

Planning & Strategy Committee
10 September 2020

Report for Agenda Item | Rīpoata moto e Rāraki take 3

Department: Planning & Development

Title | Taitara: Evaluation of possible zones and overlays for Mt Iron, Wānaka

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

- 1 The purpose of this report is to present an evaluation of possible zone and overlay options for Mount Iron in Wānaka and seek agreement in principle to producing a variation to the Proposed District Plan amending the planning maps confirming the mapping of the Outstanding Natural Feature.

EXECUTIVE SUMMARY | WHAKARĀPOPOPOTANGA MATUA

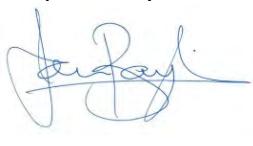
- 2 The evaluation of options for planning approaches to Mt Iron under section 32 of the Resource Management Act ('the Act' or 'the RMA') supports amending the Proposed District Plan maps at Mt Iron in Wānaka in the following ways:
 - amending the planning maps so that the zoning for all land within the Mt Iron Outstanding Natural Feature (ONF) is zoned Rural;
 - making amendments to the position of the Wānaka Urban Growth Boundary (UGB) at two locations so it is located immediately to the outside of the Mt Iron ONF; and
 - amending the location of the Mt Iron ONF line at 965 Aubrey Road and 705 Aubrey Road.
- 3 The purpose of this possible variation would be to accurately identify all land that is part of the Mt Iron ONF as Rural Zone, so as to achieve better alignment between the ONF, Significant Natural Areas (SNA) and zoning at Mt Iron ONF. This approach is driven by legal requirements to manage the use, development and protection of Mt Iron to provide for economic, social and cultural wellbeing and protection of the ONF from inappropriate subdivision, use and development.
- 4 The Section 32 evaluation report considers the costs of removing the Lower Density Suburban Residential (LDSR) zoning and downzoning the land to Rural and concludes that the variation is the best way to achieve the purpose of the Act and the relevant objectives of the plan by better aligning land use controls with the categorisation of those part of Mt Iron identified as ONF.

RECOMMENDATION | NGĀ TŪTOHUNGA

- 5 That the Planning & Strategy Committee:
 1. **Note** the contents of this report.

2. **Agree in principle, subject to further work, that** rezoning of the remaining land within the Mr Iron Outstanding Natural Feature to Rural, amending the Urban Growth Boundary and amending the location of the Mr Iron Outstanding Natural Feature line at 965 and 705 Aubrey Road is appropriate for recommending to Council as a variation to be notified as part of the Operative District Plan review.
3. **Authorise** the Manager Planning Policy to make edits and changes to the plan maps and provisions, to prepare a section 32 evaluation report and to complete steps required to prepare and consult on a future variation to the Proposed District Plan.
4. **Note** that further consultation with Iwi authorities will occur prior to any decision on notifying this variation and advice received may prompt changes to be made to the proposal.
5. **Note** that agreeing in principle to the above does not mean Council has formed a view on the specific detail of a variation on these matters, on resource consent applications relating to these matters, or on other related decisions on the Proposed District Plan.

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20/08/2020

Reviewed and Authorised by:



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20/08/2020

CONTEXT | HOROPAKI

- 6 Mt Iron is a classic rôche moutonnée (rock formation created by the passing of a glacier). Together with the lake and surrounding mountains, it is a defining feature of the visual landscape of Wānaka. It is popular for recreational walkers and notable for its indigenous biodiversity of kānuka woodland. Large parts of the landform are identified as an Outstanding Natural Feature (ONF) and as Significant Natural Areas (SNAs) in the Proposed District Plan (PDP).
- 7 In September 2019, a decision of the Environment Court confirmed the location of the ONF at Mount Iron for specific locations known as areas B and C, or Allenby Farm Land (see **figures 1 and 2** below).

Figure 1 Map of Mt Iron and amended ONF boundaries, QLDC PDP GIS



ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

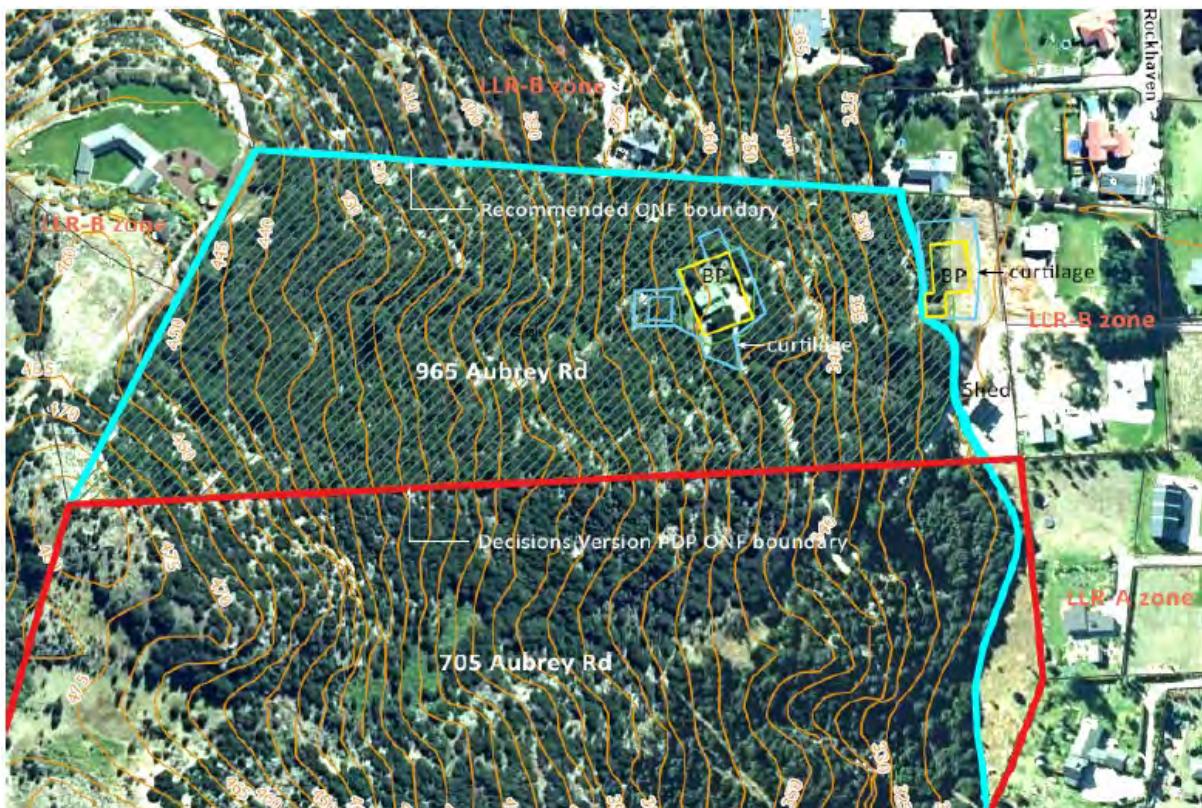
- 8 Areas B and C are located on the rising slope of Mt Iron overlooking residential properties at Rob Roy Lane, Allenby Park and Allenby Place (see **Figure 2** below). The land is zoned LDSR in the notified and decisions version of the PDP and was zoned Low Density Residential in the previous Operative District Plan. The LDSR provisions do not manage the ONF resource so as to implement landscape policies in chapters 3 Strategic Directions and 6 Landscape and Rural Character of the PDP and Part 2 of the RMA.

Figure 2 Allenby Farm Land - proposed variation. Snip taken from QLDC GIS PDP, Stage 1 and 2 decisions and 3 and 3b notified, July 2020.



- 9 The property at 965 Aubrey Road is zoned Rural, and categorised as a RCL, however the correct landscape categorisation of the majority of this property is ONF (see **Figure 3** below).

Figure 3 Property at 965 Aubrey Road and 795 Aubrey Road showing the existing ONF boundary (red line) and the proposed ONF boundary (Blue line). Snip taken from Ms Helen Mellsop's Landscape Memo dated 15 May 2020 (Appendix 2).



- 10 A landscape assessment has been completed for the property for the section 32, it recommends that the ONF line should encompass 965 Aubrey Road, and be adjusted at 705 Aubrey Road (Appendix 2). It notes that “the change in landform between the mountain toe slopes and the alluvial terrace is the appropriate and defensible boundary of the feature.” No amendments to the zoning, the SNA or the Urban Growth Boundary are recommended.

Key planning and legal considerations

- 11 The key resource management issue addressed in the section 32 evaluation is the appropriate extent of the ONF classification and the most appropriate zoning of the Mt Iron ONF. Consideration of this issue has followed the principles established by the Court in *Man O'War Station Limited v Auckland Council [2017] NZCA 24*, which determined that once a classification of ONL is established, planning controls should then support this classification. A similar line of reasoning has been applied to determining the planning

approach to the ONF at Mt Iron¹ where the confirmation that the area is an ONF as a point of fact sets the frame for considering what the most appropriate zone and other plan provisions should be.

- 12 If a resource consent for subdivision and development of the land in Area B were to be granted consent, and assuming there was no reason why the consent would not be implemented, this would be an important consideration in determining the most appropriate zoning of the land. The section 32 evaluation would need to be updated and a decision maker would need to factor in the costs and efficiency of applying a rural zone and the protections in the PDP for an ONF to development that for all intents and purposes would be part of the urban environment.
- 13 One of the outcomes of the Environment Court’s decisions affecting areas of ONF and ONL in the PDP is that planners and landscape architects have been directed to caucus on a “Values Identification Framework” for priority areas of ONF and ONL in the PDP. This framework will direct how the landscape values of ONF’s and ONL’s in priority areas are to be identified and described in the plan and this evaluation and scheduling will be implemented through a plan change process. Mt Iron will be part of this upcoming analysis of values and subsequent plan change that schedules these values. Any conclusions from this process should also be factored into the evaluation of any variation in this area. However, it is not recommended to wait for this process because:
 - the decision of the Court in relation to the Values Identification Framework has been clear that this process won’t change established findings about the extent of areas that have been confirmed as ONF or ONL such as Mt Iron; and
 - the scheduling of values and any plan change that alters potential development rights in this area coming out of this work programme will almost certainly involve further appeals and it may take years to arrive at a point where it provides any useful findings and direction.

Reasonably practicable options

- 14 The Section 32 evaluation considers the following broad options to address the resource management issue identified:
- 15 **Option 1:** Status quo – no change to UGB, ONF or zoning
- 16 **Option 2:** At the Allenby Farms land, change the zoning to rural and align the UGB with the ONF as shown in figure 2, and make no changes to the ONF at the Aubrey Road properties
- 17 **Option 3:** Make no changes at the Allenby Farms land, and amend the ONF at the Aubrey Road properties as shown in figure 3

¹ <https://www qldc.govt.nz/media/4dkpobwc/report-16-1-stream-12-upper-clutha-mapping-outstanding-natural-landscapes.pdf> from 1.3

- 18 **Option 4:** Amend the zoning, ONF and the UGB at both the Allenby Farm Land and the Aubrey Road properties as shown in figures 2 and 3.
- 19 A detailed evaluation of the statutory policy context and options is set out in **Attachment A Section 32 Evaluation Report Variation to Proposed District Plan at Mt Iron**. This section 32 evaluation (although it is still a working document) sets out a comparison of the appropriateness of the above options and then evaluates the costs and benefits of the proposed methods, including considering their efficiency and effectiveness.

Reasons for deciding on the mapping variations

- 20 The proposed amendments to the planning maps and associated changes to the overlays and zones consistent with **Option 4** are considered the most appropriate to achieve the consistency of the ONF, SNA and zoning at Mt Iron ONF.
 - The amendments do not result in efficiencies for the landowners (i.e. both Allenby Farms, and 965 Aubrey Road) in terms of section 7(b) of the RMA. However the costs are outweighed by the direction under section 6(b) to protect ONFs from inappropriate subdivision use and development.
 - The changes give effect to the relevant Strategic Direction objectives and policies of the Proposed District Plan, in particular the protection of ONFs.
 - They are in accordance with the functions of territorial authorities in s31 of the RMA and the sustainable management purpose of Part 2 of the RMA.
 - Any consent to subdivide and develop the land at the edge of Allenby Farms can be factored into any final decision on a variation.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHII KĀ WHAKAARO HIRAKA

- 21 This matter is of medium significance, as determined by reference to the **Council's Significance and Engagement Policy** because it is a matter relating to the administration of Council affairs and has the potential to impact on the environment, culture and people of parts of the District.
- 22 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes District community, more particularly residents located Wānaka, and those resident adjacent to Mt Iron. Recreational users of Mt Iron are also an interested party. Particular individuals and entities affected will have substantial opportunities to participate in submitting on the notified provisions and participating in hearings, appealing the decisions and joining any appeals.

> MĀORI CONSULTATION | IWI RŪNANGA

- 23 Consultation with Tangata Whenua under the Resource Management Act 1991 (RMA) is a legal requirement before notifying a district plan and it is noted that legal requirements in this regard will have to be met.

- 24 As noted previously, further consultation with Iwi authorities will occur prior to any decision on notifying this variation and advice received may prompt changes to be made to the proposal.
- 25 Iwi entities will have the opportunity to submit if this proposed variation were to proceed to notification.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 26 This matter relates to the Strategic/Political/Reputation risk. It is associated with SR1 'Current and future development needs of the community (including environmental protection)' within the QLDC Risk Register. This risk has been assessed as having a high inherent risk rating, because it is considered to be of significant importance in terms of the managed growth and regulation of development for the District. In addition to this, ONFs are a matter of national importance under the RMA.
- 27 This report sets out measures to reduce and mitigate the risk with options that implement additional controls for this risk.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

- 28 There are no budget or cost implications resulting from the decision. The recommended approach can be implemented through current funding under the 10-Year Plan and Annual Plan.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

- 29 The following Council policies, strategies, assessments and reports were considered:
 - The Operative District Plan
 - The Proposed District Plan
 - The Queenstown Lakes Housing Development Capacity Assessment 2017

- 30 The recommendations are consistent with the principles set out in the above named policies.

LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE

- 31 The process for undertaking plan changes and variations to a Proposed Plan is set out in the First Schedule of the Resource Management Act.

**LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE
KĀWANATAKA Ā-KĀIKA****32 The recommended option:**

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

ATTACHMENTS | NGĀ TĀPIRHANGA

A	Section 32 Evaluation Report Variation to Proposed District Plan at Mt Iron
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