

## **Upper Clutha Environmental Society**

### **Proposed District Plan-Entire Plan**

#### **Evidence of Julian Haworth**

##### **1. Nature of Submissions and Evidence**

1. These submissions and evidence are written by Julian Haworth, secretary/treasurer of the Upper Clutha Environmental Society.
2. I am giving these submissions and evidence on behalf of the Upper Clutha Environment Society. I express both the opinions of the wider Society and my own opinions on resource management issues where appropriate. My evidence involves matters of fact.
3. I am aware that Council ordinarily requires witnesses who express opinions to be qualified as experts. While I acknowledge that I have no formal planning or landscape qualifications I have sixteen years practical knowledge of the implementation of the QLDC's Operative District Plan (ODP). I have been involved in preparing and presenting submissions and evidence on a number of variations and plan changes and on well over a hundred subdivision and/or land use resource consent applications in the Queenstown Lakes District.
4. I believe that over the last twenty two years on the committee of the Society I have gained sufficient expert knowledge on resource management, planning and landscape issues to be able to express an opinion that will be useful and can be given weight to on matters pertaining to the District Plan review.
5. This belief is based on a combination of extensive local and background knowledge, knowledge of the local landscape, familiarity with the ODP (especially the rural sections) and its relationship with the Resource Management Act. My expertise has been acknowledged in the Environment Court.
6. I have given evidence at a number of Environment Court hearings over the last twenty years and I am familiar with the Court's decisions following from these hearings, including decisions wrote and/or modified the District Plan.
7. I have lived in the Upper Clutha for twenty seven years. I have sixteen years experience of the visitor industry in the Upper Clutha having owned and run my own accommodation business in Wanaka.
8. I have a degree in Business Studies and successfully completed the exams of the Chartered Institute of Management Accountants in the UK in 1979. I worked professionally as an accountant for ten years.
9. I have read the Code of Conduct contained in the Court's practice note and I have complied with this in preparing this evidence.
10. I have not omitted to consider material facts known to me that would alter or detract from my opinions expressed in this evidence.
11. I have read most of the evidence put forward by Council in relation to the Proposed District Plan (PDP) and some of the submissions put forward by other submitters.

##### **2. Plan Structure**

12. While this evidence is given in relation to the “Entire Plan” submission stream the Society’s interest in the District Plan review is limited by its submissions to any matter that relates in any way to subdivision and/or development in the Rural Zone. The amendments and structural changes to the PDP described in this evidence are limited to that issue.
13. I note the point raised in relation to general submissions in the s.42A report:
- “6.4. These general submissions are fundamentally problematic in that it is not possible to understand what changes are likely to follow if the relief they seek were agreed. Although they are arguably “on” the plan in that they seek changes to the notified provisions/plan through deleting whole chapters, they raise important issues of fairness in that they are so unspecific as to any specific amendments to chapters except for withdrawing them in their entirety. That there is a real risk that people affected by any amendments that were made to provisions would be denied an effective opportunity to participate in the review process.”*
14. The author raises an important issue here, especially in relation to the issue of specificity and fairness. In order that all parties to the District Plan review are able to fairly contemplate the amendments and structure sought, this evidence describes in detail the specific amendments and structure proposed. The attached Appendices A-F illustrate exact details of the outcome sought.
15. It is important to note that all of the issues addressed in this evidence and in Appendices A-F have been raised in evidence by the Society at earlier District Plan hearings. This evidence and Appendices A-F give specificity to the Society’s evidence in a manner that can be easily understood by all parties. For this reason there can be no question that other parties “are being denied an effective opportunity to participate in the review process.”
16. Some of the wording of provisions suggested in evidence given at previous hearings has been modified to better reflect the intent of the amendment suggested in that earlier evidence, but the intent has not been changed.
17. It is also worthy of note here that the Society’s position on the District Plan review compared with that stated in this evidence is likely to change<sup>1</sup>. This stems from its further submission:

*“In light of the proposed changes to the RMA, and in particular the new s.95A the Society has changed its position from its Primary Submissions and now requests that all Rural Zone subdivision and development become a non-complying activity. (This is contingent on the new s.95A becoming law.)*

*This is because the changes proposed to S.95A of the Act mean that NO residential subdivision and/or development will be able to be publicly notified regardless of adverse effects. This means that the checks and balances of public submission and the ability to appeal to the Environment Court will be removed completely from ALL residential subdivisions and developments.”*

## **2.1 Strategic Direction Chapter**

18. Many of the changes to the structure of the Rural Zone objectives, policies, assessment matters and rules proposed in the PDP flow from the introduction of the Strategic Direction chapter.
19. The S.32 Strategic Direction report says (my underline)<sup>2</sup>:

<sup>1</sup> This will depend on the final wording of s.95A in the government’s amendments

*“The ODP places substantial weight on protection of landscapes, and managing the effects of inappropriate subdivision and development..... The ODP has adopted a largely ‘effects-based’ approach to regulating subdivision and development. This provides flexibility and the opportunity for development or subdivision to be considered on its merits, but it can also result in uncertainty and difficulty in managing cumulative effects. Fundamentally, however, the landscape provisions in the ODP are considered to function well.”*

20. I see considerable merit in this analysis. It would seem to support the retention of the ODP with some strengthening of the cumulative effects provisions. But this is not the course of action chosen. Instead a Strategic Direction chapter is included in the plan as part of a new plan structure; objectives, policies and assessment matters are majorly rewritten.
21. The reasons for the inclusion of a Strategic Direction chapter and new PDP structure were explained in the s.32 Strategic Direction Report where it said<sup>3</sup> (my underline):
- “Without these [Strategic Direction] objectives, the PDP would lack a clear direction and an integrated statement as to the planning and resource management aspirations for the District.....Retention of the status quo approach was considered. The status quo is represented by the ‘Sustainable Management’ chapter of the ODP. This chapter is dominated by unfocussed and very lengthy preamble and is unwieldy, and does not set a strong and direct policy framework.”*
22. I agree that the existing ODP Part 3-Sustainable Management serves little purpose. For this reason I support its deletion. I suggest that it is replaced by a modified version of the PDP Chapter 1-Introduction (Appendix A).
23. However, and crucially, the comment above that the “status quo is represented by the Sustainable Management chapter of the ODP...[that] does not set a strong and direct policy framework” is both completely wrong and misleading; the writer does not understand the ODP. In fact a strong policy framework is found in Part 4-District Wide and Part 5-Rural of the ODP; this is what represents the status quo.
24. The ODP is clear and focused in expressing the planning and resource management aspirations for the district. For instance the first objective in Part 4 states<sup>4</sup>:
- “Objective:*
- Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.”*
25. Dovetailing in with this there follows a strong rural policy framework in Part 4.1 Natural Environment; Part 4.2 Landscape and Visual Amenity and Part 5.2 Rural Areas. These policies are proposed to be replaced by objectives and policies contained in Goals 3.2.4 and 3.2.5 that appear to me to be significantly weaker. This is of particular concern to me. These changes threaten the protection of landscape values; they are unnecessary and counterproductive.
26. The objectives and policies and assessment matter framework in the ODP has already been traversed on many occasions by Council and the Environment Court

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2 Page 10

3 Page 18

4 ODP Part 4.2.5

and in my experience of numerous hearings I can remember no meaningful criticism as to the effectiveness of these objectives, policies and assessment matters; the operative rural provisions are reasonably effective and efficient in their current form; deficiencies are easily able to be addressed by amendments.

27. The rationale behind the Strategic Direction chapter is further explained in the S.32 Landscape Evaluation Report where it says<sup>5</sup>:

*“The existing suite of objectives and policies would benefit from clarification, consolidation and require linkage to the proposed strategic directions chapter.”*

28. And in the s.42A Strategic Direction and Urban Development report<sup>6</sup> where it says:

*“Without such a [Strategic Direction] chapter, there is the risk that individual chapters that deal primarily with a specific singular issue or geography will lack overall cohesion or integration.”*

29. I’m not entirely sure what this means. It seems to me that if the relevant objectives and policies are positioned in relevant chapters, per the ODP, then this represents a more logical, cohesive (and more user friendly) approach than moving them out into a separate chapter. I disagree with the s.42A report where it says that the Strategic Direction chapter is a “meaningful tool for decision makers”<sup>7</sup>. A number of the goals, objectives and policies are vapid.

30. Other reasons for the changes to the structure of the PDP are explained in the S.32 Landscape Evaluation Report<sup>8</sup> and in the “Broad options considered to address issues” report<sup>9</sup>:

31. The first reason given is:

*“the objectives and policies do not align with the Proposed Strategic Directions chapter.”*

32. As with the quotes above, this is a circular argument. If there is no Strategic Direction chapter included in the plan then the existing ODP objectives and policies, that are serving the community and district well, do not need to be rewritten, truncated or jettisoned as is proposed.

33. The s42A Landscapes report explains in several places (In the Executive Summary and Para. 4.5 for instance) that the Strategic Direction chapter objectives and policies are “higher-order provisions”. It is unclear how much additional weight the rural-related elements in the Strategic Direction chapter are to be accorded and to what extent the rural objectives, policies, assessment matters and rules in Chapter 6-Landscapes and Chapter 21-Rural are to be subordinated to this chapter. It concerns me that, for instance, the assessment matters may not be given sufficient weight when assessing resource consent applications under the proposed structure.

34. If the PDP becomes operative I believe that it may take several years (and possibly a number of cases before the Court) before it becomes clear what weight is to be accorded the rural provisions in the Strategic Direction chapter. This is not an efficient course of action compared with amending the existing provisions.

35. The S.32 Strategic Direction report states<sup>10</sup>:

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5 Page 15

6 Paragraphs 8.1 to 8.10

7 Paragraph 8.6

8 Page 24 Management of the District's Landscapes

9 Page 24

*“A number of elements espoused in the Strategic Directions chapter build on existing approaches in the ODP, so there is often not a radical change in policy direction.”*

36. In effect this says that the ODP already contains strategic direction provisions that are not radically changed by the introduction of the Strategic Direction chapter. I believe the existing provisions are adequate and effective. Indeed they are better than those proposed.
37. It is unlikely that any rural district plan provisions would have been more effective in controlling adverse effects on rural landscape values than those in the ODP in the face of the rampant development pressure experienced in the district, especially in Wakatipu and Upper Clutha Basins, in the period the ODP has been operative. Improvements to the existing provisions by means of amendment (rather than the PDP major restructuring and rewriting) will further increase their effectiveness. I suggest in this evidence amendments that will bolster the effectiveness of the operative objectives, policies, assessment matters and rules (Appendices C-F).
38. Para. 12.6 of the s.42A Strategic Directions and Urban Development report says:
- “An alternative option for the Strategic Direction chapter may have been to only provide high level objectives. Then, objectives and policies in the lower order chapters would have ‘fleshed out’ these high level objectives. However, whilst this is a potentially valid alternative plan making approach .... (and I have read the Independent Hearing Panel’s decision on the Christchurch Replacement District Plan that preferred this approach)...”*
39. I think that weight should be accorded the fact that the Hearing Panel in Christchurch rejected a Strategic Development chapter approach, preferring only “high-level objectives”.
40. My reading of the Strategic Direction chapter is that, while there are certainly some useful elements, it has been cobbled-together without clear purpose. I see it as more logical to delete the entire chapter while moving those elements that have utility to relevant parts of the plan as described in this evidence and shown in Appendices A-F.
41. Perhaps the worst flaw of many in the Strategic Direction chapter is that it is likely to be ignored by applicants and commissioners. An applicant picking up the District Plan for a rural subdivision and development application would surely first go to the Landscape chapter, then to the Rural chapter and then to the Subdivision and Development chapter, by which time rural provisions in the nebulous Strategic Direction chapter would seem secondary and of little consequence.
42. For clarity I note that the Society sought the deletion of the Strategic Direction chapter in its original submissions.

## **2.2 Landscape Chapter**

43. I do see some merit in splitting-out landscape provisions into a separate chapter as proposed in the PDP Chapter 6. Landscape values are a fundamental issue in this district. I have separated out the landscape part of the ODP, Part 4.2 Landscape and Visual Amenity, as shown in my Appendix D.

## **2.3 Landscape Categorisations**

44. The March 2015 Draft Review Summary of issues stated<sup>11</sup>:

*“The proposed changes intend to make it clearer where subdivision and development in the rural areas may be appropriate.”*

45. I agree that the PDP succeeds in this objective where the landscape categories are reduced from 5 to 3. Consolidating the landscape categorisations into 3 types will result in a simplified plan that will be easier to use. I have consolidated the landscape categorisations in Appendices D and E.

#### **2.4 Positive Effects and Other Matters**

46. There is merit where the PDP proposes to apply the Positive Effects and Other Matters to all 3 proposed landscape categories<sup>12</sup> rather than just to Outstanding Natural Landscape Wakatipu Basin (see Appendix E pages 20 and 24).

#### **2.5 Extraneous Text**

47. There is merit where the PDP proposes to delete all text in Operative District Plan parts 4, 5 and 15 relating to “Explanation and Principal Reasons for Adoption” and “Implementation Methods” (Appendices C, D, and E). These sections are of limited utility and cloud reading of the plan as the objectives and policies, rules and assessment matters are largely self-explanatory. (An option would be to retain them in a separate appendix.)
48. It can be seen in Appendices C, D and E that, compared with the Operative District Plan, when the sections described above are removed large swathes of text are taken out of the plan making it easier to read.

#### **2.6 Outcome**

49. The combination of the changes made in 2.1-2.5 described above will simplify the plan and make the rural provisions more user-friendly, efficient and effective while not necessitating a major rewrite and restructure.

#### **2.7. Appendices A-F Detailed Explanation of Amendments**

50. The Appendices A-F are based on text taken verbatim from the ODP, the majority of this text being rolled-over unchanged. I have incorporated amendments to the ODP text reflecting the changes suggested in this evidence (Appendices A-F)<sup>13</sup>. Many of these amendments are derived from changes proposed by Council in the PDP.
51. I propose a revised District Plan structure as follows<sup>14</sup>:

<b>Operative District Plan</b>	<b>Proposed District Plan</b>	<b>Final District Plan</b>
	<b>Chapter 1 Introduction</b>	<b>Chapter 1 Introduction retained but amended to include elements of Part 2 and Chapter 3</b>

<sup>11</sup> Page 2

<sup>12</sup> Part 21.7.3 in the PDP

<sup>13</sup> Where I refer to “UCES suggested change” in the appendices these are changes suggested in UCES’s evidence.

<sup>14</sup> I use “Part” for ODP and “Chapter” for PDP

Part 2 Information and Interpretation deleted. Parts transferred to Chapter 1.	Chapter 2 Definitions retained	Chapter 2 Definitions retained
	Chapter 3 Strategic Direction text deleted	
Part 3 Sustainable Management text deleted.		Sustainable Management now addressed in Chapter 1
Part 4 District Wide Issues retained and becomes Chapter 3 excluding Landscape section		Chapter 3 text is deleted and is replaced by Part 4 District Wide Issues excluding Part 4a Landscapes
	Chapter 6 Landscapes text deleted	Chapter 6 Landscapes text is deleted and replaced by Part 4a Landscapes split out from Part 4
Part 5 Rural Areas retained and becomes Chapter 21	Chapter 21 Rural text is deleted	Chapter 21 Rural text is deleted and is replaced by Part 5 Rural Areas
Part 15 Subdivision, Development and Financial Contributions	Chapter 27 Subdivision and Development	Chapter 27 Subdivision and Development text is deleted and is replaced by Part15 Subdivision and Development

52. The current chapter numbering for the PDP is retained but the rural-related content in the PDP is replaced by rolled-over ODP content with amendments. This is best understood by reference to Appendices A-F.
53. All other non-rural related PDP chapters are also assumed to be retained with the same numbering; this evidence does not address those chapters.
54. Part 3 Sustainable Management in the ODP serves little purpose, as noted by witnesses for Council. I agree with Council witnesses that this should be deleted. The issue of sustainable management is addressed well in the PDP's Chapter 1-Introduction.

### **7.1 Appendix A Chapter 1-Introduction**

55. On page 1 of Appendix A the first amendment is to move Part 3.1 of the Strategic Direction chapter to Part 1.1. I see value in this text but believe it to be better located in the introduction to the plan.
56. The next amendment on page 1 is to add the text:
- “Management of these special qualities is addressed in relevant chapters in the plan”*
57. This is to contextualize the first amendment above.
58. The next amendment on page 1 is to add the text:
- “The District Plan requires the following three wider goals to be met in order to enable the community’s social, economic and cultural well being”*
59. This amendment is made to introduce the transfer of the three goals referred to.

60. The next amendment (on pages 1-4) is to add the three goals from Part 3.2.1 of the Strategic Direction chapter. I see merit in these three goals but they are much better positioned in the plan's introduction.
61. The next amendment, on pages 6-8, deletes PDP 1.6.9 and replaces this by rolling over ODP 1.5.3. This is because the Status of Activities description is more accurate in the ODP and does not require amendment. Some amendments have been required to the text to reflect the amendment from five landscape categories to three landscape categories, that is to one district wide category of ONL/ONF and the deletion of Other Rural Landscape.
62. The next amendment, on page 9, is made to reflect the fact that within ONL/ONF consent for development should only be granted in exceptional cases (see 5.4.2.2.1 Appendix E, page 18). Given this criteria, it must follow that:

*“non- notification will only occur in very exceptional cases”*

63. The next (and final) amendment, on page 10, deletes PDP 1.7.6 and replaces this by rolling over Part 2.1.7 of the ODP. This is because the ODP provisions are better worded and make it clear that it is mandatory to identify a building outline.

## **7.2 Appendix B-Chapter 3 Strategic Direction Chapter**

64. I have argued above that the Strategic Direction chapter should be deleted and that parts that have merit should be moved to more relevant and logical positions in the plan. I will describe here the amendments needed to accomplish this.
65. The first amendment (page 1) is to move Part 3.1 to the Chapter 1 Introduction chapter as described above.
66. The next amendment (page 1) is to move the Goal 3.2.1 and associated objectives and policies to Chapter 1 Introduction as described above, except for policy 3.2.1.3.2. I see some merit in policy 3.2.1.3.2 where it addresses climate change and so have moved this to both 4.1.3 in Appendix C pages 2 and 3 to 4.8.3.4.4 in Appendix C, page 21.
67. The next amendment (page 3) is to move Goal 3.2.2 The Strategic and Integrated Management of Urban Growth, to replace Part 4a.5.7 Urban Edges (Appendix D, page 6) except for Objective 3.2.2.2 which is deleted as the ODP contains provisions for this matter.
68. In relation to this issue the S.32 Strategic Direction report states<sup>15</sup>:
- “Urban Growth Boundaries will be utilised as a tool to contain urban development within defined limits, and support the efficiency of infrastructure, aiming to increase the viability of public transport and minimise reliance on fossil fuels, and avoid sprawl into rural or natural landscapes.”*
69. It can be seen from this statement that Goal 3.2.2 has considerable merit in that it will help prevent needless sprawl into the Rural Zone.
70. The next amendment is to move Goal 3.2.3 A Quality Built Environment Taking Into Account the Character of Individual Communities, to Chapter 1 Introduction, pages 2 and 3.

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15 Page 4



71. The next amendment (page 3) is to delete Goal 3.2.4 The protection of our natural environment and ecosystems (except for 3.2.4.7). This is because there are already adequate provisions addressing this goal in Parts 4 and 4a of the ODP (Appendices C and D).
72. The next amendment (page 4) is to move Objective 3.2.4.7 relating to public access to Part 4.4.3 of the ODP (Appendix C, page 8). Promoting public access in this manner has merit.
73. The next amendment (page 4) is to move Objective 3.2.4.8 to 4.1.4 Objective 3 (Appendix C, page 4). This has merit as it reflects a need to recognise climate change.
74. The next amendment (page 4) is to move Policy 3.2.4.8.1 to 4.1.4.1 Policy 3.1 (Appendix C, page 4). This energy and greenhouse gas policy fits well here.
75. The next amendment (page 4) is to delete almost all of Goal 3.2.5 Our distinctive landscapes are protected from inappropriate development, because there are already more than adequate (and better) provisions for this goal in Part 4 and Part 5 of the ODP (Appendices C, D and E). Only 3.2.5.3.1 is retained and this is moved to Appendix D, top of page 7, Urban Growth policy.
76. The next amendment (page 5) is to transfer Goal 3.2.6 Enable a safe and healthy community that is strong, diverse and inclusive for all people, to Chapter 1 Introduction. This goal has merit but is a better fit right at the start of the plan so that people reading it get a clear message of its intent.
77. The next amendment (page 5) is to delete the Goal 3.2.7 Council will act in accordance with the principles of the Treaty of Waitangi and in partnership with Ngai Tahu, as there is already provision for this matter in Part 4.3 of the ODP (Pages 4-15 onwards).

### **7.3 Appendix C-Chapter 3 (Part 4 District Wide Issues)**

78. Appendix C is the text of Part 4 of the ODP amended for issues discussed in this evidence. My suggestion is that this becomes Chapter 3 of the plan per the table above. The landscape part of Part 4 (Part 4.2) has been separated out (Appendix D, discussed below).
79. Where the Society is not involved in an issue in Part 4 I have removed text; where this has been done this is stated each time in the appendix.
80. The first amendment (half way down page 1) is to highlight that the Landscape and Visual Amenity section has been moved to a separate chapter, becoming Chapter 6 (Part 4a).
81. At the bottom of page 2 I have deleted text as “extraneous”. Such deletions take place on multiple occasions in Appendices C, D and E. I will not comment further on such deletions as they are self-explanatory.
82. The next amendment (pages 2 and 3) is the introduction of Climate Change provisions derived from PDP 3.2.1.3.2. I believe it is logical to locate this here.
83. The next amendment (page 4) is to delete Implementation Methods, Explanation and Principal Reasons for Adoption and Environmental Results Anticipated sections. While these sections have some merit, they clog up the reading of the

District Plan with large tracts of text<sup>16</sup>. There are multiple deletions of these sections throughout this appendix and in Appendix F. If comparison is made with the text that is in the ODP it can be seen that these deletions greatly simplify and increase the user-friendliness of Parts 4 and 5 of the ODP.

84. The next amendment (page 4) is to include the Climate Change objective transferred from PDP 3.2.4.8.
85. The next amendment (page 8) is to include the public access objective from PDP 3.2.4.7.
86. The next amendment (page 21) is to include the Climate Change policy from PDP 3.2.1.3.2.

#### **7.4 Appendix D-Chapter 6 Landscape (Part 4a Landscape)**

87. Appendix D is the text of Part 4.2 of the ODP amended for issues discussed in this evidence. My suggestion is that this becomes Chapter 6 of the plan per the table above. It has been separated out from Part 4 District Wide Issues. I support the approach taken in the PDP where Landscape is highlighted as a key issue by means of a separate chapter.
88. The first amendment (apart from self-explanatory minor text amendments) is on page 2 where in the “Activities” section I have moved up Farming and also Recreation and Visitor Activity to emphasise the importance of these activities to the district and their potential impact on rural landscape.
89. The next amendment (pages 3 and 4) in the “Issues” section is to make the amendments necessary to reflect the collapsing of the landscape categories from five to three as proposed in the PDP. I see considerable merit in this-it can be seen throughout this appendix how this reduction greatly simplifies the ODP.
90. The next amendment (page 4) is the addition of the text:
 

*“Additional objectives and policies contained in Part 4 District Wide must also be addressed where relevant in conjunction with these objectives and policies (Change made due to separation out of Landscape Chapter)”*
91. This amendment is necessary in order to point out that as well as addressing Landscape objectives and policies, there are objectives and policies in the District Wide chapter that must also be addressed.
92. The next amendment (middle of page 4) is in the Objectives and Policies-1. Future Development part and adds a new policy (d):
 

*“(d) To recognise that subdivision and/or development in the Rural Zone, specifically residential development, has a finite capacity if the district’s landscape quality character and amenity values are to be sustained.”*
93. This policy is derived from the notified PDP 6.3.2.1. I believe this is an important additional new policy that Council identified when writing the PDP. Recognising the finite nature of the rural landscape resource is consistent with provisions in the Act. There is no such policy in the ODP.

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<sup>16</sup> The text could be moved to a District Plan appendix for reference purposes.

94. This is an example (of many shown in Appendices A-F) where Council has identified a new policy that enhances the plan, and the way such a policy can be easily incorporated into the ODP without the need for the major rewrite/restructuring proposed.
95. The next amendments in the Objectives and Policies (pages 4 and 5) are made in order to reflect the collapsing of the landscape categories from five to three. I have added the following text at the start of the ONL/ONF and Rural Landscapes sections:
- “Subdivision and development proposals located within the Outstanding Natural Landscape, or on Outstanding Natural Features are to be assessed against the assessment matters in Part 5.4 because subdivision and/or development is inappropriate in almost all locations, meaning successful applications will be exceptional cases. (derived from notified PDP 6.3.1.3)”*
- “Subdivision and/or development proposals located within the Rural Landscape are to be assessed against the assessment matters in Part 5.4 because subdivision and/or development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters. (derived from notified PDP 6.3.1.4)”*
96. These amendments are taken from policies contained in the notified PDP. (The numbering “Part 5.4” referred to is the old ODP numbering-obviously this would change for the numbering contained in the PDP when Part 5 becomes Chapter 21.)
97. The next amendment (page 5) is to include the following policy in the Rural Landscape section:
- (c) Have regard to the adverse effects from subdivision and/or development on the open landscape character where it is open at present. (from notified PDP 6.3.5.6)*
98. This amendment is made to permit the assessment of loss of openness within Rural Landscape. This important issue was discussed in my evidence at earlier District Plan hearings. It bolsters the ODP Policy 4.2.5.17 that requires that effects on “open character” are minimised in all rural landscapes.
99. The next amendments (pages 5 and 6) are to move up the policy list the “Avoiding Cumulative Degradation” and “Structures” policies in order to emphasise the importance of these issues. Text changes have been made to the “Structures” policy to reflect the reduced landscape categories.
100. The next amendments (page 6) are to the Urban Development policy. Amendments have been made to reflect the reduction in landscape categories. A further amendment is made where the following text is added:
- (d) Concentrate development within existing urban areas, promoting higher density development that is more energy efficient and supports public transport to limit increases in greenhouse gas emissions in the District. (from notified PDP 3.2.4.8.1)*
101. This policy has merit and fits well here in the ODP.
102. The next amendments (pages 6 and 7) delete the ODP’s Urban Edges Policy and replace this with the objectives and policies contained in the notified PDP 3.2.2.1.
103. The final amendment (page 7) adds text from PDP Policy 3.2.5.3.1 as follows:

*..direct urban development to be within these UGB's where they apply, or within existing rural townships. (final sentence added-copied from notified PDP 3.2.5.3.1)*

104. These provisions are an improvement on the ODP provisions and are supported by maps in the PDP showing Urban Growth Boundaries.

### **7.5 Appendix E Chapter 21 Rural (Part 5 Rural Areas)**

105. This appendix relates to rural areas. My suggestion is that this becomes Chapter 21 of the plan per the table above.

106. There are various minor amendments not described here that relate to clarifications or reflect renaming, renumbering and restructuring. The first amendment of consequence (page 1) is the inclusion of the following text:

*Subdivision and/or development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained. (derived from PDP policy 6.3.2.1)*

107. While I realise that this text has also been included in the landscape chapter, this issue is of such fundamental importance that I believe it warrants restating at the start of the Rural chapter.

108. The next amendment (page 3) modifies Policy 1.5 in the Objective 1 Character and Landscape Value section. The following text is added to the policy:

*Residential buildings proposed on the grounds that they are allied to and necessary for rural productive activity shall be subject to exactly the same landscape assessment as any other proposed residential building that is not allied to or necessary for rural productive activity. (Change necessary in light of Glentarn decision)*

109. This amendment, made in light of the Glentarn decision. It is included to reinforce the primacy of landscape values to the district; 50 ha "farms" should not be used to justify residential buildings.

110. The next amendment (page 6) in the Ski Area sub-Zones, is made because of the reduction in landscape categories.

111. The next amendment (page 7) relates to Controlled Activities. It sets the floor area size for new buildings or additions to buildings at below 350m<sup>2</sup> to remain a controlled activity and is derived from PDP 21.5.16, though with dimensions reduced from 500m<sup>2</sup>. On page 9 an amendment is made in the Discretionary activity section on the same issue where buildings or additions above 350m<sup>2</sup> become a discretionary activity.

112. The next amendment also page 7 relates to Controlled Activities-Commercial activities Limited to Retail sales, where "wine grown on-site" is added. This is derived from a sensible amendment made in 21.4.14 of the PDP. An amendment relating to the same issue is made on page 10.

113. The next amendment (page 14) relates to Commercial Recreational Activities and increases the permitted number of people per group from five to ten. This is an amendment proposed in PDP 21.5.21.

114. The next amendment (lower down page 14) is in relation to Farm Buildings and deletes the word “replaced”. It seems onerous to me to prevent a farmer from being able to replace a farm building that has deteriorated.
115. The next amendment (page 15) also concerns farm buildings but also relates to the reduction in landscape categories. Under the ODP no new farm buildings are permitted at all in the Outstanding Natural Landscape Wakatipu Basin landscape category. This seems onerous to me. Under the suggested amended provisions farm buildings are subject to the rules shown at the bottom of page 15, and are also subject to the assessment matters in Part 5.4.2 (page 18). While this marginally weakens landscape protection in the Outstanding Natural Landscape around the Wakatipu Basin, it puts in place consistent and fairer district-wide provisions relating to farm buildings.
116. The next amendment (page 17) adds the following text to Part 5.4.1:
- The assessment matters are not exhaustive and do not exclude consideration of other relevant matters not addressed by them. (as explained by counsel for Council, legal Right of Reply 3/6/16)*
117. This amendment is made to make it clear that on a case by case basis the plan needs to be flexible enough to consider other matters that have not been included in the assessment matters when assessing an application. I agree with the conclusion reached by the right of reply here<sup>17</sup>.
118. The next amendment (bottom of page 19 and page 20) is to the ONL/ONF Cumulative Effects assessment matter and adds the words “Council shall be satisfied that these adverse cumulative effects”. This more rigorous “shall be satisfied wording” is taken from PDP 21.7.1.6.
119. The next amendment (page 20) is also to the ONL/ONF Cumulative Effects assessment matter and adds the words “consented, permitted”. Again this is derived from PDP 21.7.1.6 and clarifies the fact that permitted development or consented development not yet in place needs to be assessed in conjunction with existing and potential development when assessing the level of cumulative effects in a vicinity.
120. The next amendment (pages 20) is to delete the Positive Effects section relating to ONL/ONF. This is moved to page 24 where there is now a single Positive Effects and Other Matters section that relates to all landscape categories, as proposed in the PDP. This simplifies the plan and makes it more user-friendly.
121. The next amendment (pages 20-21) is to delete the Outstanding Natural Landscape District Wide landscape category per the PDP.
122. The next amendment (bottom of page 22) is to add the following text to the Form and Density of Development assessment matter:
- (iv) there is merit in clustering the proposed building(s) or building platform(s) within areas that are least sensitive to change; where clustered development is assessed as appropriate and consented this shall be conditional on the balance of the subject site being covenanted against further subdivision and/or development in perpetuity. (derived from PDP 21.7.2.5(b))*
123. The addition of this text, or similar which several years ago the Court suggested Council should have included in the plan, would have helped alleviate some of the unsightly development sprawl that has been permitted in Rural Landscape areas in

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<sup>17</sup> Page 9, paragraph 4.5

the Wakatipu Basin and Upper Clutha Basin. By inclusion now it will still be a useful tool in this regard.

124. The next amendment (page 23) is to the Rural Landscape Cumulative Effects assessment matter. The words “and openness” and “Council shall be satisfied that” are taken from PDP 21.7.2.7. The issues of openness and the more rigorous “shall be satisfied” wording have been discussed in evidence given by me at earlier District Plan hearings. I have also added “in combination have been” (derived from 21.7.1.6) as this seems logical and should appear in the cumulative effects assessment for both ONL/ONF and Rural Landscape.

125. The next amendment (page 23) is made to bullet point (iii) of the Cumulative Effects assessment matter where I have added the words “such that no further development at all can be accommodated.” This is to drive home the way cumulative effects analysis should work.

126. The next amendment (page 23) is also made to bullet point (iii) of the Cumulative Effects assessment matter and is made in response to the findings of the Wakatipu Basin Floor Study and an Upper Clutha Basin Floor Study, assuming this takes place. The text added is:

*This assessment matter to be amended to include a mandatory cumulative effects analysis derived from Dr. Read’s landscape character and approved building platform maps-April 2016, Wakatipu Basin, the Wakatipu Basin Floor Study and a similar Upper Clutha Basin Floor Study maps not yet prepared. This may include a spatial development tool.)*

127. The next amendment (page 23) adds a new bullet point as follows:

*(v) whether further development as proposed will further degrade landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of valued quality, character and openness within the Rural Landscape.(derived from PDP 21.7.2.7(a))*

128. Again this has been included largely to reflect the contentious issue of whether openness should be protected in the Rural Landscape as discussed in my earlier evidence to these District Plan hearings.

129. The next amendment (top of page 24) is to delete text that defines different criteria to the Wakatipu Basin Rural Landscape versus the rest of the district with regard to the definition of a “vicinity”. The Upper Clutha Basin, for example, has a great deal of complex and fine-grained Rural Landscape; this makes it erroneous to only apply this definition to the Wakatipu Basin.

130. The next amendment (page 24) is the relocating of the ODP Positive Effects and Other Matters to the end of the Landscape Assessment Matters, making this applicable all landscapes, not just to Outstanding Natural Landscape Wakatipu Basin per the ODP. This is consistent with these provisions applying to all landscape types per 21.7.3 of the PDP, though I have rolled-over the ODP provisions rather than adopt those in 21.7.3.

131. The final amendment (pages 24 and 25) is to delete the Other Rural Landscape assessment matters per the PDP.

## **7.6 Appendix F-Chapter 27 Subdivision and Development (Part 15 Subdivision and Development and Financial Contributions)**

132. My suggestion is that this becomes Chapter 27 of the plan per the table above.
133. Only limited parts of this chapter relate to subdivision and/or development in the Rural Zone and so are within the scope of the Society's appeal. I have included the parts of Part 15 that are relevant and are sought to be rolled-over.
134. Apart from this there are only minor amendments such as the renaming of zones.