

# Attachment B: Section 32 Evaluation Report

## Section 32 Evaluation Report: Subdivision and Development

### 1. Strategic Context

Section 32(1)(a) of the Resource Management Act 1991 requires that a Section 32 evaluation report must examine the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act.

The purpose of the Act requires an integrated planning approach and direction:

#### **5 Purpose**

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

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

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

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

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

The remaining provisions in Part 2 of the Act provide a framework within which objectives are required to achieve the purpose of the Act and provisions are required to achieve the relevant objectives.

### 2. 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.*

## **3. Regional Planning Documents**

The Regional Policy Statement 1998 ["RPS"] is currently under review itself, and may be further advanced in that process by the time the District Plan Review is notified. Amendments to this evaluation may be required to accommodate that change. The District Plan must *give effect* to the operative RPS and must *have regard* to any proposed RPS.

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.
- Ensure public access opportunities.

Objective 9.3.3 and 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.

The proposed plan change provisions are consistent with, and give effect to, the relevant operative RPS provisions.

#### **4. Resource Management Issues**

The key issues are:

##### **Issue 1: A framework that provides certainty, efficiency and effective management of subdivision.**

The subdivision and development chapter of the District Plan addresses both the 'mechanics' of the subdivision process, and the management of the effects of subdivision and development including the design and how this may have an influence on the quality of the neighbourhood.

A shortfall of the Operative District Plan's subdivision chapter are complicated and unwieldy provisions, where the framework sets out that anticipated subdivision and development is managed through a controlled activity resource consent<sup>1</sup>. This framework suggests that adhering to the controlled activity class of resource consent is the best means to an end result. It is acknowledged that the subdivider, seeking expediency and certainty, would generally intend to adhere to this class of activity, and applications can be lodged with certainty of a favourable and expedient outcome.

Compliance with the controlled activity framework is underpinned by lot sizes complying with the specified minimum sizes outlined in the activity table for the respective zone. The reality is that the expediency of the subdivision consent process and a favourable outcome depends on the quality of the design and supporting resource consent application, particularly with regards to servicing, roading, allotment design, the management of natural hazards and any site specific constraints.

Subdivision and land development comprise multiple facets. The Operative District Plan manages the 'guaranteed right' to subdivide by including an assessment framework that attempts to address all possible eventualities associated with a controlled subdivision. There are in the order of 29 pages of control and matters of discretion for controlled and restricted discretionary activities (Parts 15.2.6-15.2.19 of the Operative District Plan). The subdivision chapter including objective, policies, rules and methods is over 50 pages.

The management framework results in significant complexities in terms of confirming the class of activity an application falls into and the multiple elements both the applicant and Council officers are required to consider for controlled activities.

There are also many bespoke provisions for specific zones/locations, such as Kirimoko, the Industrial B Zone, Three Parks and the Shotover Country zones that contain generic design-related provisions, rather than provisions relating to site constraints or unique features of the sites. This indicates that the district wide objectives and policies may have been considered to be inadequate by the proponents of these provisions.

A further complicating factor is that the subdivision chapter is arranged based on the class of activity, much like the majority of the Operative District Plan. The result is that the reader needs to read nearly every page of the chapter to determine the status and framework for a particular activity. It is considered the chapter can be arranged so that bespoke, or location-specific provisions, are detailed

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<sup>1</sup> A controlled activity status requires the Council must grant consent but can impose conditions with regard to matters set out as specific matters of control.

separately from the 'district wide' provisions. This will improve accessibility and ensure that the critical goals provided in the objectives and policies are not lost.

Improvements can also be made to integrate the District Plan with design documents such as the QLDC Subdivision and Land Development Code of Practice and the QLDC Subdivision Design Guidelines.

### **Issue 2: Provisions to encourage good neighbourhood design and amenity**

The creation of neighbourhoods, where people live, work and play, and the quality and 'liveability' of these neighbourhoods is dependent on the subdivision process.

It is considered that there is insufficient emphasis on the critical design elements of subdivision and development such as roading and allotment layout, open spaces, inter-subdivision and external connections and vegetation management.

The Operative District Plan includes objectives and policies that address design (Objective 5 and Policy 5.3). Despite this, the Operative District Plan subdivision chapter is considered to fall short of encouraging good subdivision design, particularly in the context of creating good neighbourhoods for residents and taking opportunities to integrate with existing neighbourhoods and facilities.

### **Issue 3: Subdivision provisions that are accessible and efficient**

In addition to Issues 1 and 2 identified above, there is unnecessary text and qualifiers of rule status in the provisions. Provisions are repeated within the subdivision chapter or are repeated in other zone chapters. The review provides an opportunity to consolidate and better coordinate the provisions. Examples include:

- The qualifiers for boundary adjustment in the Rural General Zone are initially provided in Part 15.2.3.2(i) for controlled activity boundary adjustments, but are also repeated in parts (bb) and (c) of Part 15.2.6.3 (zone subdivision standards). It is considered that the repetitions are unnecessary. In addition, due to the multiple qualifiers required for a controlled activity boundary adjustment in the Rural General Zone, it is questioned whether there is any merit in providing for this class of activity, particularly given the strict process associated with subdivision and development in the Rural General Zone.
- Furthermore, the subdivision of Rural General zoned land where a building platform is not identified is a non-complying activity (Rule 15.2.6.3.iii(b)). Reasons include ensuring that the 'discretionary' land use regime with no minimum allotment size is not undermined. While this in itself is appropriate, it does not anticipate, or reasonably provide for, situations where, for example, a subdivision is required for farming activity only (no provisions for buildings or services), despite farming activity being a permitted activity in the Rural General Zone.
- The assessment matters for subdivision in the Gibbston Character Zone (15.2.3.6(c)) are a duplicate of those provided in Part 5.8.2.i, despite the assessment matters in Part 5 making it clear they apply to subdivision and any applicable land use activities. This seems to be unnecessary repetition.

Other complexities include navigating through the 'district-wide' and location specific provisions and the associated rules to understand what outcome is generally anticipated within a particular zone.

### **Issue 4. Protection of significant natural, cultural and historic heritage through subdivision**

The district has many places of natural, cultural and heritage value. Subdivision can have either temporary or permanent effects on these, including the positive effect of protection. Many of these places require recognition or protection under Sections 6 or 7 of the RMA.

Provisions can be included to reflect this and statutory changes since the chapter were made operative.

## 5. Background Documents, projects and Consultation

The following Council Documents and projects have been undertaken in recent years and have informed this Section 32 evaluation.

### QLDC Plan Changes:

- Plan Change 05b – Glenorchy Township Zone Boundary ‘The Bible Terrace’
- Plan Change 07 – Residential Flats
- Plan Change 13 – Kirimoko
- Plan Change 14 – Makarora Rural Lifestyle Zone
- Plan Change 18 – Mt Cardrona
- Plan Change 20 – Wanaka Urban Boundary
- Plan Change 21 – Queenstown Urban Boundary
- Plan Change 24 – Community and Affordable Housing
- Plan Change 28 – Trails
- Plan Change 33 – Non-Residential Activities in the Residential, Rural Living and Township Zones
- Plan Change 48 – Signs
- Plan Change 49 – Earthworks

### QLDC Strategy Documents and Projects:

- Wanaka Land Demands – Review of the Wanaka Structure Plan (2007)
- Hawea Community Plan 2003
- Arrowtown Community Plan 2003
- Luggate Community Plan 2003
- Makarora Community Plan 2003
- Tomorrows Queenstown
- Wanaka 2020
- Urban Design Strategy 2009
- Southern Light – A Lighting Strategy for the Queenstown Lakes District 2006
- Playground Strategy 2006
- Draft Transport Strategy Queenstown Town Centre February 2015 and related strategies preceding.
- Upper Clutha Walking and Cycling Strategy 2006

### QLDC Monitoring Reports:

- Community Outcomes Monitoring Report 2009
- Rural General Zone Monitoring Report 2009
- Rural Living Zones Monitoring report 2009
- Business and Industrial Zones Monitoring Report 2011
- Queenstown High Density Residential Zone Monitoring Report 2011
- Queenstown Low Density Residential Zone Monitoring Report 2011
- Wanaka High Density Residential Zone Monitoring Report 2011
- Wanaka Low Density Residential Zone Monitoring Report 2011
- Residential Arrowtown Monitoring Report 2011
  - Related reports ‘Urban Design Critique of Subdivisions in Queenstown Lakes District’ prepared by Boffa Miskell, August 2010. Attached as Appendices to the respective residential monitoring reports.

The monitoring reports included the following recommendations that during the District Plan Review:

- *Council build on the Urban Design Critique, to clearly articulate what outcomes can be expected for neighbourhoods within the LDR Zone.*
- *Subdivision provisions are aligned to match the density provisions*

## Regional and National Planning Documents:

- Otago Regional Council Regional Policy Statement 1998
- Kai Tahu ki Otago Natural Resource Management Plan, 2005
- Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008
- Relevant legislative changes enacted since the Plan became operative

## QLDC Local Government Act Documents:

- 2012 10 Year Plan
- Proposed 2015 10 Year Plan

Consultation has been undertaken in recent years as part of the processes/ documents outlined above. Feedback on the draft provisions has been received from local practitioners in the public and private sector. There is broad support for reducing complexity. The subdivision chapter is essentially technical in nature and focuses on the mechanics and process of subdivision design. As such, there has been no wider community consultation on the draft provisions. Critical aspects that relate to lot sizes or land use are a direct result of the rules derived from the respective zone. The community has been consulted on both rural and residential zones separately.

## 6. Purpose and Options

Subdivision and the resultant development enables the creation of new housing and land use opportunities, and is a key driver of the District's economy. The council will support subdivision that is well designed, is located in the appropriate locations anticipated by the District Plan with the appropriate capacity for servicing and integrated transportation.

## Strategic Directions

The management of subdivision will impact on how the Council gives effect to the purpose of the Act. The following goals and objectives from the Strategic Directions chapter of the draft District Plan are relevant to this assessment:

- Goal 1: To develop a prosperous, *resilient and equitable economy*.
  - To 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.
  - To recognise, develop and sustain the key local service and employment functions that commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas in the District serve.
  - 3.2.1.3 To enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create sustainable employment opportunities
- Goal 2: The strategic and integrated management of urban growth.
  - To ensure urban development occurs in a logical manner:
    - to promote a compact and integrated urban form;
    - to manage the cost of Council infrastructure; and
    - to protect the District's rural landscapes from sporadic and sprawling development.
- Goal 3: A quality built environment taking into account the character of individual communities
  - To achieve a built environment that ensures our urban areas are desirable places to live, work and play.
  - To protect the District's cultural heritage values and ensure development is sympathetic to them.
- Goal 4: The protection of our natural environment and ecosystems
  - To protect areas with significant Nature Conservation Values.

- To facilitate public access to the natural environment.
- Goal 5: Our distinctive landscapes are protected from inappropriate development.
  - To minimise the adverse landscape effects of subdivision, use or development in specified Visual Amenity Landscapes and Other Rural Landscapes.
  - To direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.
- Goal 6: To enable a safe and healthy community that is strong, diverse and inclusive for all people.
  - To provide access to Community Housing.
  - To ensure a mix of housing opportunities.
  - To provide a high quality network of open spaces and community facilities.
- Goal 7: Council will recognise the significance of the principles of the Treaty of Waitangi and the importance of its relationship with Ngai Tahu.
  - To protect Ngai Tahu values and enable Ngai Tahu to express kaitiakitanga.

In general terms, the identified resource management issues, and Strategic Direction goals and objectives are met through the following key elements of the proposed subdivision chapter:

**(a) Activity Status and non-notification of applications:**

A significant change to the subdivision chapter is to exclude the controlled and restricted discretionary activity status class of resource consent. The Operative District Plan has made significant use of the controlled activity status, however, this is proposed to be replaced with a discretionary activity status.

There are three key reasons for this change. First, the discretionary activity framework suits the variable nature of subdivision and multiple aspects that need to be addressed, recognising that there is no single prescribed design or outcome for every subdivision. The design response in terms of both layout and provision of services will vary based on the scale, location, and site specific opportunities and constraints associated with a subdivision proposal.

The use of a discretionary activity framework removes the requirement for the Council to set out specified matters of control or discretion. This has been identified as one of the complexities with the Operative District Plan. Guidance for designing and assessing whether the subdivision is appropriate will be achieved by:

- Having regard to the objectives and policies in the subdivision chapter;
- Referencing as an 'other matter' under s104(c) of the RMA the QLDC Subdivision and Development Code of Practice, and the QLDC Subdivision Design Guidelines;
- Providing specific policy to assist with assessing applications, derived from the Operative District Plan's specified matters of control.

It is recognised that a discretionary class of resource consent has the potential for a perceived loss of development right. Notwithstanding this, a discretionary framework provides the subdivider the freedom to identify developer-led initiatives, guided by the regulatory framework identified above.

It is emphasised that the reason to adopt a discretionary framework for subdivision is not the same as the reason why there is a discretionary framework for non-farming development in the Rural General Zone, which in the order of 80% of applications are notified.

Furthermore, a review of the activity status of granted subdivision consent applications processed from 2009 to 2015 identify that 31% of applications processed and granted had a controlled activity status. The majority of applications (69%) had an activity status that afforded the Council the ability to decline consent.

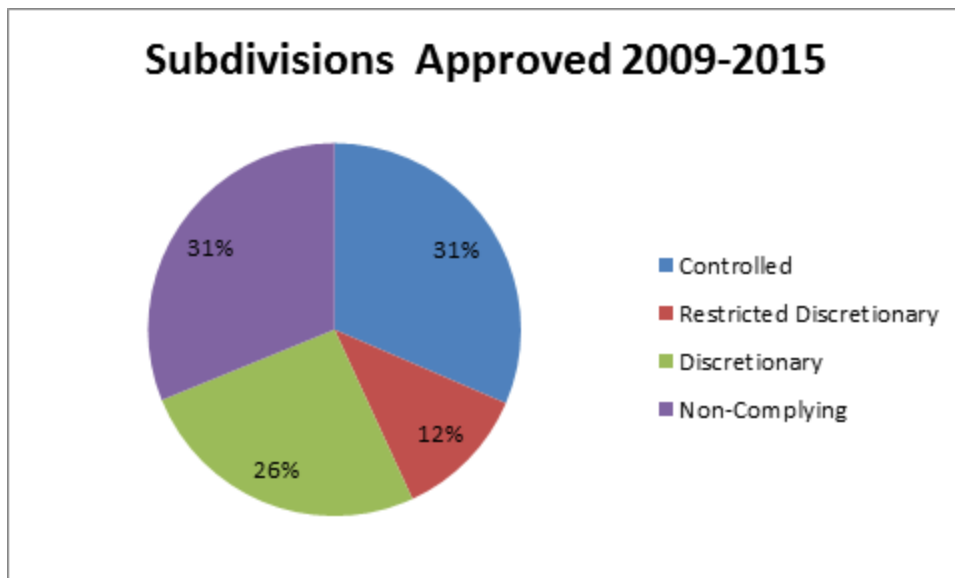
Non-complying activity resource consents, which are perceived by both practitioners and laypeople as an activity that may not accord with the environmental outcomes anticipated the District Plan, comprised 31% of applications, the same as controlled activity's.

The combined classes of resource consent that restricts the assessment of applications to matters specified in the District Pan (controlled or restricted discretionary), comprised 43% of applications.

Making the starting point for subdivision a discretionary activity would not be an impediment to subdivision applications being granted consent, nor would the assessment of applications be misguided due to the absence of specified matters of control or discretion.

Table 1. Subdivision applications activity status 2009-2015.

Activity Status	Number of consents	Percentage
Controlled	213	31%
Restricted Discretionary	79	12%
Discretionary	174	26%
Non-complying	211	31%
Total	677	



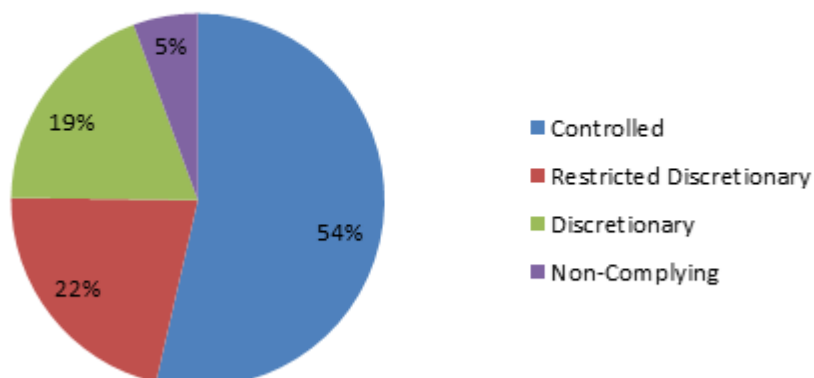
Of the 677 subdivisions identified above, 125 were boundary adjustments. Of these, 54% were processed as a controlled activity, as indicated in Table 2 below.

Table 2. Boundary adjustments activity status 2009 - 2015

Activity Status	Number of consents	Percentage
Controlled	67	54%
Restricted Discretionary	27	22%
Discretionary	24	19%
Non-complying	7	6%
Total	125	



## Boundary Adjustments 2009-2015



The operative District Plan dispenses with the need to notify applications for controlled or restricted discretionary activities (Clause 15.2.2.6(i)). It is proposed to retain this provision for discretionary activity subdivision in the urban zones and the Rural Lifestyle and Rural Residential Zones. In certain situations applications will be subject to assessments to determine whether an application needs to be notified or limited notified. An example would be where a statutory agency has a direct interest such as:

- Situations where the site adjoins or has access to a State highway, and discretion should be available to consider whether the New Zealand Transport Agency is affected.
- Situations where the site to be subdivided contains a listed item pursuant to the *Heritage New Zealand Pouhere Taonga Act 2014*. Discretion should be available to consider whether Heritage New Zealand is affected.
- The subdivision is in the Makarora Rural Lifestyle Zone and is affected by a natural hazard, having regard to existing provisions (15.2.2.6(ii)) requiring the written approval of the Otago Regional Council.

This will provide certainty to the subdivider with regard to process, and provides confidence that good subdivisions proposals supported by appropriate applications will be granted.

Existing critical standards relating to minimum lot size and existing servicing aspects requiring a non-complying resource consent will be retained. An assessment to determine whether an application will need to be notified or limited notified would be required where activities do not comply with the rule.

The second reason is that this allows the Council to decline a resource consent application if it feels it is necessary and also avoids instances where the controlled activity status establishes an unrealistic expectation where a site may be constrained by hazards (acknowledging S106 of the RMA also provides scope for this irrespective of the activity status), or the subdivider and the Council cannot reach agreement over the design, including the provisions of services.

It is anticipated that very few applications would be declined, in line with current practice. The Council would rather normally work with the applicant to reach an amicable outcome, than decline to issue consent. Also in line with current practice the Council would strive to reach agreement with applicant's on the conditions, avoiding the potential for objections to be lodged.

Thirdly, a discretionary regime helps focus the importance of good quality subdivision design, over a focus on ensuring a proposal conforms with the perceived lowest class of resource consent as a path to least resistance. The subdivision process is the platform for the creation of places of choice for people to live, work and play. Furthermore, the Council will ultimately inherit on behalf of the community the majority of services and facilities installed through the subdivision approval process.

**(b) Subdivision chapter framework:**

The subdivision and development chapter has been separated into provisions that affect all subdivision, from the provisions for location specific and bespoke provisions. The reasons for this include:

- To maintain accessibility for readers and to focus on the objectives, policies and rules that affect all subdivision, irrespective of location;
- Providing a specific section for identified areas or zones give the reader certainty that they have not missed any provisions;
- Provide a template for existing bespoke/location specific provisions and future plan changes to be added to the District Plan without disrupting the structure of the subdivision chapter, and avoiding the respective zone chapters from becoming unwieldy with location specific provisions.

**(c) Emphasising the importance of design while recognising the limitations of small scale and infill subdivision.**

Proposed Objectives 1 and related policies 1-6, and Objective 2 and related policies 1-9 emphasise the importance that logic, neighbourhood wide considerations and investigation of the site specific constraints and opportunities underpin good subdivision design. Objective 3 and related policies 1-2 recognise that small scale and infill subdivision may have limited opportunities to give effect to policies contained within Objectives 1 and 2 that may be suited to neighbourhood wide impacts and opportunities from larger scale subdivision.

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

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: A framework that provides certainty, efficiency and effective management of subdivision**

**And;**

**Issue 2: Provisions to encourage good neighbourhood design and amenity**

**And;**

**Issue 3: Subdivision provisions that are accessible and efficient**

Option 1: Retain the operative provisions

Option 2: Amend the operative provisions

Option 3: Significant changes including making subdivision a discretionary activity with emphasis on design and non-notification (Recommended)

	<b>Option 1: Status quo/ No change</b>	<b>Option 2: Amend</b>	<b>Option 3: Significant Changes to the framework</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>Identified issues would not be resolved.</li> <li>Giving effect to the Strategic Directions of the District Plan would be constrained.</li> <li>Does not provide for or anticipate how to better manage and provide a framework for the likely plan changes and growth over the life of the next District Plan.</li> <li>No opportunity to strengthen the emphasis on subdivision design.</li> </ul>	<ul style="list-style-type: none"> <li>Would not remove existing layers of complexity and excessive text.</li> <li>Does not encourage subdivider initiated and led outcomes.</li> <li>Less opportunity to strengthen emphasis on subdivision design (Than option 3).</li> </ul>	<ul style="list-style-type: none"> <li>Has potential for a perceived loss in development rights by removing controlled activity status.</li> <li>Perception for a loss of direction or guidance by the removal of specific matters of control.</li> <li>Costs to the Council to formulate new provisions.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>Lower cost for the Council to roll over existing provisions and framework.</li> <li>Retains perception that controlled and restricted discretionary activity resource consents are easier to obtain than discretionary.</li> </ul>	<ul style="list-style-type: none"> <li>Retains many of the features, expectations and certainty that people are familiar with.</li> <li>Can restructure to make more efficient without significant changes to policy.</li> <li>Can remove identified errors in the provisions that have little consequence.</li> </ul>	<ul style="list-style-type: none"> <li>Significant benefit to the wider community from simplified provisions.</li> <li>Potential opportunity for developer-led innovation where this accords with the policy framework.</li> <li>Enables consideration of the important matters at issue.</li> <li>Stronger non-notification clauses removes the risk to council and developer with applications being subject to notification assessments.</li> </ul>

			<ul style="list-style-type: none"> <li>• Can still retain provisions relating to servicing and allotment sizes as anticipated by the respective zones.</li> </ul>
<b>Ranking</b>	<b>3</b>	<b>2</b>	<b>1</b>

#### **Issue 4. Protection of significant natural, cultural and historic heritage through subdivision**

Option 1: Retain the operative provisions

Option 2: Amend the operative provisions (Recommended)

Option 3: Rely on the respective land use zoning.

	<b>Option 1: Status quo/ No change</b>	<b>Option 2: Amend the Provisions</b>	<b>Option 3: Rely on the respective land use zoning</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>• Identified issues would not be resolved.</li> <li>• Giving effect to the Strategic Directions of the District Plan may be constrained.</li> <li>• No opportunity to strengthen the emphasis on esplanades and public spaces as set out in the Strategic Direction Chapter.</li> </ul>	<ul style="list-style-type: none"> <li>• None identified. Heritage items are identified in the Operative District Plan as requiring management. The existing framework identifies a discretionary activity resource consent when a subdivision involves a item scheduled in Appendix 3 of the District Plan.</li> </ul>	<ul style="list-style-type: none"> <li>• Would not reflect the impact of subdivision and resultant land development on heritage items, archaeological sites and scheduled items.</li> <li>• Potential that the District Plan would not give effect to section 6 and 7 of the RMA with respect to protecting these resources.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>• Lower cost for the Council to roll over existing provisions and framework.</li> </ul>	<ul style="list-style-type: none"> <li>• Reinforces the importance of managing these items and that subdivision and the resultant development has potential to impact on these resources.</li> </ul>	<ul style="list-style-type: none"> <li>• None identified.</li> </ul>
<b>Ranking</b>	<b>2</b>	<b>1</b>	<b>3</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 the subdivision and development chapter. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

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

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

<i>Proposed Objective</i>	<i>Appropriateness</i>
<p><b>Objective 1</b></p> <p><b>Subdivision will create quality environments that ensure the District is a desirable place to live, visit, work and play.</b></p>	<p>Establishes framework to manage subdivision through a discretionary activity class of resource consent. Sets out that design and assessment guidance is available through referencing the QLDC Subdivision and Land Development Code of Practice, and the QLDC Subdivision Design Guidelines.</p> <p>Establishes that subdivision will generally be processed on a non-notified basis, underpinning the incentive for subdividers to design subdivision that will deliver good outcomes for the community and end-resident.</p> <p>Gives effect to the RMA including Sections 5-8, 11 and 31 of the RMA</p> <p>Consistent with the draft Strategic Directions chapter.</p> <p>Gives effect to RPS objectives 4.4.5 (Manawhenua Perspective), 5.4.1, (Land) 6.4.1, 6.4.6, 6.4.7, 6.4.8 (Water) 9.4.1, 9.4.2, 9.4.3 (Built Environment) 10.4.1, 10.4.2, 10.4.3 (Biota) 11.4.1, 11.4.2, 11.4.4 (Natural Hazards)</p> <p>Gives effect to RPS policies 5.5.1, 5.5.4, 5.5.6 (Land) 6.5.5, 6.5.7, 6.5.10 (Water) 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6 (Built Environment) 10.5.1, 10.5.2, 10.5.3 (Biota) 11.5.1, 11.5.2, 11.5.3, 11.5.4 (Natural Hazards)</p> <p>Gives effect to RPS Objective 12.4.1, 12.4.2 and policy 12.5.2 (Energy)</p> <p>Takes into account MNRMP 2008 Policies 3.5.7.4: 6,7,10, 11,12,13.</p> <p>Takes into account MNRMP 2005 Policy 5.6.4.25 and 26.</p>

<p><b>Objective 2</b></p> <p><b>Subdivision design achieves benefits for the subdivider, future residents and the community.</b></p>	<p>Provides a framework to require subdivision to design to give effect to accepted, basic principles of good subdivision design that has positive benefits for the subdivider, residents and wider community.</p> <p>Provides framework to ensure amenity is protected and the future residents of subdivision has good level of amenity.</p> <p>Provides a framework to require subdivision has appropriate roading design and connections.</p> <p>Encourages recognition of the impacts and future patterns of land use including incorporating opportunities for open space, recreational areas and pedestrian access both through and beyond the subdivision. Where these opportunities arise.</p> <p>Gives effect to the RMA including Sections 5-8, 11 and 31 of the RMA</p> <p>Consistent with the draft Strategic Directions chapter.</p> <p>Gives effect to RPS objectives 4.4.5 (Manawhenua Perspective), 5.4.1, (Land) 6.4.1, 6.4.6, 6.4.7, 6.4.8 (Water) 9.4.1, 9.4.2, 9.4.3 (Built Environment) 10.4.1, 10.4.2, 10.4.3 (Biota) 11.4.1, 11.4.2, 11.4.4 (Natural Hazards)</p> <p>Gives effect to RPS policies 5.5.1, 5.5.4, 5.5.6 (Land) 6.5.5, 6.5.7, 6.5.10 (Water) 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6 (Built Environment) 10.5.1, 10.5.2, 10.5.3 (Biota) 11.5.1, 11.5.2, 11.5.3, 11.5.4 (Natural Hazards)</p> <p>Takes into account MNRMP 2008 Policies 3.5.7.4: 6,7,10, 11,12,13.</p> <p>Takes into account MNRMP 2008 Policies 3.5.7.4: 6,7,10, 11, 12,13.</p> <p>Gives effect to RPS Objective 12.4.1, 12.4.2 and policy 12.5.2 (Energy)</p>
<p><b>Objective 3</b></p> <p><b>Recognise the potential of small scale and infill subdivision while acknowledging that the opportunities to undertake comprehensive design are limited.</b></p>	<p>Recognises that small scale subdivision, generally comprising fewer than 4 lots, and infill subdivision where the buildings have already been constructed may not be able to give effect to some of the policies in Objective 2.</p> <p>The objective is appropriate in the context that all subdivision will be a discretionary activity and there is the potential for consents to be declined. However, applications need to be considered on</p>

	<p>balance will all relevant provisions and an application not according with a policy is not likely to be fatal to the application, providing the reasons are appropriate.</p> <p>Provides a framework to recognise that policy requirements associated with larger scale subdivision may not be applicable to smaller scale subdivision. While providing a framework to ensure that amenity values are protected and future subdivision has a good level of amenity.</p> <p>Gives effect to the RMA including Sections 5-8, 11 and 31 of the RMA</p> <p>Consistent with the draft Strategic Directions chapter.</p> <p>Gives effect to RPS objectives 4.4.5 (Manawhenua Perspective), 5.4.1, (Land) 6.4.1, 6.4.6, 6.4.7, 6.4.8 (Water) 9.4.1, 9.4.2, 9.4.3 (Built Environment) 10.4.1, 10.4.2, 10.4.3 (Biota) 11.4.1, 11.4.2, 11.4.4 (Natural Hazards)</p> <p>Gives effect to RPS policies 5.5.1, 5.5.4, 5.5.6 (Land) 6.5.5, 6.5.7, 6.5.10 (Water) 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6 (Built Environment) 10.5.1, 10.5.2, 10.5.3 (Biota) 11.5.1, 11.5.2, 11.5.3, 11.5.4 (Natural Hazards)</p> <p>Gives effect to RPS Objective 12.4.1, 12.4.2 and policy 12.5.2 (Energy)</p>
<p><b>Objective 4</b></p> <p><b>Identify, incorporate and enhance natural features and heritage.</b></p>	<p>Provides a basis for the framework to consider the impact of subdivision on heritage items and significant natural area and features to ensure the subdivision approval and resultant development does overlook the potential impacts on heritage features, archaeological sites or other scheduled items.</p> <p>Provides framework to ensure amenity is protected and future subdivision has good level of amenity, where relevant.</p> <p>Similar to Operative District Plan Objective 5 – Amenity Protection.</p> <p>Gives effect to the RMA including Sections 5-8, 11 and 31 of the RMA</p> <p>Consistent with the draft Strategic Directions chapter.</p> <p>Gives effect to RPS objectives 4.4.5 (Manawhenua Perspective), 5.4.1, (Land) 6.4.1, 6.4.6, 6.4.7, 6.4.8 (Water)</p>

	<p>9.4.1, 9.4.2, 9.4.3 (Built Environment)  10.4.1, 10.4.2, 10.4.3 (Biota)  11.4.1, 11.4.2, 11.4.4 (Natural Hazards)</p> <p>Gives effect to RPS policies 5.5.1, 5.5.4, 5.5.6 (Land) 6.5.5, 6.5.7, 6.5.10 (Water)  9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6 (Built Environment)  10.5.1, 10.5.2, 10.5.3 (Biota)  11.5.1, 11.5.2, 11.5.3, 11.5.4 (Natural Hazards)</p> <p>Gives effect to RPS Objective 12.4.1, 12.4.2 and policy 12.5.2 (Energy)</p> <p>Takes into account MNRMP 2008 Policies 3.5.7.4:12, 14, 15, 16, 17, 18.</p> <p>Takes into account KTKO NRMP 2005 Policy 5.6.4.25 to 29.</p>
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<p><b>Objective 5</b></p> <p><b>Require infrastructure and services are provided to lots and developments in anticipation of the likely effects of land use activities on those lots and within overall developments.</b></p>	<p>Provides for a framework to ensure subdivision is designed and serviced with regard to roading and access, non-vehicular connections and accesses throughout the subdivision, potable water, wastewater, stormwater, energy supply and telecommunications, and the provision of easements to facilitate services and infrastructure.</p> <p>Provides a framework to ensure amenity is protected and future subdivision has good level of amenity with regard to the infrastructure and vegetation that will be vested to the Council.</p> <p>Consistent with the draft Strategic Directions chapter.</p> <p>Gives effect to the RMA including Sections 5-8, 11 and 31 of the RMA</p> <p>Gives effect to RPS objectives 4.4.5 (Manawhenua Perspective), 5.4.1, (Land) 6.4.1, 6.4.6, 6.4.7, 6.4.8 (Water) 9.4.1, 9.4.2, 9.4.3 (Built Environment) 10.4.1, 10.4.2, 10.4.3 (Biota) 11.4.1, 11.4.2, 11.4.4 (Natural Hazards)</p> <p>Gives effect to RPS policies 5.5.1, 5.5.4, 5.5.6 (Land) 6.5.5, 6.5.7, 6.5.10 (Water) 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6 (Built Environment) 10.5.1, 10.5.2, 10.5.3 (Biota) 11.5.1, 11.5.2, 11.5.3, 11.5.4 (Natural Hazards)</p> <p>Gives effect to RPS Objective 12.4.1, 12.4.2 and policy 12.5.2 (Energy).</p> <p>Similar phrasing and same intent as Operative District Plan Objective 1 – Servicing. Refer to Appendix A for the explanation and reasons of the appropriateness of the objective.</p> <p>Takes into account MNRMP 2008 Policies 3.5.7.4:13-14.</p> <p>Takes into account KTKO NRMP 2005 Policy 5.6.4.26.</p>
<p><b>Objective 6</b></p> <p><b>Cost of services to be met by subdividers.</b></p>	<p>Similar to existing Objective from the Operative District Plan <i>Objective 2 – Cost of Services to be met by subdividers.</i></p> <p>Subdivision of land provides a framework of services for subsequent purchasers of new lots who have an expectation that services will be available. New subdivision may also give rise to demands for extending or upgrading of existing services.</p>

	<p>The provision of services to, and within the subdivision, is a cost recoverable from the sale of lots and can be imposed on a subdivider via Council's 10 Year Plan Development Contributions Policy at the time resource consent for subdivision/development is issued.</p> <p>Contributions are set according to methods of determination provided in Council's Long Term Community Plan Development Contributions Policy to ensure a reasonable degree of certainty for developers.</p> <p>Gives effect to the RMA including Sections 5-8, 11 and 31 of the RMA</p> <p>Consistent with the draft Strategic Directions chapter.</p> <p>Gives effect to RPS objectives 4.4.5 (Manawhenua Perspective), 5.4.1, (Land) 6.4.1, 6.4.6, 6.4.7, 6.4.8 (Water) 9.4.1, 9.4.2, 9.4.3 (Built Environment) 10.4.1, 10.4.2, 10.4.3 (Biota) 11.4.1, 11.4.2, 11.4.4 (Natural Hazards)</p> <p>Gives effect to RPS policies 5.5.1, 5.5.4, 5.5.6 (Land) 6.5.5, 6.5.7, 6.5.10 (Water) 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6 (Built Environment) 10.5.1, 10.5.2, 10.5.3 (Biota) 11.5.1, 11.5.2, 11.5.3, 11.5.4 (Natural Hazards)</p> <p>Gives effect to RPS Objective 12.4.1, 12.4.2 and policy 12.5.2 (Energy)</p>
<p><b>Objective 7</b></p> <p><b>Create esplanades where opportunities arise.</b></p>	<p>Subdivision is the mechanism for the provision of esplanade reserves, esplanade strips and access strips and is therefore significant in the context of providing public access to lakes and rivers. Subdivision is also a means by which provision is made for additional land and facilities to meet the open space and recreation needs of the District's residents and visitors.</p> <p>Gives effect to the RMA including Sections 5-8, 11 and 31 of the RMA</p> <p>Consistent with the draft Strategic Directions chapter.</p> <p>Gives effect to RPS objectives 4.4.5 (Manawhenua Perspective), 5.4.1, (Land) 6.4.1, 6.4.6, 6.4.7, 6.4.8 (Water) 9.4.1, 9.4.2, 9.4.3 (Built Environment) 10.4.1, 10.4.2, 10.4.3 (Biota)</p> <p>Gives effect to RPS policies 5.5.1, 5.5.4, 5.5.6 (Land) 6.5.5, 6.5.7, 6.5.10 (Water)</p>

	<p>9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6 (Built Environment) 10.5.1, 10.5.2, 10.5.3 (Biota)</p> <p>Gives effect to RPS Objective 5.4.4 – <i>To ensure that public access opportunities exist in respect of activities utilising Otago’s natural and physical land features.</i></p> <p>Gives effect to RPS policy 5.5.7</p> <p>Takes into account MNRMP 2008 Policies 3.5.7.4:6, 9, 12.</p> <p>Takes into account KTKO NRMP 2005 Policy 5.6.4.29.</p>
<p><b>Objective 8</b></p> <p><b>Facilitate boundary adjustments, cross-lease and unit title subdivision, and where appropriate provide exemptions from the requirement of esplanade reserves.</b></p>	<p>Recognises small scale cross-lease and unit title subdivision and that there will be instances where no resource consent is necessary, or, that these types of applications are not likely to require consideration of the potential impacts and therefore, would be exempt from requiring a resource consent or the consideration of the provision of esplanades.</p> <p>Gives effect to the RMA including Sections 5-8, 11 and 31 of the RMA</p> <p>Consistent with the draft Strategic Directions chapter.</p> <p>Gives effect to RPS objectives 4.4.5 (Manawhenua Perspective), 5.4.1, (Land) 6.4.1, 6.4.6, 6.4.7, 6.4.8 (Water) 9.4.1, 9.4.2, 9.4.3 (Built Environment) 10.4.1, 10.4.2, 10.4.3 (Biota) 11.4.1, 11.4.2, 11.4.4 (Natural Hazards)</p> <p>Gives effect to RPS policies 5.5.1, 5.5.4, 5.5.6 (Land) 6.5.5, 6.5.7, 6.5.10 (Water) 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6 (Built Environment) 10.5.1, 10.5.2, 10.5.3 (Biota) 11.5.1, 11.5.2, 11.5.3, 11.5.4 (Natural Hazards)</p> <p>Gives effect to RPS Objective 12.4.1, 12.4.2 and policy 12.5.2 (Energy)</p>
<p><b>Location Specific Objectives and Policies.</b></p>	<p>Existing location specific Objectives that are proposed to be retained without modification.</p> <p>Proposed location specific amendments refer to additional zones. The evaluation of the appropriateness of these is contained in the specific Section 32 assessment. These include:</p> <ul style="list-style-type: none"> <li>• Wyuna Station Rural Lifestyle Zone</li> </ul>

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 subdivision and development chapter are addressed.

#### **9. Evaluation of the proposed provisions Section 32 (1) (b)**

The below table considers 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. The proposed provisions are grouped by issue for the purposes of this evaluation.

(See also Table detailing broad options considered in Section 4, above)

**Issue 1: A framework that provides certainty, efficiency and effective management of subdivision, and**

**Issue 2: Provisions to encourage good neighbourhood design and amenity, and**

**Issue 3: Subdivision provisions that are accessible and efficient**

**Objective 1: Subdivision will create quality environments that ensure the District is a desirable place to live, visit, work and play.**

**Objective 2: Subdivision design achieves benefits for the subdivider, future residents and the community.**

**Objective 3: Recognise the potential of small scale and infill subdivision while acknowledging that the opportunities to undertake comprehensive design are limited.**

**Objective 5: Require infrastructure and services are provided to lots and developments in anticipation of the likely effects of land use activities on those lots and within overall developments.**

**Objective 6: Cost of services to be met by subdividers.**

**Objective 7: Create esplanades where opportunities arise.**

**Objective 8: Facilitate boundary adjustments, cross-lease and unit title subdivision, and where appropriate provide exemptions from the requirement of esplanade reserves.**

Summary of proposed provisions that give effect to these objectives:

- Making subdivision a discretionary activity;
- Emphasising the importance of subdivision design as a determinant of the quality of the District's living environments (Objective 2 and policies 1-9);
- Recognising that small scale subdivision and infill subdivision are likely to have limitations and may not be consistent with all the objectives and policies (Objective 3 and policies 1-2);
- Identification of the QLDC Subdivision and Land Development Code of Practice, and the QLDC Subdivision Guidelines as a matter under s104c (Objective 1 and related policies 1-2);
- Provide finer grained policy to assist with the assessment of resource consents.
- Provide exemptions for certain subdivisions with no potential for adverse effects.

<p><b>Proposed provisions</b> <i>(Grouped by topic)</i></p>	<p><b>Costs</b></p>	<p><b>Benefits</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
<p><b>Class of Activity</b></p> <p>All policies and rules</p>	<p><b>Economic</b></p> <p>Cost to the subdivider where the Council has the ability to decline consents, potential for uncertainty due to the Council have unlimited discretion.</p> <p>This element is considered to be more of a perception than real economic cost, as discussed in part 6(a) above. In line with current practice, it is rare that an application is declined.</p> <p>Potential financial cost associated with designing and applying for subdivision applications that may be declined.</p> <p><b>Environmental</b></p> <p>Exclusion of assessment matters, or the requirement for specified matters of control has potential for designers/applicants and Council to not focus on the aspects at issue, or be at odds over the relevant aspects to consider.</p> <p>Potential for reduced environmental outcomes through a reduction in the prescribed matters of control. However</p>	<p><b>Economic</b></p> <p>Streamlined and more efficient assessment process where both the subdivider and Council's assessments can focus on the matters at issue.</p> <p>Certainty of process through non-notification provisions.</p> <p>Less obligation to adhere to prescribed matters of control, whether or not the they be matters at issue.</p> <p><b>Environmental</b></p> <p>Encourage good quality subdivision design through the ability to decline consents. However, in line with current practice this is unlikely. Council will seek to reconcile differences and reach agreement on conditions. A subdivision is usually declined due to not according with the activity anticipated by the zoning.</p> <p>The removal of many of the matters of control/assessment matters focuses the assessment on the matters at issue provided in the policies, and specific policies, QLDC land Development and Subdivision Code of</p>	<p>The ability to decline a consent based on subdivision design or servicing aspects will encourage a subdivider to undertake considered design, where it was not previously contemplated. The rule will be effective at encouraging good quality subdivision design and neighbourhood wide considerations associated with subdivision.</p> <p>The proposed change will be effective as the Council can decline applications that are not appropriate.</p> <p>The non-notification provisions provide efficiency. Often, it is difficult to for assessments to arrive at a non-supportive view without having had to notify an application. Particularly where this matter affects only the quality of the services and future residents may be unlikely to have any real value in being notified.</p> <p>The proposed policy will be effective at providing an adequate level of detail to assist the assessment process. The discretionary activity status will be</p>

	<p>this is outweighed by the benefits of a discretionary status and the guidance provided in the policies and the QLDC land Development and Subdivision Code of Practice and QLDC Subdivision Design Guidelines.</p> <p><b>Social &amp; Cultural</b></p> <p>Potential social cost to the subdivider through the economic cost issues discussed above.</p>	<p>Practice and QLDC Subdivision Design Guidelines.</p> <p><b>Social &amp; Cultural</b></p> <p>Provides greater opportunity of a good quality neighbourhood being created for the future resident.</p>	<p>effective in so far that it does not limit the assessment of the matters at issue.</p> <p>In addition, the discretionary activity status significantly improves efficiency by removing the requirement for the Council to specify the matters of control or discretion, as would be the case for controlled or restricted discretionary framework.</p> <p>The proposed provisions are significantly more effective and efficient than the existing.</p>
	<p><b>Alternative options considered less appropriate to achieve the relevant objectives and policies:</b></p>		
	<p><i>Option 1: Keep Controlled status</i></p>	<ul style="list-style-type: none"> <li>• Significant impediment to ensuring the District Plan is accessibly and legible by requirement to specify the matters of control.</li> <li>• Disincentive to encourage good subdivision design.</li> </ul>	
	<p><i>Option 2: Make activities restricted discretionary</i></p>	<ul style="list-style-type: none"> <li>• Retains status quo In terms of requirements to specify the matters of discretion associated with the multiple themes that need to be assessed at subdivision.</li> <li>• Applications can still be declined, the real or perceived risk to the subdivider is the same as the preferred option.</li> </ul>	
<p><b>Non-Notification</b></p> <p>All policies</p> <p>Rule 20.8.1 and</p>	<p><b>Costs</b></p> <p><b>Economic</b></p>	<p><b>Benefits</b></p> <p><b>Economic</b></p> <p>Significant benefit and certainty to the</p>	<p><b>Effectiveness &amp; Efficiency</b></p> <p>Will provide certainty to the subdivider that the application will be non-notified.</p>

<p>20.8.2</p>	<p>None-identified</p> <p><b>Environmental</b></p> <p>The notification process has the potential to include input that can benefit the application and result in a better environmental outcome. Prescribing that the majority of applications are non-notified will exclude third party input into the process. (The relevant zone and District Wide rules would still apply irrespective of the subdivision non-notification clause).</p> <p><b>Social &amp; Cultural</b></p> <p>Social cost in terms of the community's inability to provide input into applications. However these predominantly relate to activities that are anticipated in the respective zone.</p> <p>(The relevant zone and District Wide rules would still apply irrespective of the subdivision non-notification clause).</p>	<p>subdivider avoiding notified subdivision process. This also includes costs associated with processing and reporting on non-notified consents where there is a requirement to undertake an assessment to justify whether or not an application should be notified.</p> <p>Reduced costs associated with the processing of application, even where the application may be declined or a hearing is held to consider matters where agreement has not been reached.</p> <p><b>Environmental</b></p> <p>Certain applications for discretionary activities will have the potential to be notified, or notice served on third parties where it is identified they have an interest greater than the general public.</p> <p><b>Social &amp; Cultural</b></p> <p>Has potential to decrease costs and time taken to process a subdivision consent.</p> <p>More efficient and less expensive subdivision processes w have the potential to reduce costs associated allotment prices. .</p> <p>Certain applications for discretionary activities will have the potential to be notified, or notice served on third parties where it is identified they have an interest greater than the general</p>	<p>More certainty and greater potential for an expedient outcome.</p> <p>Provides certainty of the Council's intent to support subdivision that accords with the policies of the District Plan.</p> <p>Facilitates efficient processing of applications by removing the need for the applicant and Council to prepare a notification assessment.</p> <p>Significant efficiency in terms of removing the potential for notification decisions to be appealed.</p>
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	<b>Alternative options considered less appropriate to achieve the relevant objectives and policies:</b>		
	<i>Option 1: No non-notification provisions.</i>	<ul style="list-style-type: none"> <li>• <i>Would be not provide an incentive to undertake subdivision that is anticipated by the respective zone provisions.</i></li> <li>• <i>Would not promote efficient administration of activities that are reasonably anticipated.</i></li> </ul>	
<p><b>Subdivision Design</b></p> <p>Policy: 20.3.1.1 – 20.3.1.3</p> <p>20.3.2.1 – 20.3.2.9</p> <p>Subdivision design</p> <p>20.3.3.1 – 20.3.3.2.</p> <p>Small scale and infill subdivision</p> <p>20.3.4.1 – 20.3.4.8</p> <p>Heritage</p> <p>20.3.5.1 – 20.3.5.5</p> <p>Roading</p>	<p><b>Costs</b></p> <p><b>Economic</b></p> <p>Costs to subdivider associated with subdivision design and investigations. Noting these costs already exist associated with subdivision.</p> <p>Costs associated with integrating stormwater into open spaces and enhancing/integrating these with amenity, rather than designing solely to reticulate or dispose of stormwater.</p> <p><b>Environmental</b></p> <p>Recognises that infill and small scale subdivision has limited opportunities for inter-neighbourhood connections and road and lot layout considerations than larger scale design aspects.</p>	<p><b>Benefits</b></p> <p><b>Economic</b></p> <p>Ensures increased opportunities for economic growth and employment through making the urban neighbourhoods and places desirable places to live, work and play.</p> <p><b>Environmental</b></p> <p>Ensures the distinctive characteristics of a places context and setting are incorporated in the subdivision design.</p> <p>Results in greater environmental benefits through promotion of connections, non-motorised transport.</p> <p>Encourages subdivision to respond to the context and identified valued features within a site or neighbourhood including trees, indigenous vegetation, cultural and amenity</p>	<p><b>Effectiveness &amp; Efficiency</b></p> <p>Ensures the distinctive characteristics of a places context and setting are incorporated in the subdivision design.</p> <p>Strengthens existing policy on encouraging good subdivision design and consideration of neighbourhood and site analysis.</p> <p>Emphasises the importance of ensuring subdivision makes the District a safe and healthy place to live, work and play.</p> <p>Protects heritage items and identifies opportunities for subdivision to enhance natural features.</p> <p>Emphasises the importance of integrating valued features social and cultural concepts into subdivision</p>

<p>23.3.5.12 stormwater</p> <p>23.3.5.15(b) and (c)</p> <p>Energy and Telecommunications</p> <p>Rule: All rules.</p>	<p><b>Social &amp; Cultural</b></p> <p>None identified</p>	<p>features.</p> <p><b>Social &amp; Cultural</b></p> <p>Ensures the health and wellbeing of the community, both in terms of existing neighbourhoods in the vicinity of the subdivision and the future residents of the proposed subdivision.</p> <p>Encourages the recognition of open space and enhancement of waterbodies and integration of stormwater management.</p> <p>Provides for a variety of allotment sizes to cater for different housing types, including infill subdivision.</p> <p>Site layout and dimensions are appropriate in terms of different housing types and affordability.</p> <p>Results in greater social benefits through promotion of connections, non-motorised transport.</p> <p>Encouraging allotment design to maximise sunlight and responding to local opportunities and constraints reduces energy and promotes sustainability.</p> <p>Provides an opportunity to recognise the history, cultural beliefs associated with the identity of places.</p>	<p>design.</p>
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<p><b>Servicing</b></p> <p>Policy 20.3.5.1 – 20.3.5.17</p> <p>Rule: 20.5.3</p>	<p><b>Alternative options considered less appropriate to achieve the relevant objectives and policies:</b></p>		
	<p>Option 1: Retain existing</p>	<ul style="list-style-type: none"> <li>Retaining the existing policies in the existing structure would require consideration of design, cultural and historic heritage but without the effectiveness and efficiency as the proposed. Relevant provisions of the Strategic Direction chapter would not be given effect to.</li> <li>The proposed changes are more appropriate than the existing.</li> </ul>	
	<p><b>Economic</b></p> <p>Costs to subdivider to install the services, however these are essentially the same as the Operative District Plan Provisions.</p> <p><b>Environmental</b></p> <p>None identified. The majority of provisions have been retained.</p> <p><b>Social &amp; Cultural</b></p> <p>None identified. The majority of provisions have been retained.</p>	<p><b>Economic</b></p> <p>None identified. The majority of provisions have been retained.</p> <p><b>Environmental</b></p> <p>None identified. The majority of provisions have been retained.</p> <p><b>Social &amp; Cultural</b></p> <p>None identified. The majority of provisions have been retained.</p>	<p><b>Effectiveness &amp; Efficiency</b></p> <p>The majority of provisions relating to servicing have been retained. The QLDC land Development and Subdivision Code of Practice has been referenced in the preamble and policy. This document communicates the expectations sought by the Council for the design and installation of servicing. Significantly improving both effectiveness and efficiency.</p>
	<p><b>Alternative options considered less appropriate to achieve the relevant objectives and policies:</b></p>	<p>None identified. The majority of provisions are part of the Operative District Plan.</p>	

<p><b>Esplanades</b></p> <p>Policy 20.3.7.1 and 20.3.7.2</p> <p>Rule: 20.5</p> <p>20.6.1(b) certain activities exempt from the provision of esplanades.</p>	<p><b>Economic</b></p> <p>Cost to the subdivider associated with land being made an esplanade. Noting that this provision already exists in the Operative District Plan and the RMA</p> <p><b>Environmental</b></p> <p>Making certain subdivision exempt from the consideration of esplanades will result in a lost opportunity, however, the activities are innocuous and not likely to involve circumstances where an opportunity for esplanade is likely.</p> <p><b>Social &amp; Cultural</b></p> <p>Loss of privacy to landowners / subdivider where an esplanade is taken.</p>	<p><b>Economic</b></p> <p>Potential enhancement of areas near waterbodies through making open space.</p> <p><b>Environmental</b></p> <p>Opportunities for protection of natural heritage and values.</p> <p><b>Social &amp; Cultural</b></p> <p>Opportunities for public access and open space near waterbodies.</p>	<p><b>Effectiveness &amp; Efficiency</b></p> <p>The policy provides reasonable opportunity to consider the provision of esplanades.</p> <p>The provisions are efficient where the exemptions clarify that certain subdivision is not likely to have an opportunity to consider the provision of esplanades.</p> <p>The provisions are also both effective and efficient where they rely on the provisions of the RMA. Reducing the requirement for text and provisions and potential for inconsistencies with the RMA</p> <p>The provisions are similar to the Operative District Plan provisions.</p>
<p><b>Alternative options considered less appropriate to achieve the relevant objectives and policies:</b></p>			
<p>Option 1: Create policy and rules associated with the taking of esplanades and compensation other than provided for in section 230 of the RMA.</p>	<ul style="list-style-type: none"> <li>The provisions in sections 229-237 of the RMA are considered appropriate.</li> </ul>		

**Issue 4. Protection of significant natural, cultural and historic heritage through subdivision**

**Objective 4: Identify, incorporate and enhance natural features and heritage.**

Also,

**Objective 7: Create esplanades where opportunities arise.** Refer to the table above for evaluation of esplanade provisions.

Summary of proposed provisions that give effect to these objectives:

- Policies that seek to integrate subdivision and development with natural and heritage features;
- Encouraging the integration of stormwater management through amenity features and connections;
- Policy to protect heritage features and archaeological sites from inappropriate subdivision;
- Retention of the Operative District Plan rule for a discretionary activity for subdivision on sites that contain heritage items;
- Consideration of natural values and heritage features when considering esplanades.

<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> 20.3.4.1 – 20.3.4.7 20.3.7.1 (a) – (d)</p> <p><b>Rules:</b> 20.5.2.5 - 20.5.2.7</p>	<p><b><i>Economic</i></b> Additional restriction on potential development opportunity and cost to subdivider associated with integrating and having regard to natural features. However the change is not significant compared to the status quo.</p> <p><b><i>Environmental</i></b>  None identified.</p> <p><b><i>Social &amp; Cultural</i></b></p>	<p><b><i>Economic</i></b> Greater retention of natural and built heritage and integrated management with the subdivision process enhances the attributes of the District, making it a place of choice for residents and visitors.</p> <p><b><i>Environmental</i></b> Subdivision process and design ensures the retention of protected trees to the fullest practicable extent and ensure the protection of historic heritage.</p> <p>Encourages subdivision design that facilitates community appreciation of notable and heritage trees and historic heritage.</p>	<p>Enhances the protection of natural and built heritage.</p>

	None identified.	<p><b>Social &amp; Cultural</b></p> <p>Provides for well-being through the integration of natural and built heritage, including protection where required.</p> <p>Ensures cultural and spiritual beliefs of iwi are had regard to where there is potential for an archaeological site to be modified or accidentally discovered.</p>	
<p><b>Alternative options considered less appropriate to achieve the relevant objectives and policies:</b></p>			
<p><i>Option 1: As all subdivision is proposed to be a discretionary activity, exclude the rule requiring heritage items as requiring a discretionary activity. (As referenced in the Operative District Plan as Protected Items in Appendix 3).</i></p>	<ul style="list-style-type: none"> <li>• <i>Important to provide emphasis that the values of heritage items have the potential to be affected by the subdivision.</i></li> </ul>		

## **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 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**

The opportunity to rollover many of the existing provisions exists. This may also be improved by some minor amendments to the provisions in response to the resource management issues raised. Neither of these approaches reflect the current changing nature of the RMA with its drive to simplify and streamline. The District Plan is a forward planning mechanism and the opportunity to make bold changes in order to make a more noticeable difference. Not taking the more compact approach to this section and others, will not advance the usefulness of the District Plan in pursuit of its function in the sustainable management of natural and physical resources.

## **Appendix A. Operative District Plan Subdivision Objective 1: Explanation and Principal Reasons for Adopting.**

Subdivision provisions for roading and access need to reflect the opportunities to create a variety of vehicle and access systems, for the benefit of both vehicular transport, cyclists and pedestrians. Roading and access can also have a major visual impact and as such both the location in terms of the topography and landscape, and the design of access routes, should enhance the natural environment and minimise any visual intrusion.

The subdivision of land is often followed by intensification or changes in land use that subsequently increase the demand for water usage. Where the proposed subdivision creates new lots and where the users will require water for human consumption, then that supply must be potable and reliable in the long-term. In addition, as life and property needs to be protected, ready access to sufficient water supplies must be available for fire fighting purposes. Unless the water supply system has an excess of capacity, subdivision and development will lead to the need for the water supply system to be upgraded. Some land use activities may place heavy demands upon a water supply system and consideration must be given to their location to ensure the sustainability of the water resource.

Notwithstanding regular monitoring and testing programmes, individual wells run the risk of contamination, variable quantity and inadequate levels of supply at some times of the year. Connections to a public supply provide much greater certainty as to the adequacy of the water quality and the reliability of the supply.

The design of stormwater systems and the capacity of existing systems must be adequate to achieve satisfactory disposal. It is the responsibility of the person who changes the existing land and water surfaces to investigate the effects of the proposal. If any adverse effects on the surrounding or receiving environment will, or could, result from the subdivision or development of land, then mitigating measures must be carried out by the subdivider or developer.

Recognition and enhancement of the values of natural lakes and rivers and receiving waters is a necessary part of planning subdivision and subsequent land use developments. Lakes and rivers can be visually attractive and generally provide an opportunity for enhancement through suitable landscape treatment. Preservation of the catchment is ecologically more acceptable and can assist in avoiding contamination of surface waters from stormwater run-off. These benefits need to be balanced by safety and practicality considerations in urban areas.

Proper treatment and disposal of sewage is a matter of importance. This is significant in terms of the protection of the quality of the surface and groundwaters and in the protection of public health.

Treatment of sewage effluent requires adequate provision for treatment systems and a means of disposal for the waste generated by the subdivision. In the existing urban areas where the Council provides or intends to provide for public sewage reticulation, treatment and disposal, there is a greater assurance that public health risks and adverse effects on the environment will be avoided.

In rural areas and townships, where connection to public reticulated systems is impracticable, care must be exercised to ensure the individual treatment and disposal system does not cause contamination of any adjoining lakes and rivers or groundwater, particularly if that could affect public health and the quality of a locality's water supply.

The taking of water and the discharge of the contaminants in stormwater and sewage are also the responsibility of the Otago Regional Council and consents may also be required from this Council in conjunction with a subdivision consent from the District Council.

The supply of electric power and telecommunications to all sectors of the community can be regarded as an essential service. It includes any upgrading or establishment of a system to service an area, and supply to individual users of sites created upon subdivision. The widespread use of electric power means a provision of power lines and their associated structures. With appropriate planning, the adverse effects of overhead lines can be mitigated to a certain degree in some locations, however, for most properties in the residential areas, townships, and town centres, provision of new reticulation is more appropriate underground.