

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** the Queenstown Lakes Proposed District  
Plan

Submissions and Further Submissions on:

Chapter 3 – Strategic Directions

Chapter 4 – Urban Development

Chapter 6 – Landscapes

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**SECTION 32AA ASSESSMENTS BY LOUISE TAYLOR:**

**ATTACHMENT 1 - X-RAY TRUST LIMITED (356 AND 1349)**

**ATTACHMENT 2 - MATUKITUKI TRUST LIMITED (355)**

**ATTACHMENT 3 - PENINSULA BAY JOINT VENTURE (378 and 1336)**

**(18 March 2016)**

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## 1. INTRODUCTION

- 1.1 My name is Louise Taylor. I prepared evidence on behalf of submitters X-Ray Trust Limited, Matukituki Trust Limited and Peninsula Bay Joint Venture on chapters 1, 3, 4 and 6 of the Proposed District Plan. I set out my qualifications and experience in my evidence dated 26 February 2016. I re-confirm my obligations in terms of the Environment Court Practice Note dated 1 December 2014.

## 2. SECTION 32AA ASSESSMENTS

- 2.1 I confirm that as part of the preparation of my evidence for this hearing I undertook an assessment in terms of s32AA of the Resource Management Act 1991 (“the RMA”). This assessment is **attached** in three parts, one each for X-Ray Trust Limited (**Attachment 1**), Matukituki Trust Limited (**Attachment 2**) and Peninsula Bay Joint Venture (**Attachment 3**). Where these submitters submitted on the same provisions, my s32AA assessment is the same for each submitter.
- 2.2 Overall I can confirm I consider the amendments I have suggested are the most appropriate in terms of achieving the purpose of the Act or the purpose of the relevant objective.

**Louise Taylor**

**18 March 2016**

# **ATTACHMENT 1**

X-RAY TRUST LIMITED (356 AND 1349)

**X-RAY TRUST LIMITED**

**CHAPTER 6 – LANDSCAPE - AMENDMENTS AND SECTION 32AA ASSESSMENT**

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Objective 6.3.1</b></p> <p>The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.</p> <p><b>Policy 6.3.1.4</b></p> <p>That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.</p>	<p><b>Objective 6.3.1</b></p> <p><i>The District contains and values Outstanding Natural Features, and Outstanding Natural Landscapes, <del>and Rural Landscapes</del> that require protection from inappropriate subdivision and development and Rural Landscapes where the adverse effects of subdivision and development are appropriately managed.</i></p> <p><b>Policy 6.3.1.4</b></p> <p><i><del>That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.</del></i></p> <p><i><u>That subdivision and development proposals within the Rural Landscapes are located and designed in such a manner that adverse effects on landscape character and visual amenity values are avoided, remedied or mitigated.</u></i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>As notified, Objective 6.3.1 appears to apply the threshold of “protection from inappropriate subdivision and development” from s6(b) of the RMA to land proposed to be subject to the Rural Landscapes classification. Section 6(b) recognises the national importance of ONF’s and ONL’s. I note Mr Barr’s comment that “the word ‘inappropriate’ does not need to be placed in a vacuum because it is used in s6(b) of the RMA, and therefore, only for the reserve of outstanding natural features and landscapes”<sup>1</sup>. However I consider that the extension of s6(b) terminology to sites <u>not</u> within an ONF/ONL risks confusion about the correct tests to be applied in development assessment.</li> <li>The first section of Policy 6.3.1.4 relates to a procedural matter (consideration of applications against the Assessment Matters). This is superfluous because the mechanics of Chapter 21 require the assessment matters to be considered. The latter section of the policy appears to pre-judge the consistency (or lack thereof) of unknown, future development applications with the Rural Landscape classification provisions. This conflicts with the principle of merits-based development assessment.</li> <li>It is considered that the proposed amendments are the most appropriate to achieve the purpose of the Act and the Objective in that they a) recognise and provide for s6(b) matters, and b) establish a clear relationship between the objective and policy with regards to effects management in the Rural Landscape classification.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>O.6.3.1: The proposed amendments clearly distinguish between the different landscape classifications and clarify the expectations for development of land in ONFs or ONLs versus land in a Rural Landscape classification. This is consistent with the framework for ONFs and ONLs set by s6(b) of the RMA.</li> <li>P.6.3.1.4: The proposed amendments remove superfluous content and focus assessment on the management of effects. This gives effect to the amendments sought to Objective 6.3.1 regarding Rural Landscapes.</li> </ul>	<ul style="list-style-type: none"> <li>O.6.3.1: None. The amendments ensure the Objective more clearly aligns with the direction provided by s6(b) of the RMA.</li> <li>P.6.3.1.4: None. The policy is rendered more succinct and more focussed on the management of effects rather than the pre-judgement of unknown future development applications. The amended policy is not weakened as it requires adverse effects to be avoided, remedied or mitigated, which is consistent with the purpose of the RMA.</li> </ul>	<ul style="list-style-type: none"> <li>O.6.3.1: The amendments are considered to be effective and efficient as they will prevent ambiguity in relation to the correct tests to apply to land in the Rural Landscapes classification versus land in ONFs or ONLs.</li> <li>P.6.3.1.4: The amendments are considered to be effective and efficient as they delete superfluous content and focus on the management of effects.</li> </ul>

<sup>1</sup> Paragraph 9.17, Section 42A Hearing Report, Chapter 6 Landscapes.

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)				
<p><b>Policy 6.3.1.5</b></p> <p><del>Avoid</del> <u>Urban subdivision and urban development in the Rural Zones shall:</u></p> <ul style="list-style-type: none"> <li><u>Avoid degradation of the Outstanding Natural Features and Landscapes; Be located only in those parts of the Rural Landscape that have capacity to absorb change.</u></li> </ul>	<p><b>Policy 6.3.1.5</b></p> <p><del>Avoid urban subdivision and development in the Rural Zones.</del></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>			
		<ul style="list-style-type: none"> <li>Given the variety of development typologies present in the District's rural areas, the absence of a definition of the term "urban subdivision", and the possibility that the policy could be read as requiring the avoidance of all development, it appears that the use of this policy in development assessment would be open to interpretation. The policy furthermore is focussed on prohibiting a particular activity rather than managing the effects of the activity on the landscape resource. Council's s42A report notes problems with the policy and proposes a revised policy<sup>2</sup>.</li> <li>I consider the revised policy to also be ambiguous, given the qualitative drafting used ("degrade") and the retention of "urban subdivision" without accompanying explanation of the framework that would be used to differentiate "urban" subdivision from other (acceptable) forms of subdivision.</li> <li>It is considered that deleting the policy is the most appropriate way to achieve the purpose of the Objective.</li> </ul>	<p><b>Environmental, Economic, Social and Cultural Benefits</b></p> <ul style="list-style-type: none"> <li>The policy as drafted is considered to be superfluous and could generate additional compliance cost to determine its applicability.</li> </ul>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p> <ul style="list-style-type: none"> <li>None. The policy as drafted does not add any useful guidance to decision makers.</li> </ul>	<p><b>Effectiveness &amp; Efficiency</b></p> <ul style="list-style-type: none"> <li>The deletion of the policy will be effective and efficient in terms of allowing the remainder of the policy framework to appropriately manage development in a landscape context.</li> </ul>
<p><b>Policy 6.3.1.11</b></p> <p>Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.</p>	<p><b>Policy 6.3.1.11</b></p> <p>Retain as notified.</p>	<p><b>No s32AA assessment required.</b></p>			
<p><b>Objective 6.3.2</b></p> <p>Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.</p>	<p><b>Objective 6.3.2</b></p> <p><del>Avoid, remedy or mitigate adverse cumulative effects on landscape character and visual amenity values caused by incremental subdivision and development.</del></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>			
		<ul style="list-style-type: none"> <li>The RMA is not a no-effects statute. This policy as notified seeks to "Avoid adverse cumulative effects". The plain meaning of the term "avoid" in the context of this objective would be to "prohibit" or "not allow" the occurrence of cumulative adverse effects on landscape character and amenity values. This discounts the potential for development that, while having adverse cumulative effects, may be otherwise acceptable.</li> <li>It is considered that the proposed amendments are the appropriate as they provide scope for the consideration of methods to remediate or mitigate adverse effects. This more flexible approach better reflects the purpose of the RMA. Secondly, the insertion of the term "visual", does not prevent consideration of non-visual amenity values, but better reflects the siting of this objective in the Landscape chapter.</li> </ul>	<p><b>Environmental, Economic, Social and Cultural Benefits</b></p> <ul style="list-style-type: none"> <li>Beneficial in terms of flexibility to consider remediation or mitigation techniques that render development</li> </ul>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p> <ul style="list-style-type: none"> <li>The Objective is not as definitive.</li> </ul>	<p><b>Effectiveness &amp; Efficiency</b></p> <ul style="list-style-type: none"> <li>Focusses assessment on effects management and the relevant amenity values.</li> </ul>

<sup>2</sup> Paragraphs 9.70 – 9.76, Section 42A Hearing Report, Chapter 6 Landscapes.

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
		<p>acceptable while not avoiding adverse effects.</p> <ul style="list-style-type: none"> <li>• Supports merits-based assessment.</li> </ul>		<ul style="list-style-type: none"> <li>• It is efficient to provide for merits assessment of proposals, rather than essentially prohibiting proposals that may be able to adequately manage effects.</li> </ul>
<p><b>Policy 6.3.2.2</b></p> <p>Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.</p>	<p><b>Policy 6.3.2.2</b></p> <p>Allow residential subdivision and development only in locations where <u>adverse the District's landscape character and visual amenity effects are appropriately avoided, remedied or mitigated.</u> <del>would not be degraded.</del></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>• I support the amendment insofar as it seeks to avoid significant adverse effects and prompts consideration of the acceptability of other adverse effects on landscape and visual amenity values and provides for mitigation.</li> <li>• I consider the amendment is appropriate for achieving the amended objective.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>• The policy more clearly defines the acceptable threshold of effects. The term "degrade" is absolute" (any change could be seen as "degrading" the landscape, regardless of whether a proposal is otherwise acceptable). As amended, significant adverse effects are not supported.</li> <li>• The potential for rural living development in suitable locations is recognised but with the caveat that such potential is subject to consideration of landscape and visual amenity effects.</li> </ul>	<ul style="list-style-type: none"> <li>• None. The amended policy is clearer and avoids potential for inadvertent prohibition of development due to interpretation of the term "degraded".</li> <li>• The amended policy maintains the intent of the notified policy.</li> </ul>	<ul style="list-style-type: none"> <li>• The amended policy is efficient in terms of providing unambiguous guidance for the assessment of residential subdivision and development effects on landscape and visual amenity values.</li> </ul>
<p><b>Objective 6.3.5</b></p> <p>Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC).</p>	<p><b>Objective 6.3.5</b></p> <p>Ensure <u>that subdivision and development does not degrade avoids, remedies or mitigates adverse effects on landscape character and diminish visual amenity values of the Rural Landscapes (RLC).</u></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>• As notified the policy is absolute and could be interpreted as a prohibition on effects. This is due to the requirements that subdivision and development "not degrade" or "diminish" the relevant values. The amended objective better reflects the purpose of the RMA as it provides for the mitigation or remediation of adverse effects rather than requiring total avoidance of effects. Given the large areas of the District encompassed in the Rural Landscapes, a requirement for total avoidance would be impractical and inappropriate. I consider the amendments to be appropriate in terms achieving the Act.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>• Enable appropriate development in rural areas while managing effects in accordance with the purpose of the RMA.</li> </ul>	<ul style="list-style-type: none"> <li>• None. The proposed amendments clarify the policy while providing for a more flexible effects management regime.</li> </ul>	<ul style="list-style-type: none"> <li>• It would be inefficient and ineffective to apply a requirement that potentially prohibits all adverse effects on landscape character</li> </ul>

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
				<p>and visual amenity values no matter how negligible.</p> <ul style="list-style-type: none"> <li>The proposed amendment allows for the ongoing development of rural areas subject to consideration and management of adverse landscape effects.</li> </ul>
<p><b>Policy 6.3.5.1</b></p> <p>Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.</p>	<p><b>Policy 6.3.5.1</b></p> <p>Amend policy to clearly set out the measures available to manage adverse effects, however do not delete it.</p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>I consider that this policy is important to retain in terms of intent, but inappropriate in its proposed wording for similar reasons to those given in relation to Objective 6.3.5 above. I consider that to give effect to the objective and in turn to the purpose of the Act, the policy should be amended to remove ambiguous terms such as “degrade” and “diminish”, and focus on managing Rural Landscapes through the avoidance, remediation or mitigation of adverse effects.</li> <li>As worded, I do not consider the policy achieves the objective.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>Improved clarity for Plan users</li> <li>Avoid counter-productive interpretations of the policy that would require the prohibition of effects regardless of the severity of the effect.</li> </ul>	<ul style="list-style-type: none"> <li>None. As notified the subjective nature of the terms used in the policy could be interpreted to mean that any effect on landscape quality or character, or visual amenity values degrades or diminishes these values and is therefore not allowed.</li> </ul>	<ul style="list-style-type: none"> <li>It is efficient and effective to provide for merits-based assessment of the effects of development in the Rural Landscapes.</li> <li>It would not be efficient or effective to embed provisions in the Plan that could inadvertently prohibit development out-of-hand.</li> </ul>
<p><b>Policy 6.3.5.2</b></p> <p>Avoid adverse effects from subdivision and development that are:</p> <ul style="list-style-type: none"> <li>Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and</li> <li>Visible from public roads.</li> </ul>	<p><b>Policy 6.3.5.2</b></p> <p><i>Avoid, remedy, or mitigate adverse effects from subdivision and development that are:</i></p> <ul style="list-style-type: none"> <li><i>Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and</i></li> <li><i>Visible from public roads.</i></li> </ul>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>As drafted the policy is impractical, given the substantial views that are often available from public viewing points and roads. The severity of effects is not taken into account in the policy and the policy does not provide scope for management measures aside from avoidance.</li> <li>In light of the context provided by over-arching objective 6.3.5, this policy appears to confirm that any visible effects are to be regarded as a degradation or diminishment of landscape values, and would not be permissible. This reinforces my perception that Objective 6.3.5 requires amendment to better correspond with the purpose of the RMA.</li> <li>I consider the amended wording is appropriate in terms of achieving the (amended) objective.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>The flexibility to remediate or mitigate adverse effects enables measures other than avoidance to be considered.</li> <li>While some effects would be so significant as to warrant avoidance, lesser effects could be addressed through other measures. This enables holistic assessment of development</li> </ul>	<ul style="list-style-type: none"> <li>None. The proposed amendments introduce a more fit-for-purpose management regime that is more consistent with the RMA.</li> </ul>	<ul style="list-style-type: none"> <li>As notified, the policy prohibits development/subdivision that would have adverse effects that are visible from the public realm. Given the impracticality of this approach (many areas will be visible from the public realm but effects may not be so significant as to warrant avoidance if mitigation or remediation would suffice) the</li> </ul>

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
		applications that balances the positive and adverse effects of a proposal.		proposed amendments more effectively provide for merits-based assessment. They furthermore give effect to the amendments sought for the parent objective 6.3.5.
<p><b>Policy 6.3.5.3</b></p> <p>Avoid planting and screening, particularly along roads and boundaries, which would degrade openness where such openness is an important part of the landscape quality or character.</p>	<p><b>Policy 6.3.5.3</b></p> <p><i>Avoid planting and screening, particularly along roads and boundaries, which would <u>have significant adverse effects on degrade existing openness landscape character</u> <del>where such openness is an important part of the landscape quality or character.</del></i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>The ambiguous and absolute nature of the policy as notified is not supported. It appears to prevent the positive effects of planting and screening from being realised (e.g. ecological planting, forestry). It reiterates the interpretation issue regarding the term “degrade” found elsewhere in Chapter 6.</li> <li>I consider the amending wording proposed appropriately achieves the objective.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>The various benefits associated with planting and screening are not prevented from being realised.</li> <li>The scale of effects that are of concern are more clearly quantified.</li> <li>The value that is sought to be managed is more clearly defined.</li> </ul>	<ul style="list-style-type: none"> <li>Adverse effects (as opposed to “significant” adverse effects) on open landscape character may be permitted in some instances.</li> </ul>	<ul style="list-style-type: none"> <li>It is considered to be efficient and effective to enable planting and screening to be undertaken, as these activities have a range of positive effects that should be considered in conjunction with adverse effects on landscape character.</li> </ul>
<p><b>Policy 6.3.5.4</b></p> <p>Encourage any landscaping to be sustainable and consistent with the established character of the area.</p>	<p>Retain as notified</p>	<p><b>No s32AA assessment required</b></p>		



# **ATTACHMENT 2**

MATUKITUKI TRUST LIMITED (355)

**MATUKITUKI TRUST**

**CHAPTER 3 – STRATEGIC DIRECTIONS - AMENDMENTS AND SECTION 32AA ASSESSMENT**

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)									
<p><b>Objective 3.2.1.4</b></p> <p><i>Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to adverse effects on rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests are avoided, remedied or mitigated.</i></p>	<p><b>Objective 3.2.1.4</b></p> <p><i>Recognise the potential for rural areas to diversify their land use beyond the <del>strong productive value of traditional rural activities</del> including farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests.</i></p>	<p>No s32AA assessment required. I agree with s42A recommendation.</p>								
<p><b>Objective 3.2.5.1</b></p> <p><i>Protect the <del>natural character</del> quality of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development</i></p>	<p><b>Objective 3.2.5.1</b></p> <p><i>Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from <u>inappropriate</u> subdivision, use and development</i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p> <ul style="list-style-type: none"> <li>The s42A report recommends amendment of the notified drafting to replace the phrase “natural character” with the term “quality”. This does not resolve the issue that arises from the activity-focussed (as opposed to effects-focussed) nature of the drafting. As notified and subsequently amended the objective can be interpreted to require the protection of ONFs and ONLs from all subdivision, use and development. Put another way, no subdivision, use or development would be permissible within ONLs and ONFs.</li> <li>I consider the amended objective as recommended by the Matukituki Trust submission to be appropriate as it qualifies the term “protect” and gives rise to a consideration of the effects of subdivision, use and development. That is, in inserting the term “inappropriate” a determination of whether a proposal is or is not inappropriate will be required and this inherently necessitates consideration of any effects associated with the proposal.</li> <li>The recommended amendment therefore gives effect to the RMA in terms of the obligations decision makers under s6(b).</li> </ul> <table border="1" data-bbox="1190 1247 2795 1902"> <thead> <tr> <th data-bbox="1190 1247 1718 1331">Environmental, Economic, Social and Cultural Benefits</th> <th data-bbox="1724 1247 2255 1331">Environmental, Economic, Social and Cultural Costs</th> <th data-bbox="2261 1247 2795 1331">Effectiveness &amp; Efficiency</th> </tr> </thead> <tbody> <tr> <td data-bbox="1190 1335 1718 1902"> <ul style="list-style-type: none"> <li>Insertion of the term “inappropriate” means subdivision, use or development within ONLs and ONFs is not prohibited but is subject to a merits assessment. This is in line with the framework provided through s6(b) of the Act.</li> </ul> </td> <td data-bbox="1724 1335 2255 1902"> <ul style="list-style-type: none"> <li>None. The objective continues to prevent inappropriate development in accordance with the matters of national importance specified at s6(b) of the RMA.</li> </ul> </td> <td data-bbox="2261 1335 2795 1902"> <ul style="list-style-type: none"> <li>It is considered effective and efficient to enable merits-based assessment of proposals in ONFs and ONLs, given development in such areas can appropriately support the well-being of the community.</li> <li>A requirement that sterilises these areas would inefficiently and ineffectively constrain appropriate development in these areas.</li> </ul> </td> </tr> </tbody> </table>			Environmental, Economic, Social and Cultural Benefits	Environmental, Economic, Social and Cultural Costs	Effectiveness & Efficiency	<ul style="list-style-type: none"> <li>Insertion of the term “inappropriate” means subdivision, use or development within ONLs and ONFs is not prohibited but is subject to a merits assessment. This is in line with the framework provided through s6(b) of the Act.</li> </ul>	<ul style="list-style-type: none"> <li>None. The objective continues to prevent inappropriate development in accordance with the matters of national importance specified at s6(b) of the RMA.</li> </ul>	<ul style="list-style-type: none"> <li>It is considered effective and efficient to enable merits-based assessment of proposals in ONFs and ONLs, given development in such areas can appropriately support the well-being of the community.</li> <li>A requirement that sterilises these areas would inefficiently and ineffectively constrain appropriate development in these areas.</li> </ul>
Environmental, Economic, Social and Cultural Benefits	Environmental, Economic, Social and Cultural Costs	Effectiveness & Efficiency								
<ul style="list-style-type: none"> <li>Insertion of the term “inappropriate” means subdivision, use or development within ONLs and ONFs is not prohibited but is subject to a merits assessment. This is in line with the framework provided through s6(b) of the Act.</li> </ul>	<ul style="list-style-type: none"> <li>None. The objective continues to prevent inappropriate development in accordance with the matters of national importance specified at s6(b) of the RMA.</li> </ul>	<ul style="list-style-type: none"> <li>It is considered effective and efficient to enable merits-based assessment of proposals in ONFs and ONLs, given development in such areas can appropriately support the well-being of the community.</li> <li>A requirement that sterilises these areas would inefficiently and ineffectively constrain appropriate development in these areas.</li> </ul>								

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Policy 3.2.5.1.1</b> <b>Delete policy</b></p>	<p><b>Policy 3.2.5.1.1</b> <i>Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps, and protect them from the adverse effects of <u>inappropriate</u> subdivision, <u>use</u> and development.</i></p>	<p>No s32AA assessment required. I agree with s42A recommendation.</p>		
<p><b>Objective 3.2.5.2</b> <del>Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.</del> <u>Maintain and enhance the landscape character of the Rural Landscape Classification, whilst acknowledging the potential for managed and low impact change.</u></p>	<p><del>Minimise</del> <u>Avoid, remedy or mitigate the adverse effects on natural landscapes effects of from inappropriate</u> subdivision, use or development in specified Rural Landscapes.</p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>The s42A report concurred with submissions stating that the term “minimise” in the notified objective would be overly restrictive and proposed the amended wording in the adjacent (left-most) column.</li> <li>I consider that the s42A version of the proposed objective is somewhat incoherent. On one hand it requires landscape character to be maintained or enhanced and therefore does not envisage effects that would not at least maintain character. On the other hand it envisages “managed and low impact change”. On face value, low impact change would potentially not maintain character and therefore would not be permissible.</li> <li>I therefore prefer the amended version of the objective proposed by submitter 502 and supported by Matukituki Trust, located in the adjacent column. While the reference therein to “inappropriate” subdivision use and development is not strictly required, I consider it to generally be a more appropriate means of achieving the purpose of the RMA. It envisages a merits assessment of adverse effects in the Rural Landscape classification against management methods, which I consider to more closely align with the purpose of the Act than the s42A (or notified) versions of the objective. It is also more certain with regards to the valued landscape resource to be managed, through the inclusion of the term “natural”.</li> <li>I consider the notified version of the objective to be unclear, due to the use of the term “minimise”. This appears to be an absolute requirement and it is also ambiguous in terms of the degree to which “minimisation” of effects should be pursued.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>Subdivision, use and development in the Rural Landscape classification is enabled subject to a merits assessment and the management of adverse effects.</li> </ul>	<ul style="list-style-type: none"> <li>Some proposals that would generate adverse effects on the landscape resource may proceed, if the merits of a proposal acceptably balanced the adverse effects with management measures and overall principles of sustainable management.</li> </ul>	<ul style="list-style-type: none"> <li>I consider that the amendments as recommended by the submission more effectively and efficiently enable appropriate development in the Rural Landscape classification.</li> <li>This is achieved by removing the tension between the two heads of the s42A version, which could generate costly multiple interpretations.</li> <li>The submission version is, in my view, more efficient than the notified version, for similar reasons, being absolute and ambiguous nature of the term “minimise”.</li> </ul>

**CHAPTER 6 – LANDSCAPES - AMENDMENTS AND SECTION 32AA ASSESSMENT**

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Objective 6.3.1</b> The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.</p>	<p><b>Objective 6.3.1</b> <i>The District contains and values Outstanding Natural Features, and Outstanding Natural Landscapes, <del>and Rural Landscapes</del> that require protection from inappropriate subdivision and development <u>and Rural Landscapes where the adverse effects of subdivision and development are appropriately managed.</u></i></p>	<b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b>		
		<ul style="list-style-type: none"> <li>As notified, Objective 6.3.1 appears to apply the threshold of “<i>protection from inappropriate subdivision and development</i>” from s6(b) of the RMA to land proposed to be subject to the Rural Landscapes classification. Section 6(b) recognises the national importance of ONF’s and ONL’s. I note Mr Barr’s comment that “<i>the word ‘inappropriate’ does not need to be placed in a vacuum because it is used in s6(b) of the RMA, and therefore, only for the reserve of outstanding natural features and landscapes</i>”<sup>1</sup>. However I consider that the extension of s6(b) terminology to sites <u>not</u> within an ONF/ONL risks confusion about the correct tests to be applied in development assessment.</li> <li>The first section of Policy 6.3.1.4 relates to a procedural matter (consideration of applications against the Assessment Matters). This is superfluous because the mechanics of Chapter 21 require the assessment matters to be considered. The latter section of the policy appears to pre-judge the consistency (or lack thereof) of unknown, future development applications with the Rural Landscape classification provisions. This conflicts with the principle of merits-based development assessment.</li> <li>It is considered that the proposed amendments are the most appropriate to achieve the purpose of the Act in that they a) recognise and provide for s6(b) matters, and, b) establish a clear relationship between the objective and policy with regards to effects management in the Rural Landscape classification.</li> </ul>		
		<b>Environmental, Economic, Social and Cultural Benefits</b>	<b>Environmental, Economic, Social and Cultural Costs</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>O.6.3.1: The proposed amendments clearly distinguish between the different landscape classifications and clarify the expectations for development of land in ONFs or ONLs versus land in a Rural Landscape classification. This is consistent with the framework for ONFs and ONLs set by s6(b) of the RMA.</li> <li>P.6.3.1.4: The proposed amendments remove superfluous content and focus assessment on the management of effects. This gives effect to the amendments sought to Objective 6.3.1 regarding Rural Landscapes.</li> </ul>	<ul style="list-style-type: none"> <li>O.6.3.1: None. The amendments ensure the Objective more clearly aligns with the direction provided by s6(b) of the RMA.</li> <li>P.6.3.1.4: None. The policy is rendered more succinct and more focussed on the management of effects rather than the pre-judgement of unknown future development applications. The amended policy is not weakened as it requires adverse effects to be avoided, remedied or mitigated.</li> </ul>	<ul style="list-style-type: none"> <li>O.6.3.1: The amendments are considered to be appropriate, effective and efficient as they will prevent ambiguity in relation to the correct tests to apply to land in the Rural Landscapes classification versus land in ONFs or ONLs. This is consistent with achieving the purpose of the RMA, in terms of recognising and providing for s6(b) matters.</li> <li>P.6.3.1.4: The amendments are considered to be appropriate, effective and efficient as they delete superfluous content, focus on the management of effects and give effect to the objective as amended.</li> </ul>		

<sup>1</sup> Paragraph 9.17, Section 42A Hearing Report, Chapter 6 Landscapes.

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Policy 6.3.1.3</b></p> <p>That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations, meaning successful applications will be exceptional cases</p>	<p><b>Policy 6.3.1.3</b></p> <p><i>That subdivision and development proposals located within <del>the</del> <u>an</u> Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 <del>because subdivision and development is inappropriate in almost all locations, meaning successful applications will be exceptional cases.</del></i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>• The s42A report acknowledges that the statement in this policy that “<i>subdivision and development is inappropriate in almost all locations</i>” is conservative. I concur with this comment and consider that the statement presents a degree of pre-judgement that is inappropriate and does not focus on the assessment and/or management of effects.</li> <li>• I consider that amendment of the policy as shown in the adjacent column improves the appropriateness of the policy in terms of the purpose of the (amended) parent objective 6.3.1, by directing assessment to the criteria set out in Chapter 21.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>• The removal of the assumption regarding the appropriateness of development applications is beneficial in terms of facilitating consideration against specified assessment criteria.</li> </ul>	<ul style="list-style-type: none"> <li>• None. The Act requires merits-based assessment of the effects of proposals and the measures to avoid, remedy or mitigate adverse effects. The proposed amendments clarify this.</li> </ul>	<ul style="list-style-type: none"> <li>• The amendments are effective and efficient in removing superfluous content and providing direction to assessment matters.</li> </ul>
<p><b>Policy 6.3.1.4</b></p> <p>That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.</p>	<p><b>Policy 6.3.1.4</b></p> <p><i>That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 <del>because subdivision and development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.</del></i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>• I oppose this policy for similar reasons to those given for policy 6.3.1.3 above. Specifically, I consider the policy incorporates an element of pre-judgement that creates tension with the principle of merits-based development assessment. The recommended amendments remove this, as well as the superfluous reference to consistency with assessment matters.</li> <li>• I consider the amendments to more appropriately give effect to the (amended) parent objective 6.3.1, by directing assessment to the relevant assessment criteria and thereby managing effects as per the (amended) objective.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>• The recommended amendments remove a superfluous generic supposition about the appropriateness of proposals in the Rural Landscape classification. This is beneficial in terms of improving the clarity of the policy.</li> </ul>	<ul style="list-style-type: none"> <li>• None. The proposed amendments remove an unsubstantiated proposition about rural development from the policy.</li> </ul>	<ul style="list-style-type: none"> <li>• In my view the amended policy is more effective and efficient in terms of supporting (amended) objective 6.3.1. The policy as amended directs consideration to assessment (rather than pre-judgement) of effects.</li> </ul>
<p><b>Policy 6.3.1.11</b></p> <p>Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.</p>	<p><b>Policy 6.3.1.11</b></p> <p>Agree to retain as notified.</p>	<p>No s32AA assessment required. I agree with s42A recommendation.</p>		

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Policy 6.3.1.12</b></p> <p>Recognise and provide for the protection of Outstanding Natural Features and Landscapes with particular regard to values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua, including Töpuni.</p>	<p><b>Policy 6.3.1.12</b></p> <p><i>Recognise and provide for the protection of Outstanding Natural Features and Landscapes <u>from inappropriate subdivision, use and development with particular regard given to values identified by a method in this Plan relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua, including Töpuni.</u></i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>The proposed amendments remove the absolute requirement for protection contained in the notified policy. This gives effect to s6(b) of the Act, which does not envisage that ONFs and ONLs will be protected from all subdivision, use and development.</li> <li>The proposed amendments also call up a requirement that the values to which “particular regard” must be had are to be recognised by a method in the Plan. In my view this is appropriate as the identification (e.g. by mapping) of valued resources (such as heritage, cultural and physical resources) is a common and effective method used in planning (indeed it is used for ONFs and ONLs in the proposed plan). While I recognise that it is appropriate for some cultural values to be subject to greater privacy, in general I consider that the proposed amendments substantially improve the manner in which the policy gives effect to the the (amended) parent objective 6.3.1.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>The requirement to protect ONFs and ONLs is appropriately qualified, such that appropriate proposals are enabled.</li> <li>The matters to which particular regard is required to be had will be clearly identified. This will benefit Plan users in terms of clear and efficient application of this component of the policy and will drive efficient design and assessment of development proposals.</li> </ul>	<ul style="list-style-type: none"> <li>The process of identifying the values to which particular regard must be had, and incorporating these into the Plan will consume public (Council) resources.</li> </ul>	<ul style="list-style-type: none"> <li>I consider it to be effective and efficient to clearly identify within the Plan the values that must be managed through the development assessment process.</li> <li>In my view it is efficient to enable a merits-based assessment of proposals in ONLs and ONFs. Appropriate development proposals may not always protect these resources, however may provide a range of positive and adverse effects that on balance weigh towards the grant of a resource consent. As notified the policy would prevent any proposal that does not protect the resources.</li> </ul>
<p><b>Objective 6.3.2</b></p> <p>Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.</p>	<p><b>Objective 6.3.2</b></p> <p><i>Avoid, <u>remedy or mitigate</u> adverse cumulative effects on landscape character and <u>visual</u> amenity values caused by incremental subdivision and development.</i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>The RMA is not a no-effects statute. This policy as notified seeks to “Avoid adverse cumulative effects”. The plain meaning of the term “avoid” in the context of this objective would be to “prohibit” or “not allow” the occurrence of cumulative adverse effects on landscape character and amenity values. This discounts the potential for development that, while having adverse cumulative effects, may be otherwise acceptable.</li> <li>It is considered that the proposed amendments are the appropriate as they provide scope for the consideration of methods to remediate or mitigate adverse effects. This more flexible approach better reflects the purpose of the RMA. Secondly, the insertion of the term “visual”, does not prevent consideration of non-visual amenity values, but better reflects the siting of this objective in the Landscape chapter.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>Beneficial in terms of flexibility to consider remediation or mitigation techniques that render development acceptable while not avoiding adverse effects.</li> </ul>	<ul style="list-style-type: none"> <li>The Objective is not as definitive.</li> </ul>	<ul style="list-style-type: none"> <li>Focusses assessment on effects management and the relevant amenity values.</li> <li>It is efficient to provide for merits assessment of proposals, rather than</li> </ul>

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
		<ul style="list-style-type: none"> <li>Supports merits-based assessment.</li> </ul>		prohibiting proposals that may be able to adequately manage effects.
<p><b>Objective 6.3.3</b> Protect, maintain or enhance the district's Outstanding Natural Features (ONF).</p>	<p><b>Objective 6.3.3</b> Protect, maintain or enhance the district's Outstanding Natural Features (ONF) <u>from inappropriate subdivision, use and development.</u></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
<ul style="list-style-type: none"> <li>I consider that as notified the objective does not appropriately give effect to the RMA in terms of s6(b).</li> <li>The notified objective does not envisage any subdivision, use or development of the District's ONFs.</li> <li>I consider the amended wording is appropriate in terms of achieving the purpose of the Act as it better aligns with Part 2, and provides clarity around what ONFs are to be protected from.</li> </ul>				
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
<ul style="list-style-type: none"> <li>In my view the amendment of the objective is beneficial in that it removes a requirement that is inconsistent with the RMA.</li> <li>Amendment of the objective provides for the development of ONFs that, subject to a merits assessment, is considered to be appropriate. Importantly, this may include development that does not meet the thresholds sought by this policy as notified.</li> </ul>		<ul style="list-style-type: none"> <li>Some proposals that would generate adverse effects on the landscape resource may proceed, if the merits of a proposal acceptably balanced the adverse effects with management measures and overall principles of sustainable management.</li> </ul>	<ul style="list-style-type: none"> <li>I consider it to be effective and efficient to amend the objective.</li> </ul>	
<p><b>Policy 6.3.3.1</b> Avoid subdivision and development on Outstanding Natural Features that does not protect, maintain or enhance Outstanding Natural Features.</p>	<p><b>Policy 6.3.3.1</b> Avoid <u>inappropriate</u> subdivision and development on Outstanding Natural Features that does not protect, maintain or enhance Outstanding Natural Features.</p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
<ul style="list-style-type: none"> <li>I consider that the notified policy suggests the prohibition of the subdivision use and development of ONFs that is established by the notified parent objective 6.3.3.</li> <li>I therefore consider that, having regard to the recommended amendment of Objective 6.3.3 and the other objectives and policies that relate to the management of ONFs and ONLs, the amendment of the policy is the most appropriate to achieve the amended objective.</li> </ul>				
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
<ul style="list-style-type: none"> <li>Amendment of the policy provides clarity that not all subdivision and development must be appropriate, only that which is inappropriate. It therefore enables a wider merits-based assessment of proposals.</li> </ul>		<ul style="list-style-type: none"> <li>Some proposals that would generate adverse effects on the ONF resource may proceed, if the merits of a proposal acceptably balanced the adverse effects with management measures and overall principles of sustainable management.</li> </ul>	<ul style="list-style-type: none"> <li>I consider it to be effective and efficient to amend the policy, as other objectives and policies adequately regulate subdivision use and development in ONFs.</li> </ul>	

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Policy 6.3.3.2</b></p> <p>Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Landscapes adjacent to Outstanding Natural Features would not degrade the landscape quality, character and visual amenity of Outstanding Natural Features.</p>	<p><b>Policy 6.3.3.2</b></p> <p>Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Landscapes adjacent to Outstanding Natural Features would not degrade the landscape quality, character and visual amenity of Outstanding Natural Features <u>as a whole</u>.</p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>On review of the s42A report in relation to this policy, I consider that if the term “degrade” is to be retained, it should be qualified by reference to the threshold or scale of effects that are of concern.</li> <li>I consider that this more appropriately achieves the amended Objective.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>The overall integrity of ONFs is retained.</li> </ul>	<ul style="list-style-type: none"> <li>Subdivision, use and development proposals adjacent to ONFs may be approved whereby some adverse effects may arise.</li> </ul>	<ul style="list-style-type: none"> <li>I consider that it is appropriate for the Plan to contemplate adverse effects on ONFs. Amendment of the policy as recommended will not prompt the approval of inappropriate proposals, however enables a merits assessment of the full range of effects. In my view this is a more efficient and effect means of achieving the purpose of the RMA.</li> </ul>
<p><b>Objective 6.3.4</b></p> <p>Protect, maintain or enhance the District’s Outstanding Natural Landscapes (ONL).</p>	<p><b>Objective 6.3.4</b></p> <p>Protect, maintain or enhance the district’s Outstanding Natural Landscapes (ONL) <u>from inappropriate subdivision, use and development</u>.</p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>I am of the view that this objective (similarly to objective 6.3.3) does not support the purpose of the Act, as it does not contemplate activities that would have adverse effects on an ONL.</li> <li>The objective is not clear as to what the ONL’s are to be protected from.</li> <li>I therefore have recommended that the objective be amended. In my view the amendments clarify the framework for assessment and correspond more clearly with the requirements of the RMA in relation to ONLs.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>In my view the amendment of the objective is beneficial in that it removes a requirement that is inconsistent with the RMA.</li> <li>Amendment of the objective provides for the development of ONLs that, subject to a merits assessment, is considered to be appropriate. Importantly, this may include development that does not meet the thresholds sought by this policy as notified</li> </ul>	<ul style="list-style-type: none"> <li>Some proposals that would generate adverse effects on ONLs may proceed, if the merits of a proposal acceptably balanced the adverse effects with management measures and overall principles of sustainable management.</li> </ul>	<ul style="list-style-type: none"> <li>The revised wording is effective and efficient in that it provides clearer direction to decision makers about what ONLs are to be protected from.</li> </ul>



Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Policy 6.3.4.1</b></p> <p>Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.</p>	<p><b>Policy 6.3.4.1</b></p> <p><i>Avoid <u>inappropriate</u> subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.</i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>• I consider that the amendment as proposed by submitter 805 qualifies the policy in a manner that is suitable. As referred to in reasons above, I consider the term “degrade” to be absolute in its nature. Any change could be interpreted as a degradation and therefore not permissible.</li> <li>• In my view the insertion of the term “inappropriate” calls up a consideration of the degree of degradation that may be acceptable, and therefore prompts a merits assessment of any proposal.</li> <li>• I am therefore of the opinion that the amendment improves the compatibility of the policy with the purpose of the Act and supports the parent amended objective 6.3.4. The amendment envisages that in some cases, subdivision and development that degrades the landscape character and amenity may be appropriate.</li> </ul>		
		<p><b>Cultural, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>• The amendment provides greater scope for consideration of measures to manage any adverse effects.</li> <li>• The amendment promotes merits assessment of development applications.</li> </ul>	<ul style="list-style-type: none"> <li>• The risk of absolute prohibition of any degradation of landscape character and quality is removed.</li> </ul>	<ul style="list-style-type: none"> <li>• The amendment retains a strong position against the approval of inappropriate subdivision and development but that which is assessed as consistent with the sustainable management purpose of the RMA is enabled. In my view this is efficient and effective as it balances the benefits of subdivision and development with management of landscape values, rather than applying an absolute requirement.</li> </ul>
<p><b>Policy 6.3.4.3</b></p> <p>Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.</p>	<p><del><b>Policy 6.3.4.3</b></del></p> <p><del>Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.</del></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>• I am of the view that this policy duplicates the matters addressed by (amended) policy 6.3.4.1 and policy 6.3.5.2 and is therefore superfluous.</li> <li>• I consider that the policy does not particularly give effect to its parent objective 6.3.4, as it does not seek to manage effects in ONLs.</li> <li>• I therefore recommend that the policy be deleted as the most appropriate way to give effect to Objective 6.3.4.</li> </ul>		
		<p><b>Cultural, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>• Improves the clarity of the plan.</li> <li>• Reduces unnecessary duplication.</li> </ul>	<ul style="list-style-type: none"> <li>• None. The intent of this policy is captured in other provisions.</li> </ul>	<ul style="list-style-type: none"> <li>• It is effective and efficient to minimise duplication between controls in the Plan. This improves its useability for decision makers.</li> </ul>

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Policy 6.3.7.2</b></p> <p>Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's distinctive landscapes</p>	<p><b>Policy 6.3.7.2</b></p> <p><i>Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's <u>outstanding natural features and distinctive</u> landscapes</i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>The District's "distinctive landscapes" are not defined or identified in the Plan. To avoid uncertainty I consider the policy requires amendment to refer to ONLs and ONFs. Otherwise the policy may be considered to also apply to land in the Rural Landscape classification (i.e. all Rural Zone land not in an ONF or ONL). A requirement to avoid significant adverse effects over such a large area is impractical and does not support the purpose of the Act (as it does not relate to s6(b) or (c) matters and does not recognise that a proposal that has significant implications for the Rural Landscape may have other positive effects).</li> <li>The amendment better reflects the s6(b) requirement to avoid significant adverse effects on ONLs and ONFs.</li> <li>The amended policy gives effect to and extends the intent of the parent objective 6.3.7, which states "<i>Recognise and protect indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes</i>".</li> </ul>		
		<p><b>Cultural, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>Provides clarity for Plan users and decision makers regarding the locations and circumstances in which indigenous vegetation clearance must be avoided.</li> <li>Removes the potential for an interpretation that would apply the "avoid" requirement to the entire District (or at least all rural areas of the District).</li> <li>Recognises the differentiation between ONFs, ONLs and the Rural Landscape classification that forms the underlying management structure for the District's landscapes.</li> </ul>	<ul style="list-style-type: none"> <li>Significant degradation of landscapes through the removal of indigenous vegetation may be enabled in locations outside of ONFs and ONLs.</li> </ul>	<ul style="list-style-type: none"> <li>I consider that the amended policy is more efficient and effective in implementing the parent objective and applies guidance to specific locations in the District.</li> </ul>

# **ATTACHMENT 3**

PENINSULA BAY JOINT VENTURE (378 and 1336)

**PENINSULA BAY JOINT VENTURE**

**CHAPTER 3 – STRATEGIC DIRECTIONS - AMENDMENTS AND SECTION 32AA ASSESSMENT**

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Goal 3.2.2</b> <i>The strategic and Integrated management of urban growth</i></p> <p><b>Objective 3.2.2.1</b> <i>Ensure urban development occurs in a logical manner:</i></p> <ul style="list-style-type: none"> <li>• <i>To promote a compact, well designed and integrated urban form;</i></li> <li>• <i>To manage the cost of Council infrastructure; and</i></li> <li>• <i>To protect the District's rural landscape from sporadic and sprawling development.</i></li> </ul> <p>Delete associated <b>policies 3.2.2.1.1, 3.2.2.1.3 and 3.2.2.1.5</b></p>	<p>Agree retain goal 3.2.2 and objective 3.2.2.1</p>	<p><b>No s32AA assessment required.</b></p>		
<p><b>Objective 3.2.4.2</b> <i>Protect areas with significant Nature Conservation Values</i></p> <p>Delete associated <b>Policy 3.2.4.2.2</b> <del><i>Where adverse effects on nature conservation values cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative.</i></del></p>	<p><b>Objective 3.2.4.2</b> and associated <b>Policy 3.2.4.2.2</b></p> <p>Amend Objective 3.2.4.2 and associated Policy 3.2.4.2.2 to refer to the values associated with "Significant Natural Areas", as mapped and referred to in the subsequent policies of the Proposed Plan.</p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
<ul style="list-style-type: none"> <li>• I consider the objective as drafted is far reaching and onerous on many areas within the district. The definition of Nature Conservation Values is very broad and is likely to apply to every natural area in the district.</li> <li>• I consider the objective and policy should be amended to refer to "Significant Natural Areas" which focuses the objective and policies to those areas worthy of protection. This change is, in my opinion most appropriate in terms of achieving the purpose of the Act and objective.</li> </ul>		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
<ul style="list-style-type: none"> <li>• Those parts of the District which are not necessary to protect may be freed up for some type of use, whilst those areas worthy of protection achieve the required focus to do this.</li> </ul>		<ul style="list-style-type: none"> <li>• Potential areas which would be protected by the notified wording may no longer be protected.</li> </ul>	<ul style="list-style-type: none"> <li>• I consider the amended wording will be effective at ensuring those parts of the district which are worthy of protection receive this protection.</li> </ul>	

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Objective 3.2.4.3</b> <i>Maintain or enhance the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities.</i></p> <p>associated <b>Policy 3.2.4.3.1</b> <i>That development does not adversely affect the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities.</i></p>	<p><b>Objective 3.2.4.3</b> <i>Maintain or enhance the survival chances of <u>significant indigenous vegetation and significant habitats of indigenous fauna.</u> <del>rare, endangered, or vulnerable species of indigenous plant or animal communities.</del></i></p> <p><b>Policy 3.2.4.3.1</b> <i>That development does not adversely affect the survival chances of <u>significant indigenous vegetation and significant habitats of indigenous fauna.</u> <del>rare, endangered, or vulnerable species of indigenous plant or animal communities</del></i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>I consider the amended wording brings the policy in line with s6(c) of the RMA and is therefore most appropriate in terms of achieving the purpose of the Act and amended objective.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>The amended wording provides clarify to decision makers and users of the plan to ensure clear direction is given.</li> </ul>	<ul style="list-style-type: none"> <li>None – the policy wording provides clarify.</li> </ul>	<ul style="list-style-type: none"> <li>The amended wording provides clarify to decision makers and users of the plan to ensure clear direction is given; accordingly the wording is effective and efficient.</li> </ul>
<p><b>Objective 3.2.4.7</b> <i>Facilitate public access to the natural environment.</i></p> <p>associated <b>Policy 3.2.4.7.1</b> <i>Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.</i></p>	<p>I consider the notified provisions appropriate.</p>	<p><b>No s32AA assessment required. I agree with the s42A report.</b></p>		
<p><b>Objective 3.2.5.1</b> <i>Protect the <del>natural character</del> <u>quality</u> of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development</i></p>	<p><b>Objective 3.2.5.1</b> <i>Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from <u>inappropriate</u> subdivision, use and development</i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>The s42A report recommends amendment of the notified drafting to replace the phrase “natural character” with the term “quality”. This does not resolve the issue that arises from the activity-focussed (as opposed to effects-focussed) nature of the drafting. As notified and subsequently amended the objective can be interpreted to require the protection of ONFs and ONLs from all subdivision, use and development. Out another way, no subdivision, use or development are permissible within ONLs and ONFs.</li> <li>I consider the amended objective as recommended by the Matukituki Trust submission to be appropriate as it qualifies the term “protect” and gives rise to a consideration of the effects of subdivision, use and development. That is, in inserting the term “inappropriate” a determination of whether a proposal is or is not inappropriate will be required and this inherently necessitates consideration of any effects associated with the proposal.</li> <li>The recommended amendment therefore gives effect to the RMA in terms of the obligations decision makers under s6(b).</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>Insertion of the term “inappropriate” means subdivision, use or development within ONLs and ONFs is not prohibited but is subject to a merits assessment.</li> </ul>	<ul style="list-style-type: none"> <li>None. The objective continues to prevent inappropriate development in accordance with the matters of national importance specified at s6(b) of the RMA.</li> </ul>	<ul style="list-style-type: none"> <li>It is considered effective and efficient to enable merits-based assessment of proposals in ONFs and ONLs, given development in such areas can</li> </ul>

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
		This is in line with the framework provided through s6(b) of the Act.		<p>appropriately support the well-being of the community.</p> <ul style="list-style-type: none"> <li>• A requirement that sterilises these areas would inefficiently and ineffectively constrain appropriate development in these areas.</li> </ul>
<p><b>Policy 3.2.5.1.1 Delete policy</b>  <del>Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps, and protect them from the adverse effects of subdivision and development.</del></p>	<p><b>Policy 3.2.5.1.1</b>            Agree delete policy</p>	No s32AA assessment required. I agree with s42A recommendation.		
<p><b>Objective 3.2.5.3</b>            Direct new <u>urban</u> subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.</p> <p>associated <b>Policy 3.2.5.3.1 Delete</b>  <del>Direct urban development to be within Urban Growth Boundaries (UGB's) where these apply, or within the existing rural townships</del></p>	<p>Agree with amended wording for objective 3.2.5.3</p> <p>Not opposed to deleting policy if intent addressed elsewhere in the plan.</p>	No s32AA assessment required. I agree with s42A recommendation.		
<p><b>Objective 3.2.6.3</b>            Provide a high quality network of open spaces and community facilities.</p> <p><b>associated Policy 3.2.6.3.1</b>            Ensure that open spaces and community facilities are accessible for all people.</p> <p><b>Policy 3.2.6.3.2</b>            That open spaces and community facilities are located and designed to be desirable, safe, accessible places.</p>	<p><b>I agree with the objective and policies as notified and agree with the s42A assessment to retain these.</b></p>	No s32AA assessment required. I agree with s42A recommendation.		

**CHAPTER 4 – URBAN DEVELOPMENT - AMENDMENTS AND SECTION 32AA ASSESSMENT**

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Objective 4.2.1</b>  <i>Urban development is coordinated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.</i></p> <p>associated <b>Policy 4.2.1.1, Policy 4.2.1.2, Policy 4.2.1.4, Policy 4.2.1.5</b></p>	<p><b>Objective 4.2.1</b>  <i>Objective - Urban development is coordinated with infrastructure and services and is undertaken in a manner that <u>maintains or enhances</u> <del>protects</del> the environment, rural amenity and outstanding natural landscapes and features.</i></p> <p>Retain <b>Policy 4.2.1.1, Policy 4.2.1.2, Policy 4.2.1.4, Policy 4.2.1.5</b></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p> <ul style="list-style-type: none"> <li>I consider the amended wording of the objective is the most appropriate for achieving the purpose of the Act, as the term “protect” in this context is not commensurate with the value of the landscape being considered by the policy.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>The amended wording will be focus assessments on the maintenance and enhancement of values of certain landscapes, as opposed to protecting them outright, thus giving opportunities for mitigation such as ecological enhancement.</li> </ul>	<ul style="list-style-type: none"> <li>The amended wording will be focus assessments on the maintenance and enhancement of values of certain landscapes, as opposed to protecting them outright.</li> </ul>	<ul style="list-style-type: none"> <li>I consider the amended wording provides for a more efficient and effective assessment process when this policy is being assessed in an application context.</li> </ul>
<p><b>Policy 4.2.2.4</b>  <i>Not all land within Urban Growth Boundaries will be suitable for urban development, such as (but not limited to) land with ecological, heritage or landscape significance; or land subject to natural hazards. The form and location of urban development shall take account of site specific features or constraints to protect public health and safety.</i></p>	<p><b>Policy 4.2.2.4</b>  <i>Not all land within Urban Growth Boundaries will be suitable for urban development, such as (but not limited to) land with ecological, heritage or landscape significance; or land subject to natural hazards. The form and location of urban development shall take account of <del>site</del> <u>the</u> specific features or constraints <u>of the site and its ability to absorb development to protect public health and safety</u></i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>I consider the amended wording of the policy broadens the policy to refer to ability to absorb development, not just in reference to protecting public health and safety. I consider this is the most appropriate way of achieving the objective.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>The amended wording broadens the policy to better address relevant considerations which are the ability of the site to absorb development.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>I consider the amended wording provides for a more efficient and effective assessment process when this policy is being assessed in an application context.</li> </ul>
<p><b>Objective 4.2.3</b>  <i>Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.</i></p> <p>and associated <b>Policies 4.2.3.1, 4.2.3.4 and 4.2.3.7</b></p>	<p>Retain as notified as per s42A recommendation.</p>	<p>No s32AA assessment required. I agree with s42A recommendation.</p>		

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)				
<p><b>Objective 4.2.6</b> <i>Manage the scale and location of urban growth in the Wanaka Urban Growth Boundary.</i></p> <p><b>Policy 4.2.6.1</b> <i>Limit the spatial growth of Wanaka so that:</i></p> <ul style="list-style-type: none"> <li><i>The rural character of key entrances to the town is retained and protected, as provided by the natural boundaries of the Clutha River and Cardrona River</i></li> <li><i>A distinction between urban and rural areas is maintained to protect the quality and character of the environment and visual amenity</i></li> <li><i>Ad hoc development of rural land is avoided</i></li> <li><i>Outstanding Natural Landscapes and Outstanding Natural Features are protected from encroachment by urban development</i></li> </ul> <p><b>Policy 4.2.6.2</b> <i>Ensure that development within the Wanaka Urban Growth Boundary:</i></p> <ul style="list-style-type: none"> <li><i>Supports increased density through greenfield and infill development, in appropriate locations, to avoid sprawling into surrounding rural areas</i></li> <li><i>Provides a sensitive transition to rural land at the edge of the Urban Growth Boundaries through the use of: appropriate zoning and density controls; setbacks to maintain amenity and open space; and design standards that limit the visual prominence of buildings</i></li> <li><i>Facilitates a diversity of housing supply to accommodate future growth in permanent residents and visitors</i></li> <li><i>Maximises the efficiency of existing infrastructure networks and avoids</i></li> </ul>	<p><b>Support objective 4.2.3</b></p> <p><b>Amend:</b></p> <p><b>Policy 4.2.6.1</b> <i>Limit the spatial growth of Wanaka so that:</i></p> <ul style="list-style-type: none"> <li><i>The rural character of key entrances to the town is retained and protected, as provided by the natural boundaries of the Clutha River and Cardrona River</i></li> <li><i>A distinction between urban and rural areas is maintained to protect the quality and character of the environment and visual amenity</i></li> <li><i>Ad hoc development of rural land is avoided</i></li> <li><i><u>The effects of urban development within Outstanding Natural Landscapes and Outstanding Natural Features are appropriately avoided, remedied or mitigated.</u> <del>are protected from encroachment by urban development.</del></i></li> </ul> <p><b>Policy 4.2.6.2</b> <i>Ensure that development within the Wanaka Urban Growth Boundary:</i></p> <ul style="list-style-type: none"> <li><i>Supports increased density through greenfield and infill development, in appropriate locations, to avoid sprawling into surrounding rural areas</i></li> <li><i>Provides a sensitive transition to rural land at the edge of the Urban Growth Boundaries through the use of: appropriate zoning and density controls; setbacks to maintain amenity and open space; and design standards that limit the visual prominence of buildings</i></li> <li><i>Facilitates a diversity of housing supply to accommodate future growth in permanent residents and visitors</i></li> <li><i>Maximises the efficiency of existing infrastructure networks and avoids</i></li> </ul>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p> <ul style="list-style-type: none"> <li>The amended wording more appropriately deals with the management of effects on the values of ONLs and ONFs. This better achieves the purpose of the Act in my view.</li> </ul>	<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
<ul style="list-style-type: none"> <li>The amended wording more appropriately deals with the management of effects on the values of ONLs and ONFs. It provides for the scenario where some level of urban development in an ONL or ONF may be appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>Potential environmental cost if ONLs and ONFs are developed for urban purposes inappropriately, however the policy wording ensures effects are appropriately avoided, remediated or migrated so I consider this risk is low.</li> </ul>				



Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><i>expansion of networks before it is needed for urban development</i></p> <ul style="list-style-type: none"> <li>• Supports the coordinated planning for transport, public open space, walkways and cycleways and community facilities</li> <li>• Does not diminish the qualities of significant landscape features</li> <li>• Rural land outside of the Urban Growth Boundary is not developed until further investigations indicate that more land is needed to meet demand.</li> </ul>	<p><i>expansion of networks before it is needed for urban development</i></p> <ul style="list-style-type: none"> <li>• Supports the coordinated planning for transport, public open space, walkways and cycleways and community facilities</li> <li>• <u>Maintains or enhances</u> <del>Does not diminish</del> the qualities of significant landscape features</li> <li>• Rural land outside of the Urban Growth Boundary is not developed until further investigations indicate that more land is needed to meet demand.</li> </ul>			

**CHAPTER 6 – LANDSCAPES - AMENDMENTS AND SECTION 32AA ASSESSMENT**

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Policy 6.3.1.3</b></p> <p><i>That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations, meaning successful applications will be exceptional cases</i></p>	<p><b>Policy 6.3.1.3</b></p> <p><i>That subdivision and development proposals located within <del>the</del> <u>an</u> Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 <del>because subdivision and development is inappropriate in almost all locations, meaning successful applications will be exceptional cases.</del></i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>• The s42A report acknowledges that the statement in this policy that “<i>subdivision and development is inappropriate in almost all locations</i>” is conservative. I concur with this comment and consider that the statement presents a degree of pre-judgement that is inappropriate and does not focus on the assessment and/or management of effects.</li> <li>• I consider that amendment of the policy as shown in the adjacent column improves the appropriateness of the policy in terms of the purpose of the (amended) parent objective 6.3.1, by directing assessment to the criteria set out in Chapter 21.</li> </ul>		
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>• The removal of the assumption regarding the appropriateness of development applications is beneficial in terms of facilitating consideration against specified assessment criteria.</li> </ul>	<ul style="list-style-type: none"> <li>• None. The Act requires merits-based assessment of the effects of proposals and the measures to avoid, remedy or mitigate adverse effects. The proposed amendments clarify this.</li> </ul>	<ul style="list-style-type: none"> <li>• The amendments are effective and efficient in removing superfluous content and providing direction to assessment matters.</li> </ul>

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Amend Policy 6.3.1.7:</b></p> <p><i>When locating urban growth boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and <del>minimise</del> disruption to the values derived from open rural landscapes.</i></p>	<p><b>Amend Policy 6.3.1.7:</b></p> <p><i>When locating urban growth boundaries or extending urban settlements through plan changes, <u>avoid, remedy, or mitigate the effects of</u> impinging on Outstanding Natural Landscapes or Outstanding Natural Features and <u>minimise</u> disruption to the values derived from open rural landscapes.</i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
<ul style="list-style-type: none"> <li>I consider the amended wording better provides for the various scenarios where remediation or mitigation is appropriate in terms of managing ONLs and ONFs. I consider this better achieves the purpose of the objective.</li> </ul>		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
<ul style="list-style-type: none"> <li>I consider the amended wording better provides for the various scenarios where remediation or mitigation is appropriate in terms of managing ONLs and ONFs.</li> </ul>		<ul style="list-style-type: none"> <li>Potential environmental cost if ONLs and ONFs are developed inappropriately, however the policy wording ensures effects are appropriately avoided, remediated or migrated so I consider this risk is low.</li> </ul>	<ul style="list-style-type: none"> <li>I consider the amended wording provides for a more efficient and effective assessment process when this policy is being assessed in an application context.</li> </ul>	
<p><b>Policy 6.3.1.11</b></p> <p><i>Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.</i></p>	<p><b>Policy 6.3.1.11</b></p> <p>Agree to retain as notified.</p>	<p>No s32AA assessment required. I agree with s42A recommendation.</p>		
<p><b>Objective 6.3.2</b></p> <p><i>Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.</i></p>	<p><b>Objective 6.3.2</b></p> <p><i><u>Avoid, remedy or mitigate</u> adverse cumulative effects on landscape character and <u>visual</u> amenity values caused by incremental subdivision and development.</i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
<ul style="list-style-type: none"> <li>The RMA is not a no-effects statute. This policy as notified seeks to “Avoid adverse cumulative effects”. The plain meaning of the term “avoid” in the context of this objective would be to “prohibit” or “not allow” the occurrence of cumulative adverse effects on landscape character and amenity values. This discounts the potential for development that, while having adverse cumulative effects, may be otherwise acceptable.</li> <li>It is considered that the proposed amendments are the appropriate as they provide scope for the consideration of methods to remediate or mitigate adverse effects. This more flexible approach better reflects the purpose of the RMA. Secondly, the insertion of the term “visual”, does not prevent consideration of non-visual amenity values, but better reflects the siting of this objective in the Landscape chapter.</li> </ul>		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
<ul style="list-style-type: none"> <li>Beneficial in terms of flexibility to consider remediation or mitigation techniques that render development acceptable while not avoiding adverse effects.</li> <li>Supports merits-based assessment.</li> </ul>		<ul style="list-style-type: none"> <li>he Objective is not as definitive</li> </ul>	<ul style="list-style-type: none"> <li>Focusses assessment on effects management and the relevant amenity values.</li> <li>It is efficient to provide for merits assessment of proposals, rather than prohibiting proposals that may be able to adequately manage effects.</li> </ul>	

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Policy 6.3.2.2</b></p> <p><i>Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.</i></p>	<p><b>Policy 6.3.2.2</b></p> <p><i>Allow residential subdivision and development only in locations where <u>adverse the District's landscape character and visual amenity effects are appropriately avoided, remedied or mitigated.</u> <del>would not be degraded.</del></i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
<ul style="list-style-type: none"> <li>I support the amendment insofar as it seeks to avoid significant adverse effects and prompts consideration of the acceptability of other adverse effects on landscape and visual amenity values and provides for mitigation.</li> <li>I consider the amendment is appropriate for achieving the amended objective.</li> </ul>				
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>The policy more clearly defines the acceptable threshold of effects. The term "degrade" is absolute" (any change could be seen as "degrading" the landscape, regardless of whether a proposal is otherwise acceptable). As amended, significant adverse effects are not supported.</li> <li>The potential for rural living development in suitable locations is recognised but with the caveat that such potential is subject to consideration of landscape and visual amenity effects.</li> </ul>	<ul style="list-style-type: none"> <li>None. The amended policy is clearer and avoids potential for inadvertent prohibition of development due to interpretation of the term "degraded".</li> <li>The amended policy maintains the intent of the notified policy.</li> </ul>	<ul style="list-style-type: none"> <li>The amended policy is efficient in terms of providing unambiguous guidance for the assessment of residential subdivision and development effects on landscape and visual amenity values.</li> </ul>
<p><b>Policy 6.3.2.5</b></p> <p><i>Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with mitigation of the visual effects of proposed development such as screening planting, mounding and earthworks.</i></p>	<p>Delete policy 6.3.2.5 due to unnecessary double up with policy 6.3.2.2:</p> <p><i>Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.</i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
<ul style="list-style-type: none"> <li>I consider that deleting the policy is more appropriate in terms of achieving the objective. Policy 6.3.2.2 provides sufficient guidance around the appropriateness of residential subdivision and development in certain locations.</li> </ul>				
		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>The reduction in the number of policies where there is overlap provides benefits in terms of preparation and hearing of applications.</li> </ul>	<ul style="list-style-type: none"> <li>None. I consider policy 6.3.2.2 provides sufficient guidance regarding this issue.</li> </ul>	<ul style="list-style-type: none"> <li>The reduction in the number of policies where there is overlap is a more efficient and effective approach.</li> </ul>

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Policy 6.3.4.1</b></p> <p><i>Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.</i></p>	<p><b>Policy 6.3.4.1</b></p> <p><i>Avoid <u>inappropriate</u> subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.</i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>I consider that the amendment as proposed by submitter 805 qualifies the policy in a manner that is suitable. As referred to in reasons above, I consider the term “degrade” to be absolute in its nature. Any change could be interpreted as a degradation and therefore not permissible.</li> <li>In my view the insertion of the term “inappropriate” calls up a consideration of the degree of degradation that may be acceptable, and therefore prompts a merits assessment of any proposal.</li> <li>I am therefore of the opinion that the amendment improves the compatibility of the policy with the purpose of the Act and supports the parent amended objective 6.3.4. The amendment envisages that in some cases, subdivision and development that degrades the landscape character and amenity may be appropriate.</li> </ul>		
		<p><b>Cultural, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>The amendment provides greater scope for consideration of measures to manage any adverse effects.</li> <li>The amendment promotes merits assessment of development applications.</li> </ul>	<ul style="list-style-type: none"> <li>The risk of absolute prohibition of any degradation of landscape character and quality is removed.</li> </ul>	<ul style="list-style-type: none"> <li>The amendment retains a strong position against the approval of inappropriate subdivision and development but that which is assessed as consistent with the sustainable management purpose of the RMA is enabled. In my view this is efficient and effective as it balances the benefits of subdivision and development with management of landscape values, rather than applying an absolute requirement.</li> </ul>
<p><b>Policy 6.3.4.3</b></p> <p><i>Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.</i></p>	<p><b>Delete policy</b></p> <p><b><del>Policy 6.3.4.3</del></b></p> <p><del><i>Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.</i></del></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
		<ul style="list-style-type: none"> <li>I am of the view that this policy duplicates the matters addressed by (amended) policy 6.3.4.1 and policy 6.3.5.2 and is therefore superfluous.</li> <li>I consider that the policy does not particularly give effect to its parent objective 6.3.4, as it does not seek to manage effects in ONLs.</li> <li>I therefore recommend that the policy be deleted as the most appropriate way to give effect to Objective 6.3.4.</li> </ul>		
		<p><b>Cultural, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
		<ul style="list-style-type: none"> <li>Improves the clarity of the plan.</li> <li>Reduces unnecessary duplication.</li> </ul>	<ul style="list-style-type: none"> <li>None. The intent of this policy is captured in other provisions.</li> </ul>	<ul style="list-style-type: none"> <li>It is effective and efficient to minimise duplication between controls in the Plan. This improves its useability for decision makers.</li> </ul>

Proposed Provisions (as per the Section 42A report, dated 19 <sup>th</sup> February 2016)	Louise Taylor suggested amended provisions (deleted text struck through added text underlined)			
<p><b>Objective 6.3.7</b> <i>Recognise and protect indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes.</i></p> <p><b>Policy 6.3.7.1</b> <i>Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.</i></p>	<p>Retain objective 6.3.7</p> <p>Amend policy: <i>Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and <del>nature conservation values</del> <u>biodiversity</u> would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.</i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
<ul style="list-style-type: none"> <li>I consider the amended policy wording is more appropriate in terms of achieving the objective than the notified version as it refers to the term "biodiversity" as opposed to nature conservation values.</li> </ul>		<p><b>Environmental, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
<ul style="list-style-type: none"> <li>The amended wording provide clearer guidance in terms of what is to be achieved.</li> </ul>		<ul style="list-style-type: none"> <li>None – the amendment provides clarity as opposed to intent change.</li> </ul>	<ul style="list-style-type: none"> <li>I consider the amended wording is more effective in provided better direction to decision makers as to the outcomes aimed for via the policy.</li> </ul>	
<p><b>Policy 6.3.7.2</b> <i>Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's distinctive landscapes</i></p>	<p><b>Policy 6.3.7.2</b> <i>Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's <u>outstanding natural features and distinctive</u> landscapes</i></p>	<p><b>General comments and appropriateness in terms of achieving the purpose of the Act or the purpose of the Objective</b></p>		
<ul style="list-style-type: none"> <li>The District's "distinctive landscapes" are not defined or identified in the Plan. To avoid uncertainty I consider the policy requires amendment to refer to ONLs and ONFs. Otherwise the policy may be considered to also apply to land in the Rural Landscape classification (i.e. all Rural Zone land not in an ONF or ONL). A requirement to avoid significant adverse effects over such a large area is impractical and does not support the purpose of the Act (as it does not relate to s6(b) or (c) matters and does not recognise that a proposal that has significant implications for the Rural Landscape may have other positive effects).</li> <li>The amendment better reflects the s6(b) requirement to avoid significant adverse effects on ONLs and ONFs.</li> <li>The amended policy gives effect to and extends the intent of the parent objective 6.3.7, which states "<i>Recognise and protect indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes</i>".</li> </ul>		<p><b>Cultural, Economic, Social and Cultural Benefits</b></p>	<p><b>Environmental, Economic, Social and Cultural Costs</b></p>	<p><b>Effectiveness &amp; Efficiency</b></p>
<ul style="list-style-type: none"> <li>Provides clarity for Plan users and decision makers regarding the locations and circumstances in which indigenous vegetation clearance must be avoided.</li> <li>Removes the potential for an interpretation that would apply the "avoid" requirement to the entire District (or at least all rural areas of the District).</li> <li>Recognises the differentiation between ONFs, ONLs and the Rural Landscape classification that forms the underlying management structure for the District's landscapes.</li> </ul>		<ul style="list-style-type: none"> <li>Significant degradation of landscapes through the removal of indigenous vegetation may be enabled in locations outside of ONFs and ONLs.</li> </ul>	<ul style="list-style-type: none"> <li>I consider that the amended policy is more efficient and effective in implementing the parent objective and applies guidance to specific locations in the District.</li> </ul>	