: Managing the effects of rural activities.**

The Rural Residential zone anticipates a subdivision and development pattern generally of 4000m<sup>2</sup> allotments and residential activity. There are not any practical opportunities for farming activities in the established Rural Residential zone.

The Rural Lifestyle Zone anticipates a subdivision and development pattern generally in the order one – two hectare sized allotments. Again, there are opportunities for domestic livestock and pets, but not practical opportunities for economically productive farming activity which requires larger landholdings.

Both zones are located amidst and adjoining rural areas, it is important to recognise for existing and anticipated rural activities in the surrounding Rural zone, however, the opportunities for farming within the zone, particularly more productive farming are limited.

## **6. Purpose and Options**

The overarching purpose of the Rural Residential and Rural Lifestyle zones are to provide rural living opportunities on what are, by rural productive standards, small landholdings. People seek to locate within these zones to benefit from larger landholdings than on urban sized allotments in the Township, or Low Density Residential Zones, amidst or adjacent to the rural area.

The Rural Residential Zone generally anticipates a residential density of 4000m<sup>2</sup> sized properties and creates essentially large-lot urban style subdivision, with ample open space for landscape planting.

The Rural Lifestyle Zone generally anticipates properties not less than one hectare in area with an average of two hectares and provides the opportunity for a range of smaller scale 'rural' living opportunities which commonly contain domestic livestock or horses, as an example.

Residential development is anticipated in both zones (subject to natural hazards) with an emphasis on the location and external appearance of buildings being recessive in the surrounding rural landscape to ensure the District's landscape values are maintained.

### **Strategic Directions**

The objectives and policies of the Strategic Directions chapter of the proposed District Plan are relevant to this assessment.

In general terms, and within the context of this review, 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 Rural Residential and Rural Lifestyle zones;
- 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 rural zones;
- recognising natural hazards exist in the Rural Residential and Rural Lifestyle zones and managing the risks of development, where hazards have been identified.

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

As required by section 32(1)(b) RMA, the following section considers various broad options considered to address each issue, and makes recommendations as to the most appropriate course of action in each case.

## Broad options considered to address issues

**Issue 1:** The majority of the Rural Residential and Rural Lifestyle zones are located within and adjacent to sensitive landscapes, and the existing objectives and policies do not place adequate emphasis on the protection and maintenance of these landscapes.

Option 1: Retain the operative provisions.

Option 2: Amend the operative provisions to recognise the value of the landscape resource to the District (**Recommended**).

Option 3: Comprehensively review the zone and/or provisions to reduce development where it has potential to degrade landscape values.

	Option 1: Status quo/ No change	Option 2: Amend operative provisions	Option 3: Rezoned to Rural
Costs	<ul style="list-style-type: none"> <li>The objectives and policies do not give effect to Proposed Strategic Directions chapter.</li> <li>The integrity of the existing objective and policy framework has been weakened by subdivision at an urban density. The landscape resource is subject to potential degradation from further urban subdivision.</li> <li>The existing policies do not assist with the identification of community and commercial activities that may be appropriate a lack of strategic guidance for commercial activities constitutes poor resource management.</li> </ul>	<ul style="list-style-type: none"> <li>Costs associated with going through the District Plan Review process (but this is required by legislation).</li> <li>Would still allow subdivision and development in sensitive landscapes.</li> </ul>	<ul style="list-style-type: none"> <li>Would remove development rights of landowners in these zones.</li> <li>Costs associated with going through the District Plan Review process (but this is required by legislation).</li> <li>High costs for Council from potential litigation.</li> <li>Removes a diversity of future housing options and rural living opportunities to the community.</li> <li>Many of the undeveloped areas hold resource consents for subdivision, a development right is already established.</li> </ul>
Benefits	<ul style="list-style-type: none"> <li>Retains the established approach which parties are familiar with.</li> <li>Low cost for Council.</li> </ul>	<ul style="list-style-type: none"> <li>Will not diminish the existing development rights but would bolster the protection of landscapes where the situation arises.</li> <li>Enables anticipated economic development and investment.</li> <li>Provides the community with a diversity of housing.</li> <li>Consistent with the Strategic Directions Chapter.</li> </ul>	<ul style="list-style-type: none"> <li>Applying a more development restrictive zoning such as the Rural Zone would enable the Council to more effectively protect, maintain and enhance the districts distinctive landscapes.</li> </ul>
Ranking	<b>2</b>	<b>1</b>	<b>3</b>

**Issue 2: Effective and efficient resource management.** The zone anticipates residential development but there are too many resource consents required for residential activity in the zone.

Option 1: Retain the operative provisions

Option 2: Amend the existing rule requiring the construction and alteration of buildings to obtain a resource consent as a controlled activity

Option 3: Review the entire package of rules (**Recommended**)

	<b>Option 1: Status quo/ No change</b>	<b>Option 2: Amend the 'controlled' activity rule only relating to building</b>	<b>Option 3: Review the entire package of rules</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>• Inefficient resource management practice for the Council.</li> <li>• Cost to the community for applying for resource consents and variations for anticipated development activities.</li> <li>• The deficiencies in the rule structure create inefficiencies and create unnecessary layers of complexity.</li> <li>• The existing rule phrasing and resultant administration divorces laypeople from the District Plan.</li> </ul>	<ul style="list-style-type: none"> <li>• Inefficiencies would remain with the existing rules.</li> <li>• Potential for visibility for buildings to increase, reduced control on landscaping.</li> <li>• Short term inefficiency to the council where it would be likely to alter its review of servicing to the building consent process.</li> <li>• Reduced control by the Council (however these are already constricted by anticipated development control rights either required by bulk and location standards in the Rural Residential zone or placement of buildings in building platforms in the Rural Lifestyle Zone).</li> </ul>	<ul style="list-style-type: none"> <li>• The 'permitted' range of colours is conservative, some consents will be required where a different colour is sought.</li> <li>• Potential for visibility of buildings to increase, reduced control on landscaping on a site by site basis.</li> <li>• Short term inefficiency to the council where it would be likely to alter its review of servicing to the building consent process.</li> <li>• Cost for Council to review the rules.</li> <li>• Reduced control by the Council of development. (however these are already constricted by anticipated development control rights either required by bulk and location standards in the Rural Residential zone or the identification and placement of buildings in building platforms in the Rural Lifestyle Zone).</li> </ul>



<b>Benefits</b>	<ul style="list-style-type: none"> <li>• Retains the established approach which parties are familiar with.</li> <li>• Retains a relatively high level of control for the Council to manage the effects of activities.</li> <li>• Low cost for Council.</li> </ul>	<ul style="list-style-type: none"> <li>• Retains the established approach which parties are familiar with.</li> <li>• Lower cost for Council than option 3.</li> <li>• Provision for water and wastewater disposal are Building code requirements. Efficiencies to the Council and the applicant to remove this component from RMA reporting requirements.</li> <li>• Place emphasis on landscaping at the subdivision, reduced burden on individual landowners for landscape design.</li> </ul>	<ul style="list-style-type: none"> <li>• Removes deficiencies with the existing phrasing and rules.</li> <li>• Provides the community the opportunity to develop to a permitted activity and avoid costs and time associated with the resource consent process.</li> <li>• Increased efficiency for the Council's district plan administration.</li> <li>• Efficiency for the community when developing in these zones.</li> <li>• Provision for water and wastewater disposal are Building code requirements. Efficiencies to the Council and the applicant to remove this component from RMA reporting requirements.</li> <li>• Place emphasis on landscaping at the subdivision, reduced burden on individual landowners for landscape design.</li> <li>• Retains the established approach which parties are familiar with.</li> <li>• Provision for water and wastewater disposal are Building code requirements. Efficiencies to the Council and the applicant to remove this component from RMA reporting requirements.</li> <li>• Place emphasis on landscaping at the subdivision, reduced burden on individual landowners for landscape design.</li> </ul>
<b>Ranking</b>	<p style="text-align: center;"><b>3</b></p>	<p style="text-align: center;"><b>2</b></p>	<p style="text-align: center;"><b>1</b></p>

**Issue 3: Protecting amenity values for inhabitants**

Option 1: Retain the operative provisions including policies.

Option 2: Amend the operative provisions to acknowledge existing rights or restrictions within the rules but amend the policy to identify potential effects on amenity arising from commercial activities (**Recommended**).

Option 3: Comprehensive review to create a new suite of provisions.

	<b>Option 1: Status quo/ No change</b>	<b>Option 2: Amend Operative provisions</b>	<b>Option 3: Comprehensive changes</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>The objectives and policies do not give effect to Proposed Strategic Directions chapter.</li> <li>The existing policies do not assist with the identification of community and commercial activities that may be appropriate.</li> <li>Aside from the class of activity distinction (Controlled activity in a identified sub-zone), there is no specific direction relating to visitor accommodation in or outside subzones.</li> </ul>	<ul style="list-style-type: none"> <li>Has costs associated with going through the District Plan Review process (but this is required by legislation).</li> </ul>	<ul style="list-style-type: none"> <li>Has a high cost relative to the likely demand for commercial activities in the zones.</li> <li>Intervention already exists, a discretionary consent is required for visitor accommodation and any commercial or industrial that does not comply with the 'nature and scale' zones standards require a non-complying resource consent.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>Retains the established approach which parties are familiar with.</li> <li>Low cost for Council.</li> </ul>	<ul style="list-style-type: none"> <li>Would bolster the ability for the Council to protect residential amenity, where required.</li> <li>Justifies the existing provisions and expectations relating to visitor accommodation subzones.</li> </ul>	<ul style="list-style-type: none"> <li>Comprehensive review of opportunities and constraints for non-residential land uses.</li> </ul>
<b>Ranking</b>	<b>2</b>	<b>1</b>	<b>3</b>

**Issue 4:** Some of the Rural Residential and Rural Lifestyle zones have been developed to an urban-density and are located within the likely urban growth limits. This has created an inefficient resource management regime.

Option 1: Retain the operative provisions.

Option 2: Remove the Rural Residential or Rural Lifestyle zoning from land developed to an urban density.

Option 3: Remove the Rural Residential or Rural Lifestyle zoning from land developed to an urban density and land located within the urban growth limits **(Recommended)**.

	<b>Option 1: Status quo/ No change</b>	<b>Option 2: Rezone where an urban subdivision has occurred.</b>	<b>Option 3: Rezone where an urban subdivision has occurred and rezone land within the urban growth limits.</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>The existing situation does not uphold the integrity of the District Plan.</li> <li>Where a subdivision of urban densities has occurred, minor non-compliances associated with anticipated development can result in the need for resource consents that are more complex than necessary, creating inefficiencies.</li> <li>Land identified within the proposed urban growth boundaries will be subject to increasing demand for urban subdivision and the occurrence of 'de facto' plan changes will increase. Further creating a complex planning regime.</li> </ul>	<ul style="list-style-type: none"> <li>Cost to the Council associated with the plan change.</li> <li>Potential complexities where conditions on developments, such as where deals are struck at the subdivision may conflict with the new zone rules.</li> <li>Does not efficiently or effectively plan for future development within the urban growth limits.</li> </ul>	<ul style="list-style-type: none"> <li>Cost to the Council associated with the plan change.</li> <li>Potential complexities where conditions on developments, such as where deals are struck at the subdivision may conflict with the new zone rules.</li> <li>Council may need to consider staging or deferring development areas within the urban growth limits.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>Low cost for Council.</li> </ul>	<ul style="list-style-type: none"> <li>Efficient District Plan administration to both the Council and applicants.</li> <li>Integrity of the zones upheld for future resource consent administration.</li> </ul>	<ul style="list-style-type: none"> <li>Efficient to address the future urban growth and pattern of development as part of the District Plan review, rather than by private plan change requests or by subdivision proposals.</li> <li>Confirms the identity of Rural Residential and Rural Lifestyle zones outside the urban growth limits.</li> <li>Efficiencies for the community when</li> </ul>

			developing within the areas subject to urban subdivision. • Efficient District Plan administration.
<b>Ranking</b>	<b>3</b>	<b>2</b>	<b>1</b>

**Issue 5: Managing development with Natural hazards**

Option 1: Retain the operative provisions.

Option 2: Prohibit residential buildings in natural hazard areas.

Option 3: Amend objectives and policies to better recognise natural hazards across the zones **(Recommended)**.

	<b>Option 1: Status quo/ No change</b>	<b>Option 2: Prohibit residential activity</b>	<b>Option 3: Amend Objectives and Policy</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>Some properties created by subdivision prior to the existence of information currently held by the Council may be able to build/rebuild in identified natural hazard areas (with the exception of Makarora). Therefore, not managing the risk of natural hazards.</li> </ul>	<ul style="list-style-type: none"> <li>Inconsistent with the anticipated development rights in the zones.</li> <li>Inefficient use of land, many hazards can be mitigated if identified and considered as part of a subdivision or development.</li> </ul>	<ul style="list-style-type: none"> <li>Cost for Council.</li> <li>Increase perception of constraining development.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>Maintains the established approach which parties are familiar with, Council principally relying on section 106 of the RMA to not allow subdivision where there is an unacceptable natural hazard risk.</li> <li>Low cost for Council.</li> <li>Identified risks are noted in Land Information Memorandum reports.</li> </ul>	<ul style="list-style-type: none"> <li>Would limit the damage to property and risk to safety in the case of a natural hazard event.</li> <li>Easier to prevent development within areas susceptible to natural hazards.</li> </ul>	<ul style="list-style-type: none"> <li>Acknowledges natural hazard potential in the zones and provides decision makers with a provision to utilise if required when considering applications for resource consent.</li> <li>Does not arbitrarily restrict anticipated development within the zones.</li> <li>Complements the information known by the Council and made available to the public.</li> </ul>
<b>Ranking</b>	<b>2</b>	<b>3</b>	<b>1</b>

**Issue 6:** Existing issues stated in the operative District Plan providing for specific locations including, Ferry Hill, Forest Hill, Bob's Cove, natural hazards within the Makarora Valley, and form of development within the Makarora Valley are still valid resource management issues.

Option 1: Retain the existing provisions

Option 2: Remove the provisions and apply the same zoning as the rest of the zone

Option 3: Amend some provisions only to improve legibility and to fit the new plan template style **(Recommended)**

	<b>Option 1: Status quo/ No change</b>	<b>Option 2: Remove specific provisions</b>	<b>Option 3: Amend</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>Some of the provisions are confusing and convoluted and are likely to create inefficiencies.</li> </ul>	<ul style="list-style-type: none"> <li>These areas have been previously identified as special cases and there may be little to be gained from re-visiting these issues.</li> <li>Notwithstanding the convoluted provisions, areas such as Bob's Cove require additional landscaping and bulk and location controls because it has been determined they are located in a visually sensitive part of the District, with importance views and outlook from within the zones. It may degrade the environmental outcomes sought and landscape values to relax these controls.</li> </ul>	<ul style="list-style-type: none"> <li>The convoluted nature of some of the provisions will remain.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>The provisions applying (for instance) to Bob's Cove and Makarora only affect a relatively small component of the zones, the inefficiencies have a relatively small impact.</li> <li>Low cost for Council.</li> </ul>	<ul style="list-style-type: none"> <li>Easier for future property owners to develop.</li> <li>Easier for the Council to administer the District Plan.</li> <li>Lower costs with consents and compliance/monitoring.</li> </ul>	<ul style="list-style-type: none"> <li>Does not create potential effects on landscape or neighbouring properties by changing provisions.</li> <li>Lower cost for Council.</li> <li>Improved legibility of the provisions without impacting the existing opportunities or constraints for development.</li> </ul>
<b>Ranking</b>	<b>2</b>	<b>3</b>	<b>1</b>

**Issue 7: Managing the effects of rural activities.**

Option 1: Retain the existing provisions.

Option 2: Remove the provisions referring to managing the effects of rural activities.

Option 3: Amend the provisions to recognise distinction between avoiding conflict between established and anticipated activities, and the protection of amenity within the zones (**Recommended**).

	<b>Option 1: Status quo/ No change</b>	<b>Option 2: Remove the provisions</b>	<b>Option 3: Amend the Provisions</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>Inadequate, confusing provisions. The existing objective, relating to 'rural amenity' is not direct because the underlying policies attempt to manage both reverse sensitivity issues from residential activity on the rural productive environment, but also has policy seeking to maintain amenity for inhabitants.</li> </ul>	<ul style="list-style-type: none"> <li>Existing rural activities are located in some Rural Lifestyle zones and these zones are on the periphery of rural areas. Removing the provisions may constrain existing and anticipated rural activities.</li> </ul>	<ul style="list-style-type: none"> <li>Cost associated with reviewing the provisions.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>Reduced costs associated with changing the provisions.</li> </ul>	<ul style="list-style-type: none"> <li>The policy is inefficient and removing this would improve the legibility of the District Plan.</li> </ul>	<ul style="list-style-type: none"> <li>Distinguishing between two different types of issues, both currently referred to as 'rural amenity' will provide better policy direction and assist decision makers when considering development proposals.</li> </ul>
<b>Ranking</b>	<b>2</b>	<b>3</b>	<b>1</b>

## 7. 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 operative 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 Rural Residential and Rural Lifestyle zones chapters contain resources of strategic importance to the District, region and nation. Many elements of the chapters build on existing approaches within the operative District Plan, so there is not a significant change in policy direction.

However, a number of the provisions take general existing approaches further in terms of implementation. For example, the Operative District Plan sets out a framework regulation for the construction or alteration of all buildings. The proposed objectives take these established provisions further by providing for advancements including: making buildings a permitted activity subject to standards, better integrating the subdivision and land use framework of the Rural Lifestyle Zone provisions and providing more targeted, informed policy for non-farming or non-residential activities that could be contemplated in the zones.

Other reasons for the moderate-high detail of analysis include that the provisions set an important direction for 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 Rural Residential and Rural Lifestyle Zones can impact on the vitality and integrated management of the urban areas within defined urban growth boundaries and the surrounding rural zone.

The detail of analysis is high. The provisions are both high level and detailed in terms of the application and administration of the rules and assessment



## 8. Evaluation of proposed Objectives Section 32 (1) (a)

<b>Proposed Objective</b>	<b>Appropriateness</b>
<p><b>Objective 22.2.1</b></p> <p><b>Maintain and enhance the district's landscape quality, character and visual amenity values while enabling rural living opportunities in areas that can avoid detracting from those landscapes.</b></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 Rural Residential and Rural Lifestyle zones within it (S5(2)(c) RMA). The objective Acknowledges the expectation of development in the zones with the understanding that development is subject to controls to maintain and enhance the landscape.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> <li>• Consistent with Objective 3.2.2.1 'Ensure Urban development occurs in a logical manner'.</li> <li>• Consistent with Objective 3.2.5.1 ' Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development'.</li> <li>• Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.</li> <li>• 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.</li> <li>• 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.</li> <li>• Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes.</li> </ul> <p>Gives effect to RPS objective 5.4.3</p> <p>Gives effect to RPS policy 5.5.6</p> <p>Has regard to Proposed RPS 2015:</p> <ul style="list-style-type: none"> <li>• Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained</li> <li>• Objective 2.1 – The values of Otago's natural and physical resources are recognised, maintained and enhanced</li> <li>• Objective 2.2 – Otago's significant and highly-valued natural resources are identified, and protected or enhanced.</li> <li>• Objective 2.3 Natural Resource systems and their interdependence are recognised</li> </ul>

<p><b>Objective 22.2.2</b>  <b>Ensure the predominant land uses are rural, residential and where appropriate, visitor and community activities.</b></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 and residential activities and identifies ability for community based activities, subject to scale and intensity, where these activities benefit the community.</p> <p>Consistent with the following Strategic Directions objectives:</p> <ul style="list-style-type: none"> <li>• 3.2.1.1 Objective - Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand’s premier alpine resorts and the District’s economy.</li> <li>• 3.2.1.2 Objective - Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas in the District.</li> <li>• 3.2.1.4 Objective - Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character and healthy ecosystems.</li> <li>• 3.2.5.1 Objective - Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.</li> <li>• 3.2.5.2 Objective - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.</li> </ul> <p>Gives effect to RPS objective 9.4.1 and 9.4.3  Gives effect to RPS policy 9.5.4</p>
<p><b>Objective 22.2.3</b>  <b>Manage new development and natural hazards</b></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, natural hazard risk is present within the zones and needs to be managed.</p> <p>Strategic Directions:  Consistent with objective 3.2.2.2 - Manage development in areas affected by natural hazards.</p> <p>Give effect to RPS objectives 11.4.1 and 11.4.2</p>

	<p>Gives effect to RPS policies 11.5.2 and 11.5.3</p> <p>Has regard to Proposed RPS 2015:</p> <ul style="list-style-type: none"> <li>Objective 3.2 Risk that natural hazard pose to Otago's communities are minimised.</li> </ul>
<p><b>Objective 22.2.4</b></p> <p><b>Ensure new development does not exceed available capacities for servicing and infrastructure.</b></p>	<p>Recognises the costs associated to the Council and community associated with connecting its infrastructure to subdivision and development isolated from existing capacity.</p> <p>The objective is the most appropriate way to achieve the purpose of the Act in accordance with Section 5 of the RMA.</p> <p>Strategic Directions:</p> <p>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> <p>The objective has regard to section 7(b), (d) and (g) RMA.</p> <p>Gives effect to RPS objective s 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua).</p> <p>Gives effect to RPS objective 5.4.1 and policy and 5.5.5 (Land)</p> <p>Gives effect to RPS objectives 6.4.2, 6.4.3 and policies 6.5.2, 6.5.4 and 6.5.5.</p> <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> <li>Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained</li> <li>Objective 2.1 – The values of Otago's natural and physical resources are recognised, maintained and enhanced</li> <li>Objective 2.2 – Otago's significant and highly-valued natural resources are identified, and protected or enhanced. Objective 2.3 Natural Resource systems and their interdependence are recognised</li> </ul>

<p><b>Objective 22.2.5</b></p> <p><b>Manage situations where sensitive activities conflict with existing and anticipated rural activities.</b></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 within reasonable limits. For instance, with particular regard to aspects such as odour, noise, lighting and traffic generation.</p> <p>The objective is the most appropriate way to achieve the purpose of the Act in accordance with Section 5 of the RMA.</p> <p>Strategic Directions:</p> <p>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> <p>The objective has regard to section 7(b), (d) and (g) RMA.</p> <p>Gives effect to RPS objective s 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua).</p> <p>Gives effect to RPS objective 5.4.1 and policy and 5.5.5 (Land)</p> <p>Gives effect to RPS objectives 6.4.2, 6.4.3 and policies 6.5.2, 6.5.4 and 6.5.5.</p> <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> <li>• Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained</li> <li>• Objective 2.1 – The values of Otago's natural and physical resources are recognised, maintained and enhanced</li> <li>• Objective 2.2 – Otago's significant and highly-valued natural resources are identified, and protected or enhanced</li> </ul> <p>Objective 2.3 Natural Resource systems and their interdependence are recognised</p>
<p><b>Objective 22.2.6</b></p> <p><b>Bob's Cove Rural Residential sub-zone – To create comprehensively-planned residential development with ample open space and a predominance of indigenous vegetation throughout the zone.</b></p>	<p>Existing policy which acknowledges the visually and ecologically sensitive location.</p> <p>The objective is the most appropriate way to achieve the purpose of the Act in accordance with Section 5 of the RMA.</p> <p>Strategic Directions:</p> <p>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>

	<p>The objective has regard to section 7(b), (d) and (g) RMA.</p> <p>Gives effect to RPS objective s 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua).</p> <p>Gives effect to RPS objective 5.4.1 and policy and 5.5.5 (Land)</p> <p>Gives effect to RPS objectives 6.4.2, 6.4.3 and policies 6.5.2, 6.5.4 and 6.5.5.</p> <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> <li>• Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained</li> <li>• Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced</li> <li>• Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced</li> </ul>
<p><b>Objective 22.2.7</b></p> <p><b>Bob’s Cove Rural Residential Zone - To maintain and enhance the ecological and amenity values of the Bob’s Cove Rural Residential zone.</b></p>	<p>Existing policy which acknowledges the visually and ecologically sensitive location.</p> <p>The objective is the most appropriate way to achieve the purpose of the Act in accordance with Section 5 of the RMA.</p> <p>Strategic Directions:</p> <p>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> <p>The objective has regard to section 7(b), (d) and (g) RMA.</p> <p>Gives effect to RPS objective s 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua).</p> <p>Gives effect to RPS objective 5.4.1 and policy and 5.5.5 (Land)</p> <p>Gives effect to RPS objectives 6.4.2, 6.4.3 and policies 6.5.2, 6.5.4 and 6.5.5.</p> <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> <li>• Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained</li> </ul>

	<ul style="list-style-type: none"> <li>• Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced</li> <li>• Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced</li> </ul>
<p><b>Objective 6.3.1 (Landscape)</b></p> <p><b>The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.</b></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 that the adverse effects of activities on the District’s landscapes are avoided, remedied or mitigated (S5(2)(c) RMA)</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 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 steward ship (S7(a) of the Act) and the broad range of rural landscapes with amenity values (S7(c) of the Act).</p> <p>The objective sets the framework for the following:</p> <ul style="list-style-type: none"> <li>• Recognises the importance of landscape to tangata whenua as indicated by the iwi management plans in section 3.</li> <li>• Recognises cultural and geological elements contribute to landscape values. Establishes a basis for policy to identify landscape categories and for them to be identified on the planning maps.</li> <li>• Establishes a basis for subdivision and development proposals to be assessed against the applicable assessment criteria.</li> <li>• Recognises the interrelationship between the location of urban growth boundaries and the landscape resource, with regard to future proposals for plan changes.</li> <li>• Discourages the establishment of urban subdivision by way of resource consent within the rural zones.</li> <li>• Recognises the importance of pastoral farming on large landholdings is an important determinant of landscape character.</li> </ul> <p>Strategic Directions:</p> <ul style="list-style-type: none"> <li>• Consistent with Objective 3.2.2.1 ‘Ensure Urban development occurs in a logical manner’.</li> <li>• Consistent with Objective 3.2.5.1 ‘ Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development’.</li> <li>• Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.</li> </ul>

	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes.</li> </ul> <p>Gives effect to RPS:</p> <ul style="list-style-type: none"> <li>• Objective s 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua).</li> <li>• Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land).</li> <li>• Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment).</li> </ul> <p>Has regard to Proposed RPS 2015:</p> <ul style="list-style-type: none"> <li>• Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained</li> <li>• Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced</li> <li>• Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced.</li> <li>• Objective 2.3 Natural Resource systems and their interdependence are recognised.</li> </ul>
<p><b>6.3.7 (Landscape)</b></p> <p><b>Recognise and protect indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District’s landscapes.</b></p>	<p>Indigenous vegetation also contributes to the quality of the District’s landscapes. Whilst much of the original vegetation has been modified the colour, texture and intrinsic value of vegetation within these landforms contribute to the distinctive identity of the District’s landscapes.</p> <p>Recognises the importance of indigenous biodiversity contributes to the District’s distinctive landscapes.</p> <p>Establishes a basis for policy to manage the effects on landscape associated with indigenous vegetation clearance, and the opportunity for subdivision and development which constitutes a change in land use from traditional pastoral farming to consider opportunities for indigenous biodiversity protection or restoration.</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 that the adverse effects of activities on the District's landscapes are avoided, remedied or mitigated (S5(2)(c) RMA).

Recognises the interrelationship between landscape and indigenous biodiversity and nature conservation values. The objective recognises and provides for Section 6 (a), (b), (c) and has regard to sections 7(c), (f) of the RMA.

Strategic Directions:

- Consistent with Objective 3.2.2.1 'Ensure Urban development occurs in a logical manner'.
- 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.
- Consistent with Objective 3.2.4.4 - Avoid Exotic vegetation with the potential to spread and naturalise.

Gives effect to the RPS:

- Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua).
- Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land).
- Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment).

Has regard to the Proposed RPS 2015:

- Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained



	<ul style="list-style-type: none"> <li>• Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced</li> <li>• Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced.</li> <li>• Objective 2.3 Natural Resource systems and their interdependence are recognised</li> </ul> <p>Gives effect to RPS Objective 12.4.1, 12.4.2 and policy 12.5.2 (Energy)</p>
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The above objectives are considered to be the most appropriate methods of achieving the purpose of the Act, as they identify and give direction as to the how the specific issues that pertain to the Rural residential and Rural Lifestyle zones are addressed.

## 9. 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 provisions are grouped together by resource management issue.

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

**Issue 1: The majority of the Rural Residential and Rural Lifestyle zones are located within and adjacent to sensitive landscapes and the existing objectives and policies do not place adequate emphasis on the protection and maintenance of these landscapes.**

**Issue 3: Protecting amenity values for inhabitants**

**Objective 22.2.1: Maintain and enhance the district's landscape quality, character and visual amenity values while enabling rural living opportunities in areas that can avoid detracting from those landscapes.**

**Objective 22.2.2: Ensure the predominant land uses are rural, residential and where appropriate, visitor and community activities.**

**Objective 6.3.1 (Landscape) The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.**

**Objective 6.3.7 (Landscape) Recognise and protect indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes.**

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

- To provide for development including visitor accommodation on the basis it is commensurate with the anticipated nature, scale and residential densities in the of the Rural Residential and Rural Lifestyle zones while acknowledging the location of these zones within the wider rural area and the landscape values, in particular an emphasis on maintaining landscape quality, with particular regard to proposals for development of a greater intensity or scale than that anticipated by the existing provisions.
- Introducing a new rule (22.5.13) that ensures the intensity of buildings and use in the Visitor Accommodation Sub Zone, Rural Lifestyle Zone accords with expected residential development. Currently the building coverage in the Rural Lifestyle zone Visitor Accommodation Subzone is 15%, this is discordant with the environmental outcomes of the Rural Lifestyle Zone. A building coverage of 10% is appropriate because this is the same as the upper anticipated size of a building platform. On sites greater than 2.5ha, the building coverage is limited to 2500m<sup>2</sup> to ensure the intensity and sprawl of buildings on larger sites within the Visitor Accommodation Sub Zone can be assessed by a restricted discretionary class of resource consent.
- Making Visitor Accommodation not within a visitor accommodation sub-zone a non-complying activity. Ensuring visitor accommodation is not discordant with the objectives and policies and providing a level of protection for inhabitants within the zone.
- Introducing new rules (22.5.1) that require buildings comply with a range of colours that meet a certain hue and light reflectance value.
- Rule 22.5.3 limits the permitted size of any single building to 500m<sup>2</sup>. The reason for this is to provide a control on the visual dominance of buildings. Because the operative District Plan requires that even where a building is anticipated a controlled activity resource consent is required, the Council has control over the location, external appearance, colours and landscaping. The removal of control necessitates a building size maxim to control the permitted baseline of buildings and to enable the potential visual dominance and effects on landscape character and rural amenity to be considered through a restricted discretionary resource consent.
- Rule 22.5.6 is introduced to control the locating buildings adjacent to water bodies. As described above, the removal of the controlled activity status for

buildings removes the ability of the Council to assess the potential amenity and hazard related effects associated with locating buildings near waterbodies. A restricted discretionary rule enabling the Council to consider potential adverse effects on biodiversity, landscape, visual amenity, open spaces values and hazards is considered appropriate in these instances.

- To protect the amenity for residents within the zone from adverse effects activities which are not anticipated such urban-density subdivision, industrial or commercial activities.

<b>Proposed provisions</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<p><b>Policies:</b>            22.2.1.1 – 22.2.1.7 (inclusive)            22.2.2.1 – 22.2.2.4 (inclusive)</p> <p><b>Rules:</b>            22.3            22.4.1 to 22.4.3            22.4.5 – 22.4.17 (inclusive).            22.5.1 - 22.5.38 (inclusive)</p>	<p><b>Environmental</b>            None identified. The provisions emphasise that the predominant activity is residential and farming.</p> <p><b>Economic</b>            The provisions will have the potential to constrain industrial or commercial activities in the zones.</p> <p><b>Social &amp; Cultural</b>            The permitted activities relating to Home Occupations has been widened, potentially increasing adverse effects on amenity, to a small degree on surrounding persons.</p>	<p><b>Environmental</b>            The provisions will better protect the zones and surrounding rural areas from ad-hoc urban density subdivision and commercial development.</p> <p><b>Economic</b>            The provisions provide more certainty for the Council and persons contemplating activities in the zones.</p> <p>Would protect the landscape resource which the District relies on for tourism.</p> <p><b>Social &amp; Cultural</b>            Maintaining the District’s landscapes within the Rural Residential and Rural Lifestyle zones will provide for peoples well-being by not degrading these landscapes.</p> <p>Protecting the residential based amenity of inhabitants from the effects associated with commercial activities.</p>	<p>The provisions are effective at protecting the landscape resource within the zones and in the wider Rural Zone by referencing to landscape policy gives effect to the strategic directions chapter and enables consideration of activities within the Rural Residential and Rural Lifestyle zones that may affect the Districts landscape resource.</p> <p>Efficiencies would be established to introduce clearer parameters for permitting anticipated activities, while providing direct policies to gauge the appropriateness of non-residential or farming activities, or activities that can have a significant impact on amenity.</p>

**Alternative options considered less appropriate to achieve the relevant objectives and policies:**

Option 1: Amend the majority of the rules including the residential density standards.	<ul style="list-style-type: none"> <li>The residential density of the Rural Residential zone enables subdivision and the establishment of a residential unit generally at a density of one dwelling per 4000m<sup>2</sup> area.</li> </ul>
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	<p><i>The resultant outcome is essentially a 'large-lot urban' pattern of subdivision and development. Further lowering the density standards would protect landscape values from subdivision and development. However, this would constrain growth and development which is anticipated to occur.</i></p> <ul style="list-style-type: none"> <li><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-commercial 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></li> </ul>
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**Issue 2: Effective and efficient resource management. The zones anticipate residential development but there are too many resource consents required for residential activity in the zones.**

**Objective 22.2.1: Maintain and enhance the district's landscape quality, character and visual amenity values while enabling rural living opportunities in areas that can avoid detracting from those landscapes.**

Summary of proposed provisions that give effect to this objective:

- To remove the requirement for a controlled activity resource consent and permit residential buildings subject to bulk, location and colour controls.
- As set out under Issue 1, above, the introduction of buildings as a permitted activity will result in a reduction in the matters of control that the Council has under the present regime where the construction and alteration of buildings requires resource consent as a controlled activity (location of buildings, external appearance, earthworks, servicing, landscaping). It is appropriate to introduce permitted standards relating to the colour of buildings, maximum size of any single building and location with regard to water bodies.

<b><i>Proposed provisions</i></b>	<b><i>Costs</i></b>	<b><i>Benefits</i></b>	<b><i>Effectiveness &amp; Efficiency</i></b>
<p><b>Policies:</b> 22.2.1 to 22.2.7</p> <p><b>Rules:</b> All rules. 22.3 – 22.7</p>	<p><b><i>Environmental</i></b> Council will no longer have control over aspects associated with the development such as 'nature conservation values', landscape plans and control on the 'external appearance' of buildings, only the colour to control the degree of visual prominence.</p> <p>Potential for increased visibility, particularly with large buildings.</p>	<p><b><i>Environmental</i></b> Permitting a range of reasonably conservative colours (20% LRV pre-finished steel and roofs, 30% LRV all other surfaces) will encourage applicants to utilise colours within this range to avoid resource consents. While the QLDC's generic guidelines are 36% LRV, applications are still able to scrutinised through the controlled activity resource consent process.</p>	<p>The proposed provisions will replace the need for a resource consent by permitting buildings within a range of controls to ensure that anticipated development would maintain landscape values.</p> <p>The ability to build as a permitted activity significantly increases efficiency while permitted activities will be effective at achieving objectives and policies to maintain landscape values.</p>

	<p><b>Economic</b> Potential for higher costs with subdivision that previously as any mitigation required for landscaping would be focused at this stage, as opposed to leaving it for individual future allotment owners.</p> <p><b>Social &amp; Cultural</b> Potential for effects on neighbouring owners of some properties due to the reduction of control.</p>	<p>The proposed colour range is considered to provide a suitable balance to control the visual effects of buildings while providing for a range of colours.</p> <p>More emphasis for landscaping requirements to be at the time of subdivision. This would promote more integrated landscaping that would be responsive to the sensitivity of the surrounding landscape and whether any mitigation is required.</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><b>Economic</b> Reduced costs for applicants through resource consents and monitoring fees. Reduced cost for the Council through resource District Plan administration, including the requirement for development engineering staff to prepare RMA style reports on servicing related aspects. Removal of the potential for a 'double up' of processing where the existing controlled activity, matters of control for servicing (water supply, wastewater and stormwater) can be controlled via the building consent.</p> <p>Less delays in the overall build time and cost and more certainty for anticipated development.</p>	<p>The introduction of a maximum building size and colour standards are additional regulation, however they are necessary to enable the permitted 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 operative District Plan provisions in terms of meeting the purpose of the RMA.</p>
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		<p><b>Social &amp; Cultural</b> More certainty for applicants.</p> <p>Emphasis on landscaping applied at the time of subdivision to mitigate effect of infrastructure and future buildings. More certainty for future landowners with regard to landscaping expectations.</p>	
<p><b>Alternative options considered less appropriate to achieve the relevant objectives and policies:</b></p>			
<p><i>Option 1: Provide for residential buildings as a permitted activity but with less development controls, permitting a higher range of colours.</i></p>	<ul style="list-style-type: none"> <li>• <i>Would not be likely to maintain landscape values and could be at odds with the strategic direction goals.</i></li> <li>• <i>Potential for reduced amenity of establishing and existing neighbourhoods.</i></li> </ul>		
<p><i>Option 2: Require a landscape plan to be submitted with applications.</i></p>	<ul style="list-style-type: none"> <li>• <i>Too subjective, uncertain and difficult to apply as a rule that could be reasonably efficient to interpret and administer.</i></li> </ul>		
<p><b><u>Issue 4: Some of the Rural Residential and Rural Lifestyle zones have been developed to an urban-density and are located within the identified urban growth limits. This has created an inefficient resource management regime.</u></b></p> <p><b>Objective 22.2.1: Maintain and enhance the district’s landscape quality, character and visual amenity values while enabling rural living opportunities in areas that can avoid detracting from those landscapes.</b></p> <p><b>Objective 22.2.2: Ensure the predominant land uses are rural, residential and where appropriate, visitor and community activities.</b></p> <p><b>Objective 22.2.4: Ensure new development does not exceed available capacities for servicing and infrastructure.</b></p> <p>Summary of proposed provisions that give effect to these objectives:</p> <ul style="list-style-type: none"> <li>• Remove the Rural Residential and Rural Lifestyle zoning that applies to these sites.</li> </ul>			
<b>Proposed provisions</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<b>Not Applicable</b>	<p><b>Environmental</b> None, the potential impacts are established.</p>	<p><b>Environmental</b> The environment of these areas does not reflect the anticipated environmental</p>	<p>The new urban zoning would better reflect development that has occurred in these areas or is anticipated to occur.</p>

	<p><b>Economic</b></p> <p><b>Social &amp; Cultural</b></p>	<p>outcomes of the zone. Removing these areas from the rural residential and rural lifestyle zones will enhance the integrity of the District Plan.</p> <p><b>Economic</b> Reduced costs and complexity for relatively minor resource consents for anticipated activities within this zone.</p> <p><b>Social &amp; Cultural</b> Certainty and confidence in the District Plan zones.</p>	<p>Remove multiple layers of complexity and unwieldy district plan administration.</p>
<p><b>Alternative options considered less appropriate to achieve the relevant objectives and policies:</b></p>			
<p>Option 1: Retain zoning.</p>	<ul style="list-style-type: none"> <li>• Would maintain existing status of complexity of the District Plan rules.</li> <li>• Would potentially erode the integrity of the proposed provisions and the strategic direction goals.</li> </ul>		

**Issue 5: Managing development with Natural hazards**

**Objective 22.2.3: Manage new development and natural hazards**

Summary of proposed provisions that give effect to these objectives:

- Introducing a matter of discretion in Rule 22.4.4.6 (Setback of buildings from Waterbodies). Making buildings a permitted activity removes the ability for applications to be assessed for natural hazards under matter of control 8.3.2.ii(a) in the Operative District Plan.
- Retention of the operative District Plan rule requiring a controlled activity resource consent for development in Makarora.
- Section 106 of the RMA to assess the adequacy of proposals against natural hazards at the time of subdivision.
- Sections 95 and 104 of the RMA to assess the adequacy of proposals against this objective and policies.

<b><i>Proposed provisions</i></b>	<b><i>Costs</i></b>	<b><i>Benefits</i></b>	<b><i>Effectiveness &amp; Efficiency</i></b>
<p><b>Policies:</b> 22.2.3.1</p> <p><b>Rules:</b> 22.4.4, 22.7</p>	<p><b><i>Environmental</i></b> Natural hazard mitigation work may have impacts on landscape and natural topography and vegetation.</p> <p><b><i>Economic</i></b> May restrict development in certain areas.</p> <p>May increase the costs of resource consent applications to provide design and mitigation with regard to the potential for natural hazards</p> <p><b><i>Social &amp; Cultural</i></b> None identified. The existing provisions are in place.</p>	<p><b><i>Environmental</i></b></p> <p><b><i>Economic</i></b> Reduced costs associated with building repair or replacement in the case of a natural hazard occurring.</p> <p><b><i>Social &amp; Cultural</i></b> Provide for the safety and wellbeing of people, in particular future owners of properties.</p>	<p>The proposed objective and policy does not arbitrarily constrain development rights. The provisions recognise the natural hazard potential which exists within multiple areas throughout the zones and provides the council with the discretion to apply the policy.</p> <p>The provisions are effective and efficient in that they retain the operative District Plan provisions that requires consideration of development in areas with identified natural hazard constraints.</p>

***Alternative options considered less appropriate to achieve the relevant objectives and policies:***

*Option 1: Contain rules that require a resource consent in any area identified on the Councils natural hazard register.*

- *Could unnecessarily constrain development where the hazard information may have been addressed by the subdivision which created the property.*



**Issue 6: Miscellaneous and existing provisions.**

**Objective 22.2.1:** Maintain and enhance the district’s landscape quality, character and visual amenity values while enabling rural living opportunities in areas that can avoid detracting from those landscapes.

**Objective 22.2.2:** Ensure the predominant land uses are rural, residential and where appropriate, visitor and community activities.

**Objective 22.2.6:** Bob’s Cove Rural Residential sub-zone – To create comprehensively-planned residential development with ample open space and a predominance of indigenous vegetation throughout the zone.

**Objective 22.2.7:** Bob’s Cove Rural Residential Zone - To maintain and enhance the ecological and amenity values of the Bob’s Cove Rural Residential zone.

Summary of proposed provisions that give effect to these objectives:

- Existing rules applying to development in the Bob’s Cove Rural Residential and sub-zone.
- Making Residential Flats permitted.

<b><i>Proposed provisions</i></b>	<b><i>Costs</i></b>	<b><i>Benefits</i></b>	<b><i>Effectiveness &amp; Efficiency</i></b>
<b>Policies:</b> 22.2.1.7 22.6.1 – 22.7.2.  <b>Rules:</b> 22.3-22.7  Including the Standards Table 2 and Standards Tables 2 to 6.	<b><i>Environmental</i></b> None identified  <b><i>Economic</i></b> Potential higher costs for developers at the time of subdivision to undertake landscape design, however this already exists within the provisions.  <b><i>Social &amp; Cultural</i></b> None identified	<b><i>Environmental</i></b> Higher level of control reflects the more visually sensitive location.  <b><i>Economic</i></b> None identified  <b><i>Social &amp; Cultural</i></b> None identified	The existing provisions could be more efficient in terms of phrasing and expectation regarding application and administration, however they affect a small part of the District and a small portion of the community overall.  The provisions affect a small part overall of the zones and not substantially modifying the provisions is considered the most efficient and effective option in this case.

***Alternative options considered less appropriate to achieve the relevant objectives and policies:***

- |  |   |
|--|---|
| <i>Option 1: Remove provisions to emulate the ‘general’ Rural Lifestyle zone</i> | <ul style="list-style-type: none"> <li>• <i>It is established these areas are a special case and require a higher level of intervention.</i></li> </ul> |
|--|---|

**Issue 7: Managing the effects of rural activities.**

**Objective 22.2.5: Manage situations where sensitive activities conflict with existing and anticipated rural activities**

Summary of proposed provisions that give effect to these objectives:

- Policy 22.2.5 .1 to recognise anticipated and existing rural activities, distinguishes the concept of ‘reverse sensitivity’ from rural amenity.
- Non-complying activity resource consent for commercial activities
- Non-complying activity resource consent for visitor accommodation outside a visitor accommodation sub-zone.
- Minimum setback of buildings from roads and internal boundaries.
- Rural Lifestyle zone: Discretionary activity resource consent to identify a building platform (which has not been previously identified as part of a controlled activity subdivision).
- Rural Residential Zone: Density controls

<b><i>Proposed provisions</i></b>	<b><i>Costs</i></b>	<b><i>Benefits</i></b>	<b><i>Effectiveness &amp; Efficiency</i></b>
<p><b>Policies:</b> 22.2.5.1</p> <p><b>Rules:</b> 22.3 22.4.1, 22.4.2, 22.4.6, 22.4.7, 22.4.8, 22.4.12, 22.5.4, 22.5.5.</p>	<p><b><i>Environmental</i></b> None identified</p> <p><b><i>Economic</i></b> May constrain some commercial and residential developments on less expensive rural land that may be subject to effects from rural activities.</p> <p><b><i>Social &amp; Cultural</i></b> None identified</p>	<p><b><i>Environmental</i></b> Promotes the separation of commercial activities from residential or farming activities where required.</p> <p><b><i>Economic</i></b> Would not constrain farming activities.</p> <p><b><i>Social &amp; Cultural</i></b> Protects future inhabitants from being subject to reverse sensitivity.</p>	<p>These existing rules are in place, the changes distinguish the issue of activities locating near existing and anticipated farming activities that may have an adverse effect.</p> <p>The changes increase the effectiveness at protecting anticipated farming activities and increase efficiency with regard to District Plan administration.</p>

***Alternative options considered less appropriate to achieve the relevant objectives and policies:***

<p><i>Option 1: require greater separation between farming and residential activity.</i></p>	<ul style="list-style-type: none"> <li>• <i>The existing controls are effective, as are the controls on factory farming and dairy farming in the Rural zone.</i></li> </ul>
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## 10. Efficiency and effectiveness of the provisions

The above provisions are drafted to specifically address the resource management issues identified with the current provisions, and to enhance those provisions that already function well. A number of areas of the existing chapter have been removed to aid the readability of the Plan by keeping the provisions at a minimum, whilst still retaining adequate protection for the resource.

By simplifying the objectives, policies and rules (the provisions), the subject matter becomes easier to understand for users of the Plan both as applicant and administrator (processing planner). Removal of technical or confusing wording, also encourages correct use. With easier understanding, the provisions create a more efficient consent process by reducing the number of consents required and by expediting the processing of those consents.

## 11. 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.

## References

Also refer to any footnotes within the text

1. 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](#)
  - a. Peer review on the Wakatipu component by Ben Espie landscape planner - [link](#)
  - b. Peer review on the Wanaka/Upper Clutha component by Anne Steven landscape architect - [link](#)
  - c. Read Landscapes Limited. Post review amendments 16 October 2014 - [link](#)
  - d. Landscape assessment of Criffel Station and terrace escarpments near McKay Road 'QLDC Landscape categorisation Lines' by Paul Smith landscape Architect. 20 July 2015 - [link](#)
2. Read Landscapes Limited 'Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment' June 2014 - [link](#)
3. 'High Level Review of Proposed District Plan Provisions – Landscape Issues' Ben Espie Landscape Planner. 20 November 2014 - [link](#)
4. 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](#)