

Queenstown Lakes District Proposed District Plan

Section 32 Evaluation

Variation to Proposed District Plan at Mt Iron

1. CONTENTS	
2. EXECUTIVE SUMMARY	3
3. INTRODUCTION	4
4. CONTEXT	4
5. STRUCTURE OF THE REPORT	19
6. CONSULTATION.....	20
7. STATUTORY POLICY CONTEXT.....	21
8. BACKGROUND	ERROR! BOOKMARK NOT DEFINED.
9. RESOURCE MANAGEMENT ISSUE	28
10. SCALE AND SIGNIFICANCE EVALUATION.....	29
11. EVALUATION OF OPTIONS	29
12. EVALUATION OF THE PROPOSED METHOD	30
APPENDIX 1	41
APPENDIX 2	42

2. EXECUTIVE SUMMARY

2.1. The evaluation of this proposal under section 32 of the Resource Management Act (**'the Act' or 'the RMA'**) supports amending the Proposed District Plan maps at Mt Iron in Wānaka in the following ways:

- a) amending the planning maps so that the zoning for all land within the Mt Iron Outstanding Natural Feature (**ONF**) is zoned Rural;
- b) making amendments to the position of the Wānaka Urban Growth Boundary (**UGB**) at two locations so it is located immediately to the outside of the Mt Iron ONF; and
- c) amending the location of the Mt Iron ONF boundary at 965 Aubrey Road and 705 Aubrey Road.

2.2. The purpose of the variation is to accurately identify all land that is part of the Mt Iron ONF as Rural Zone through changing the zoning on two parcels of land from Lower Density Suburban Residential Zone (**LDSRZ**) to Rural; to amend the Mt Iron ONF boundary at 965 and 705 Aubrey Road; and to amend the UGB line so that it sits outside the ONF line in two locations. The changes proposed would not introduce any new objectives or change any existing objectives, but would make changes to the planning maps¹.

2.3. The key resource management issue being addressed in this section 32 evaluation is managing the use, development and protection of the Mt Iron ONF to provide for economic, social and cultural wellbeing and protection from inappropriate subdivision, use and development. This is implemented through the Proposed District Plan (**PDP**) in the strategic direction objectives and policies as they relate to landscapes and zoning.

2.4. This report assesses the variation in accordance with section 32 of the RMA. The evaluation considers the costs of changing the LDSR zoning of a portion of two properties to Rural but concludes that the variation is the most appropriate way to achieve the purpose of the Act and the relevant objectives by better aligning land use controls with the categorisation of those part of Mt Iron identified as ONF.

¹ The QLDC Proposed District Plan GIS Web Mapping Application

3. INTRODUCTION

3.1. This section 32 evaluation considers amendments relating to the protection of the Mt Iron ONF values. There are two areas in relation to the Mt Iron ONF which are under consideration (see **Appendix 1**):

- a) The north-eastern area of the Mt Iron ONF and the most appropriate location of the ONF landscape boundary.
- b) The western area of the Mt Iron ONF (two small portions) and their appropriate zoning and the related location of the UGB.

4. CONTEXT

4.1. Mt Iron is a unique location; it is described in landscape assessments as a classic *rôche moutonnée* (a rock formation created by the passing of a glacier over bedrock) and is a defining feature of the visual landscape of Wānaka². The area is also a popular location for recreational walkers with five public access points and a network of trails that access a range of vantage points. The area is also notable for its indigenous biodiversity of *kānuka* woodland.

4.2. Mt Iron is an identified ONF in the District Plan. An ONF is described³ as follows:

*“A feature typically corresponds to a distinct and clearly legible biophysical feature (eg. *rôche moutonnée*, volcanic cone, water body). It is acknowledged that the scale and context will play a role in determining whether the area is a feature or landscape.”*

4.3. The protection of ONF's from inappropriate development throughout the Queenstown Lakes District (the District) is an obligation under section 6 (b) of the RMA.

4.4. Mt Iron is adjoined by urban residential development in the form of the LDSR zone, the Large Lot Residential A zone and the Large Lot Residential B zone all of which are delineated from the Rural zoned land by the UGB.

² Evidence in chief of Patrick Baxter, for Allenby, dated 30 November 2018. Paragraph 7

³ NZILA's definition of landscape

4.5. There are three SNAs mapped on Mt Iron, shown on the planning maps. These were established through Stage One of the District Plan review, through a robust process of identification and inclusion⁴ and determined to be significant in terms of Section 6(c) of the RMA.

Identifier	Site Name	Description/Dominant vegetation	Indigenous
E18C ⁵	SNA C	Kānuka woodland	
E18D	SNA D Sites 1 to 2	Kānuka woodland	
E18G	SNA H	Kānuka woodland	

4.6. The land which is the subject of this report is:

- a) the north-eastern portion of the Mt Iron ONF, more specifically, 705 and 965 Aubrey Road; and
- b) the western portion of the ONF which is referred to as Areas B and C (or the 'Allenby Farms Land').

4.7. Figure 1 below identifies the location of the land as well as the surrounding zoning context based upon the PDP Stage 1, 2, 3 and 3b notified District Plan GIS map (July 2020).

⁴ <https://www.qldc.govt.nz/media/mzbl34o1/pdp-s32-chapter-33-indigenous-vegetation-aug-2015.pdf> from page 12

⁵ Applicable to 965 Aubrey Road



Figure 1: Location of the areas of Mt Iron which are the subject of the subject analysis

4.8. Figure 2 below identifies the location of 705 and 965 Aubrey Road. The red line depicts the extent of the existing ONF line on the PDP maps. The blue line represents the proposed ONF line which extends to the northern boundary of 965 Aubrey Road and stops at the toe of the slope within the eastern extent of both properties.

4.9. 965 Aubrey Road and 705 Aubrey Road are neighbouring properties located on the eastern slopes of Little Mt Iron. They are largely covered in kānuka with occasional exposed schist outcrops.

4.10. 965 Aubrey Road is legally described as Lot 5 Deposited Plan 406222 and has an area of 5.2709 hectares (more or less). The owners of this property are Lester Clark and Scott Mazey. There is an existing building on the eastern portion of the site (which has an approved building platform around it), with another approved building platform and shed to the east of the site. A two lot

subdivision of the site has also been approved under resource consent RM190604. Figure 2 identifies the location of the approved building platforms on 965 Aubrey Road.

- 4.11. 705 Aubrey Road is legally described as Lot 4 Deposited Plan 471320 and has an area of 27.2126 hectares more or less. It is owned by Allenby Farms Limited. Resource consent for the identification of a building platform and construction of a house was approved in 2014 (RM130177) in the western extent of the site. This approved house has not been constructed, however there is the ability to register the building platform prior to 30 January 2024.

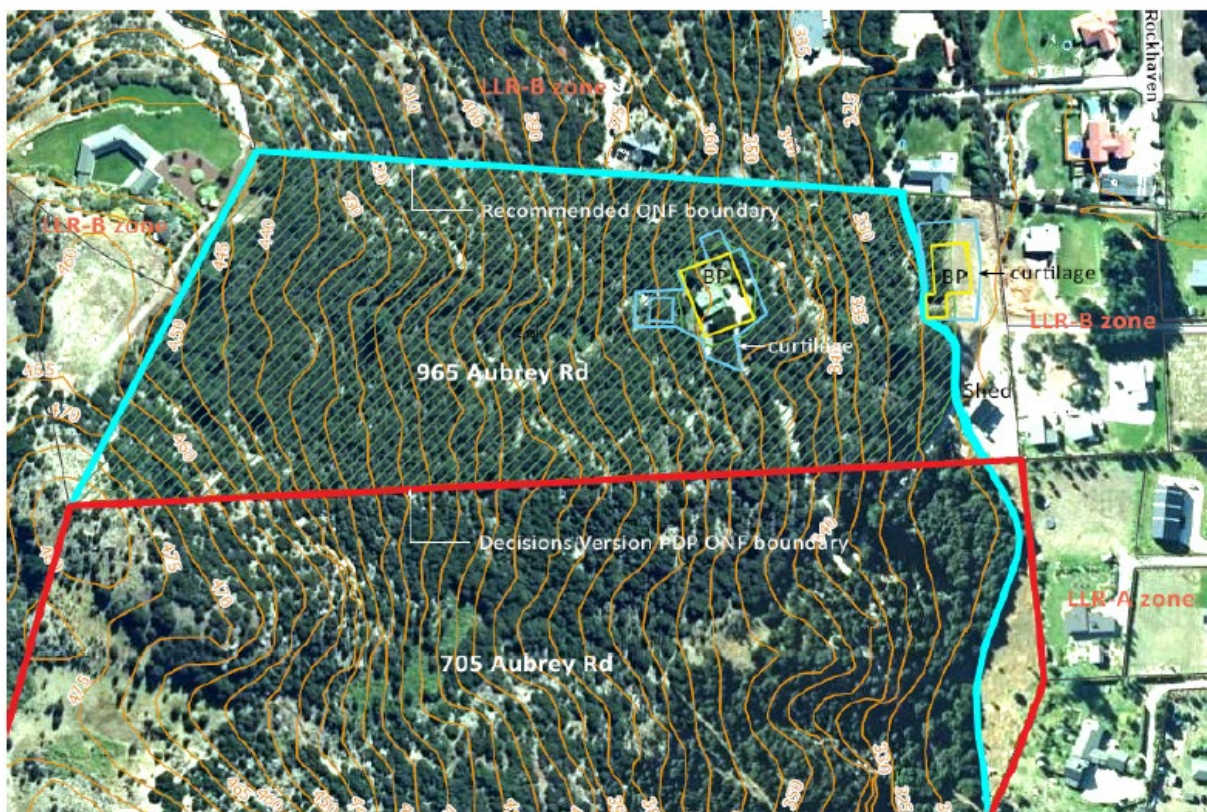


Figure 2: Location of 705 and 965 Aubrey Road and the existing ONF line (red line) and the proposed ONF boundary (blue line).

- 4.12. Figure 3 below shows the location of the Allenby Farm Land which are the subject of this report. Specifically, Areas B and C. These are currently zoned LDSR (brown coloured) and are encompassed between the ONF line (marked in blue) and the UGB line (red dashed line) to the east.



Figure 3: Location and extent of Areas B and C

4.13. Area B is legally described as Lot 2 Deposited Plan 539413 and has an area of 6,974m². This property is currently vacant. Area B is located adjacent to the eastern boundary of 1 Fastness Crescent, 94, 96, 98, 100A and 102A Rob Roy Lane. A resource consent for the subdivision of this lot into six lots has been lodged with the QLDC. This will be discussed further below.

4.14. Area C is 2,500 square metres (approximately) and is a small portion of Lot 1 Deposited Plan 539413. Area C is currently vacant and is located adjacent to the eastern boundary of the LDSR zoned properties 5, 9, 11 and 13 Fastness Crescent, 9, 11A, 13 and 15 Ansted Place and 21 Allenby Place. Area C is approximately 15m wide.

5. BACKGROUND

5.1. The protection of ONF's is a matter of national importance pursuant to s6(b) of the RMA:

6 *Matters of national importance*

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

....

(b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development*

5.2. The location of the Mt Iron ONF which was notified on the Stage 1 PDP maps was as a result of field surveys and a desktop analysis⁶ commissioned by QLDC in 2014 which included the review of many Environment Court decisions which informed the notified version of the PDP mapping in relation to the location and extent of ONF's in the District and their associated zoning. The report noted that the form of Mt Iron was an excellent example of a unique *rôuche moutonnée* landform, and is both "highly memorable and readily legible".

5.3. The notified zoning and extent of the Mt Iron ONF is shown in Figure 4 below (notified Stage 1: Map 18). Of relevance, is the Rural (yellow) zoning of 965 Aubrey Road but exclusion from the ONF via location of the ONF (red) line on the southern boundary.

⁶ Landscape Character Assessment(June 2014), prepared by Dr Marion Read for QLDC

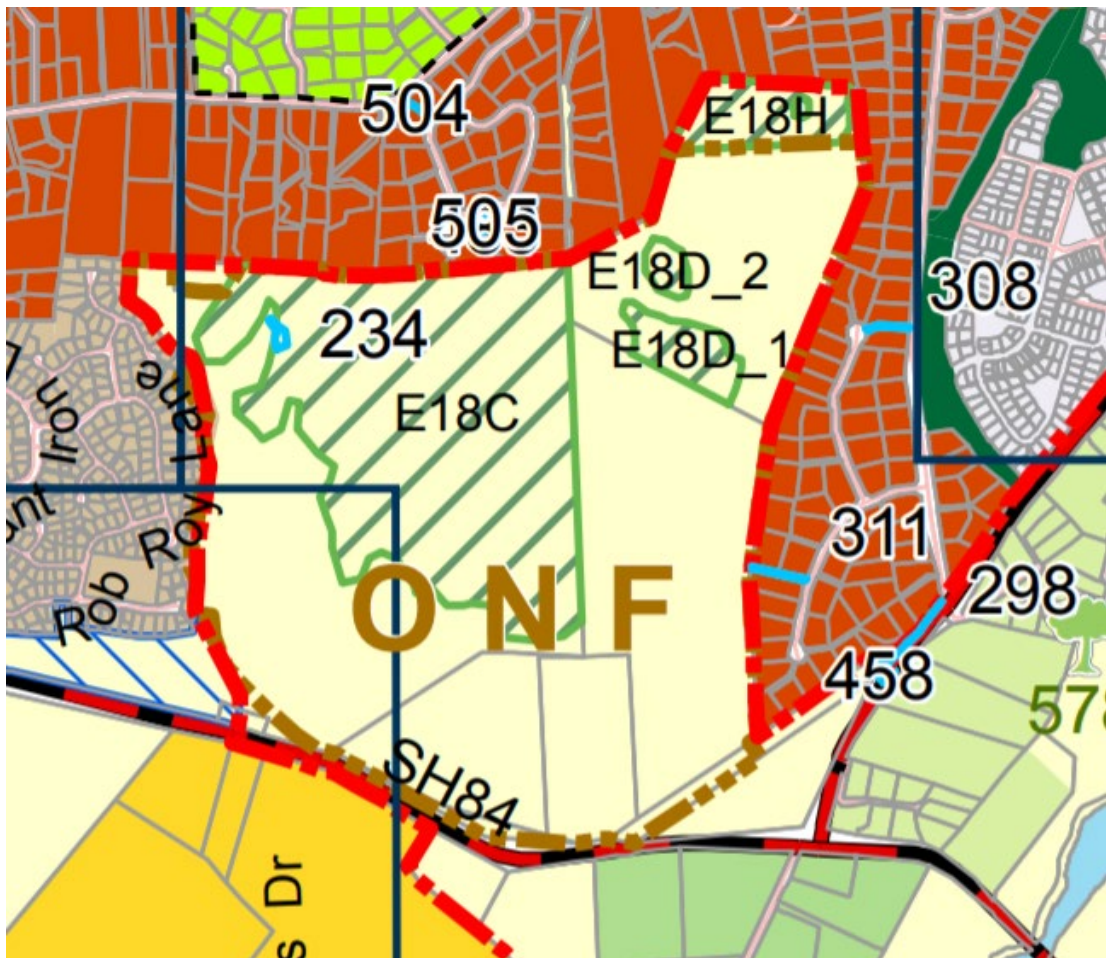


Figure 4: Notified Stage 1 Map 18 extract

5.4. Due to the scale of the above map, the location of the ONF (and UGB) line on the Allenby Farm Land is not apparent, however this is identified in Figure 5 which is an extract from notified Stage 1: Map 21. This shows a portion of LDSR zoned land (brown) located between the ONF (brown) line and outside of the UGB (red) line which is Area C.



Figure 5: Notified Stage 1 Map 21 extract

- 5.5. There were no submissions or appeals lodged in relation to the location of the ONF line in relation to 705 and 965 Aubrey Road. Both of these properties have been zoned Rural. The ONF boundary currently excludes 965 Aubrey Road and encompasses the entirety of 705 Aubrey Road. The property at 965 Aubrey Road is classified as a Rural Character Landscape (**RCL**).
- 5.6. Allenby Farms Limited lodged a submission as part of Stage 1 seeking that the above mapping be amended to *“relocate the boundary of the Mt Iron ONF to run around the foot of the cliffs and toe of the slopes where the slope generally coincides with the bottom of the indigenous vegetation...”*. This submission and the subsequent evidence was considered by the PDP Hearing Panel and QLDC notified is decision version of the above maps as follows in Figure 6:

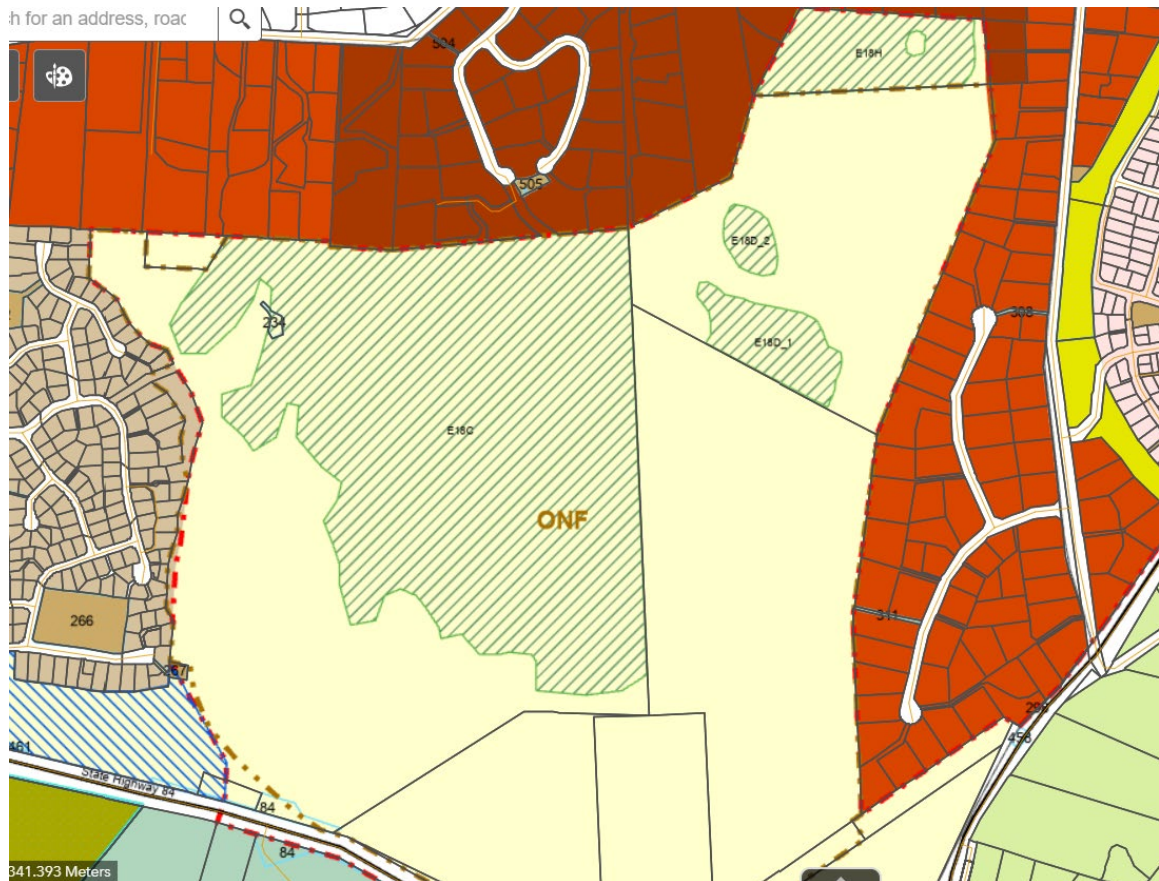


Figure 6: PDP Decisions Version Map

5.7. Allenby Farms Limited lodged an appeal in relation to the location of the ONF line in Areas B and C. The Rob Roy Residents⁷ joined this appeal as a s274 party opposing the relief sought by Allenby Farms Limited in relation to the ONF line.

5.8. These appeals were considered by the Environment Court and an interim decision released in September 2019⁸.

5.9. In this decision, the Court found the following landscape methodology to be sound⁹ in guiding the assessment of landscape significance for the purposes of s6(b):

“(a) For a landscape to rate as an ONL or ONF, three key questions need to be satisfied:

⁷ Malcolm Burgess, Sally Burgess, Ian Neale, Angie Neale, Anthony Marsh, Jacquetta Bates, Luc Waite, Katie Waite, Craig Barclay, Christine Barclay, Ross Andrews, Jeanette Andrews, Viv Eyers and Bruce Eyers

⁸ [2019] NZEnvC 160

⁹ Paragraph 40 of [2019] NZEnvC 160

- a. *Is the area a 'landscape' or 'feature'?*
- b. *Is the landscape or feature 'natural'?*
- c. *Is the natural landscape or feature 'outstanding'?*

(b) *For the purposes of a Landscape Study, the following definition of 'landscape' (endorsed by the NZILA) is usually applied by the study team:*

"Landscape is the cumulative expression of natural and cultural features, patterns and processes in a geographical area, including human perceptions and associations."

- NZILA Best Practice Note 10.1
'Landscape Assessment and Sustainable Management'

(c) *This definition points to the concept of 'landscape' embracing three broad components:*

- a. *Biophysical attributes;*
- b. *Sensory attributes; and*
- c. *Associative attributes (the 'meanings' of landscape).*

(NB: consistent with ... [pRPS] Schedule 3.)

The scope of this definition of 'landscape is in keeping with the range of attributes (commonly referred to as the WESI or modified Pigeon Bay attributes) that have been widely accepted by the Environment Court and landscape experts to provide a useful starting point in evaluating landscapes.

Put another way, it is generally accepted that a thorough assessment of a landscape in terms of these three components assists in identifying 'the extent of the landscape/feature' and answering the questions to whether it is 'natural' and 'outstanding'."

5.10. The values of the Mt Iron ONF were addressed by various landscape witnesses during the Environment Court hearing. The Court found the evidence of Ms Steven to be 'the more detailed

and thorough approach in the assessment of Mt Iron's values as an ONF'. Her descriptions of the 'key landscape values' were detailed in the Environment Court interim decision¹⁰ as follows:

"Biophysical

- *Classic, large r  che mouton  e landform (ice-sculpted schist bedrock with moraine veneer in places); an extremely well-defined landform of scientific/educational value; displays the typical gentler sloping and smoother uphill side and a steep downstream side;*
- *Extensive k  nuka woodland cover, mixed with grey shrubland in places and a few areas of short tussock grassland and cushionfield/herbfield (albeit severely degraded due to rabbit pressure);*
- *Some of the best examples of r  che mouton  e habitats within the Pisa Ecological District, with a moderate diversity of habitats and moderate species richness of birds and plants;*
- *Contains species that are threatened (Acaena rorida, Pimelea sericeovillosa) or At Risk of Declining (Discaria toumatou (Matagouri) and Carmichaelia petriei (desert broom);*
- *The mountain provides habitat for Brown Creeper, a small passerine bird and therefore also supports NZ Falcon populations, a Threatened-Nationally Vulnerable species, and native lizards. Indigenous fauna are protected.*
- *The site is relatively large and compact and thus is conducive to ecological values being self-sustained and is an important component of a network of sites in the vicinity of the Upper Clutha River that support indigenous scrub and shrubland habitat;*
- *Comprosmia scrub and shrubland on the shady south-facing slopes of the site have excellent potential for ecological restoration into indigenous forest;*
- *Overall, the site does support significant indigenous vegetation and significant habitats of indigenous fauna. A key attribute of the site is the gradient of indigenous woody vegetation from relatively moist shady habitat on south-facing slopes to dry sunny habitat on north-facing slopes.*

Perceptual

¹⁰ Paragraph 186 [2019] NZEnvC 160

- *Highly visible, prominent and isolated distinctive landform with a high degree of legibility and strong visual contrast with surrounding landscape, imparting high aesthetic values and strong contributor to sense of place for Wanaka;*
- *Highly natural character overall with some more modified areas containing tracks, roading, buildings and structures within a kanuka/grey shrubland matrix.*
- *Early summer (December) mass kanuka flowering is a notable transient effect, reminiscent of a dusting of snow, as well as the passing effects of light and shade.*

Associative

- *Very high degree of shared values in a visual and recreational sense, supporting one of Wanaka's most heavily used walking tracks.*
- *Key feature in the every day life of Wanaka residents and widely visible from surrounding township areas; backdrop to residential areas.*
- *Key element contributing to the place of Wanaka and Albert Town.*
- *Large proportion of the mountain is proposed as Significant Natural Areas (SNAs) in the proposed District Plan.*
- *The southeast corner of the mountain is a Scenic Reserve."*

5.11. The Environment Court confirmed in its September 2019 interim decision, the location of the ONF line¹¹ in relation to Areas B and C as shown in Figure 3 above.

5.12. In its decision, the Environment Court discussed the consequential relief sought by the Rob Roy Residents that the zoning of the Areas B and C be changed and the UGB line moved to outside the ONF lined. The Court pointed out that there is nothing in the PDP preventing a residential zone from being categorised as ONL or ONF and determined that it did not have the requisite jurisdiction to make any consequential changes to the zoning or the location of the UGB. It also noted that the appropriate s32 analysis needed to be undertaken for these changes. As a result, the LDSR zoning of Areas B and C was maintained and also the location of the UGB.

5.13. In relation to the values of ONFs and ONLs, the interim decision stated that the "QLDC's administration of the ODP would be better served by the inclusion in the ODP of schedules that

¹¹ [2019] NZEnvC 160

accompany the ONF maps for Mt Iron.... and effectively identify key informing values and compatible land uses and natural hazard mitigation works”.

5.14. A further interim decision of the Environment Court¹² has reiterated the above and directed expert planner and landscape caucusing on a “Values Identification Framework” for priority areas of ONF’s and ONL’s in the PDP. This framework is to direct how the landscape values of ONF’s and ONL’s in priority areas are to be identified and described in the plan and this evaluation and scheduling will be implemented through a plan change process. Mt Iron will be part of this upcoming analysis of values and a subsequent plan change will be required to insert the schedules of these values into the PDP.

5.15. Any conclusions that come from the ‘Values Identification Framework’ process need to be factored into the evaluation of the variation. However, it is not recommended to wait for this process in relation to the proposal because:

- a. the decision of the Court in relation to the Values Identification Framework has been clear that this process won’t change established findings about the extent of areas that have been confirmed as ONF or ONL such as Mt Iron.
- b. the scheduling of values and any plan change that alters potential development rights in this area coming out of this work programme will almost certainly involve further appeals and it may take years to arrive at a point where it provides any useful findings and direction.
- c. The Court has already endorsed Ms Steven’s assessment of Mt Iron’s values as an ONF as outlined above in paragraph 5.10.

5.16. Furthermore, Allenby Farms Limited have lodged a resource consent application (RM191242) with QLDC for the subdivision of Area B into six lots ranging in size from 710m² to 1,259m² net site area. The proposed subdivision plan is in Figure 7 below:

¹² [2019] NZEnvC 205

5.17. This resource consent application has been publicly notified pursuant to Section 95A(9) of the RMA on the basis of ‘special circumstances’. Special circumstances are defined with the QLDC Section 95 report as *“circumstances that are unusual or exceptional, but may be less than extraordinary of unique. The purpose of considering special circumstances requires looking at matters that are beyond the plan itself”*.

Section 32 Evaluation variation to Mt Iron

Through the 2019 NZEnvC decision, the Environment Court confirmed the Outstanding Natural Feature on the site, notwithstanding that the Lower Density Suburban Residential zone anticipates residential development. As a result, subdivision is enabled as a controlled (ODP) and restricted discretionary (PDP) activity, which gives Council discretion over 'ecological and natural values' (Matter of Discretion 27.5.7(l)). However, Section 95A of the RMA precludes the public notification of the application, as it is a restricted discretionary activity subdivision. The Environment Court decision to impose the ONF over this land leaves Council in a difficult position as it cannot ignore the actual and potential adverse effects, and the potential extent of these, of the development on the ONF.

It is noted that Mt Iron is an ONF that is accessible to and frequented often by the public as there is a heavily used public walking track up both sides of it. Mt Iron is an important Wanaka landmark, which is visible from most locations in town and recognisable to residents and visitors alike. The ONF is also of geomorphic importance, being a *roche moutonnée*. Despite the presumption the application would not be publically notified as per the provisions of the RMA, given the high level of public importance placed on this landform, it is considered that new or additional information can potentially be gained about the effects of the proposal on the ONF from publically notifying the application.

- 5.19. Consequently, the current zoning framework over Area B is creating issues of plan implementation for QLDC and for the landowner.
- 5.20. The submission period for the notified consent application ends 8 October 2020. If the processing of the application is not suspended then a decision on this application can be anticipated early 2021.
- 5.21. Given that the location of the ONF has been confirmed by the Environment Court in relation to Areas B and C, the LDSR zoning of the land requires review as the LDSR provisions do not manage the ONF resource so as to implement the landscape policies in Chapters 3 and 6 of the PDP and nor s6(b) of the RMA. There are also planning implementation issues which are arising from the zoning and ONF line location in relation to Areas B and C.
- 5.22. There are only a few urban zoned areas which are located within the mapped ONL's or ONF's in the District. These include part of Ferry Hill (zoned Open Space), part of Jacks Point and an area of Arthurs Point. The provisions associated with these zonings however include objectives and policies to manage the effects of development upon the values of the ONL or ONF. The LDSR zone does not have any similar provisions and therefore is unable to protect the ONF landscape values in accordance with s6(b) of the Act or the provisions, the landscape provisions in the pRPS and Chapters 3 and 6 of the PDP.

6. PROPOSAL

6.1. This section 32 evaluation considers the following amendments which relate to the protection of the Mt Iron ONF values:

- (a) At 965 Aubrey Road (Lot 5 Deposited Plan 406222) move the ONF landscape boundary from the southern boundary of the property to the northern boundary, and to adjust it on the eastern boundary so to correspond with the change in landform from the toe of the mountain slope and the alluvial terrace. This change is shown in Figure 2 above.
- (b) At 705 Aubrey Road (Lot 4 Deposited Plan 471320) adjust the ONF landscape boundary on the eastern boundary so to correspond with the change in landform from the toe of the mountain slope and the alluvial terrace. This change is also shown in Figure 2 above.
- (c) Rezone two portions of land described as Area B and Area C on the northwest side of the Mount Iron ONF from LDSR Zone to Rural Zone and realign the UGB so that it is located outside of the ONF line on the northwest side of the Mount Iron ONF where it intersects with Areas B and C.

6.2. A landscape assessment has been completed by Helen Mellsop, Landscape Architect for this section 32 in relation to the appropriate located of the ONF line in relation to 965 Aubrey Road and 705 Aubrey Road. Her recommended ONF location is identified in **Appendix 2** and Figure 2 above. She notes in paragraph 11 that “the change in landform between the mountain toe slopes and the alluvial terrace is the appropriate and defensible boundary of the feature.” No amendments to the zoning, the SNA or the UGB of 965 and 705 Aubrey Road are recommended.

6.3. The findings of the Environment Court in interim decision 2.1¹³ are relied upon in relation to the landscape values of the Mt Iron ONF.

7. STRUCTURE OF THE REPORT

7.1. This report provides an analysis of the policy response proposed by the variation as required by s32 of the RMA, using the following sections:

- a) **Consultation** undertaken, including engagement with iwi authorities on the proposal.
- b) An overview of the applicable **Statutory Policy Context**.

¹³ [2019] EnvC 160

- c) A description of the **Resource Management Issue** being addressed by the proposal.
- d) An assessment of the **scale and significance** of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.
- e) An **Evaluation** against s32 of the RMA, including
 - Whether the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (Section 32(1)(a)).
 - Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives of the proposal (Section 32(1)(b)), including:
 - (i) identifying other reasonably practicable options for achieving the objectives
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives, including consideration of risk of acting or not acting, and
 - (iii) summarising the reasons for deciding on the provisions.

8. CONSULTATION

- 8.1. The proposed variation is considered to be discrete and the proposed changes are considered to directly affect only a small number of properties.
- 8.2. Specific land owner consultation has been undertaken with the owners of 965 Aubrey Road, whereby the landowners were shown a copy of the Mellsop Landscape Report and have agreed to the proposed mapping amendments as they relate to their property.
- 8.3. The owners of 705 Aubrey Road (Allenby Farms Limited) have not yet been consulted, however the movement of the ONF line on this property will better reflect the characteristics of the landform. These landowners will be consulted prior to notification (if the variation is approved for notification).
- 8.4. Areas B and C are both owned by Allenby Farms Limited. As detailed above, they were appellants to the aforementioned Environment Court appeal and have submitted the resource consent for the subdivision of Area B. Allenby Farms Limited have been advised the Council are considering preparing a variation to rezone Areas B and C from LDSR to Rural zone. A representative of Allenby Farms has raised initial concerns in relation to the proposed variation in the QLDC not awaiting the outcomes of the 'Values Identification Framework' and considers that such a variation occurring at this time would be out of sequence. The reasons for not awaiting the

outcomes of this work are addressed in paragraphs 5.15-5.19 above. Further consultation can be undertaken prior to a decision on notification with Allenby Farms.

8.5. The 'Rob Roy Residents Group', a group made up of residents¹⁴ in Rob Roy Lane to the west of Areas B and C joined the Allenby Farms Limited appeal as a s274 party and participated in the Environment Court hearing. They are therefore considered to be an interested party and will be consulted prior to notification (if approved).

8.6. The zoning and mapping notations for this area were not submitted on by iwi representatives in Stage 1 of the review. The area is not encompassed within a Wāhi Tūpuna overlay. Notwithstanding, consultation with iwi will occur prior to public consultation.

9. STATUTORY POLICY CONTEXT

The Resource Management Act

9.1. The relevant requirements of the RMA include:

- (a) Section 5, which sets out the purpose of the Act to *promote the sustainable management of natural and physical resources*;
- (b) Section 6, which sets out the matters of national importance to be recognised and provided for through the Act, including
 - (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development*
 - (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*;
- (c) Section 7, which sets out other matters of particular regard, and for this variation of particular note:
 - (a) *kaitiakitanga*,
 - (aa) *the ethic of stewardship*,
 - (f) *maintenance and enhancement of the quality of the environment*
 - (g) *any finite characteristics of natural and physical resources*

¹⁴ Malcolm Burgess, Sally Burgess, Ian Neale, Angie Neale, Anthony Marsh, Jacquetta Bates, Luc Waite, Katie Waite, Craig Barclay, Christine Barclay, Ross Andrews, Jeanette Andrews, Viv Evers and Bruce Evers

The Local Government Act 2002

9.2. The applicable requirements of the Local Government Act 2002 include:

- (a) Section 14, which sets out the principles relating to location authorities, and in particular (h)(ii) which states: *in taking a sustainable development approach, a local authority should take into account— the need to maintain and enhance the quality of the environment;*

Iwi Management Plans

9.3. There are two iwi management plans that apply in the District, and they have been given appropriate regard in the preparation of this evaluation:

- *The Cry of the People, Te Tangi a Tauria*: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008, and
- *Kāi Tahu ki Otago* Natural Resource Management Plan 2005.

The Draft National Policy Statement for Indigenous Biodiversity

9.4. The draft National Policy Statement on Indigenous Biodiversity (draft NPS IB) sets out requirements to manage natural and physical resources to maintain indigenous biodiversity under the Act. The draft NPS IB was notified in November 2019 and consultation closed on 14 March 2020. Appropriate regard has been given to the draft NPS IB in the formation of this variation.

9.5. Of particular relevance for this section 32, Section 3.6 of the draft NPS IB states:

Local authorities must adopt a precautionary approach toward proposed activities where –

- a) *the effects on indigenous biodiversity are uncertain, unknown or little understood; but*
- b) *those effects are potentially significantly adverse.*

The National Policy Statement for Urban Development Capacity and the National Policy Statement for Urban Development

9.6. The National Policy Statement for Urban Development Capacity 2016 (NPS UDC) and the proposed National Policy Statement for Urban Development (NPS UD) require councils to provide sufficient development capacity to provide for urban growth over time.

9.7. Under the NPS UDC the District is considered a high growth location, and as such is required to have regard to all of its objectives and policies. Relevant objectives and policies are:

- (a) OA1: *Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing.*
- (b) OC2: *Local authorities adapt and respond to evidence about urban development, market activity and the social, economic, cultural and environmental wellbeing of people and communities and future generations, in a timely way.*

9.8. Relevant policies under the NPS UDC require local authorities to monitor capacity against targets relative regularly, and enable further capacity where practicable:

- (a) PC4: *A local authority shall consider all practicable options available to it to provide sufficient development capacity and enable development to meet demand in the short, medium and long term, including: a) Changes to plans and regional policy statements, including to the zoning, objectives, policies, rules and overlays that apply in both existing urban environments and greenfield areas;*

9.9. The NPS UDC seeks to ensure that capacities for growth are appropriate over time, and requires high growth councils to monitor their feasibly zoned capacity. In response the QLDC prepared the QLDC 2018 Housing and Business Capacity Assessment (HBCA). The HBCA measured dwelling demand and capacity for current and future scenarios. The HBCA found that while overall housing capacity in the district is adequate, there is an undersupply of ‘affordable’ housing of approximately 5,200 dwellings, and an oversupply of more expensive dwellings¹⁵.

9.10. In June 2020, evidence for Stage 3 of the PDP was provided by economic expert Ms Natalie Hampson, who stated that the Council is adequately addressing capacities throughout the district, including the Upper Clutha, through the PDP process¹⁶. Her evidence found that the notified Settlement zones in the Upper Clutha (Albert Town and Hāwea) will increase the greenfield and infill capacity of the areas combined by 104%. The capacity is also anticipated to provide a range of densities and sizes, therefore contributing not only to overall supply, but also a variety of housing typologies.

¹⁵ <https://www.qldc.govt.nz/media/g1el5203/housing-capacity-assessment-2017.pdf> Summary

¹⁶ Ms Hampson economic evidence Settlement Zone s32 – Appendix 4: <https://www.qldc.govt.nz/media/k2enpmes/pdp-s32-chapter-20-townships-appendix-4.pdf> (pg 15)

9.11. The loss of plan-enabled capacity for the LDSRZ Allenby Farm Land within the UGB is estimated at six lots based upon the subdivision consent RM191242 which has been lodged with QLDC. However, based upon the LDSRZ minimum lot size of 450m², some of these lots may be multi-unit capable, depending upon availability of servicing and there being no encumbrances limiting the number of residential units constructed on each lot.

9.12. Overall, as the overall supply of housing in the district or the Upper Clutha has not been found to be lacking, this quantum of dwellings affected by the proposal is unlikely to impact overall housing capacity. This is considered further section 11 of this report.

Otago Regional Policy Statements – Operative and Proposed

9.13. The relevant provisions of the proposed and partially operative Otago Regional Policy Statements have been considered in the preparation of this proposal. The primary statutory framework relevant to this section 32 is in the PDP.

Proposed District Plan (PDP)

9.14. The following chapters of the PDP are relevant and have been given due regard in the identification of resource management issues and evaluation.

- (a) Strategic Directions – Chapter 3, which seeks to provide an overarching framework for the direction of the sustainable management of the District's resources.
- (b) Urban Development - Chapter 4, which seeks to provide a framework for a managed approach to urban development that utilises land and resources in an efficient manner, and preserves and enhances natural amenity values.
- (c) Landscapes and Rural Character - Chapter 6, which seeks to manage actual and potential adverse effects of use and development on the District's landscape values.
- (d) Lower Density Suburban Residential Zone – Chapter 7, which seeks to provide zoning within urban growth boundaries that provides for traditional and modern suburban densities.
- (e) Rural Zone – Chapter 21, which seeks to enable activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity.

- (f) Subdivision and Development – Chapter 27, which supports the creation of new housing and land use opportunities through subdivision and the resultant development.
- (g) Indigenous Biodiversity Chapter 33, which seeks to protect, maintain or enhance indigenous vegetation.

9.15. The relevant objectives and policies by chapter of the PDP are laid out below.

Chapter 3 – Strategic Direction (Topic 2 Interim Decision version, July 2020)	
Strategic Purpose 3.1, issue 2	Strategic Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding natural features and outstanding natural landscapes.
Strategic Purpose 3.1, issue 4	Some resources of the District's natural environment, particularly its outstanding natural features and outstanding natural landscapes and their landscape values, require effective identification and protection in their own right as well as for their significant contribution to the District's economy.
3.2.5.x	The District's Outstanding Natural Features and Outstanding Natural Landscapes and their landscape values and landscape capacity are identified.
3.2.5.xx	Within the Rural Zone, new subdivision, use and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless: <ul style="list-style-type: none"> a. where the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are specified in Schedule 21.22, those values are protected; b. where the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are not specified in Schedule 21.22, the values identified according to SP [x.x.x.y] [the intended new SP on assessment methodology] are protected.
3.3.30	Protect the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes.
3.3.30x	Avoid adverse effects on the landscape values of the District's Outstanding Natural Features and Outstanding Natural Landscapes from residential subdivision, use and development where there is little capacity to absorb change.

Chapter 4 – Urban Development (Consent Order version¹⁷)	
4.2.1	Urban Growth Boundaries used as a tool to manage the growth of urban areas within distinct and defensible urban edges.

¹⁷ Issued 20 August 2020

4.2.1.2	Focus urban development primarily on land within and adjacent to the existing larger urban areas and, to a lesser extent, within and adjacent to smaller urban areas, towns and rural settlements.
4.2.1.3	Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing towns and rural settlements, urban development is avoided outside of those boundaries.
4.2.1.4	Ensure Urban Growth Boundaries encompass, at a minimum, a sufficient, feasible development capacity and urban development opportunities consistent with: c. the constraints on of development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth.
4.2.1.5	When locating Urban Growth Boundaries or extending towns and rural urban settlements through plan changes, protect the values of Outstanding Natural Features and Outstanding Natural Landscapes.
4.2.2 B	Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features, and areas supporting significant indigenous flora and fauna.

Chapter 6 - Landscapes and Rural Character (Appeals version July 2020)

6.3.1.1	Classify the Rural Zoned landscapes in the District as: a. Outstanding Natural Feature (ONF); b. Outstanding Natural Landscape (ONL); c. Rural Character Landscape
6.3.3.1	Recognise that subdivision and development is inappropriate on Outstanding Natural Features and in Outstanding Natural Landscapes unless: a. landscape values are protected; and b. in the case of any subsequent subdivision or development, all buildings and other structures and all changes to landform or other physical changes to the appearance of land will be reasonably difficult to see from beyond the boundary of the site in question.
6.3.3.2	Ensure that the protection of Outstanding Natural Features and Outstanding Natural Landscapes includes recognition of any values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua, including tōpuni and wahi tūpuna.

Chapter 21 – Rural Zone (Decision Version)

21.2.8	Subdivision, use and development in areas that are unsuitable due to identified constraints not addressed by other provisions of this Plan, is avoided, or the effects of those constraints are remedied or mitigated.
--------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Chapter 27 – Subdivision and Development (Decision Version)	
27.2.4	Natural features, indigenous biodiversity and heritage values are identified, incorporated and enhanced within subdivision design.
27.2.4.4	Encourage initiatives to protect and enhance landscape, vegetation and indigenous biodiversity by having regard to: <ul style="list-style-type: none"> a. Whether any landscape features or vegetation are of sufficient value that they should be retained and the proposed means of protection.

Chapter 33 – Indigenous Vegetation Biodiversity (Consent Order¹⁸)	
33.2.1.6	Manage the adverse effects of activities on indigenous biodiversity by: <ul style="list-style-type: none"> a. avoiding adverse effects as far as practicable;
33.2.2.1	Protect and enhance indigenous vegetation within scheduled Significant Natural Areas, and those other areas that meet the criteria in Policy 33.2.1.8, by ensuring: <ul style="list-style-type: none"> a. indigenous biodiversity values that contribute to its significance are not reduced; and b. significant adverse effects on other values of the area or habitat are avoided.
33.2.2.4	Recognise and encourage opportunities to protect and enhance the values of Significant Natural Areas.
33.2.2.5	Recognise the benefits of enabling access to Significant Natural Areas while maintaining, protecting or enhancing the values that contribute to their significance.

Case law

9.16. Of particular relevance for this section 32 in relation to the Allenby Farm Land is the findings of the Court in *Man O'War Station Limited v Auckland Council* [2017] NZCA 24 which determined that once a classification of ONL is established, planning controls should then support this classification (and by implication, that it is not correct to determine whether a landscape is ONL based on its planning framework).

¹⁸ 25 March 2020

9.17. As outlined above, the Environment Court has determined the location of the ONF boundary in relation to Areas B and C. Consequently, following the case law above, the planning controls (zoning and associated provisions) associated with Areas B and C should support this ONF classification.

10. RESOURCE MANAGEMENT ISSUE

10.1. The key resource management issue being addressed in this section 32 evaluation is the protection of ONFs from inappropriate subdivision, use and development as required in Section 6(b) of the RMA.

10.2. In the PDP this is addressed through the Strategic Direction objectives and policies that relate to landscapes and the mapping of an area of land located on the ONF. Policy 6.3.3.1 states:

“Recognise that subdivision and development is inappropriate on Outstanding Natural Features and in Outstanding Natural Landscapes unless:

- a. landscape values are protected; and*
- b. in the case of any subsequent subdivision or development, all buildings and other structures and all changes to landform or other physical changes to the appearance of land will be reasonably difficult to see from beyond the boundary of the site in question.”*

10.3. The issues can be described as follows:

- (a) The appropriate extent of the ONF classification for Mt Iron**
- (b) The most appropriate zoning of the Mt Iron ONF**

10.4. The delineation of the extent of the ONF in the planning maps is the key method of protecting the nature and extent of a given landscape feature, this is considered in the PDP strategic purpose 3.1, issue 4 which states:

Some resources of the District’s natural environment, particularly its outstanding natural features and outstanding natural landscapes and their landscape values, require effective identification and protection in their own right as well as for their significant contribution to the District’s economy.

10.5. The PDP uses zoning for land use and management of activities and is a fundamental method to achieve the strategic directions sought.

10.6. As outlined above, the Environment Court has determined the location of the ONF line in relation to Areas B and C. The LDSR zoning of Areas B and C (and consequential location of the UGB) however does not align with s6(b) in the '*protection of outstanding natural features... from inappropriate subdivision, use, and development*' or Policy 6.3.3.1 above.

10.7. In relation to 705 and 965 Aubrey Road, the landscape expert evidence in **Appendix 2** recommends amendment to the ONF boundary on these properties. The amendment to the ONF boundary would give effect to s6(b) and also Policy 6.3.1 which states:

Classify the Rural Zoned landscapes in the District as:

- a. *Outstanding Natural Feature (ONF);*
- b. *Outstanding Natural Landscape (ONL);*
- c. *Rural Character Landscape*

11. SCALE AND SIGNIFICANCE EVALUATION

11.1. The level of detailed analysis in this evaluation is **moderate to high**, to reflect the scale and significance of the effects of the proposed mapping variations. The proposed amendments apply to four properties and the owners and occupiers of approximately twenty five existing residential properties in the immediate vicinity are considered to be potentially affected by the proposal.

11.2. In addition to the above, the purpose of the RMA clearly identifies the protection of outstanding natural features from inappropriate subdivision, use, and development as a matter of national importance. The role of Mt Iron as a notable and cherished feature of the Wānaka environment is an important consideration. A number of views from adjoining neighbours toward Mt Iron and from the popular trail routes on Mt Iron are likely to be adversely affected by potential development within Areas B and C. Potential adverse effects on the appreciation of the ONF from wider afield are also important in relation to both Areas B and C as well as of 705 and 965 Aubrey Road.

12. EVALUATION OF OPTIONS

- 12.1 Section 32(1)(a) requires an examination of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act. This variation does not propose any new objectives or changes to existing objectives.

13. EVALUATION OF THE PROPOSED METHOD

- 13.1. Section 32(1)(b) of the Act requires an assessment of whether the proposed method is the most appropriate way to achieve the objective or purpose of the proposal. This assessment must:

- (a) identify other reasonably practicable options for achieving the objectives (S32(1)(b));
- (b) assess the efficiency and effectiveness of the provisions in achieving the objectives (S32(1)(b)(ii)), including consideration of the benefits and costs of the environmental, economic, social and cultural effects anticipated from the implementation of the provisions (S32(2)(a)), including opportunities for (i) economic growth that are anticipated to be provided or reduced, and (ii) employment that are anticipated to be provided or reduced, and if practicable quantify the benefits and costs (S32(2)(b)), and assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (S32(2)(c)); and
- (c) summarise the reasons for deciding on the provisions (S32(1)(b)(iii)),

- 13.2. Section 32(3) requires that if the proposal is an amending proposal that will amend a plan that is already proposed, the examination under subsection (1)(b) must relate to:

- (a) the provisions and objectives of the amending proposal; and
- (b) the objectives of the existing proposal to the extent that those objectives—
 - (i) are relevant to the objectives of the amending proposal; and
 - (ii) would remain if the amending proposal were to take effect.

Reasonably practicable options

- 13.3. The broad options to address the resource management issue identified are:

Option 1 - Status quo – no change to UGB, ONF or zoning of any of the subject properties

Option 2 – At the Allenby Farms Land, change the zoning to Rural and align the UGB with the ONF as shown in figure 2, and make no changes to the location of the ONF line at 705 and 965 Aubrey Road (one or both).

Option 3 – Make no changes to the LDSR zoning or location of the UGB on the Allenby Farms Land, and amend the ONF at 705 and 965 Aubrey Road properties (one or both) as shown in figure 3.

Option 4 - Amend the zoning and the UGB location at the Allenby Farms Land and alter the ONF line on 705 and 965 Aubrey Road as shown in figures 2 and 3.

Option 5 – Create a LDSR subzone for Areas B and C of the Allenby Farms Land and alter the ONF line on 705 and 965 Aubrey Road as shown in figure 3.

Option 6 – Wait to undertake the variation until after the Values Identification Framework work is completed for Mt Iron.

Option	Most appropriate way to achieve the purpose of the proposal?
1. Status quo – no change to UGB, ONF or zoning at the subject properties	<p>The location of the ONF line of Areas B and C adjacent to Mt Iron has been confirmed by the Environment Court. This confirmation needs to be followed by consideration of the appropriate planning provisions in light of that key finding.</p> <p>Section 6(b) of the RMA requires protection of ONF's from inappropriate subdivision, use and development.</p> <p>The relevant objectives and policies in Chapter 3 - Strategic Directions and Chapter 6 – Landscapes and Rural, in particular Strategic Objectives 3.2.5.x, 3.2.5.xx¹⁹ and Policies 6.3.1.1 and 6.3.3.2²⁰ clearly indicate that protection of ONF's from the effects of inappropriate subdivision and development is sought.</p> <p>The LDSR zone has a purpose, objectives and rules package which enables and promotes urban development without consideration of the potential effects upon the ONF. Retaining this zoning over Areas B and C will create a conflict with the strategic direction of the PDP and s6(b) of the RMA in protecting ONF's from inappropriate subdivision and development. The status quo would not implement Policy 4.2.1.5.</p> <p>The status quo would provide development opportunities to the owners of Areas B and C, which if realised, would accrue significant economic benefits to the landowners. Retention of the status quo would also continue the uncertainty in plan implementation which is currently occurring with the public notification of the subdivision application for Area B based on special circumstances.</p>

¹⁹Chapter 3 Strategic Direction appeals version July 2020

²⁰Chapter 6 Landscapes and rural character appeals version July 2020

	<p>The status quo for Areas B and C would also fail to give effect to PDP Chapter 4 Urban Development and Chapter 6 Landscape and Rural Character, which seek clarity about the protection of ONLs and ONFs and for enabling development opportunities in particular situations. This is exemplified in 4.2.1 which seeks distinct and defensible urban edges. It would also run counter to <i>Man of War</i>.</p> <p>The retention of the existing ONF line location in relation to 965 Aubrey Road would not be in accordance with s6(b) of the Act and would not be consistent with Policy 6.3.1. This would result in any future applications for subdivision and development of the land being assessed against objectives, policies and assessment matters which do not take into account the location of the land within an ONF and consequently, may lead to inappropriate subdivision and development.</p> <p>The retention of the existing ONF line on 705 Aubrey Road classifies a greater area of the site as being within the ONF than is required according to the landscape expert's assessment in Figure 2. This would result in any subdivision or development of that portion of land being subject to objectives, policies and assessment matters which relate to the protection of an ONF, whereas the land is at the base of the ONF. This would lead to potential plan implementation issues as additional cost and expense for the landowner.</p> <p>This option would place the overall legibility of the ONF at risk and could lead to adverse effects on the protected Mt Iron landscape.</p> <p>For the above reasons, retaining the status quo would not achieve the purpose of the Act and would be contrary to the overall strategy for resource management set out in the PDP.</p>
<p>2. At the Allenby Farms Land, change the zoning to Rural and align the UGB with the ONF as shown in figure 2, and make no changes to the location of the ONF line at 705 and 965 Aubrey Road (one or both)</p>	<p>This option would involve rezoning Areas A and B from LDSR land to Rural and relocating the UGB to the outside of the ONF line. This would deliver the outcomes sought through s6(b) of the RMA and Chapters 3 and 6 of the PDP through protection of the Mt Iron ONF.</p> <p>The rezoning of the land as proposed however would remove the current development potential afforded under the PDP. The permitted density for development in the zone is one residential unit per 450m² and a resource consent for subdivision of Area B into six lots has already been received, with some of the lots being multi-unit capable.</p> <p>If Areas B and C are rezoned Rural, there is no prescribed minimum lot size, subdivision is a discretionary activity and an application for subdivision and development will be assessed against the objectives, policies and assessment</p>

	<p>matters for ONFs. These include provisions which state <i>“that subdivision and development is inappropriate in almost all locations in Outstanding Natural Features²¹”</i> and <i>“where buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site the subject of application²²”</i>.</p> <p>Consequently, subdivision and development of Areas B and C would be significantly more difficult under the Rural zoning than under the LDSR zoning. For this, s85(2) of the RMA is of relevance:</p> <p><i>“... Any person having an interest in land to which any provision or proposed provision of a plan or proposed plan applies, and who considers that the provision or proposed provision would render that interest in land incapable of reasonable use, may challenge that provision or proposed provision on those grounds –</i></p> <ul style="list-style-type: none"> <i>(a) In a submission made under Schedule 1 in respect of a proposed plan or change to a plan; or</i> <i>(b) In an application to change a plan made under clause 21 of Schedule 1.”</i> <p>Where an application or appeal is made to the Environment Court under s85 and the Court finds that the proposed plan (a) makes any land incapable of reasonable use; and (b) places an unfair and unreasonable burden on any person who has an interest in the land (s85(3B)) then the Court may under s85(3A)(a) direct the local authority to do one of the following (summarised):</p> <ul style="list-style-type: none"> (i) Modify, delete, or replace the provision in the plan or proposed plan; (ii) Acquire the affected land under the Public Works Act 1981. <p>If the current subdivision application is approved (and given effect to) and the land is rezoned to Rural, the future landowners will need to apply for discretionary activity resource consents to construct a residential unit on each of the lots. Furthermore, due to the size of the lots, the PDP setbacks from internal boundaries are unlikely to be met and affected party approval from neighbours may be required. Furthermore, the assessment of the applications will be in relation to the objectives, policies and assessment matters in relation to development within an ONF which as detailed above. These consent applications may be publicly notified and the preparation of the applications and processing costs are anticipated to be significant (approximately \$50 – 70k if notified). Again, s85 may be applicable.</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

²¹ Policy 6.3.12

²² Policy 21.21.1.1

	<p>The loss of Areas B and C for urban development will not adversely impact upon the QLDC's ability to comply with the NPS-UDC as detailed above in Section 9.</p> <p>The values of the Mt Iron ONF however are of national importance under s6(b) of the Act.</p> <p>This option also involves retaining the status quo for 705 and 965 Aubrey Road. The consequences of this option have been detailed in Option 1 above.</p> <p>Overall, this option would go some way to achieve the strategic objectives protecting the ONF in relation to the Allenby Farms Land, but not amending ONF boundary in relation to 705 and 965 Aubrey Road would result in the status quo outcomes listed above in relation to those two properties and would not be aligned with s6(b) of the Act in relation to 965 Aubrey Road.</p>
<p>3. Make no changes to the LDSR zoning or location of the UGB on the Allenby Farms Land, and amend the ONF at 705 and 965 Aubrey Road properties (one or both) as shown in figure 3</p>	<p>This option would involve retaining the UGB line and LDSR zoning on the Allenby Farm Land. This option would lead to plan implementation issues as is currently the case for the subdivision consent which has been lodged for Area B. Furthermore it would not align with s6(b) of the Act or the strategic objectives and policies in Chapters 3 and 6 of the PDP as outlined above in Option 1. This option would not implement Policy 4.2.1.5.</p> <p>Amendment of the ONF line on 705 Aubrey Road as recommended by the landscape report in Figure 2 will reduce the area of the site which is within the ONF. This may provide additional opportunities for development on the portion of flat land which is proposed to be outside of the ONF, through assessment of development under the Rural Landscape Character (RLC) related objectives, policies and assessment matters which are less onerous but will still ensure development does not result in significant effects upon the adjacent Mt Iron ONF. The PDP provisions will still ensure that any future subdivision and development of 705 Aubrey Road will be consistent with s6(b) and s7(c) of the Act.</p> <p>Amendment of the ONF line to encompass the majority of 965 Aubrey Road as recommended by the landscape report in Figure 2 will mean that any future subdivision or development of the land will have to take into account the ONF related objectives, policies and assessment matters (outlined above in Option 2). These are more onerous than those prescribed for RLC's (which 965 Aubrey Road currently is by default of not being within an identified ONF or an ONL). Notwithstanding, the majority of the subject site is identified in the PDP as a Significant Natural Area (SNA) in which consent would be required for clearance of indigenous vegetation anyway. A two lot subdivision of this site and identification of two building platforms has already been approved</p>

	<p>(RM180604), one within the proposed ONF (where there is an existing residential unit) and the other outside of the proposed ONF boundary.</p> <p>Overall, the inclusion of 965 Aubrey Road within the Mt Iron ONF will provide an appropriate and defensible boundary of the ONF and aligns with s6(b).</p> <p>Overall, similar to option 2 above, considering only one aspect of the ONF (namely the Aubrey Road Land only) is not anticipated to achieve the purpose of the Act.</p>
<p>4. Amend the zoning and the UGB location at the Allenby Farms Land and alter the ONF line on 705 and 965 Aubrey Road as shown in figures 2 and 3</p>	<p>This option would deliver the outcomes outlined in Option 2 for the Allenby Farm Land and Option 3 for 705 and 965 Aubrey Road and overall are anticipated to deliver the outcomes sought by s6(b) of the Act and PDP Chapters 3 and 6 and also be consistent with case law protecting landscapes such as <i>Man of War</i>.</p> <p>It would confirm the direction set through the Environment Court decisions, and it is anticipated to have a minor effect on the development capacities of the Upper Clutha.</p> <p>Rezoning Areas B and C will impact on the ongoing use and enjoyment of this land for urban purposes as set out in the LDSR chapter. Amending the zoning from LDSR to Rural Zone and ONF would not provide for the efficient use of the land for subdivision and development. If Area B were to be consented for subdivision under its current zoning while the variation proceeds, this will set up a mismatch between the zoning of the land and its consented use. As outlined in Option 2, a range of consents would likely be required to construct a dwelling on each lot, which could be notified and impose considerable costs. Amending the zoning from LDSR to Rural will implement Policy 4.2.1.5 and the strategic policies in Chapter 3 and the policies in Chapter 6 that protect ONFs.</p> <p>The alignment of the UGB and the ONF will provide clarity regarding the appropriate use of Areas B and C. This will be reinforced by zoning that is appropriate for the level of protection intended through the ONF (i.e. by applying the Rural Zone).</p> <p>In relation to 965 Aubrey Road and 705 Aubrey Road, the proposed ONF location is considered to be logical and defensible compared to the current location.</p> <p>The Improved implementation of planning controls will lead to the PDP better achieving section 7(f) and (g) of the RMA in terms of the maintenance and enhancement of the finite natural resources of the environment.</p>

<p>5. Create a LDSR subzone for Areas B of the Allenby Farms Land, alter the zoning of the Area C land to Rural (and move the UGB boundary) and alter the ONF line on 705 and 965 Aubrey Road as shown in figure 3</p>	<p>A LDSR subzone could be created for Area B to provide bespoke objectives, policies, rules and assessment matters in relation to development within that area.</p> <p>The purpose of the sub-zone would be to manage the effects of development within the lots upon the values of the Mt Iron ONF. These provisions could include controls in relation to building height, colours and materials, landscaping and the like. Notwithstanding, the presence of built form at the density allowed for under the LDSR zone, even with these controls, is unlikely to protect the ONF values in accordance with s6(b).</p> <p>This option would assist in plan implementation and provide more certainty and less cost for the future landowners of the subdivided lots.</p> <p>Area C is contained within a much larger Rural zoned lot and is not subject to any current resource consent application. It is also only 15m wide (approx.) and therefore not anticipated to be developable as a separate land parcel. Consequently, the outcomes for this portion of land outlined within Option 2 above would be delivered.</p> <p>This option would deliver the outcomes outlined in Option 3 in relation to 705 and 965 Aubrey Road.</p>
<p>6. Wait to undertake the variation until after the Values Identification Framework work is completed for Mt Iron</p>	<p>This option would be of no use to any person because the Values Identification Framework process directed by the Environment Court comprises the use of a best practice approach to identifying landscape values and the capacity of that landscape to absorb development. The Values Identification Framework process will inform future plan changes to introduce schedules of the landscape values and capacity of identified ONF and areas of ONLs into Chapter 21 Rural Zone. The future plan changes do not compel the Council to undertake zoning changes.</p> <p>The Environment Court in relation to the instructions to undertake the Values Identification Framework has been clear that this process won't change established findings about the extent of areas that have been confirmed as ONF or ONL such as Mt Iron. Furthermore, the Values Identification Framework work is likely to involve further appeals and it may take years to arrive at a point where it provides any useful findings and direction. Consequently, the findings in Option 1 above are applicable.</p> <p>The Court has already endorsed Ms Steven's assessment of Mt Iron's values as an ONF which are incorporated within this assessment.</p>

Having considered all of the above options, **Option 4** is preferred at this time.

Efficiency and effectiveness

The following table considers the costs, benefits, efficiency and effectiveness of the preferred option.

<p><u>Purpose of the proposal:</u> to consider the consistency of the ONF, SNA and zoning at Mt Iron ONF</p> <p><i>Preferred Option: Option 4, which will:</i></p> <ul style="list-style-type: none"> (c) <i>At 965 Aubrey Road and 705 Aubrey Road, make adjustments to the ONF line to encompass the majority of 965 Aubrey Road and alter the eastern boundary within 705 Aubrey Road.</i> (d) <i>Rezone Areas B and C on the northwest side of the ONF line from LDSR to Rural.</i> (e) <i>Realign the UGB so that it is located immediately outside of the ONF line where they intersect at Mt Iron at two points:</i> <ul style="list-style-type: none"> • <i>Area B</i> • <i>Area C</i> 		
<i>Costs</i>	<i>Benefits</i>	<i>Efficiency & Effectiveness</i>
<p>There is a possibility of the loss of development capacity for the district and the landowner.</p> <p>The current subdivision consent application for Area B is for six lots. Area B has a current capital value of \$800,000 however the average house values for the neighbourhood block adjacent to Areas B and C is \$975,000.</p> <p>Area C is encompassed within a much larger lot. As Area C is less than 15m wide over its entire length it appears to be impractical to develop in its own right. Area C therefore is not considered to have development capacity of its own. It could however be developed in conjunction with the Rural zoned</p>	<p>Consistent protection of the Mt Iron ONF, around its perimeter securing the ongoing enjoyment of an important landscape feature of the Upper Clutha and creating defensible boundaries.</p> <p>There are economic growth benefits derived from the protection of an ONF for which the District is celebrated</p> <p>Greater certainty for landowners and the community on development rights on the subject sites.</p>	<p>The proposed changes are considered to be efficient because the benefits would outweigh the costs. All resource management decisions impose potential economic losses and gains and these matters are not overriding considerations.</p> <p>The ongoing and consistent protection of one of the most significant landscape features in the greater Wānaka area is achieved through the alignment of zoning with the appropriate ONF boundary.</p> <p>Aligning the UGB and ONF lines is an effective planning approach delivering clarity for community and landowners alike on where urban development is likely to be considered appropriate or inappropriate.</p>

<p>land held within the same title, however this application would be subject to the PDP provisions relating to ONFs.</p> <p>The overall supply of housing in the district or the Upper Clutha has not been found to be lacking, this quantum of dwellings is unlikely to impact overall housing capacity²³. The average house values for the neighbourhood block immediately adjacent to Areas B and C is \$975,000, well beyond what could be considered affordable²⁴. Any housing gain in Areas B and C under the present zoning is likely to be in the mid to upper range of the housing market, a part of the market which is not considered to be undersupplied.</p> <p>As outlined above, high levels of consenting costs (\$50-70k per application if notified, more if the subject of appeal) and uncertainty could be incurred with any redevelopment of sites in Area B as a result of the rezoning of the land to Rural following subdivision (if approved).</p> <p>There is a potentially significant economic loss²⁵ for Allenby Farms Limited from the downzoning of Areas B and C. As outlined above, development</p>	<p>A clearly defined urban edge through logical and consistent alignment of the UGB and ONF lines.</p> <p>Greater consistency with the existing landscape policies and urban development policies of the PDP.</p> <p>Consistent with the purpose of the Act (s6(b)).</p>	<p>The changes will aid plan interpretation, creating more certainty.</p> <p>Overall, the proposal is considered to be the most appropriate way to achieve the purpose of the Act and the strategic provisions of the PDP.</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

²³ Ms Hampson economic evidence Settlement Zone s32 – Appendix 4: <https://www.qldc.govt.nz/media/k2enpmes/pdp-s32-chapter-20-townships-appendix-4.pdf> (pg 15)

²⁴ Based on data taken from QLDC capital value rating data

²⁵ \$5.8 million based on 6 lots at a value of \$975,000 for Area B

<p>within those areas, if zoned Rural, would be difficult.</p> <p>Section 85 of the RMA may be applicable. If proven, QLDC may be required to purchase the land via the Public Works Act.</p>		
<p>Opportunities for economic growth that are anticipated to be provided or reduced; and employment that are anticipated to be provided or reduced (S32(2)(a)(i-ii))</p>		
<p>As noted above, there is some loss of housing capacity and the associated productivity that could be yielded from development on the sites proposed to be down-zoned to Rural.</p> <p>There could be a flow on effect to Allenby Farms Limited and employment through opportunity cost. However, it is likely that Areas B and C have always been considered a less likely development opportunity given their characteristics.</p>	<p>There are economic growth benefits derived from the protection of an ONF for which the District is celebrated.</p> <p>Clearly defined edges for development at Mt Iron would ensure the ongoing protection of the economic resource the feature provides.</p>	

- 13.4. Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is considered that, in this case, the information is certain and sufficient, and there is no need to assess the risk of acting or not acting, particularly in the context of the relatively low scale and significance of the proposal.

Reasons for deciding on the mapping variations

13.5. The proposed amendments to the planning maps are considered the most appropriate to achieve ***the consistency of the ONF, UGB and zoning at Mt Iron ONF.***

- a) The amendments do not result in efficiencies for the landowners (i.e. both Allenby Farms Limited and 965 Aubrey Road) in terms of section 7(b) of the RMA. However the costs are considered to be outweighed by the direction under section 6(b) to protect ONFs from inappropriate subdivision use and development.
- b) The proposed changes give effect to the relevant Strategic Direction objectives and policies of the Proposed District Plan, in particular the protection of ONFs.
- c) They are in accordance with the functions of territorial authorities in s31 of the RMA and the sustainable management purpose of Part 2 of the RMA.

APPENDIX 1

Wānaka context



Map of Wānaka, snip taken from QLDC GIS June 2020

APPENDIX 2

Outstanding Natural Feature Boundary at 965 Aubrey Road, Helen Mellsop, 15 May 2020.



Memo

TO: Craig Barr – Principal, Resource Management Policy, QLDC

FROM: Helen Mellsop – Registered NZILA Landscape Architect

DATE: 15 May 2020

SUBJECT: Outstanding Natural Feature boundary at 965 Aubrey Road

INTRODUCTION

1. The Mount Iron *rôche moutonnée* feature in Wanaka was identified as an Outstanding Natural Feature (ONF) in the Read Landscapes Limited landscape boundaries report¹ undertaken in 2014 to inform the location of Outstanding Natural Features (ONF) and Outstanding Natural Landscapes (ONL) for inclusion in the Queenstown Lakes Proposed District Plan (PDP). The August 2015 notified PDP identified all Rural Zoned land on Mt Iron as an ONF, with the exception of the property at 965 Aubrey Road that was identified as rural landscape character, the categorisation afforded to section 7(c) amenity landscapes. No submissions were received on the Mt Iron ONF boundary at this location and the notified ONF boundary was included in the decisions on submission version of the PDP in May 2018.
2. In my evidence on submissions to the notified PDP², I noted my understanding that the property at 965 Aubrey Road had been excluded from the Mount Iron ONF as a result of a map drafting error. The text of the Read landscape boundaries report³ makes it clear that the ONF should have included all land on Mount Iron that was zoned Rural General in the Operative District Plan. This zoning included 965 Aubrey Road. Although I recommended that the ONF boundary

¹ Read Landscapes Limited. 'Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features' 2014, p14-16.

² Evidence of Helen Juliet Mellsop on behalf of QLDC - Landscape. 17 March 2017. Rezoning Hearing Stream 12 (Upper Clutha mapping), paragraph 7.75.

³ Ibid, p15.

be modified to be consistent with the text of the boundaries report, no submission had sought such a change and there was consequently no scope for the boundary relocation.

3. QLDC is now considering a variation to the PDP to address anomalies in the boundaries of the Mount Iron ONF. I have been engaged to undertake a landscape assessment of the appropriate ONF boundary in the vicinity of 965 Aubrey Road (Lot 5 Deposited Plan 406222).

LANDSCAPE ASSESSMENT

Mount iron landscape attributes and values

4. I described the landscape attributes and values of Mount Iron in my evidence on the Allenby Farms Limited appeal (ENV-2018-CHC-148-004) to the PDP⁴:

Landscape attributes

Mount Iron and Little Mount Iron (subsequently referred to together as Mount Iron) is a classic roche moutonnée – a landform created by the passage of glacier ice over bedrock. The 'upstream' side of the landform is generally smooth and eroded, while the 'downstream' side is steep, rough and craggy. It is listed in the NZ Geopreservation Inventory for the Otago region.

Much of the mountain is covered with regenerating kānuka woodland and grey shrubland and large areas of this vegetation have been identified as Significant Natural Areas. On the steep southern and eastern slopes, regenerating vegetation is protected within a DOC conservation reserve. Some open pastoral areas are present on the western side and the rocky cliffs on the southern side do not support any tall vegetation.

Mount Iron is a prominent landmark within the Upper Clutha Basin and a very popular walking destination and lookout for locals and visitors alike. A number of walking tracks criss-cross the landform, allowing access from SH84 and surrounding urban areas, and panoramic views of Lake Wanaka and the Upper Clutha Basin are available from the summit.

. . . suburban development has already extended up the gentler north-western 'upstream' side. There is also rural residential development on the steeper northern slopes, although this is visually integrated to some extent by retained kānuka forest.

Landscape values

In my view, while this urban and rural residential development has resulted in adverse effects on the natural character, visual coherence and legibility of the landform, the feature retains sufficient

⁴ Evidence of Helen Juliet Mellsoy – Landscape, paragraphs 11.2-11.7

naturalness and outstanding qualities to be classified as an ONF. In my view the key values that lead to this classification are:

- (a) **Very high biophysical values**, as a prominent and well preserved example of a typical *rôche moutonnée* and as a result of the significant areas of indigenous vegetation;*
- (b) **Very high legibility/expressiveness values**, as a consequence of the legible formative processes and exposed schist cliffs;*
- (c) **High naturalness values** despite the presence of residential development, mainly as a result of the extent of retained indigenous vegetation and the largely unmodified nature of the upper slopes;*
- (d) **Very high aesthetic values**, as a consequence of its prominence, memorability and high degree of contrast with surrounding urban areas;*
- (e) **High experiential values**, resulting from the ability to access many parts of the landform on foot; and*
- (f) **Very high shared and recognised values**, forming an important part of the identity and sense of place of Wanaka and a very popular tourist destination.*

Other values include low transient values (represented mainly by the presence of wildlife) and low values related to tranquillity and wildness (as a result of the location in an urban area and the frequency of visitors on the tracks).

5. The decision on the Allenby Farms Limited appeal included additional information on the attributes of the ONF⁵, provided in the evidence of Ms Anne Steven. I concur with her description of these attributes:

Biophysical

- classic, large *rôche moutonnée* landform (ice-sculpted schist bedrock with moraine veneer in places); an extremely well-defined landform of scientific/educational value; displays the typical gentler sloping and smoother uphill side and a steep downstream side;*
- extensive *kānuka* woodland cover, mixed with grey shrubland in places and a few areas of short tussock grassland and cushionfield/herbfield (albeit severely degraded due to rabbit pressure);*
- Some of the best examples of *rôche moutonnée* habitats within the Pisa Ecological District, with a moderate diversity of habitats and moderate species richness of birds and plants;*
- Contains species that are threatened (*Acaena rorida*, *Pimelia sericeovillosa*) or At Risk of Declining (*Discaria toumatou* (Matagouri) and *Carmichaelia petriei* (desert broom);*

⁵ Decision No. [2019] NZEnvC 160, paragraph 186.

- *The mountain provides habitat for Brown Creeper, a small passerine bird and therefore also supports NZ Falcon populations, a Threatened-Nationally Vulnerable species, and native lizards. Indigenous fauna are protected;*
- *The site is relatively large and compact and thus is conducive to ecological values being self-sustained and is an important component of a network of sites in the vicinity of the Upper Clutha River that support indigenous scrub and shrubland habitat;*
- *Coprosma scrub and shrubland on the shady south-facing slopes of the site have excellent potential for ecological restoration into indigenous forest;*
- *Overall, the site does support significant indigenous vegetation and significant habitats of indigenous fauna. A key attribute of the site is the gradient of indigenous woody vegetation from relatively moist shady habitat on the south-facing slopes to dry sunny habitat on north-facing slopes.*

Perceptual

- *Highly visible, prominent and isolated distinctive landform with a high degree of legibility and strong visual contrast with surrounding landscape, imparting high aesthetic values and strong contributor to sense of place for Wanaka;*
- *Highly natural character overall with some more modified areas containing tracks, roading, buildings and structures within a kanuka/grey shrubland matrix.*
- *Early summer (December) mass kanuka flowering is a notable transient effect, reminiscent of a dusting of snow, as well as the pass effects of light and shade.*

Associative

- *Very high degree of shared values in a visual and recreational sense, supporting one of Wanaka's most heavily used walking tracks.*
- *Key feature in everyday life of Wanaka residents and widely visible from surrounding township areas; backdrop to residential areas.*
- *Key element contributing to the place of Wanaka and Albert Town.*
- *Large proportion of the mountain is proposed as Significant Natural Areas ('SNAs') in the proposed District Plan.*
- *The southeast corner of the mountain is a Scenic Reserve.*

Attributes of 965 Aubrey Road

6. The area under consideration is located on the eastern slopes of Little Mount Iron and forms part of the steep 'downstream' side of the *rôche moutonnée* landform. The schist bedrock of the site is largely covered in *kānuka*-dominant woodland but there are numerous exposed schist outcrops and bluffs. Schist debris has formed gentler toe slopes at the base of the landform and the flatter alluvial terrace surrounding Aubrey Road makes a minor extension into the eastern part of the site. The *kānuka* woodland is relatively continuous across the site (with the

exception of the existing dwelling curtilage and the eastern extent of the property) and has been identified in the PDP as a Significant Natural Area (SNA E18H). It includes indigenous species such as kānuka, matagouri, *Coprosma* species, pohuehue and wineberry, but also has weed infestation with radiata pine, Douglas fir, briar rose and broom.

7. A large shed is located on open flat ground in the south-eastern corner of the site and there is an existing dwelling on a small terrace about one-third of the way up Little Mount Iron, accessed by a gravel driveway. Consent has been granted (RM180604) for a two-lot subdivision of the site and additional development is therefore envisaged. This includes a residential building platform and curtilage at the base of the toe slope in the north-eastern corner of the site and a building platform and curtilage for a larger replacement dwelling on the upper terrace. Removal of mature conifers and smaller wilding trees on the site and indigenous revegetation planting in the north-eastern corner are also anticipated by the consent.
8. The context of the site includes developed Large Lot Residential B (LLR-B) zone on the alluvial terrace land to the east, developed LLR-B zone on the northern slopes of Little Mount Iron to the north and west, and a large Rural-zoned site with an approved building platform to the south.
9. Topographically and ecologically the large majority of the site is continuous with the mountain slopes within the PDP ONF landscape categorisation to the south. From surrounding vantage points within Albert Town and further afield, it is perceived as an integral part of the *rôche moutonnée*. The existing dwelling (and additional consented development in this location) is visible and the built form and associated domestication detracts from the natural character and aesthetic values of this part of the feature. Removal of wilding conifers and other weeds on the site, as part of consented development, will enhance the ecological intactness and visual coherence of the mountain slopes.
10. Overall I consider that the site contributes to the attributes and values of the Mount Iron ONF described in paragraphs 4 and 5 above. It is part of the classic *rôche moutonnée* landform, it contains intact and continuous kānuka woodland cover, it is highly natural with some modified areas, and is a highly visible and legible part of the feature.
11. In terms of the appropriate boundary of the ONF on the property, my view is that the change in landform between the mountain toe slopes and the alluvial terrace is the appropriate and defensible boundary of the feature. The recommended ONF boundary is shown in **Attachment A**. The flatter alluvial terrace area, including the existing shed and the proposed Lot 2 building

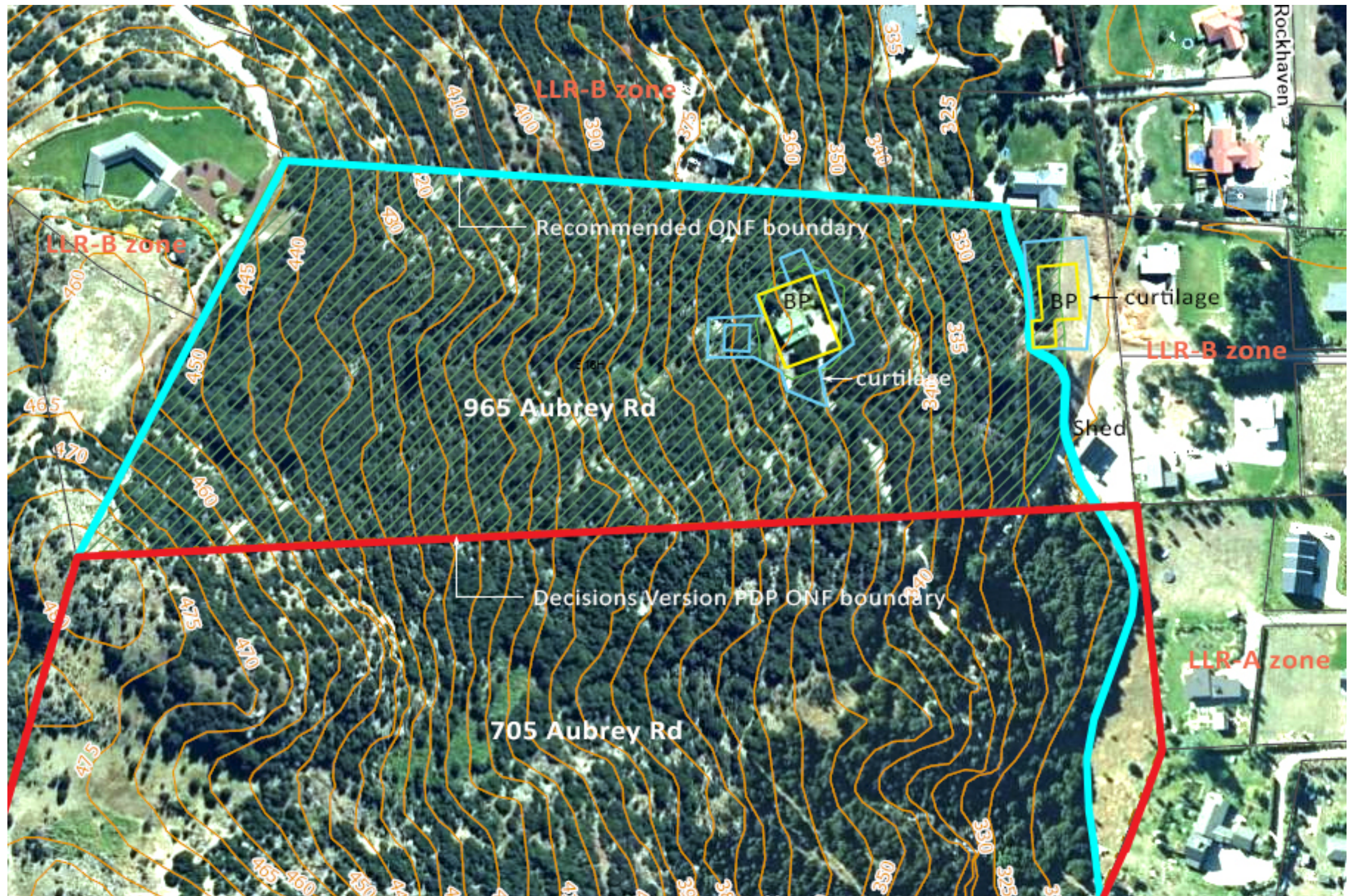
platform (which has already been excavated into the toe slopes), is outside the ONF. The recommended boundary also excludes alluvial terrace land on the adjoining property to the south – 705 Aubrey Road, Lot 4 DP 471320.

A handwritten signature in dark ink, appearing to read 'H Mellsoy', written in a cursive style.

Helen Mellsoy

BLA, BHB, Dip Hort (Distinction)

Registered NZILA Landscape Architect



Attachment A: Map of Decisions Version PDP and recommended ONF boundaries at 705 and 965 Aubrey Road (not to scale).