

**QLDC Council  
30 April 2015**

**Report for Agenda Item: 10**

**Department: Planning & Development**

**District Plan Review: Landscape and Rural Chapters**

**Purpose**

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

**Executive Summary**

- 2 The proposed Rural and Landscape provisions were presented to Council at its December 2014 meeting and left on the table at the request that more consultation be undertaken.
- 3 Since that time a significant amount of consultation and further work-shopping with Councillors has been undertaken, and this has informed some changes to the proposed provisions as outlined in this report.

**Recommendation**

That Council:

1. **Note** the contents of this report and in particular:
  - i. The Resource Management issues associated with the current provisions.
  - ii. The RMA Section 32 Evaluations.
  - iii. The proposed provisions.
2. **Accept** the revised landscape and rural provisions.

3. **Note** that these provisions will be brought back for the Council's final approval along with other provisions forming Stage 1 of the District Plan Review, prior to statutory consultation and public notification.
4. **Authorise** officers to make further minor changes to the Section 32 Evaluation reports and provisions without further recourse to the Council, where this is necessary to:
  - i. Ensure consistent numbering and formatting of the proposed District Plan text; and
  - ii. To fix identified minor errors and / or omissions.
  - iii. Ensure continuity with other proposed provisions.

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14/04/2015

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## Background

- 4 The District Plan Review was formally (and legally) commenced by a resolution of Council in April 2014. The review adopts a changed approach to the structure and philosophy of the District Plan and is led by the Strategic Directions chapter.
- 5 The operative District Plan provisions that address the Landscape, Surface of Lakes and Rivers Chapters (District Wide), Rural General, Gibbston Character and Rural Living Zones have been the subject of environmental monitoring which investigated the effectiveness of the Plan.
- 6 The provisions were presented at the December 2014 Council meeting and left on the table at the request that more general consultation be undertaken. A record of the consultation undertaken since January 2015 is as follows:
  - 9 January – 10 February 2015: Draft provisions were placed on the Council's website and circulated to persons on the District Plan Review distribution list, persons with an interest in the changes and statutory consultation parties required by the RMA
  - Written feedback from in the order of 40 persons/groups
  - Staff attended and spoke at the Hawea Community Association Meeting on 10 January 2015 at Lake Hawea.
  - Meeting with Federated Farmers on 16 February 2015
  - Staff attended a meeting with farmers on 10 February 2015 at Wanaka; all attendees were from the Upper Clutha area except Mark Hasselman from Glenorchy
  - An offer was extended to meet with Remarkables Park and the Luggate Community Association
- 7 The feedback proved beneficial and some changes have been made to the proposed provisions which were presented at the December 2014 Council meeting. A summary of the proposed District Plan provisions and further amendments is listed in the following table:

Table 1:

## Summary of Proposed District Plan provisions and amendments following feedback

Operative District Plan	Proposed Provisions December 2014	Proposed Provisions April 2015
Non-farming subdivision & development in the ONL and ONF: Discretionary resource consent	Non-complying resource consent	Discretionary resource consent
Rural General and Rural Lifestyle Zone: Buildings in approved platform need a resource consent	Buildings permitted subject to standards: <ul style="list-style-type: none"> <li>• Footprint 300m<sup>2</sup>.</li> <li>• Range of colour types and reflectance values.</li> </ul>	Buildings permitted subject to standards: <ul style="list-style-type: none"> <li>• Footprint 500m<sup>2</sup>.</li> <li>• Colour: Retain as proposed</li> </ul>
Rural Residential Zone: All buildings and alterations need a resource consent.	Permitted, subject to colour standards, same as Rural and Rural Lifestyle zones.	Retained as proposed. Maximum building footprint 500m <sup>2</sup>
Building height (non-farming) 8m	7m	8m
Set back of buildings from water bodies: No rule in operative plan	20m	20m (have clarified definition)
Dairy Farming: No specific rules	Remain permitted but controls to manage: <ul style="list-style-type: none"> <li>• Milking sheds, Effluent holding tanks and storage ponds, silage pits, carcass disposal set back 400m from boundaries</li> <li>• Water bodies and riparian areas</li> <li>• Movement of herds over formed roads</li> </ul>	Remain permitted but controls to manage: <ul style="list-style-type: none"> <li>• Milking sheds Effluent holding tanks and storage ponds and set back 300m from boundaries</li> <li>• Water bodies and riparian areas</li> </ul>
Farm Buildings: All require a resource consent	Permitted subject to standards similar to existing rule for farm buildings, including: ONL: 100m <sup>2</sup> 4m height RLC: 300m <sup>2</sup> , 5m height Any building >500m <sup>2</sup> needs a consent	RLC: Retain as proposed ONL: Retain as proposed >500m <sup>2</sup> - remove proposed rule.

## **8 Landscape, Rural Zone, Gibbston Character Zone:**

- a. Identification of the Outstanding Natural Landscapes and Features on the District Plan Maps.
- b. The operative District Plan category 'Outstanding Natural Landscape Wakatipu Basin' has been removed and this land is part of the Outstanding Natural Landscape.
- c. The existing 'Visual Amenity Landscape' and 'Other Rural Landscape' categories have been removed and renamed a 'Rural Landscape Classification'.
- d. Rezoning of identified land in the Wakatipu Basin from Rural General to Rural Lifestyle, in recognition of the ability of this land to absorb further rural-lifestyle development from a landscape perspective.
- e. New policies recognising tourism and its relationship with the landscape and the economic dependence of these activities on the landscape resource.
- f. Largely retaining the structure of the operative District Plan's assessment matters, with modifications to simplify and improve effectiveness.
- g. Farm buildings are permitted subject to standards. The operative District Plan standards require resource consent as either a controlled or restricted discretionary activity.
- h. Identify a new sub-zone for rural industrial activities and yard based activities that are ancillary to and directly support rural activities.

## **9 Surface of Lakes and Rivers (Rural Zone)**

- a. Recognise the different scale and nature between motorised and non-motorised commercial boating activities by requiring a restricted discretionary resource consent for non-motorised activities. The operative District Plan requires a discretionary activity resource consent for all commercial activities.
- b. Jetties in the Frankton Arm will no longer be subject to the full landscape assessment, recognising their more urban setting. Performance standards based on the QLDC Jetties and Moorings policy to bring the District Plan provisions and this policy closer together.
- c. The removal of a range of activities listed in the operative District Plan as prohibited for both commercial and recreational activities, for example non-motorised commercial boating activities.

## **10 Rural Zone, Gibbston Character Zone, and Rural Residential and Rural Lifestyle Zones**

- a. To make the construction and alteration of buildings within previously consented building platforms a permitted activity. Currently these activities would require a resource consent.

- b. Rural Residential Zone, buildings are permitted subject to standards. Currently these activities require a controlled activity resource consent.
- c. New standards for permitted buildings including controlling the exterior colour of buildings, a maximum footprint size of buildings and a setback of buildings from water bodies.

## 11 Other Rural Zone provisions

- a. Dairy Farming remains a permitted activity, being compliant with the operative District Plan's definition of farming. Standards have been introduced to manage the potential effects on rural amenity associated with milking sheds and effluent ponds and excluding stock from water bodies. There are currently no provisions in the operative District Plan specific to dairy farming.

## 12 Other Provisions currently in the Rural General Zone

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

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

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

14 The approach to these changes has come from the proposed Strategic Directions Chapter, the applicable goals, objectives and policies of which are discussed in the respective Section 32 reports.

### ***Options***

15 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

16 The first step is to identify all "reasonably practicable" options. If an option is not reasonably practicable, then it will not require consultation. One option that should always be considered is the option of doing nothing – the status quo.

#### Option 1: Retain the Operative Provisions

17 This would allow for the familiarity of users to remain but would not address the resource management issues that were identified through monitoring.

It would also not address the structural issues with the existing policy, its lack of clarity nor would it be consistent with the proposed Strategic Directions Chapter.

### Option 2: Amend Provisions

- 18 To undertake a critical analysis of the current provisions, but largely continue with the status quo with minor amendments and adjustments made. This would promote increased ease of use, but would not provide the simplicity sought by the RMA amendments. Although some of the provisions are shown to be effective, and this appeared to be the favoured option at the commencement of the review in 2010, aspects such as the structure, formatting and treatment of policy can be significantly improved and there are alternatives which should be considered.

### Option 3 Critically examine and make changes

- 19 To critically examine all the provisions in light of the needs of the District, including providing more certainty and public confidence in the District Plan. The proposed provisions are structured to focus on the types of activity, rather than the existing District Plan framework that focuses on the effects of activities, resulting in uncertainty and multiple qualifiers to control the range of permitted activities.
- 20 Feedback received has offered broad support to the change in structure.
- 21 Option 3 is the preferred option.

### ***Significance and Engagement***

- 22 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because the District Plan has a direct influence on the environmental, economic, social and cultural wellbeing of the people of the District and there is a reasonable level of public interest. However, the Scoring of medium significance is made on the basis that the proposed changes do not depart from the Operative District Plan in a highly significant manner in terms of fundamental policy approach.

### ***Risk***

- 23 This matter relates to the strategic risk Class of 20 SR1 "Current and future development needs of the community (including environmental protection)" as documented in the Council's risk register. This is due to the fact that the matter relates to the District Plan review. The risk is classed as high in the risk register because the District Plan influences the quality of the natural and urban environment.
- 24 The recommended option considered above mitigates the risk by treating the risk by undertaking to follow statutory consultation as required by the RMA and, overall, by improving the provisions to bolster public confidence in the District Plan. The option provides for the future strategic growth in the District

whilst seeking to maintain and enhance the key landscape and environmental attributes of the District.

### **Financial Implications**

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

### **Council Policies, Strategies and Bylaws**

26 The following Council Policies were considered:

- Annual Plan
- Long Term Plan
- Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu
- The existing (2011) and proposed (2014) Navigational Safety Bylaw Policy
- This matter is included in the Annual Plan under Environmental Management
- Various community plans and strategies identified in the respective evaluation reports

### **Local Government Act 2002 Purpose Provisions**

27 The recommended option:

- Will help meet the current and future needs of communities.
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

### **Consultation: Community Views and Preferences**

28 Public consultation commenced in 2010 as potential changes to the Operative District Plan began to be contemplated. In addition to the consultation undertaken since January 2015 (listed in paragraph 7) consultation has included:

- Rural Discussion Document and Brochure in 2010, with feedback invited via the Council's website
- A series of articles in the Otago Daily Times titled 'Our Rural Future' in 2010, with opinion pieces from Anne Steven (a landscape architect), Clive Geddes (former Mayor), Council officers, Julian Howarth (Upper Clutha Environmental Society), Peter Constantine (planner) and Richard Burdon (farmer)
- Meeting with Federated Farmers and farmers at Mt Burke on 11 May 2010



- Meeting with the Department of Conservation on 28 November 2011
- Meeting with the Upper Clutha Environmental Society (UCES) on 28 November 2011
- Meeting with the Upper Clutha Tracks Trust on 10 January 2012
- Meeting with NZIA and NZILA on 30 April 2012
- Meeting with the NZTA on 24 May 2012
- Meeting with planning commissioners on 11 October 2012
- Stall and posters at the Lake Hayes and Wanaka A & P Shows 2012
- Meeting of the Council's Resource Management Focus Group 2014 and 2015

### **Legal Considerations and Statutory Responsibilities**

29 Formal consultation will be undertaken in accordance with the statutory requirements set out in the RMA upon notification of Stage 1 of the Proposed District Plan. There will be an initial 40 working day submission period and then a 10 working day submission period for further submissions.

### **Attachments (circulated separately)**

- A Chapter 5 – Landscape
- B Chapter 13 – Rural Zone
- C Chapter 14 – Gibbston Character Zone
- D Chapter 15 – Rural Residential and Rural Lifestyle
- E Section 32 Evaluation Report – Landscape, Rural Zone and Gibbston Character Zone
- F Section 32 Evaluation Report Wyuna Station Rural Lifestyle Zone
- G Section 32 Evaluation Report Rural Industrial Sub Zone
- H Section 32 Evaluation Report – Informal Airports
- I Section 32 Evaluation Report – Surface of Lakes and Rivers
- J Section 32 Evaluation Report – Rural Residential and Rural Lifestyle
- K Section 32 Evaluation Report – Matakauri Lodge Visitor Accommodation Sub Zone