

PROPOSED PLAN CHANGE 9
FARM BUILDINGS ON OUTSTANDING NATURAL FEATURES

QUEENSTOWN-LAKES DISTRICT COUNCIL PARTIALLY OPERATIVE DISTRICT PLAN

EXECUTIVE SUMMARY

The Queenstown-Lakes Partially Operative District Plan currently contains rules that relate to farm buildings in the Rural General Zone. In essence the provisions provide an exclusion to farm buildings from the discretionary activity status given to buildings in this zone with the exception of certain land, i.e. landholdings less than 100 hectares, on land above 600 masl, or within the outstanding natural landscape – Wakatipu Basin. It has been discovered that the exception did not consider outstanding natural features (ONF) of the district meaning that there is limited control over farm buildings on ONF.

A Section 32 report was produced to assess the effectiveness, costs and benefits, and appropriateness of a range of options for the closing of the loophole that allows farm buildings to be constructed on ONF as a controlled activity. The assessment concludes that the most appropriate means of closing the loophole in the Plan is to add ONF to the site standard thereby giving farm buildings on ONF discretionary activity status.

The Section 32 report considers options such as taking no action, maintaining the status quo, the use of alternative methods, and it concludes that the addition of ONF to the site standard is the most effective and appropriate option, with minimum costs to the community in terms of implementation. On the other hand, to take no action or to maintain the status quo was considered to be neglecting the Council's obligations under the Act, i.e. the protection of ONF from inappropriate subdivisions use and development. The use of alternative methods may be effective. However, there is a high possibility of drawn out and lengthy negotiations and high cost with landscape assessments and legal advice required.

The proposed Plan Change, which affects Site Standard 5.3.5.1(xi) is identified as follows (changes underlined):

xi Farm Buildings

- (a) No farm building shall be replaced, extended or constructed:*
 - (i) On any holdings (as defined) less than 100 hectares in area; or*
 - (ii) At a density of more than one farm building per 50 hectares; or*
 - (iii) On any land above 600 masl; or*
 - (iv) Within the Outstanding Natural Landscape - Wakatipu Basin, or Outstanding Natural Features (district wide, including the Wakatipu Basin) as defined in the appropriate schedule of the district plan;*

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Introduction

This proposed Plan Change to the Partially Operative District Plan has been prepared as a means of achieving the purpose of the Resource Management Act (RMA, the Act) which is expressed in Section 5 as follows:

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

Section 31 sets out the functions of territorial authorities. This proposed Plan Change relates to Council's functions under 31(1)(a) and (b) that require:

“The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district; and

The control of any actual or potential effects of the use, development, or protection of land...”

Section 74 of the Act requires that the proposed Plan Change be in accordance with the Council's functions under Section 31, the provisions of Part II, its duty under Section 32 and any other regulations. In addition regard must be given to the Regional Policy Statement for Otago (October 1998).

Section 75 of the Act requires the District Plan not to be inconsistent with the Regional Policy Statement (RPS) or any Regional Plan. Part 5 'Land' of the RPS considers issues such as the protection of Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development. This proposed Plan Change is consistent with the RPS as it aims to provide greater protection to the ONF of the Queenstown-Lakes District from inappropriate use and development.

Terms of Reference

This report relates to a Section 32 analysis of the provisions in Part 5 *Rural Areas* as they relate to the construction of farm buildings within the rural areas and in particular the ONF of the District.

Section 32

Section 32 *Consideration of alternatives, benefits, and costs* states that in achieving the purpose of the Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified an evaluation must be carried out by the appropriate authority.

That evaluation must examine the extent to which each objective is the most appropriate way to achieve the purpose of the Act and whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives. For the purpose of the examination, the evaluation must take into account the benefits and costs of policies, rules, or other methods, and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

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SECTION 32 REPORT

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1. Introduction

This report accompanies Plan Change 9 *Farm Buildings on Outstanding Natural Features* to the Queenstown Lakes Partially Operative District Plan (PODP, the Plan). The Plan Change seeks to close a loophole that currently exists within the Rural General Zone rules of the Plan that allows farm buildings to be erected on ONF as a controlled activity. It provides a record of the fulfilment of the Queenstown Lakes District Council's duties required under Section 32 of the RMA. These duties include an assessment of alternative measures to the option contained within this proposed Plan Change.

2. Background

The following provides background and past history to the management of farm buildings in the Rural General Zone.

In the Proposed District Plan as notified in 1995 (Notified Plan), accessory buildings required a controlled activity resource consent under Rule 5.5.3.2(i)(a) as follows:

“All buildings, other than buildings less than 2.0m in height above ground level and less than 5m² in gross floor area, in respect of:

- i the location, design, bulk, colour, materials and methods of construction of the buildings and associated earthworks, access and landscaping, to avoid or mitigate adverse effects on landscape and visual amenity values, nature conservation values and the natural character of the rural environment; and*
- ii the provision of water supply, sewage treatment and disposal, electricity and telecommunication services.”*

This controlled activity rule applied to all land, except Areas of Landscape Importance (ALI). In ALI the following discretionary activity rule applied (Rule 5.5.3.3(i)):

“Within the areas identified on the Planning Maps as being of Landscape Importance, accessory buildings, other than residential units, which are accessory to any permitted or controlled activity.”

The Council's decision on submissions deleted ALI's from the Proposed District Plan and all associated rules. Accessory buildings under the Revised Plan (1998) were a controlled activity in all locations under Rule 5.3.3.2(i) as follows:

“The addition, alteration or construction of all buildings including residential units added to, altered or constructed within residential building platforms approved pursuant to Rule 15.2.6.3 in respect of:

- (a) the location, and external appearance of the buildings and associated earthworks, access and landscaping, to avoid or mitigate adverse effects on landscape and visual amenity values, nature conservation values and the natural character of the rural environment; and*
- (b) the provision of water supply, sewage treatment and disposal, electricity and telecommunication services.”*

No reference was lodged relating specifically to this matter. However, the Wakatipu Environmental Society Incorporated (WESI) lodged a reference seeking the reinstatement of Areas of Landscape Importance. This had the effect of:

- (a) seeking a discretionary regime for accessory buildings in ALI; and
- (b) seeking a non-complying regime for residential units in ALI.

Following Environment Court hearings on Part 5 Issues, the Court released its second decision in which it attached a revised Part 5 as Schedule A. That Schedule was based on the submissions of Mr Marquet and contained the following controlled activity rule for farm buildings:

“The construction of any farm building (excluding residential units) to a maximum of 150 m² in gross floor area in respect of:

- (i) location, external appearance and size;*
- (ii) associated earthworks, access and landscaping;*
- (iii) provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary).”*

A debate was then entered into regarding the threshold provided in this Rule, with the following suggestions made:

- threshold of 200m²;
- threshold of 150m² on landholdings up to 50 hectares and up to 300m² on landholdings greater than 50 hectares; and
- threshold of 150m² on landholdings up to 100 hectares and up to 300m² on landholdings greater than 100 hectares.

However, the Court considered that it *“did not have the jurisdiction to change such a rule”* and deleted the controlled activity rule for farm buildings. As a result farm buildings became a discretionary activity under Rule 5.3.3.3(i)(a), which reads:

- “(a) The addition, alteration or construction of:*
 - (i) Any building; and*
 - (ii) Any physical activity associated with any building such as roading, landscaping and earthworks.”*

In a minute dated 10 November 2001, the Court recognised that the decision to include the above Rule went beyond the scope of the WESI reference that related to farm buildings in the ALI. The Court directed that if WESI seeks to have the construction of farm buildings a discretionary activity, then it should lodge a Section 293 application to that effect with the Court.

In accordance with the Court's minute, WESI lodged an application pursuant to Section 293(2) of the Act, requesting that farm buildings in the Rural General Zone be a discretionary activity. As a result of further pre-hearing conferences, the Council lodged a Section 293 application on 11 June 2002 seeking that farm buildings in the Rural General Zone be managed by the following restricted discretionary rule:

- “(ii) *The addition, alteration or construction of farm buildings restricted discretionary activity with respect to:*
- *The location, design, bulk, colour, materials and methods of construction of the building;*
 - *Associated earthworks;*
 - *Access and landscaping;*
 - *The proposed use of the building;*
 - *The provision of water supply, sewage treatment and disposal, electricity and telecommunication services.”*

The Court directed that there be a process of public consultation. 12 submissions were received with 11 seeking a controlled activity status for farm buildings.

The Court decided that it was not necessary to have farm buildings as a restricted discretionary activity and inserted the following Rule, Site Standard and Definition, which are in the Plan today:

5.3.3.2 Controlled Activities

Farm Buildings

The replacement or extension of an existing farm building or construction of a new farm building in respect of:

- (i) *location anywhere within the property;*
- (ii) *external appearance;*
- (iii) *provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary).*

5.3.5.1 Site Standards

Farm Buildings

(a) *No farm building shall be replaced, extended or constructed:*

- (i) *On any holdings (as defined) less than 100 hectares in area; or*
- (ii) *At a density of more than one farm building per 50 hectares; or*
- (iii) *On any land above 600 masl; or*
- (iv) *Within the Outstanding Natural Landscape - Wakatipu Basin as defined in the appropriate schedule of the district plan;*

(b) *The existence of a farm building approved under Rule 5.3.3.2(i)(d) shall not be considered the permitted baseline for development in the Rural General Zone.*

Definition

Farm Building Means a building (as defined) necessary for the exercise of farming activities (as defined) and:

- (a) *Excludes buildings for the purposes of residential activities, home occupations, factory farming and forestry activities.*
- (b) *Excludes visitor accommodation and temporary accommodation.*

An error with the Site Standard (5.3.5.1(xi)) outlined was identified in March 2003 with the lodging of resource consent applications for the erection of two farm buildings on an identified ONF. The error relates to the exclusion of ONF from the list of site standard clauses that trigger discretionary activity status for the replacement, extension or construction of farm buildings. This exclusion was identified as a drafting error in the development of the site standard and consequently carried through into the Courts decision (C177/2002).

As a result, a Section 292 application was lodged with the Environment Court in November 2003 stating that an error in the decision required correcting in order to give full effect to the Plan provisions already approved by the Court. The Court declined the application on the basis that the error was not clear and therefore it did not have jurisdiction under Section 292 (decision C125/2004 – issued 16 September 2004).

Following from this the Council supported further research into determining the number of landholdings on ONF that were not captured by the existing Site Standard and therefore could erect farm buildings as a controlled activity. As a result of this analysis it was resolved by the Strategy Committee to prepare the necessary documents and analysis for a possible plan change. Accordingly, and pursuant to the provisions of the RMA, this Section 32 analysis has been carried out and the resultant recommendations put forward to the Full Council for their consideration.

3. Purpose of the Plan Change

The purpose of the proposed Plan Change is to:

Close a loophole that currently exists within the Rural General Zone rules of the Plan that allows farm buildings to be erected on ONF as a controlled activity. The closing of this loophole will assist in ensuring that the naturalness and openness of ONF is maintained by avoiding development on ONF that have no capacity to absorb change.

Necessity in Achieving the Purpose of Act

The purpose of the Act is to promote the sustainable management of natural and physical resources.

Sections 5, 6 and 7 have particular relevance to this proposed Plan Change:

Section 5 of the Act states that:

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

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

...

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

Section 6 of the Act states:

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

...

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

In addition Section 7 of the Act states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

...

(b) The efficient use and development of natural and physical resources:

(c) The maintenance and enhancement of amenity values.

...

(f) Maintenance and enhancement of the quality of the environment:

(g) Any finite characteristics of natural and physical resources:

This proposed Plan Change is considered to be necessary in achieving the purpose of the Act and the above sections of the Act for the following reasons:

Section 5:

- The proposed Plan Change is necessary to achieve the purpose of the Act. It will manage the use, development and the protection of the Districts natural and physical resources in a way that enables people to provide for their economic wellbeing.
- The change would ensure that people could continue to be able to provide for their wellbeing (through the use of buildings for farm purposes) while ensuring that Council has a mechanism in place to ensure the protection of ONF into the future.
- The change would enable Council to avoid adverse effects on ONF through the ability to decline applications.

Section 6:

- ONF are included in the matters of national importance in this section. The proposed Plan Change would enable protection of ONF from inappropriate use and development.
- The Council would be able to give effect to the section in that it can recognise *and provide* for the protection of ONF. Under the current Plan provisions Council has limited ability to provide protection.

Section 7:

- The proposed Plan Change would allow the Council to have particular regard to the matters listed above under this section of the Act.
- Changing the activity status from controlled to discretionary implies that farm buildings on ONF may be an efficient use of that land, however less efficient than on that land of the wider Rural General Zone. In terms of the landscape values of ONF as compared to other Rural General zoned land this is considered a fair assumption.
- The change of activity status allows for maintenance and enhancement of the amenity values of ONF through the ability to decline applications if inappropriate.
- The proposed change will also enable the maintenance and enhancement of the quality of the environment as it relates to ONF.
- The ability of a ONF (a natural and physical resource) to absorb the effects of farm buildings is finite. This proposed Plan Change is necessary so the Council can have regard to this finite characteristic.

Necessity in Achieving the Purpose of the Plan

In addition to achieving the purpose of the Act the proposed Plan Change must also achieve the objectives and policies of the Partially Operative District Plan. The relevant objectives and policies are contained within sections 4 and 5 of the Plan.

Section 4.2 – of the Plan deals with the landscape and visual amenity issues of the District. The relevant objective and policies are as follows:

“4.2.5 Objective and Policies

Objective:

Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.

Policies:

1 Future Development

- (a) *To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*

...

5. Outstanding Natural Features

To avoid subdivision and/or development on and in the vicinity of distinctive landforms and landscape features, including:

- (a) *in Wanaka/Hawea/Makarora; ... [adjourned issue]*
- (b) *in Wakatipu; the Kawarau, Arrow and Shotover Gorges; Peninsula, Queenstown, Ferry, Morven and Slope hills; Lake Hayes; Hillocks; Camp Hill; Mt Alfred; Pig, Pigeon and Tree Islands;*
- *unless the subdivision and/or development will not result in adverse effects which will be more than minor on:*
- (i) *Landscape values and natural character; and*
 - (ii) *Visual amenity values*
- *recognising and providing for:*
- (iii) *The desirability of ensuring that buildings and structures and associated roading plans and boundary developments have a visual impact which will be no more than minor in the context of the outstanding natural feature, that is, the building etc is reasonably difficult to see;*
 - (iv) *The need to avoid further cumulative deterioration of the outstanding natural features;*
 - (v) *The importance of protecting the naturalness and enhancing the amenity values of views from public places and public roads;*

- (vi) *The essential importance in this area of protecting and enhancing the naturalness of the landscape.*

8. Avoiding Cumulative Degradation

In applying the policies above the Council's policy is:

- (a) *to ensure that the density of subdivision and development does not increase to a point where the benefits of further planting and building are outweighed by the adverse effect on landscape values of over domestication of the landscape.*

...

9. Structures

To preserve the visual coherence of:

- (a) *outstanding natural landscapes and features and visual amenity landscapes by:*

...

- *avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;*

..."

Section 5.2 of the Plan contains the objectives and policies that relate directly to the Rural General Zone. The relevant provisions follow:

"5.2 Rural General and Ski Area Sub-Zone - Objectives and Policies

Objective 1 - Character and Landscape Value

To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.

Policies:

- 1.1 *Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*

...

- 1.6 *Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.*

- 1.7 *Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*

- 1.8 *Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.*

..."

This proposed Plan Change is considered to be necessary in achieving the above objectives and policies of the Plan for the following reasons:

Section 4:

- At present there is limited control over avoiding, remedying and mitigating adverse effects on landscape and visual amenity values of farm buildings on ONF. The proposed Plan Change will allow greater control over these, in particular the ability to avoid adverse effects if the proposal is inappropriate. This is very relevant to areas where the landscape and visual amenity values are vulnerable to degradation.
- The proposed Plan Change will allow for the ability to avoid development, i.e. farm buildings, on ONF within the District while allowing those farm buildings that will not result in adverse effects that are more than minor.
- The ability to decline applications for farm buildings on ONF recognises and provides for visual impacts, cumulative deterioration, and the naturalness and amenity of views.

Section 5:

- The proposed Plan Change will assist in protecting the character and landscape values of the rural area through providing greater control of development on ONF.
- The proposed Plan Change will enable additional control to avoid the adverse effects of farm buildings on ONF where they cannot be absorbed.

4. Process used in the development of the Plan Change, including Public Consultation undertaken

This proposed Plan Change has been carried out in accordance with the provisions stipulated in the First Schedule of the RMA. Clause 3 of the First Schedule requires the Council to consult with the following parties during the preparation of a proposed plan change:

- The Minister for the Environment;
- Those other Ministers of the Crown who may be affected by the plan change;
- Local authorities who may be so affected; and
- The tangata whenua of the area who may be so affected.

With regard to the above parties, it has been deemed necessary to undertake consultation with the Minister for the Environment, the Minister of Conservation, the Otago Regional Council, Ngai Tahu and Kai Tahu as possibly affected parties. A letter was sent to these parties on the 10 February 2005 and follow-up phone calls undertaken on 18 February.

In addition to the above the Council may consult with anyone else during the plan change process. With regards to the wider community, it has been determined that there are several landholders affected by this proposed Plan Change. These affected persons have not been consulted with due to the nature of the change, i.e. closing a loophole in the Plan.

Notwithstanding the above, any person is entitled to make a submission on the proposed Plan Change if and when it is notified.

5. Analysis: Assessment of Principal Alternative Methods

The following section provides a record of the different approaches assessed for addressing the identified issue.

- 5.1 Status quo
- 5.2 Take no action
- 5.3 Use of non-regulatory methods
- 5.4 Initiate a plan change to close loophole in existing rules

5.1 Status Quo

In this case, 'status quo' means leaving the provisions relating to farm buildings in the Rural General Zone as they are and taking no further action. As stated in Section 1 of this report, the current rules allow the erection of farm buildings on ONF as a controlled activity. As a result there is no ability to decline applications if the proposal is inappropriate.

Necessity

As discussed in Section 2 of this report, the Act requires persons exercising functions and powers under it to recognise and provide for the protection of ONF from inappropriate subdivision, use and development. Under the current Plan provisions, planners and landscape architects may recognise inappropriate development on ONF however they can do little to protect them from such development because of the controlled activity status.

Due to the existing loophole contained within the Plan provisions, the rules relating to farm buildings within the Rural General Zone currently allow for development that would have an adverse effect on ONF. It is necessary to amend the Plan to ensure that the Council meets its obligations under the Act and that development is consistent with the objectives and policies of the Plan.

Effectiveness

Retaining the status quo would not remove the loophole in the farm building rules from the Plan and therefore has no effect in achieving the requirements of the Act or the objectives and policies of the Plan.

Environmental Benefits

The provisions of the Plan currently require controlled activity consent for farm buildings on ONF. Control is limited to location anywhere within the property, external appearance and provisions of services. Therefore environmental benefits of this regime are that:

- Naturalness and openness on some ONF can be retained (where there is the ability to absorb the farm building into the landscape)
- Adverse visual effects can be limited in some cases

Environmental Costs

Environmental costs of retaining the status quo include:

- Further adverse visual effects related to buildings and structures on ONF
- Reduction or loss of ONF naturalness and openness

Economic and Social Benefits

Direct economic cost to the wider community would be avoided, as no plan change would be processed.

Economic and Social Costs

Landscapes and natural features are one of the Queenstown-Lakes Districts draw cards in attracting tourists to the area. With further degradation of these landscapes it is perceivable that tourists lose interest in them and will not find the District as attractive. While farm buildings on ONF could not be

held accountable for a decrease in the tourism industry it could be held as a contributing factor in the long term.

Appropriateness

The Plan does offer provisions to ensure farm buildings are located as to avoid adverse affects on landscapes. However, in some cases there maybe no location suitable to enable avoidance of such effects. This is a particular problem on ONF where the landscape is highly valued and their protection is a matter of national importance.

Due to the above reasons it is considered inappropriate to retain the status quo, which cannot guarantee that the naturalness and openness of ONF can be retained.

Recommendation

It is recommended that this option be discarded.

5.2 Take No Action

This approach means deleting all provisions relating to farm buildings within the Plan, therefore defaulting farm buildings to discretionary activity status.

Necessity

The Act requires persons exercising functions and powers under it to recognise and provide for the protection of ONF and landscapes from inappropriate use and development. It also requires such persons to have particular regard to the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, maintenance and enhancement of the quality of the environment and any finite characteristics of natural and physical resources.

By removing the existing provisions from the Plan relating to farm buildings the Council would fulfill it's obligation under the Act more so than at present. However the Environment Court has issued a decision where it considered that a restricted discretionary activity rule for farm buildings is not necessary in all cases (Environment Court Decision C177/2002).

Appropriateness

It is considered inappropriate to adopt a method that has had significant assessment in the past and found to be unnecessary by the Court.

Recommendation

It is recommended that this option be discarded.

5.3 Use of Alternative and Non-Regulatory Methods

In this case the use of alternative methods includes identifying the affected landholdings on ONF where farm buildings can be erected as a controlled activity but cannot be effectively absorbed into the landscape. Once identified, negotiations with the landowners would take place to reach agreements (deeds of agreement or covenants) to prevent the construction of farm buildings on that land.

Non-regulatory methods would include the production of good practice guidelines and dissemination of information to inform landowners of the effects of buildings on ONF.

Necessity

Covenants and Deeds of Agreement can have positive outcomes towards achieving the purpose of the Act. Research has been undertaken to determine the number of landowners affected by this loophole in the Plan. During this research it was ascertained that there is uncertainty as to the number of possibly affected landholdings, i.e. those who could be affected if future land purchase was undertaken. This could lead to an overly expensive and time consuming process when compared to the minor plan change that will achieve the same result.

Non-regulatory guidelines have already been produced by the Council and CivicCorp to disseminate information about good design in the Rural General Zone. An example is the Good Practice Guide to Rural Subdivision that contains sections of building location and maintenance of landscape character. To repeat such information in another guide is considered to be unnecessary.

Effectiveness

If successfully negotiated Covenants and Deeds of Agreement can be very effective tools to be utilised. However, as touched upon in Section 4 of this report, if the negotiations fail then the information gained by affected persons may act as a catalyst for resource consent applications for farm buildings on ONF before the loophole can be closed.

There is also an issue with these types of agreements in that they are an agreement between the council and the landowner only. At any time in the future, with agreement of both parties, the Covenant or Deed of Agreement can be altered or removed without public input. This does not provide certainty to the community that the ONF will be protected into the future.

Environmental Benefits

In the event that agreements are negotiated successfully, and no person takes advantage of the loophole, the environmental benefits would consist of:

- Retention of the naturalness and openness of ONF
- Retention of amenity values of views from public areas
- Protection of the distinctive landforms of the District from development

Environmental Costs

To carry out this option the landholders need to be informed and there is a possibility that negotiations could extend for a period of time. There is potential that applications could be made for farm buildings upon ONF under the current provisions and prior to any agreement being completed. This could result in the following environmental costs:

- Further adverse visual effects related to buildings and structures on ONF;
- Reduction or loss of ONF naturalness and openness;

Economic and Social Benefits

If successful this method could lead to improved relations between landowners and Council that could be beneficial in future matters. The protection of ONF will assist in producing benefits for locals and visitors to the District who enjoy the natural landscapes.

Economic and Social Costs

If unsuccessful there could be a breakdown of the current relationship the Council has with landowners. It is also expected that this method would have a significantly higher financial cost to reach a positive outcome. Several landscape assessments would be required along with legal advice in setting up the agreements.

Appropriateness

The use of alternative methods is considered to be an appropriate tool to build upon the Partially Operative District Plan and has been used in the past.

However due to the possibility of escalating financial costs to the wider community of protracted negotiations and landscape assessments, and the risk of the method being unsuccessful it is considered to be an inappropriate method in this case.

Recommendation

It is recommended that this option be discarded.

5.4 Initiate a Plan Change to close loophole in existing Rules

It is possible to remove the loophole from the Rules for farm buildings in the Rural General Zone through a minor amendment to the site standard – see appendix A. The amendment would change the activity status for farm buildings on ONF from controlled to discretionary if proposed on an ONF.

Necessity

This option would assist in achieving the purpose of the Act, by ensuring that the protection of ONF from inappropriate use and development is recognised and provided for. It is considered necessary in order to achieve the purpose of the Act, the objectives and policies of Part 4 and 5 of the Plan.

Effectiveness

The addition of ONF to the site standard would be an effective method to close the loophole in the Plan. The amendment would provide protection to ONF from development while allowing for assessments to be made at the time farm buildings are proposed, therefore still allowing farm buildings if effects are less than minor.

This method is considered to be an effective way of achieving the purpose of the act and the objectives and policies of the plan.

Environmental Benefits

Environmental benefits would include:

- Retention of the naturalness and openness of ONF
- Retention of amenity values of views from public areas
- Protection of distinctive landforms of the District from development

Environmental Costs

There are no perceived environmental costs associated with this option.

Economic and Social Benefits

The main benefit from initiating a plan change will be the flow on effects of preserving the ONF in their natural state, i.e. benefits from tourism.

By making farm buildings on ONF a discretionary activity there is the ability to approve developments that show they can be absorbed into the landscape while providing protection for ONF from development that cannot.

The proposed Plan Change would provide a social benefit in assisting to meet the Community Outcomes of Quality Landscapes and Natural Environment and Sustainable Growth Management.

The plan change process would also allow for public input through the submission process.

Economic and Social Costs

The costs of processing a plan change would be placed on the wider community.

Farmers wanting to construct a farm shed on an ONF would have to bear the cost of a discretionary process and possibly public notification. This is a potentially significant increase from the cost of a controlled activity assessment.

Appropriateness

Economic costs to those wanting a farm building on an ONF are significant, however, it is considered that the environmental benefits outweigh this cost. In addition this option is considered an appropriate cost effective method of achieving the purpose of the Act and the objectives and policies of the Plan.

It is considered to be the most appropriate option.

Recommendation

For the reasons outlined above, it is recommended that this option be adopted. This option is efficient and will achieve the objectives of the Plan and assist in achieving the purpose of the RMA.

6. Conclusion

With regard to the above analysis of alternative options it is evident that the most appropriate method of ensuring that the purpose of the RMA and the objectives and policies of the Plan are met is to amend the site standard for farm buildings in the Rural General Zone so that farm buildings can be assessed as a discretionary activity on ONF.

This option is effective and appropriate, with minimum costs to the community in terms of implementation. It is considered the most effective because it enables the Council to assess any application for farm buildings on ONF against the relevant objectives and policies of the Plan, and if necessary to decline the application. This would ensure that the landscape values of ONF are protected into the future.

7. Appendix A – Proposed Amendment

The Amendment

- Additional text underlined

“5.3 Rural General and Ski Area Sub-Zone - Rules

...

5.3.5 Standards

5.3.5.1 Site Standards

...

xi Farm Buildings

- (a) *No farm building shall be replaced, extended or constructed:*
 - (i) *On any holdings (as defined) less than 100 hectares in area; or*
 - (ii) *At a density of more than one farm building per 50 hectares; or*
 - (iii) *On any land above 600 masl; or*
 - (iv) *Within the Outstanding Natural Landscape - Wakatipu Basin, or Outstanding Natural Features (district wide, including the Wakatipu Basin) as defined in the appropriate schedule of the district plan;*
- (b) *The existence of a farm building approved under Rule 5.3.3.2(i)(d) shall not be considered the permitted baseline for development in the Rural General zone.*

...”