



Section 32 Evaluation Report

Landscape, Rural Zone and Gibbston Character Zone

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Section 32 Evaluation Report: Landscape, Rural Zone and Gibbston Character Zone

1. Purpose of the report

Section 32 of the *Resource Management Act 1991* (the Act) requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives (MFE, 2014).

Accordingly, this report provides an analysis of the key issues, objectives and policy response to be incorporated within the Landscape, Rural Zone and Gibbston Character Zone chapters of the Proposed District Plan.

As required by section 32 of the RMA, this report provides the following:

- An overview of the applicable **Statutory Policy Context**.
- Description of the **Non-Statutory Context** (strategies, studies and community plans) which have informed proposed provisions.
- Description of the **Resource Management Issues** which provide the driver for proposed provisions
- An **Evaluation** against Section 32(1)(a) and Section 32(1)(b) of the Act, that is:
 - Whether the objectives are the most appropriate way to achieve the RMA's purpose (s32(1)(a)).
 - Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives (S32(1)(b)), including:
 - identifying other reasonably practicable options for achieving the objectives,
 - assessing the efficiency and effectiveness of the provisions in achieving the objectives, and
 - summarising the reasons for deciding on the provisions.
- A **level of detail** that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (s32(1)(c)).
- Consideration of **Risk**.

2. Statutory Context

Resource Management Act 1991

The purpose of the Act requires an integrated planning approach and direction, as reflected below:

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *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*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The assessment contained within this report considers the proposed provisions in the context of advancing the purpose of the Act to achieve the sustainable management of natural and physical resources. The

District's landscapes and natural environment are highly recognised and valued. The Council's Economic Development Strategy 2015 states:

'The outstanding scenery makes the District a highly sought after location as a place to live and visit.' And, 'The environment is revered nationally and internationally and is considered by residents as the area's single biggest asset.'

The Queenstown Lakes District is one of the fastest growing areas in New Zealand and the recent estimates (refer to more detail in the Strategic Directions Section 32 report) predict that the District will continue to experience significant population growth over the coming years, largely off the back of strong forecasted growth in visitors. A strategic policy approach is essential to manage future growth pressures in a logical and coordinated manner to promote the sustainable management of the valued landscape, nature conservation, productive land and infrastructure resources within the Rural Zone and Gibbston Character Zone.

Section 31 of the Act outlines the function of a territorial authority in giving effect to the purpose of the Act:

31 Functions of territorial authorities under this Act

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(a) 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

Section 31 provides the basis for objectives, policies, and methods within a District Plan, to manage the effects of use, development or protection of land and associated natural and physical resources of the district.

Consistent with the intent of Section 31, the proposed provisions of the Landscape, Rural Zone and Gibbston Character Zone Chapters enable an integrated approach to the management of the multiple resources within the Rural Zone and Gibbston Character Zone.

Section 6 Matters of National Importance is of direct relevance to the Rural and Landscape chapters.

6 Matters of National Importance

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

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

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

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights

Section 7 Other matters also includes a number of matters directly relevant to these chapters.

7 Other matters

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—

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (ba) the efficiency of the end use of energy:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (e) [Repealed]*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*
- (h) the protection of the habitat of trout and salmon:*
- (i) the effects of climate change:*
- (j) the benefits to be derived from the use and development of renewable energy.*

In particular, Section 7(b) requires regard is had to the efficient use and development of natural and physical resources. The Rural Zone and Gibbston Character Zone contain land utilised for primary production purposes.

Local Government Act 2002

Section 14 - Principles relating to local authorities

Sections 14(c), (g) and (h) of the Local Government Act 2002 are also of relevance in terms of policy development and decision making:

- (c) when making a decision, a local authority should take account of—*
 - (i) the diversity of the community, and the community's interests, within its district or region; and*
 - (ii) the interests of future as well as current communities; and*
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):*
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and*
- (h) in taking a sustainable development approach, a local authority should take into account—*
 - (i) the social, economic, and cultural interests of people and communities; and*
 - (ii) the need to maintain and enhance the quality of the environment; and*
 - (iii) the reasonably foreseeable needs of future generations*

As per Part II of the RMA, the provisions emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

Section 14(g) is of relevance in so far as a planning approach emphasises that the Rural Zone and Gibbston Character Zone comprises the majority of the District's valued landscapes, surface of waterbodies, indigenous biodiversity and rural productive land resources.

Having regard to these provisions, the planning approach is to not interpret these provisions through a single lens, but to manage the resource for the benefit of the District and wider region. The approach through this review is to provide a balanced framework in the District Plan to manage these resources appropriately. Furthermore, there is an emphasis on presenting the provisions in a manner that is clearly interpreted to facilitate effective and efficient District Plan administration.

3. Iwi Management Plans

When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council's must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

The following iwi management plans are relevant:

The Cry of the People, Te Tangi a Taurira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)

Section 3.4, Takitimu Me Ona Uri: High Country and Foothills contain the following policies that have specific regard to subdivision and development:

3.4.2 High Country Pastoral Farming

Policy 1. Encourage sustainable pastoral farm land management practice whereby impacts on soil, vegetation and water quality are minimised.

3.4.8 Access and Tourism

Policy 2. Development that includes building activity should consider specific landscape and geographical features and the significance of these to Ngāi Tahu Whānui. Activity whereby buildings will protrude above ridgelines or displace site of cultural significance should be avoided.

Part 3.5.10: General Water Policy: includes,

Policies:

3. Protect and enhance the mauri, or life supporting capacity, of freshwater resources throughout Murihiku.

4. Manage our freshwater resources wisely, mō tātou, ā, mō ngā uri ā muri ake nei, for all of us and the generations that follow.

5. Promote the management of freshwater according to the principle of ki uta ki tai, and thus the flow of water from source to sea.

6. Promote catchment management planning (ki uta ki tai), as a means to recognise and provide for the relationship between land and water.

16. Prioritise the restoration of those waterbodies of high cultural value, both in terms of ecological restoration and in terms of restoring cultural landscapes.

17. Ensure that activities in upper catchments have no adverse effect on mahinga kai, water quality and water quantity in lower catchments.

Part 3.5.19: Riparian Zones, includes the following policies:

Policy 6. Avoid stock access to riparian zones and streambeds, except when required for intermittent vegetation control.

Policy 7. Encourage fencing of streams to protect riparian vegetation, and promote healthy riparian establishment.

3.4.14 Protecting Sites of Significance in High Country and Foothill Areas

Policy 6. Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.

Section 3.5, Southland Plains: Te Rā a Takitimu contains the following policies that have specific regard to subdivision and development:

3.5.2 Wastewater

9. Encourage creative, innovative and sustainable approaches to wastewater disposal that make use of the best technology available, and that adopt principles of waste reduction and cleaner production (e.g. recycling grey water for use on gardens, collecting stormwater for a pond that can then be used for recreation in a new subdivision).

3.5.7 Subdivision and Development

Policies 1- 18 of the MNRMP contain a range of policies that are relevant to Subdivision and Development, and cover iwi involvement in planning processing and plan development, and interaction with developers and iwi, particularly where there may be significant effects, long term planning and cumulative effects, avoiding adverse effects on the natural environment and advocating for the use of esplanades reserves.

Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)

Part 10: Clutha/Mata-au Catchments *Te Riu o Mata-au* outlines the issues, and policies for the Clutha/Mata-au Catchments. Included in this chapter is a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments. Generic issues, objectives and policies for all catchments across the Otago Region are recorded in Chapter 5 Otago Region.

The following policies are of particular relevance;

5.3.4: Bank Erosion:

Policy 43. To discourage activities on riverbanks that have the potential to cause or increase bank erosion.

Policy 44. To encourage the planting of indigenous vegetation from the local environs to help reduce continual erosion of the edge of rivers.

5.3.4: Land Use and management

Policy 54. To promote land use that suits the type of land and climatic conditions.

Policy 55. To encourage the exclusion of stock from waterways.

Policy 56. To oppose the draining of wetlands. All wetlands are to be protected.

Policy 57. To require a programme to monitor the effect of stock and agricultural activity on groundwater quality be established.

Policy 58. To promote integrated riparian management throughout entire catchments.

Policy 59. To oppose the indiscriminate use of chemicals or poisons in or near waterways.

5.6.4 Cultural Landscapes General Policies

Subdivisions:

1. *To discourage subdivisions and buildings in culturally significant and highly visible landscapes.*
2. *To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:*
 - i. *All consents related to the subdivision to be sought at the same time.*
 - ii. *Protection of Kāi Tahu ki Otago cultural values.*
 - iii. *Visual amenity.*
 - iv. *Water requirements.*
 - v. *Wastewater and storm water treatment and disposal.*
 - vi. *Landscaping.*
 - vii. *Location of building platforms.*
3. *To require that where any earthworks are proposed as part of a subdivision activity, an accidental discovery protocol is to be signed between the affected papatipu Rūnaka and the Company .*
4. *To require applicants, prior to applying for subdivision consents, to contact Kāi Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory.*
5. *To require public foot access along lakeshores and riverbanks within subdivisions.*

Land Use 10.2.3 Wai Māori Policies in the Clutha/Mata-au Catchment

9. *To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.*
10. *To promote sustainable land use in the Clutha/Mata-au Catchment.*
11. *To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.*

4. Regional Planning Documents

Operative Regional Policy Statement 1998

Section 74 of the Act requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The operative *Otago Regional Policy Statement 1998* is the relevant regional policy statement to be given effect to within the District Plan.

The operative RPS contains a number of objectives and policies of relevance to this plan change, specifically Objectives 5.4.1 to 5.4.4 (Land) and related policies which, in broad terms promote the sustainable management of Otago’s land resource by:

- Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources;
- Avoid, remedy or mitigate degradation of Otago’s natural and physical resources resulting from activities utilising the land resource;
- Protect outstanding natural features and landscapes from inappropriate subdivision, use and development.

Objective 9.4.3 (Built Environment) and related policies are relevant and seek to avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources, and promote the sustainable management of infrastructure.

These objectives and policies highlight the importance of the rural resource both in terms of the productive resources of the rural area and the protection of the District's outstanding natural features and landscapes.

Proposed Regional Policy Statement 2015

Section 74 of the Act requires that a District Plan must "have regard to" any proposed regional policy statement.

The Proposed RPS was notified for public submissions on 23 May 2015, and contains the following objectives and policies relevant to landscape, Rural Zone and the Gibbston Character Zone:

Proposed RPS 2015 Objective	Objectives	Policies	Relevance to the review of the Landscape, Rural Zone and Gibbston Character Zone chapters
The principles of Te Tiriti o Waitangi are taken into account in resource management decision.	1.1	1.1.1, 1.1.2	Statutory Acknowledgement Areas in the Queenstown Lakes District associated with the Ngāi Tahu Claims Settlement Act 1998 are located within the Rural Zone. In addition, the lakes and rivers and majority of indigenous vegetation is contained within the Rural Zone. Refer to the respective Section 32 reports for these.
Kai Tahu values, rights and customary resources are sustained	1.2	21.2.1, 1.2.2, 1.2.3	The Landscape, Rural and Gibbston Character Zone chapters manage land that is of interest and value in terms of culture and practices, ancestral lands, water, site, wahi tapu and other taoka.
The values of Otago's natural and physical resources are recognised, maintained and enhanced	2.1	2.1.1, 2.1.2, 2.1.5, 2.1.6, 2.1.7	Without falling out of scope or unnecessarily duplicating functions, the integrated management of resources includes the management of activities with regard to freshwater values, margins of water bodies, soil values, ecosystem and biodiversity values, recognising values of natural features and landscapes.
Otago's significant and highly-valued natural resources are identified, and protected or enhanced	2.2	2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.5, 2.2.6, 2.2.14, 2.2.15, Schedule 4, Schedule 5	The Rural Zone contains the majority of the District's land that contains significant natural areas, outstanding natural features and landscapes, special amenity landscapes and the soil resource for the productive use of land.
Natural resource systems and their	2.3	2.3.1, 2.3.2	Applying an integrated approach to the management of Otago's physical resources to

interdependencies are recognised.			achieve sustainable management. To ensure that effects of activities on the whole of a resource are considered when that resource is managed by sub-units.
Protection, use and development of natural and physical resources recognises environmental constraints.	3.1	3.1.1	The Rural Zone and Gibbston Character Zone contain areas of varying sensitivity that may create opportunities or constraints for activities seeking to utilise the respective resource.
Risk that natural hazards pose to the communities are minimised.	3.2	3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10, 3.2.11	The Rural Zone and Gibbston Zone contain land that is subject to natural hazards. Many non-farming activities including residential activity require resource consent as a discretionary activity and this provides the Council with the opportunity to assess the risk of natural hazards to development proposals.
Good quality infrastructure and services meet community needs. Infrastructure of national and regional significance is managed in a sustainable way. Energy supplies to Otago's communities are secure and sustainable.	3.4 and 3.5	3.4.1, 3.4.2, 3.4.3, 3.4.4, 3.5.1, 3.5.2, 3.5.3,	While much of the Districts infrastructure is located within urban areas. Roads, Airports, and utilities pass through or affect the development potential of the Rural Zone and Gibbston Zone. Also, often the resource is located within the Rural areas. The creation and maintenance of these need to be managed to be protected and to avoid impacts on users and receivers.
Energy Supplies to Otago's communities are secure and sustainable	3.6	3.6.1, 3.6.2, 3.6.3, 3.6.4, 3.6.5, 3.6.6	Much of the District's energy supplies are located within the Rural Zone, noting the Hydro Generation zone is not in the scope of stage 1 of review.
Urban growth is well designed and integrates effectively with adjoining urban and rural environments.	3.8	3.8.1, 3.8.2, 3.8.3	The maintenance of rural landscape values and retention of soil resource is co-dependant on the strategic planning of urban areas and the certainty provided by the identification of urban growth boundaries.
Public access to areas of value to the community is maintained or enhanced.	4.1	4.1.1	Public trails are contained within the rural zone. Public access is often raised as an issue that presents both opportunities and constraints for development proposals and the maintenance of productive activities.
Sufficient land is managed and protected for economic production.	4.3	4.3.1, 4.3.2, 4.3.6	Notwithstanding the value of the landscape and recreational resources to the District, The rural economy is an important component and the protection of the soil resource is recognised. The retention of productive farms can also

			assist with the maintenance of large landholdings that contribute to the predominance of open spaces and low intensity of housing and subdivision of land for rural lifestyle purposes.
Otago's communities can make the most of the natural and built resources available for use.	4.4	4.4.3	Both permitted farming and viticulture and horticulture activities, in addition to other development proposals that seek to locate in the rural areas can degrade ecosystem health and recognition for opportunities to enhance existing areas.
Adverse effects of using and enjoying Otago's natural and built environment are minimised	4.5	4.5.1, 4.5.4, 4.5.5, 4.5.6, 4.5.7, 4.5.8	People are drawn to the rural areas for a wide range of farming and entrepreneurial opportunities and recreational activities. How these activities are managed will impact the communities' experience of the resource.

The evaluation and provisions have regard to the Proposed RPS. In particular, there are consistencies in the application of the Proposed RPS Schedule 4 '*Criteria for the identification of outstanding natural features and landscapes*' and the proposed District Plan assessment matters in outstanding natural landscapes and features, for guiding decision makers when considering proposals for activities within identified outstanding natural landscapes and features.

5. Resource Management Issues

This review seeks to address a number of key issues (detailed below), whilst also strengthening the existing provisions by providing more targeted objectives and policies, making the Plan easier to understand and improving certainty to what activities are permitted in the Rural Zone and Gibbston Character zones and whether they require a resource consent.

The resource management issues set out in this section have been identified from the following sources:

- Wanaka Land Demands – Review of the Wanaka Structure Plan (2007)
- Plan Change 05b – Glenorchy Township Zone Boundary 'The Bible Terrace'
- Plan Change 07 – Residential Flats
- Plan Change 09 – Farm Buildings on Outstanding Natural Features
- Plan Change 13 – Kioromoko
- Plan Change 14 – Makarora Rural Lifestyle Zone
- Plan Change 18 – Mt Cardrona
- Plan Change 20 – Wanaka Urban Boundary
- Plan Change 21 – Queenstown Urban Boundary
- Plan Change 24 – Community and Affordable Housing
- Plan Change 28 – Trails
- Plan Change 33 – Non-Residential Activities in the Residential, Rural Living and Township Zones
- Plan Change 48 – Signs
- Plan Change 49 – Earthworks
- Hawea Community Plan 2003
- Luggate Community Plan 2003
- Makarora Community Plan 2003
- Tomorrow's Queenstown

- Wanaka 2020
- Rural General Zone Monitoring Report 2009
- Rural Living Zones Monitoring report 2009
- Informal Airports Research Report 2012
- QLDC Liquefaction Hazard 2013, prepared by Tonkin and Taylor Limited
- Otago regional Council Natural hazard reports
- 'When is enough, enough? Dealing with cumulative effects under the Resource Management Act. A paper by Philip Milne for Horizons Regional Council. 2008
- Read Landscapes Limited 'Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features' 2014.
 - Peer review on the Wakatipu component by Ben Espie landscape planner
 - Peer review on the Wanaka/Upper Clutha component by Anne Steven landscape architect
- Read Landscapes Limited 'Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment' 2014.
- 'High Level Review of Proposed District Plan Provisions – Landscape Issues' Ben Espie Landscape Planner. 20 November 2014.
- National Policy Statement for Renewable Electricity Generation 2011.
- Ministry for the Environment. 2011. *National Policy Statement for Renewable Electricity Generation 2011: Implementation Guide*. Wellington: Ministry for the Environment.
- National Policy Statement for Freshwater Management 2014
- Otago Regional Council Regional Policy Statement 1998
- Kai Tahu ki Otago Natural Resource Management Plan, 2005
- Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008
- Dairy NZ. Sustainable Dairying Water Accord.
- Relevant legislative changes enacted since the Plan became operative

Consultation

Consultation on the District Plan Review and management of the rural zones was initiated in 2010 and included the following:

- Rural Discussion Document and Brochure in 2010, with feedback invited via the Council's website
- A series of articles in the Otago Daily Times titled 'Our Rural Future' in 2010, with opinion pieces from Anne Steven (Landscape Architect), Clive Geddes (Former Mayor), Council staff, Julian Haworth (Upper Clutha Environmental Society), Peter Constantine (Planner) and Richard Burdon (Farmer).
- Meeting with Federated Farmers and farmers at Mt Burke 11 May 2010
- Meeting with Department of Conservation 28 November 2011
- Meeting with Upper Clutha Environmental Society (UCES) 28 November 2011
- Meeting with the Upper Clutha Tracks Trust 10 January 2012
- Meeting with the NZTA 24 May 2012
- Meeting with NZIA and NZILA 30 April 2012
- Meeting with planning commissioners 11 October 2012
- Stall and posters at the Lake Hayes and Wanaka A & P Shows 2012
- Meeting of the Council's Resource Management Focus Group 2014 and 2015
- January 9 – February 10 2015 Draft provisions and Section 32 reports placed on the Council's website and circulated to persons on the Council's District Plan Review distribution list, persons with an interest in the changes and statutory consultation parties required by the RMA
- Written feedback from in the order of 40 persons/groups
- Meeting with Federated Farmers 16 February 2015

- Attended and spoke at the Hawea Community Association Meeting 10 January 2015 at Lake Hawea.
- Invited to meeting with Farmers 10 February 2015 at Wanaka, all from Upper Clutha area except Mark Hasselman from Glenorchy.

The key issues are:

Issue 1: The management of the District's landscapes

Introduction

The District's landscapes are of significant value to the people who live, work or visit the District, and need to be protected from inappropriate subdivision, development and use.

The existing provisions have been operative in the order of ten years. A number of plan changes have resolved issues that have arisen, whilst monitoring reports and decisions on resource consents have identified issues associated with the existing provisions.

The planning rules for managing subdivision and development in the Rural General Zone are unique compared to many other parts of rural New Zealand in that there is no minimum allotment size for landholdings in the Rural General Zone. What this does is prevent any 'development right' for residential subdivision and development, associated with a minimum landholding area, but requires proposals for subdivision and development to prove that the development would be appropriate in terms of effects on the landscape.

Whilst the existing provisions place emphasis on whether a proposal will be appropriate in terms of adverse effects on the landscape resource, on the other hand, the absence of a minimum allotment size (along with associated plan provisions) does not establish an easily measurable baseline on the potential limit of the capacity of the landscape to absorb development.

When subdivision and development are proposed, the existing provisions require an appraisal of the development site to determine whether the landscape values are one of an 'outstanding natural feature', 'outstanding natural landscape', 'visual amenity landscape' or, 'other rural landscape'. On this basis an assessment of the proposal is undertaken against a prescribed suite of 'assessment criteria'. All such activities generally fall into the class of a 'discretionary' resource consent, which, in broad terms means that the Council can assess any matters relevant to the application, and can decline applications.

The Council's Rural Monitoring Report 2009, examined the effectiveness of the existing operative provisions and reflected on the amount of residential subdivision and development that had been consented in the Rural General Zone.

The Monitoring Report had a particular focus on subdivision and development in the Wakatipu Basin, an area which has received a relatively high number of resource consent applications and approvals for subdivision and development. The Wakatipu Basin has also been subject to private plan changes to create rural lifestyle living and resort activities and accommodation.

A key theme of the Rural Monitoring Report 2009 was whether the existing provisions were effectively managing cumulative effects of residential subdivision and development. The Monitoring Report identified that the cumulative effects of development pressure within the Wakatipu Basin were not being effectively managed. The report identified a lack of connection between the objectives and policies of the landscape categories identified within the Plan and the assessment matters. The report suggested that these could more explicitly outline the desired landscape outcome, particularly for the areas subject to the 'Visual Amenity Landscapes category' assessment criteria.

Wakatipu Basin

Other work associated with this review focusing on the Wakatipu Basin is a study by Read Landscapes Limited, titled 'Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment 2014'. The Read Landscapes study examined the landscape of the Wakatipu Basin and made recommendations on the options of future management of subdivision and development. This study includes consideration of the benefits of changing the planning rules to require a minimum allotment size in the Wakatipu Basin, and areas within the Wakatipu Basin where the landscape has capacity for additional subdivision and development or has reached a threshold. The report also provided a critique of the existing assessment criteria provisions.

The findings of the Read Landscapes study suggested that the existing 'discretionary regime' is the best way to manage subdivision and development in the Wakatipu Basin, and the existing assessment criteria should be clarified, with the inclusion of performance standards to help assess the merits of subdivision and development.

The Read Landscapes study also concluded that the most appropriate way to encourage development to locate where it is appropriate from a landscape perspective is to rezone those locations to Rural Lifestyle, an existing zone already established in parts of the Wakatipu Basin. The Rural Lifestyle zone requires a site size of not less than one hectare with an average site size of two hectares over the area to be subdivided.

Proposed rezoning of identified areas of the Rural General zone in the Wakatipu Basin to Rural Lifestyle Zone

The Read Landscapes report identified the following locations as being capable of supporting rural lifestyle subdivision and development without substantial impact on the Wakatipu Basin's landscape values:

- The 'Hawthorn Triangle' area
- The Fitzpatrick Basin
- Mooney Road area
- Alec Robins Road area
- An extension to the existing Rural Lifestyle zone at the Dalefield Road area

The reasons these areas are suitable for Rural Lifestyle zoning are set out in the Read Landscapes Limited report¹. It is noted these areas have been considered in a landscape management perspective on the wider Wakatipu Basin.

These areas have either had a degree of subdivision and development occurred, or has capacity for residential subdivision at the density provided in the Rural Lifestyle Zone. In the case of these areas, establishing a density baseline of 2ha average, with lots up to 1ha protects these areas from higher intensity subdivision and development.

District Wide Rural General Zone

A deficiency with the existing 'Visual Amenity Landscape' landscape provisions is that they anticipate the maintenance, if not the creation of, a specific type of landscape, being 'arcadian' or 'pastoral in the poetic sense'. However, much of the land subject to the provisions has a different landscape character.

Parts of the District's rural areas within the existing 'visual amenity landscape' comprise a rural working landscape, characterised by relatively large paddocks and an absence of domestic buildings and associated activities and curtilage that can reduce the open character characterised by pastoral farming. In areas, the predominant introduced vegetation patterns are for sheltering stock and paddocks, rather than creating amenity and shelter associated with housing. The landscape character of these areas, and the management

¹ Read Landscapes Limited 'Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment' 2014.

of them with regard to subdivision and development do not benefit from the existing visual amenity landscape provisions.

Generally, the assessment criteria are regarded as complex and repetitive, particularly with regard to the matters relating to cumulative effects. In particular, the Visual Amenity Landscape criteria have a focus on maintaining and enhancing 'arcadian' and 'pastoral in the poetic sense'² landscape values. While these attributes may be present in some areas of the Wakatipu Basin, they do not represent the landscape character of the other areas, yet must be applied to large parts of the District when assessing resource consent application for subdivision and development. Many areas are classified as a visual amenity landscape by default because they do not have the attributes of an ONF or ONL (District Wide or Wakatipu Basin). This further highlights the potential unsuitability of the visual amenity landscape.

Although the process for assessing proposals is strict, this matter may be a reason why there have been a relatively high number of residential building platforms approved in the Wakatipu and Wanaka Basins. It is difficult to suggest, or for the Council to quantify when the amount of consented development has reached a cumulative adverse effect, when the provisions in the operative District Plan tend to anticipate the creation of a 'arcadian' or 'pastoral in the poetic sense' landscape.

Much of the existing 'Visual Amenity landscape' of the Rural General Zone has a landscape character, typified by a rural working environment and larger landholdings. For instance, areas such as the Wanaka and Hawea Basins, Luggate and parts of the Crown Terrace are for the most part located within the visual amenity landscape but do not exhibit the characteristics of an 'arcadian' or 'pastoral in the poetic sense' visual amenity landscape.

Landscape Categories

As described above, all subdivision and development is subject to assessment criteria which require an analysis of the development site to determine what landscape category applies. With the exception of a few areas where Environment Court rulings have determined the landscape classification, and these are contained in Appendix 8 (Landscape Categories) of the operative District Plan, most applications are subject to this process. Furthermore, decisions on resource consent applications, both determined by the Council and the Environment Court that take a specific view on the landscape classification the proposal is located within, make that judgement for the purposes of a specific application. Unless directed by the Environment Court, a decision on a resource consent cannot amend the District Plan to include the decision made on the location of a landscape line.

The existing process does not constitute efficient resource management practice. Identifying the landscape classification will provide certainty.

The Council's project to identify the District's Outstanding Natural Landscapes and Features commenced prior to the Government indicated making changes to Part 2 of the RMA (section 6, matters of national importance³, being '*the protection of specified outstanding natural features and landscapes from inappropriate subdivision, use and development*'). Identifying these features and including them in the planning maps will provide certainty to the community and will enhance the effective and efficient administration of the District Plan. While these changes have not been advanced, there is a direction from

² QLDC Operative District Plan part 4.2.4. District Wide, Landscape, issues, Maintenance and enhancement of Visual Amenity landscapes.

Also refer to Read Landscapes Limited 'Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features' 2014. Ss 3.1.1 – 3.1.4

³ Report of the Minister for the Environment's Resource Management Act 1991 Principles Technical Advisory Group. February 2012. <http://www.mfe.govt.nz/publications/rma/tag-rma-section6-7/tag-rma-section6-7.pdf>.

Ministry for the Environment. 2013. *Improving our resource management system. A discussion document*. Wellington: Ministry for the Environment. <http://www.mfe.govt.nz/publications/rma/improving-our-resource-management-system-discussion-document.pdf>

other national and regional planning provisions that it is best practice for district councils to identify matters of national importance (outstanding natural landscapes and features, and significant indigenous vegetation and significant habitats of indigenous fauna). Such planning provisions include the Proposed Otago Regional Policy Statement 2015⁴ and the National Environmental Standard for Plantation Forestry Consultation Document June 2015⁵.

Read Landscapes Limited has undertaken to categorise the outstanding natural landscapes and features of the District (Attachment 1a). The assessment is not a study based on first principles. It builds on the landscape categorisation partially completed throughout the District and contained with Appendix 8 of the operative District Plan. References have also been drawn from decision on resource consents and plan changes that relate to development proposals at specific locations.

The study was peer reviewed by two local landscape architects (Attachments 1b and 1c), familiar with the existing planning rules and experienced with landscape assessments in the district. A further landscape assessment by Paul Smith of Vivian and Espie limited has been undertaken in the southern part of the Upper Clutha area (Attachment 1d).

The study, subsequent peer reviews and commentary has formed the basis of the identified outstanding natural features and landscapes.

The district contains landscapes of national significance that are internationally renowned and require protection from inappropriate development. The identification of the district's outstanding natural landscapes and features is a significant advancement of the effective protection and management of the District's landscapes through this review.

Objective and Policies

The operative district wide landscape chapter has one stated 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.

A review of decisions on notified resource consent applications indicates the District Wide Landscape and Rural General Zone objectives and policies are often overlooked. A reason may be that decision makers, having worked through a long and complex set of prescribed assessment criteria which seek to identify whether the actual and potential effects on the environment will be minor, see little merit in trawling through policy derived from an objective which seeks the same.

While the objective is the foundation of the provisions, it is considered the related 43 (more or less) policies grouped into 17 themes primarily contained in the existing District Wide chapter do not offer appropriate specificity and value over and above the assessment criteria, many of which are structured and phrased as policies in themselves.

The existing suite of objective, policies and assessment criteria would benefit from clarification, consolidation and require linkage to the proposed strategic directions chapter.

Issue 2: The management of Farming Activities

Existing and anticipated farming activities (Reverse Sensitivity)

⁴ <http://www.orc.govt.nz/Publications-and-Reports/Regional-Policies-and-Plans/Regional-Policy-Statement/Otago-Regional-Policy-Statement-Review/>

⁵ <http://mpi.govt.nz/news-and-resources/consultations/proposed-national-environmental-standard-for-plantation-forestry/>

A range of activities are expected to occur in the rural areas that create odour, noise and dust, traffic generation and heavy vehicle traffic. Provided these effects do not constitute a genuine nuisance or health risk, they shall be accepted as anticipated components of rural activities.

It is acknowledged the Rural Zone is considered by many a desirable place to live and to also undertake commercial activities. It is important to recognise the importance of farming and established activities to the District and protect the viability of farming.

Rural Amenity

Intensive farming activities have the potential to generate significant and sustained traffic generation, odour, noise, lighting and visual effects. The effects of more intensive farming, particularly a change in the intensity of pastoral farming practices has the potential for amenity effects on neighbouring residential neighbours and a reduction in rural amenity values where these effects are apparent from public areas.

The operative provisions have standards relating to factory farming, with permitted standards for pig and poultry factory farming. In the Hawea and Luggate area there has been a relatively recent shift from traditional pastoral sheep farming to dairy farming and dairy grazing supported by irrigation. The resultant visual changes to the landscape from the use of pivot and linear irrigators and the consistent lush pasture must be accepted as an anticipated change within the ambit of permitted farming activities⁶. The management of the take and use of ground and surface water and the discharge of contaminants to land and water are a function of the Regional Council⁷.

Activities associated with more intensive types of pastoral farming such as dairy farming have the potential to create adverse effects on rural amenity associated with milking sheds, large buildings for housing animals and effluent storage ponds.

These activities have the potential for noise, odour and visual amenity effects associated with the hours of operation of milking sheds, and the sustained and repetitive use and the location of plant and materials that generate noise and odour.

While farm buildings are anticipated in the rural areas, large buildings used for intensive farming and associated infrastructure can also have the potential for adverse effects on landscape values.

The management of the potential effects on rural amenity from intensive farming is an important resource management issue.

Contamination of water bodies from dairy grazing stock

Dairy farming constitutes a more intensive use of land with generally higher numbers of stock located in relatively small areas, than traditional pastoral deer, sheep and beef farming grazing situations. In particular, higher intensities can occur where dairy grazing stock are break-fed or wintered in relatively small paddocks and supplemented with food.

Where dairy grazing stock have access to water bodies, the potential for stock to damage riparian areas and contaminate water bodies is higher in than traditional lower intensity farming.

Stock entering water bodies has the potential for contamination resulting from pugging, release of sediments and turbidity. Livestock grazing on the banks of water bodies can cause damage to riparian areas, reducing the ability for vegetation to establish which can affect fauna habitat, and degrade amenity values. Livestock,

⁶ The removal of indigenous vegetation which requires a resource consent and/or where earthworks resource consents are required is a different matter that is recognised as having potential for biodiversity and landscape effects, and is not an anticipated farming activity.

⁷ Section 30(1)(e)-(f) RMA

by grazing on the banks of water bodies and entering them to drink, directly input animal wastes to waterways. The resulting pollution degrades water bodies and amenity values.

Dairy farming and its effects are relevant to the function of the territorial authority to '*achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district*' (S31(1)(a) RMA), and currently falls within the ambit of permitted farming activities in the operative District Plan. .

It is necessary to manage the potential adverse effects of land uses where the stocking rates are higher and the nature and scale of the type of stock could have a higher potential for adverse effects on water bodies and riparian areas than less intensive forms of farming. The potential adverse effects that can result from stock degrading water bodies is not only a water quality issue. Degraded riparian areas can reduce indigenous biodiversity, landscape and amenity values.

It is proposed to add a new policy and rule that complements the functions of the Otago Regional Council by encouraging dairy grazing stock to be kept out of water bodies and the immediate margins.

Introducing a new rule to encourage the exclusion of dairy grazing stock from water bodies will also complement the Dairy NZ, The Sustainable Dairying: Water Accord⁸. In particular, this will address the circumstances where there is the potential for a third party or person not bound to the Accord to graze dairy stock.

This is because the Accord excludes dairy grazing situations where the land is used under a third party grazing arrangement between the owner of dairy cattle and another landowner for the purpose of temporary grazing. Or, where land that is owned or leased by the same person or entity as the milking platform but which is not regularly used for dairy grazing.

The Accord's definition of 'land used regularly for dairy grazing' is *Land used each year for grazing dairy cattle throughout the off-season (i.e. that part of the year when cows are not being milked)*.

In these instances there is no obligation to comply with the Accord and it cannot be relied upon in the absence of provisions under RMA plans. The introduction of a rule in the District Plan will encourage persons responsible for grazing dairy cattle to exclude stock from water bodies, irrespective of them being bound to The Sustainable Dairying: Water Accord.

The Otago Regional Council, Regional Plan: Water, Rule 12.C.0.1 prohibits any activity that would contaminate a water body. The rule is effects based and has qualifiers with regard to any odour being 'objectionable', or a 'conspicuous' oil or grease film, scum or foam. A District Plan rule could intervene with the use of land in a certain way that is likely to result in an adverse effect that would not achieve sustainable management of natural and physical resources. This could include excluding stock from riparian areas and water bodies where the nature of the grazing activity would be more likely than not to have an adverse effect.

Excluding dairy grazing stock from water bodies and requiring an identified buffer area to ensure riparian areas are not damaged manages rural amenity values and wider landscape values. , In this regard the proposed rule is within the scope of the function of a territorial authority and district plans to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. Protecting waterbodies and riparian areas from degradation is relevant to Section 6 – Matters of National Importance:

6 Matters of National Importance

⁸ <http://www.dairynz.co.nz/media/209792/Sustainable-Dairying-Water-Accord.pdf>

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:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) the protection of protected customary rights*

Parts (a), (b), (d) and (e) are relevant as a function of territorial authority in this context. The provisions would not overlap the rules of the Otago Regional Plan: Water, these have a specific focus on water quality.

Farm Buildings

The operative District Plan places significant emphasis on the protection of the landscape resource through the 'discretionary regime' resource consent process. The majority of resource consent applications for subdivision and development in the rural area are processed on a notified basis.

An exception exists for buildings used for farming activity (with the exception of residential activity and residential buildings). Plan Change 9 'Farm Buildings on outstanding natural features' established rules which encourage farmers to locate farm buildings outside of outstanding natural features. It does so by requiring a controlled activity class of resource where certain qualifiers are met and a restricted discretionary class of resource consent for the location of buildings if the qualifiers are not met.

The Council has the ability to decline a restricted discretionary class of resource consent, while in the case of a controlled activity, the Council must grant the consent but can impose conditions relevant to the specified matters of control.

As stated in Plan Change 9⁹, it is acknowledged that farmers play a very important role in the stewardship of the landscape and that farm buildings are an integral part of this function. Through the outcome of the plan change, the Council accepted that where there is a landholding of over 100 hectares, certain requirements are met associated with the density of buildings, elevation, and the proposal is a genuine farm building, the building should be allowed as a controlled activity, subject to controls on external appearance, servicing and location.

Having investigated the administration of the rule and in particular noted the difference in complexity, time, and information requirements for farm buildings (as a controlled or restricted discretionary activity resource consent) compared to non-farming buildings (Discretionary activity resource consent), the rule is effective in that it provides for farm buildings while protecting the landscape resource and visual amenity.

It is considered however, the administration of the rules has resulted in inefficiencies. The costs associated with even small scale, simple resource consents are not trivial. Currently, the deposit fee for a controlled

9

http://www.qldc.govt.nz/assets/OldImages/Files/District_Plan_Changes/Plan_Change_9_downloads/Council_Decision/PC_9_Decision_on_farm_buildings_on_natural_features.pdf

activity consent is \$768.75, and Council planning officer's time is currently recovered at a rate in the order of \$117.00 per hour, in addition to administration cost recovery and a \$100 deposit fee for monitoring. It is reasonable for an applicant to expect to pay in the order of \$650.00 - \$1500.00 inclusive of GST for a simple, controlled activity resource consent application for a farm building.

In the context of the costs of a relatively small farm building such as a hay, silage or implement shed, a kitset variety, without services could be in the order of \$8,000 - \$15,000 inclusive of GST plus construction costs. The ratio to costs of obtaining resource consent relative to the cost of the building could be in the order of 15%.

While the protection of the landscape is a significant resource management issue, the administration of the District Plan and associated costs passed onto applicants associated with administration of the District Plan are also relevant considerations of the review and evaluation of the appropriateness under section 32.

It is considered that efficiencies can be made without a reduction in landscape and rural amenity protection. The existing standards generally provide for landscape protection, and with the addition of standards to control colour, bulk and location, it is considered both reasonable and efficient that farm buildings can be allowed as a permitted activity, subject to compliance with the existing rule for farm buildings and the addition of standards to control colour and location.

Issue 3: Effective and Efficient Resource Management

The construction and alteration of buildings located within a building platform requires resource consent as a controlled activity under the operative District Plan. The established approach is that a controlled activity resource consent is generally considered to provide an acceptable balance between an applicant being certain consent would be granted, and the Council being able to ensure developments are undertaken in accordance with the specified matters of control.

In the Rural General Zone, these include location, external appearance, access and servicing. Aspects of these matters of control are considered inefficient because the merits of whether a building is appropriate in that location have already been considered as part of the consent to identify a building platform.

In addition, site specific matters have been addressed and any mitigation considered appropriate or necessary will be attached to the approval associated with that building platform. These are generally registered on the site's computer freehold register in the form of a consent notice (subdivision) or covenant (resource consent for residential activity/building platform).

Generally these conditions will set out controls on the bulk, height, and colour of buildings, servicing, and any landscaping requirements. A departure from these requirements would result in enforcement or the requirement to apply for resource consent for a variation to these conditions, which require a 'discretionary' class of resource consent.

Without undermining the emphasis on managing the visual effects of buildings, ensuring development is consistent with the conditions attached to the 'approval in principle', and the importance of protecting the district's landscape resource, it is considered standards can be introduced that enable the construction and alteration to buildings as a permitted activity subject to performance standards controlling colour and the bulk and location of buildings.

It is acknowledged that the Council would not have as much control over landscaping. It is also considered that the emphasis on any landscaping would be better dealt with at the time of subdivision, particularly where integrated landscaping affecting the entire area to be subdivided would be beneficial.

The adequacy of servicing can be assessed through the building consent process and applications would be subject to compliance checks with the District Plan and other conditions, as for all building consent applications.

Issue 4: Commercial Activities

There is a lack of specificity in the operative District Plan's objectives and policies relating to non-farming activities and non-residential activity. The maintenance of rural amenity values and a pattern of development consistent with the expectations of inhabitants is an important determinant of the character and amenity of the rural area.

In addition, the objectives and policies do not specifically recognise the desire for some commercial activities whether passive or recreational to locate within the Rural General Zone. It is acknowledged that in some cases these activities could enhance the experiences available within the district.

The acknowledgement that there is a place in the Rural Zone for some types of commercial activities, subject to intensity and scale is an important resource management issue.

Issue 5: Managing the existing Ski Area Subzones

The operative provisions recognise the importance of the skiing and tourism industry to the District and notwithstanding the location of ski fields amidst the District's Outstanding Natural Landscapes they provide significant concessions within the existing identified Ski Area Subzones, chiefly being that the landscape categories and assessment matters for development do not apply to skiing activities within the Ski Field Subzones. The provisions should reinforce the encouragement of ski area activities within these subzones.

The effectiveness and efficiency of the objectives and policies can be improved. However, there are not any significant matters identified in this zone that need changing.

Issue 6: Managing the Gibbston Character Zone

The purpose of the Gibbston Character Zone is to provide primarily for viticulture and commercial activities with an affiliation to viticulture within the confined space of the Gibbston Valley.

The zone is recognised as having a distinctive character and sense of place. The soils and microclimate within this area and the availability of water have enabled development for viticulture to the extent that this is an acclaimed wine producing area.

The zone has experienced residential subdivision and development. This creates the potential to degrade the distinctive character and create conflict with established and anticipated intensive viticulture activities.

The operative provisions provide concessions for activities with an affiliation to viticulture, and the landscape categories do not apply, notwithstanding the location of the zone in what is otherwise part of an outstanding natural landscape. There is concern that residential subdivision and development in the eastern part of the zone has diminished the soil resource for viticulture activities.

The on-going vitality of viticulture activities in the zone is an important resource management issue. The effectiveness and efficiency of the provisions can be improved. However, overall, there are not any significant issues identified in this zone.

Efficiencies similar to those identified in the Rural General zone exist, where the construction of buildings within an approved platform could be introduced as a permitted activity.

Issue 7: Miscellaneous and existing Provisions

Provisions to be retained

Where no significant issues have been identified, provisions will be retained. Where relevant, changes to phrasing are considered prudent to assist with clarity, and the structure and layout of the proposed district plan.

There are also areas of the Rural General zone where resource consents have been given effect to, or longstanding activities have rendered the existing zoning and provisions no longer appropriate. These include areas where an urban subdivision has been established or the land is located within the proposed urban growth boundary. In these cases an urban zone is likely to be more appropriate. The identification of these areas and specific provisions are identified in the residential s32 evaluations.

Activity status of activities not specified in the provisions

The proposed structure of the Rural Zone provisions has a more prescriptive framework and focus than the operative District Plan provisions. Where an activity is not specified by the provisions (i.e. an activity based framework) resource consent would be required because the activity is not contemplated. Section 76(4)(e) of the Act provides a territorial authority the discretion to apply such a rule.

This framework is logical and provides clarity and assists with understanding whether or not an activity requires a resource consent or not. In addition, it is difficult to anticipate every potential activity that may seek to locate in the rural zones and requiring a resource consent for these activities that are not contemplated as a non-complying status directs attention¹⁰ to the objectives and policies of the District Plan to determine whether they are appropriate and meet the purpose of the RMA.

Assessment of these applications against the relevant policies of the Strategic Directions, District wide and urban growth policies allow a holistic view to be taken of whether an activity is appropriate.

Plan Change 35 – Queenstown Airport Air Noise Boundaries

Where provisions of this Plan Change are settled they have been included.

Residential Flat

The operative provisions in the Rural General zone require a controlled activity resource consent for a residential flat. Of note, the respective rule does not contain any specified matters of control.

The 'General' assessment matters in provision 5.4.1 state:

(iii) In the case of Controlled and Discretionary Activities, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s) only, the assessment matters taken into account shall only be those relevant to that/these standard(s).

(iv) In the case of Controlled Activities, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.

Whilst the assessment matters at the end of the Rural General Chapter contain 'general' matters it is doubtful whether these matters are applicable in both a technical and practical sense to residential flats.

¹⁰ Section 76(4)(e) and Section 104D RMA 1991

In the Gibbston Character Zone, the provisions are silent on residential flats, therefore, residential flats are a permitted activity pursuant to Operative District Plan Rule 5.7.3.1 'Permitted Activities'.

Residential flat as a land use sits within the ambit of residential unit. The Operative District Plan's Transportation provisions require car parking and access as permitted standards and, any servicing related aspects can be controlled via the building approval process.

Provisions relating to buildings are provided for in the respective bulk and location or building platform requirements.

For these reasons the permitted status of residential flat will be reviewed.

6. Purpose and Options

The purpose of the Landscape Chapter is to recognise the landscape as a significant resource to the District and to protect it from inappropriate subdivision and development.

The purpose of the Rural Zone is to provide for farming activities and manage the effects of other activities seeking to utilise the rural land resource (ie, skiing, commercial recreation activities, mining, forestry and industrial activities). The Rural Zone contains the majority of the District's outstanding natural landscapes and features and nature conservation values.

The purpose of the Gibbston Character Zone is to provide for farming activities, specifically viticulture and affiliated commercial activities.

The Landscape (Strategic Direction and Landscape Chapter) and Rural Zone provisions have a direct relationship with each other because the majority of the District's landscape resource is located within the Rural Zone. The landscape categories and rules directly associated with the landscape categories are contained within the Rural Zone.

Strategic Directions

The objectives and policies of the Strategic Directions chapter of the proposed District Plan are relevant to this assessment.

In general terms, and within the context of this review, these goals and objectives are met by:

- Protecting the landscape resource from inappropriate subdivision and development;
- Enabling anticipated farming activities in the Rural Zone and Gibbston Character Zone;
- Recognising the important role of tourism and the interrelationship with landscape and the Rural areas;
- Identifying and providing for Rural Lifestyle subdivision and development within the Wakatipu Basin where the landscape has capacity to absorb that development;
- Protecting amenity values in the Rural Zone and Gibbston Character Zone;
- Creating efficiencies in the administration of the District Plan and reducing costs for the community;
- Avoiding commercial activities that have the potential to undermine the amenity of the Rural Zone and Gibbston Character Zone and the role of commercial centres;
- Avoiding urban subdivision and development not located within the urban growth limits;

Determining the most appropriate methods to resolve the issues identified will enable the Plan to give effect to the Otago RPS, the relevant parts of the Strategic Directions chapter, and ultimately meet the purpose of the RMA.

As required by section 32(1)(b) RMA, the following section considers various broad options considered to address each issue, and makes recommendations as to the most appropriate course of action in each case.

Broad options considered to address issues

Issue 1: The management of the District's landscapes

Option 1: Retain the operative provisions

Option 2: Maintain the majority of the provisions with targeted modification where necessary

Option 3: Comprehensive modification to the operative provisions **(Recommended)**

	Option 1: Status quo/ No change	Option 2: Amend operative provisions	Option 3: Comprehensive changes
Costs	<ul style="list-style-type: none"> • The objectives and policies do not align with the Proposed Strategic Directions chapter. • The integrity of the existing objective and policy framework has been weakened by subdivision in the rural environment at an urban density. The landscape resource is subject to potential degradation from further urban subdivision in the Rural General zone. • It is recognised that the assessment criteria are overly complex, repetitive and would benefit from improvement. • It is inefficient to continue with the case-by-case classification of landscape categories. • The issue of cumulative effects of subdivision and development, particularly in the existing visual amenity landscape areas is not being adequately managed. • Retaining the existing approach of determining landscape classification on a case by case basis is inefficient for the 	<ul style="list-style-type: none"> • Costs associated with going through the District Plan Review process (but this is required by legislation). • The identified deficiencies and absence of a connection with the strategic directions chapter would be likely to remain. • Minor changes to provisions which are considered less than effective and inefficient would be unlikely to resolve the inefficiencies highlighted in the Rural Monitoring report 2009. • Perceived cost associated with imposing landscape lines on the maps, irrespective of whether a development is proposed. 	<ul style="list-style-type: none"> • Costs associated with going through the District Plan Review process (but this is required by legislation). • The changes may result in a perceived or actual loss of development potential. • Perceived cost associated with imposing landscape lines on the maps, irrespective of whether a development is proposed.

	<p>applicants, council and does not promote effective and efficient administration of the District Plan.</p>		
<p>Benefits</p>	<ul style="list-style-type: none"> • Retains the established approach which parties are familiar with. • Low cost for Council. 	<ul style="list-style-type: none"> • Retaining but improving the existing provisions may reduce some of the current ambiguity with the application of the existing rules. • Including the landscape lines provides certainty to applicants, the council and wider community, 	<ul style="list-style-type: none"> • Maintaining the basis and structure of the existing assessment criteria but reducing identified deficiencies will improve on the existing framework, which has a strong emphasis on protecting the landscape resource, without removing important elements and criteria themes that have been established. • Strengthens linkages with the proposed Strategic Directions chapter. • Removes identified inefficiencies with the existing provisions. • Identification of landscape categories will provide more certainty of the expectations of landscape management in certain areas. • Manage identified issues and deficiencies such as cumulative effects and promotes more effective management of these issues. • Recognises the relationship between the landscape resource and tourism based commercial and recreational activities. • Removes lengthy District Plan text and provides opportunity for more concise statement of issues, objectives and policies. • Identification of areas within the Wakatipu Basin with capacity for Rural Lifestyle development provides the opportunity for rural lifestyle living in targeted areas, potentially reducing the pressure for subdivision and

			<p>development in the Wakatipu Basin Rural Zone.</p> <ul style="list-style-type: none"> • Including the landscape lines provides certainty to applicants, the council and wider community,
Ranking	3	2	1

Issue 2: The management of Farming Activities

Option 1: Retain the operative provisions

Option 2: Maintain the majority of the provisions with targeted modification where necessary **(Recommended)**

Option 3: Comprehensive modification to the operative provisions

	Option 1: Status quo/ No change	Option 2: Amend provisions where necessary	Option 3: Change the entire rules
Costs	<p><u>Reverse Sensitivity</u></p> <ul style="list-style-type: none"> The existing policy is not clear and could be more effective. <p><u>Contamination of water bodies and riparian areas from dairy grazing stock</u></p> <ul style="list-style-type: none"> Dairy farming and grazing of dairy cows is relatively new to the District. There is a potential for the contamination of water bodies if more intensive forms of farming are established and not effectively managed. Persons responsible for dairy grazing stock are not always bound to the 'The Sustainable Dairying: Water Accord', therefore, the Accord does not cover all potential situations where dairy stock could enter and contaminate water bodies. <p><u>Farm Buildings</u></p> <ul style="list-style-type: none"> Inefficient resource management practice for the Council. Cost to the community for applying for resource consents and variations for 	<p><u>Reverse Sensitivity</u></p> <ul style="list-style-type: none"> None identified, the provisions exist but can be clarified and strengthened by policy. <p><u>Contamination of water bodies and riparian areas from dairy grazing stock</u></p> <ul style="list-style-type: none"> Cost to farmers who graze dairy stock to ensure stock are excluded from water bodies. Potential overlap with management plans required by dairy companies, however, the proposed rule addresses situations that may not be covered by plans such as the Sustainable Dairying: Water Accord. <p><u>Farm Buildings</u></p> <ul style="list-style-type: none"> Council has less control, therefore potential for buildings to be located in visually sensitive areas compared to the existing level of control. <p><u>Farm Buildings</u></p> <ul style="list-style-type: none"> Potential landscape effects associated with location of farm buildings in 	<p><u>Reverse Sensitivity</u></p> <ul style="list-style-type: none"> High cost to the Council for amending relative to the relatively minor changes identified as necessary. <p><u>Contamination of water bodies and riparian areas from dairy grazing stock</u></p> <ul style="list-style-type: none"> Cost to farmers who graze dairy stock to ensure stock are excluded from water bodies. Potential overlap with Otago Regional Council rules. Potential overlap with management plans required by dairy companies, however, the provisions could address situations that may not be covered by plans such as the Sustainable Dairying: Water Accord. <p><u>Farm Buildings</u></p> <ul style="list-style-type: none"> High cost to the Council for amending relative to the changes necessary.

	<p>anticipated development activities.</p>	<p>inappropriate locations.</p>	<p><u>Farm Buildings</u></p> <ul style="list-style-type: none"> • Potential landscape effects associated with location of farm buildings in inappropriate locations. • The qualifiers in the rule for controlled activity status set a relatively high bar in terms of ensuring a low density of buildings. removing these would reduce this benchmark.
<p>Benefits</p>	<p><u>Reverse Sensitivity</u></p> <ul style="list-style-type: none"> • Low cost for Council. • Ability for complete control over all farm buildings. <p><u>Contamination of water bodies and riparian areas from dairy grazing stock</u></p> <ul style="list-style-type: none"> • Less regulation for landowners and dairy grazers. • Less liability for persons responsible for dairy grazing stock to ensure compliance with provisions. 	<p><u>Reverse Sensitivity</u></p> <ul style="list-style-type: none"> • Provides clearer parameters for activities that may impinge on the viability of farming activities. <p><u>Contamination of water bodies and riparian areas from dairy grazing stock</u></p> <ul style="list-style-type: none"> • Encourages dairy grazers to exclude stock from water bodies. • Safeguards water bodies and riparian areas. • Addresses gaps in dairy company management plans implemented through The Sustainable Dairying: Water Accord associated with whether the land is 'regularly grazed' or the person responsible for the stock have contractual obligations with the dairy companies. • Is a more simple and direct rule than the Otago Regional Council effects based rule, and the exclusion of stock will promote the sustainable management of 	<p><u>Reverse Sensitivity</u></p> <ul style="list-style-type: none"> • Provides clearer parameters for activities that may impinge on the viability of farming activities. <p><u>Contamination of water bodies and riparian areas from dairy grazing stock</u></p> <ul style="list-style-type: none"> • Encourages farmers to exclude stock from water bodies. • Safeguards water bodies and riparian areas. • Addresses gaps in dairy company management plans implemented through The Sustainable Dairying: Water Accord associated with whether the land is 'regularly grazed' or the person responsible for the stock have contractual obligations with the dairy companies. • Is a more simple and direct rule than the Otago Regional Council effects based rule, and the exclusion of stock will promote the sustainable management of

		<p>natural and physical resources.</p> <ul style="list-style-type: none"> Protects the margins of waterbodies. The Otago Regional Council rule does not appear to address this matter. <p><u>Farm Buildings</u></p> <ul style="list-style-type: none"> Efficiencies for owners of larger landholdings >100ha. 	<p>natural and physical resources.</p> <ul style="list-style-type: none"> Protects the margins of waterbodies. The Otago Regional Council rule does not appear to address this matter. <p><u>Farm Buildings</u></p> <ul style="list-style-type: none"> Could create standards that are easier to comprehend and administer.
Ranking	3	1	2

Issue 3: Effective and Efficient Resource Management

Option 1: Retain the operative provisions

Option 2: Maintain the majority of the provisions with targeted modification where necessary (**Recommended**)

Option 3: Modification to all the operative provisions

	Option 1: Status quo/ No change	Option 2: Amend Operative provisions	Option 3: Comprehensive changes
Costs	<ul style="list-style-type: none"> • Inefficient resource management practice. • Cost to the community for applying for resource consents and variations for anticipated development activities. • The deficiencies in the rule structure create inefficiencies and create unnecessary layers of complexity. • The existing rule phrasing and resultant administration makes the District Plan difficult to understand and interpret for a lay person. 	<ul style="list-style-type: none"> • The proposed 'permitted' range of colours is conservative. • Potential for visibility of buildings to increase, reduced control on landscaping on a site by site basis. • Short term inefficiency to the council where it would be likely to change internal processes to the review of servicing aspects via the building consent process. • Cost for Council to review the rules. • Reduced control of development by the Council. (however the development is already allowed and subject to conditions on the underlying approval of the building platform). 	<ul style="list-style-type: none"> • High cost to the Council relative to benefits from the changes compared to targeting identified issues. • Minor amendments to all provisions are addressed.
Benefits	<ul style="list-style-type: none"> • Retains the established approach which parties are familiar with. • Retains a relatively high level of control for the Council to manage the effects of activities. 	<ul style="list-style-type: none"> • Provides the community the opportunity to develop to a permitted activity and avoid costs and time associated with the resource consent process. • Increased efficiency for district plan administration. 	<ul style="list-style-type: none"> • Provides the community the opportunity to develop to a permitted activity and avoid costs and time associated with the resource consent process. • Increased efficiency for district plan administration.

	<ul style="list-style-type: none"> • Low cost for Council. 	<ul style="list-style-type: none"> • Provision for water and wastewater disposal are Building code requirements. Efficiencies to the Council and the applicant to remove this component from RMA reporting requirements. • Place emphasis on landscaping at the subdivision, reduced burden on individual landowners for landscape design. 	
Ranking	3	1	2

Issue 4: Commercial Activities

Option 1: Retain the operative provisions

Option 2: Maintain the majority of the provisions with targeted modification where necessary (**Recommended**)

Option 3: Comprehensive modification to the operative provisions

	Option 1: Status quo/ No change	Option 2: Maintain with modification where necessary	Option 3: Comprehensive modification
Costs	<ul style="list-style-type: none"> Existing policy does not distinguish between commercial activities that have a genuine affiliation with the Rural Zone, nor do they appropriately justify why some commercial activities may be more appropriate than others. 	<ul style="list-style-type: none"> Costs to the Council through the plan change. 	<ul style="list-style-type: none"> High costs relative to the changes necessary.
Benefits	<ul style="list-style-type: none"> Low cost for Council. 	<ul style="list-style-type: none"> Strengthens existing policy and provides clearer parameters as to what type of commercial activity may be appropriate. Identifies the importance of vitality of commercial centres. Recognises the importance of commercial tourism and commercial recreation activities to the District. Provides consistency with the proposed strategic direction, including policy that recognises the diversification of farms to tourism and visitor related activities. 	<ul style="list-style-type: none"> Same benefits as Option 2.
Ranking	3	1	2

Issue 5: Managing the existing Ski Area Subzones

Option 1: Retain the operative provisions

Option 2: Maintain the majority of the provisions with modification where necessary **(Recommended)**

Option 3: Comprehensive modification to the operative provisions

	Option 1: Status quo/ No change	Option 2: Minor modifications	Option 3: Comprehensive changes
Costs	<ul style="list-style-type: none"> The existing policy does not justify the concession available to activities in the ski field sub zone. The existing policy does not recognise the benefits of tourism to the District's economy and wellbeing. 	<ul style="list-style-type: none"> None identified 	<ul style="list-style-type: none"> Cost for Council Large and potentially significant impact on ski field operators relative to any benefits identified in the issues.
Benefits	<ul style="list-style-type: none"> None identified 	<ul style="list-style-type: none"> Strengthens existing policy and provides clearer parameters that enable skiing activities within the ski area subzones. Encourages consolidation of ski area activities within the sub zones, this principle is already established in the operative District Plan. Recognises the importance of commercial tourism and commercial recreation activities to the District. Provides consistency with the proposed strategic direction. 	<ul style="list-style-type: none"> Potential for greater control on ski field activities, or conversely potential for more enabling activities.
Ranking	2	1	3

Issue 6: Managing the Gibbston Character Zone

Option 1: Retain the operative provisions

Option 2: Maintain the majority of the provisions with modification where necessary (**Recommended**)

Option 3: Comprehensive modification to the operative provisions

	Option 1: Status quo/ No change	Option 2: Minor modifications	Option 3: Comprehensive changes
Costs	<ul style="list-style-type: none"> The existing policy does not justify the existing exception available to winery activities. Some of the existing policies is not consistent with the strategic directions. 	<ul style="list-style-type: none"> None identified 	<ul style="list-style-type: none"> Cost for Council Large and potentially significant impact on landowners and viticulture in the Gibbston Valley relative to any benefits identified in the issues.
Benefits	<ul style="list-style-type: none"> None identified 	<ul style="list-style-type: none"> Strengthens existing policy and provides clearer parameters that enable winery buildings and viticulture activities within the Gibbston Character Zone. Recognises the importance of viticulture, commercial tourism and commercial recreation activities to the District. 	<ul style="list-style-type: none"> Potential for greater control on residential activity. Strengthens existing policy and provides clearer parameters that enable winery buildings and viticulture activities within the Gibbston Character Zone.
Ranking	2	1	3

Issue 7: Miscellaneous and existing Provisions

Option 1: Retain the operative provisions

Option 2: Maintain the majority of the provisions with modification where necessary (**Recommended**)

Option 3: Comprehensive modification to the operative provisions

	Option 1: Status quo/ No change	Option 2: Minor modifications	Option 3: Comprehensive changes
Costs	<ul style="list-style-type: none"> • Many of the existing policies do not justify the presence of the specific rules. • Many of the existing policies are not consistent with the strategic directions. 	<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • Cost for Council • Large and potentially significant impact on landowners relative to any benefits identified in the issues.
Benefits	<ul style="list-style-type: none"> • None identified 	<ul style="list-style-type: none"> • Strengthens existing policy and provides clearer parameters to assist with the consideration of applications for resource consent for these activities. • Provides tangible policy for the existing rules. • Include provisions made operative by other plan changes where appropriate. 	<ul style="list-style-type: none"> • Potential for greater control of identified activities.
Ranking	2	1	3

7. Scale and Significance Evaluation

The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the operative District Plan.
- Have effects on resources that are considered to be a matter of national importance in terms of section 6 of the Act
- Adversely affect those with specific interests, e.g., Tangata Whenua.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

The level of detail of analysis in this report is moderate-high. The landscape, Rural Zone and Gibbston Character Zone chapters contain resources of strategic importance to the District, region and nation. Many elements of the Landscape, Rural Zone and Gibbston Character Zone chapters build on existing approaches within the operative District Plan, so there is not a significant change in policy direction.

However, a number of the provisions take general existing approaches further in terms of implementation. For example, the Operative District Plan sets out a framework of none, or very limited development right for non-farming activities, and for residential activity. The proposed objectives take these established principles further by providing for advancements including: the identification of landscape categorisations (lines); permitting farm buildings that would otherwise be a controlled activity; and providing more targeted, informed policy for non-farming activities that could be contemplated in the zones.

Other reasons for the moderate-high detail of analysis include that the provisions set an important direction for the balance of the District Plan. An example is the location of commercial recreation and commercial activities in the Rural Zone and Gibbston Character Zone. The District's economy is largely based on the benefits derived from tourism and the landscape resource. The exemptions provided to ski area activities are not appropriately contemplated in the operative District Plan Provisions. Nor is the issue of commercial activities locating within the rural areas adequately guided.

The detail of analysis is high. The provisions are both high level and detailed in terms of the application and administration of the rules and assessment

8. Evaluation of proposed Objectives Section 32 (1) (a)

The identification and analysis of issues has helped define how Section 5 of the RMA should be articulated in terms of the Landscape, Rural and Gibbston Character Zones, This has informed a determination of the most appropriate objectives to give effect to Section 5 of the RMA in light of the issues.

Section 32(1)(a) requires an examination of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act. The following objectives serve to address the key Strategic issues in the District:

<i>Proposed Objective</i>	<i>Appropriateness</i>
<p>Objective 6.3.1 (Landscape)</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>The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises the importance of the landscape resource to the District and that the adverse effects of activities on the District's landscapes are avoided, remedied or mitigated (S5(2)(c) RMA)</p> <p>This objective establishes the framework for a wide range of landscape related provisions. The District contains high quality landscapes that are of national importance and these shall be recognised and provided for when considering development (S6 and 6(b) RMA). The Council, in 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 the ethic of stewardship (S7(a) of the Act) and the broad range of rural landscapes with amenity values (S7(c) of the Act).</p> <p>The objective sets the framework for the following:</p> <ul style="list-style-type: none"> • Recognises the importance of landscape to tangata whenua as indicated by the iwi management plans in section 3 of this report. • Recognises that cultural and geological elements contribute to landscape values. Establishes a basis for policy to identify landscape categories and for them to be identified on the planning maps. • Establishes a basis for subdivision and development proposals to be assessed against the applicable assessment criteria. • Recognises the interrelationship between the location of urban growth boundaries and the landscape resource, with regard to future proposals for plan changes. • Discourages the establishment of urban subdivision by way of resource consent within the rural zones. • Recognises the importance of pastoral farming on large landholdings is an important determinant of landscape character. <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Consistent with Objective 3.2.2.1 'Ensure Urban development occurs in a logical manner'. • Consistent with Objective 3.2.5.1 'Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development'. • Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.

	<ul style="list-style-type: none"> • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to RPS:</p> <ul style="list-style-type: none"> • Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). • Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land). • Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). <p>Has regard to Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 Natural Resource systems and their interdependence are recognised.
<p>Objective 6.3.2 (Landscape)</p> <p>Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.</p>	<p>Identifies the matter of cumulative effects of subdivision and development.</p> <p>Whilst it is acknowledged that the Rural areas have established rural lifestyle development, a substantial amount of subdivision and development has been approved in these areas and the landscape values of these areas are vulnerable to degradation from further subdivision and development. It is realised that rural lifestyle development has a finite capacity if the District’s distinctive rural landscape values are to be sustained.</p> <p>The landscape is dynamic and will continue to change. However, land use changes associated with productive farming activities can be very different to land use changes, patterns of planting and infrastructure activities that result from subdivision and development. While a proposal on its own may not be likely to have adverse visual effects, or represent a significant adverse change in landscape character, at some point, (if not already reached in some parts of the District), a threshold will be reached where any further residential subdivision and development in a location will have significant adverse effects on the valued character of the landscape.</p> <p>The culmination of multiple subdivision and development activity will have the potential to change the character of the landscape to the point that the landscape values will diminish. This is a significant issue for the District’s landscapes.</p> <p>The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises</p>

the importance of the landscape resource to the District and that the adverse effects of activities on the District's landscapes are avoided, remedied or mitigated (S5(2)(c) RMA).

The objective recognises and provides for the protection of the landscape resource in terms of S6(b) of the RMA.

The Objective has regard to the following parts of Section 7 of the RMA:

- (a) kaitiakitanga:
- (aa) the ethic of stewardship:
- (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:

Strategic Directions:

- Consistent with Objective 3.2.2.1 'Ensure Urban development occurs in a logical manner'.
- Consistent with Objective 3.2.5.1 'Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development'.
- Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.
- Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.
- Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.
- Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes.

Gives effect to the RPS:

- Objective s 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua).
- Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land).
- Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment).

Has regard to the Proposed RPS 2015:

- Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained
- Objective 2.1 – The values of Otago's natural and physical resources are recognised, maintained and enhanced

	<ul style="list-style-type: none"> • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 Natural Resource systems and their interdependence are recognised.
<p>6.3.3 (Landscape)</p> <p>Protect, maintain or enhance the district’s Outstanding Natural Features (ONF).</p>	<p>The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises the importance of the landscape resource to the District and that the adverse effects of activities on the District’s landscapes are avoided, remedied or mitigated (S5(2)(c) RMA).</p> <p>Establishes the importance of the Districts outstanding natural features category, that they are a matter of national importance under section 6(b) of the RMA.</p> <p>Establishes a basis for the policy of the management of subdivision and development of outstanding natural features.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Consistent with Objective 3.2.2.1 ‘Ensure Urban development occurs in a logical manner’. • Consistent with Objective 3.2.5.1 ‘ Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development’. • Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> • Objective s 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). • Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land). • Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or

	<p>enhanced.</p> <ul style="list-style-type: none"> Objective 2.3 Natural Resource systems and their interdependence are recognised
<p>6.3.4 (Landscape)</p> <p>Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).</p>	<p>The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises the importance of the landscape resource to the District and that the adverse effects of activities on the District's landscapes are avoided, remedied or mitigated (S5(2)(c) RMA).</p> <p>Establishes the importance of the District's outstanding natural landscape category, that they are a matter of national importance under section 6(b) of the RMA.</p> <p>Establishes a basis for the policy of the management of subdivision and development of outstanding natural landscapes.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> Consistent with Objective 3.2.2.1 'Ensure Urban development occurs in a logical manner'. Consistent with Objective 3.2.5.1 'Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development'. Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land). Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained Objective 2.1 – The values of Otago's natural and physical resources are recognised, maintained and enhanced Objective 2.2 – Otago's significant and highly-valued natural resources are identified, and protected or enhanced.

	<ul style="list-style-type: none"> Objective 2.3 - Natural Resource systems and their interdependence are recognised
<p>6.3.5 (Landscape)</p> <p>Ensure subdivision and development does not degrade landscape quality or character or diminish visual amenity values of the Rural Landscapes (RLC).</p>	<p>The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises the importance of the landscape resource to the District and that the adverse effects of activities on the District's landscapes are avoided, remedied or mitigated (S5(2)(c) RMA).</p> <p>Establishes the importance of the District's rural landscape category in terms of sections 7(c), (f) of the RMA.</p> <p>The objective replaces the operative District Plan provisions for visual amenity landscapes, recognising that the District's rural landscape values vary and the Operative District plan provisions focused on maintaining or creating a pastoral or arcadian character are not an appropriate response to managing the Districts landscapes that are below the threshold of an outstanding natural feature or landscape.</p> <p>Establishes a basis for the policy of the management of subdivision and development of rural landscapes.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> Consistent with Objective 3.2.2.1 'Ensure Urban development occurs in a logical manner'. Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land). Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained Objective 2.1 – The values of Otago's natural and physical resources are recognised, maintained and enhanced

	<ul style="list-style-type: none"> • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 - Natural Resource systems and their interdependence are recognised
<p>6.3.6 (Landscape) Protect, maintain or enhance the landscape quality, character and visual amenity provided by the lakes and rivers and their margins from the effects of structures and activities.</p>	<p>Recognises the importance of the District’s lakes and rivers and their contribution to the landscape resource.</p> <p>The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises the importance of the landscape resource to the District and that the adverse effects of activities on the District’s landscapes are avoided, remedied or mitigated (S5(2)(c) RMA).</p> <p>The lakes and rivers both on their own and, when viewed as part of the distinctive landscapes are a significant element to the national and international identity of the District and provide for a wide range of amenity and recreational opportunities. They are nationally and internationally recognised as part of the reasons for the District’s importance as a visitor destination, as well as one of the reasons for residents to belong to the area. Managing the landscape and recreational values on the surface of lakes and rivers is an important district plan function.</p> <p>The landscape values of the surface of lakes and rivers are a matter of national importance under section 6(b) of the RMA.</p> <p>Establishes a basis for the policy of the management of activities, subdivision and development which has the potential to affect the landscape values of the surface of lakes and rivers.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Consistent with Objective 3.2.2.1 ‘Ensure Urban development occurs in a logical manner’. • Consistent with Objective 3.2.5.1 ‘Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development’. • Consistent with Objective 3.2.5.2 Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes.

	<p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> • Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). • Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land). • Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 - Natural Resource systems and their interdependence are recognised
<p>6.3.7 (Landscape)</p> <p>Recognise and protect indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District’s landscapes.</p>	<p>Indigenous vegetation also contributes to the quality of the District’s landscapes. Whilst much of the original vegetation has been modified the colour, texture and intrinsic value of vegetation within these landforms contribute to the distinctive identity of the District’s landscapes.</p> <p>Recognises the importance of indigenous biodiversity to the District’s distinctive landscapes.</p> <p>Establishes a basis for policy to manage the effects on landscape associated with indigenous vegetation clearance, and the opportunity for subdivision and development which constitutes a change in land use from traditional pastoral farming to consider opportunities for indigenous biodiversity protection or restoration.</p> <p>The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises the importance of the landscape resource to the District and that the adverse effects of activities on the District’s landscapes are avoided, remedied or mitigated (S5(2)(c) RMA).</p> <p>Recognises the interrelationship between landscape and indigenous biodiversity and nature conservation values. The objective recognises and provides for Section 6 (a), (b), (c) and has regard to sections 7(c), (f) of the RMA.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Consistent with Objective 3.2.2.1 ‘Ensure Urban development occurs in a logical manner’. • Consistent with Objective 3.2.5.1 ‘ Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development’.

	<ul style="list-style-type: none"> • Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. • Consistent with Objective 3.2.4.4 - Avoid Exotic vegetation with the potential to spread and naturalise. <p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> • Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). • Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land). • Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). • Objective 10.3.1, 10.3.4 and 10.3.5 (Biota) <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 Natural Resource systems and their interdependence are recognised
<p>6.3.8 (Landscape)</p> <p>Recognise the dependence of tourism on the District’s landscapes.</p>	<p>The District relies, in large part for its social and economic well being on the quality of the landscape, open spaces and environmental image.</p> <p>The Objective acknowledges the existence of established skiing activities within established locations identified as sub-zones and their location amidst the District’s outstanding natural landscapes.</p> <p>Acknowledges the established viticulture commercial related activities within the Gibbston Character Zone.</p> <p>Acknowledges that tourism related activities are part of the District’s identity, the economic contribution they make and establishes a policy basis to consider the distinction between these activities and residential orientated subdivision and development.</p>

The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises the importance of the landscape resource to the District and that the adverse effects of activities on the District's landscapes are avoided, remedied or mitigated (S5(2)(c) RMA).

The objective has regard to section 7(b) RMA.

Strategic Directions:

- Relevant to 3.2.1.1 - Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand's premier alpine resorts and the District's economy.
- Relevant to 3.2.1.3 - Enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.
- Relevant to 3.2.1.4 - 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 rural amenity, landscape character and healthy ecosystems.
- Consistent with Objective 3.2.2.1 'Ensure Urban development occurs in a logical manner'.
- Consistent with Objective 3.2.5.1 'Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development'.
- Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.
- Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.
- Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.
- Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes.

Gives effect to the RPS:

- Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua).
- Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land).
- Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment).

Has regard to the Proposed RPS 2015:

- Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained
- Objective 2.1 – The values of Otago's natural and physical resources are recognised, maintained and

	<p>enhanced</p> <ul style="list-style-type: none"> • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 - Natural Resource systems and their interdependence are recognised
<p>21.2.1 (Rural Zone)</p> <p>Enable farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.</p>	<p>Sets direction for permitting farming activities and recognising established activities within the Rural Zone on the basis landscape, nature conservation and rural amenity values will be protected.</p> <p>The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises the strong economic importance of farming activities while acknowledging the importance of the landscape, indigenous biodiversity and ecosystem services within the Rural Zone in terms of (S5(2)(c) RMA).</p> <p>The objective has regard to section 7(b) RMA.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Relevant to 3.2.1.4 - 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 rural amenity, landscape character and healthy ecosystems. • Consistent with Objective 3.2.2.1 ‘Ensure Urban development occurs in a logical manner’. • Consistent with Objective 3.2.5.1 ‘Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development’. • Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> • Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). • Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land). • Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment).

	<p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 - Natural Resource systems and their interdependence are recognised
<p>21.2.2 (Rural Zone)</p> <p>Sustain the life supporting capacity of soils.</p>	<p>Identifies the economic importance of farming activities and protecting the soil resource for current and future productive use. The objective is the most appropriate way to achieve the purpose of the Act in accordance with Section 5.</p> <p>The objective has regard to section 7(b) RMA.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Relevant to 3.2.1.4 - 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 rural amenity, landscape character and healthy ecosystems. • Consistent with Objective 3.2.2.1 ‘Ensure Urban development occurs in a logical manner’. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> • Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). • Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land). • Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 - Natural Resource systems and their interdependence are recognised

<p>21.2.3 (Rural Zone)</p> <p>Safeguard the life supporting capacity of water through the integrated management of the effects of activities.</p>	<p>Recognises the importance of the water resource in terms of the territorial authorities functions under s31 of the RMA.</p> <p>The objective is the most appropriate way to achieve the purpose of the Act in accordance with Section 5 of the RMA.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Consistent with Objective 3.2.4.6 Maintain or enhance the water quality of our lakes and rivers. • Consistent with Objective 3.2.1.4 - Promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems. <p>The objective has regard to section 7(b), (d) and (g) RMA.</p> <p>Consistent with Goals 1, 4 and 5 of the draft Strategic Directions chapter.</p> <p>Gives effect to RPS objective s 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua).</p> <p>Gives effect to RPS objective 5.4.1 and policy and 5.5.5 (Land)</p> <p>Gives effect to RPS objectives 6.4.2, 6.4.3 and policies 6.5.2, 6.5.4 and 6.5.5.</p> <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 Natural Resource systems and their interdependence are recognised
<p>21.2.4 (Rural Zone)</p> <p>Manage situations where sensitive activities conflict with existing and anticipated activities in the Rural Zone.</p>	<p>Recognises the existence of established rural activities and other infrastructure and activities such as roading and that activities such as residential development has an expectation to not hinder these activities, providing the rural activity is being undertaken within reasonable limits. For instance, with particular regard to aspects such as odour, noise, lighting and traffic generation.</p> <p>The objective is the most appropriate way to achieve the purpose of the Act in accordance with Section 5 of the RMA.</p>

	<p>The objective has regard to section 7(b), (d) and (g) RMA.</p> <p>Strategic Directions: Consistent with Objective 3.2.1.5 - Maintain and promote the efficient operation of the District's infrastructure, including designated Airports, key roading and communication technology networks.</p> <p>Gives effect to RPS objective s 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). Gives effect to RPS objective 5.4.1 and policy and 5.5.5 (Land) Gives effect to RPS objectives 6.4.2, 6.4.3 and policies 6.5.2, 6.5.4 and 6.5.5.</p> <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago's natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago's significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 - Natural Resource systems and their interdependence are recognised
<p>21.2.5 (Rural Zone)</p> <p>Recognise for and provide opportunities for mineral extraction providing the location, scale and effects would not degrade amenity, water, landscape and indigenous biodiversity values.</p>	<p>The mineral resources of the District are important commercially. Mineral extraction, including gravel extraction and earthworks, has the potential to cause significant adverse effects on the environment.</p> <p>This objective is the most appropriate way to achieve the purpose of the Act as it recognises for mineral extraction while having regard to the potential adverse effects of these activities Section 5(b) and (c).</p> <p>The management of mineral extraction is an important issue for the District.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Relevant to 3.2.1.4 - 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 rural amenity, landscape character and healthy ecosystems. • Consistent with Objective 3.2.1.5 - Maintain and promote the efficient operation of the District's infrastructure, including designated Airports, key roading and communication technology networks.. • Consistent with Objective 3.2.5.1 ' Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development'. • Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or

	<p>development in specified Rural Landscapes.</p> <ul style="list-style-type: none"> • Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to RPS Objective 12.4.1, 12.4.2 and policy 12.5.2 (Energy)</p> <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 4.3 – Sufficient land is managed and protected for economic production. • Related Policy 4.3.6: Managing locational needs for mineral and gas exploration, extraction and processing.
<p>21.2.6 (Rural Zone)</p> <p>Encourage the future growth, development and consolidation of existing Ski Areas within identified Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.</p>	<p>This objective is the most appropriate way to achieve the purpose of the Act as it identifies and recognises the existence of skiing activities and established infrastructure within established ski area sub-zones. Encourages the consolidation of skiing activities and infrastructure within these areas.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Relevant to 3.2.1.4 - 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 rural amenity, landscape character and healthy ecosystems. • Consistent with Objective 3.2.2.1 'Ensure Urban development occurs in a logical manner'. • Consistent with Objective 3.2.5.1 'Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development'. • Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes.

	<p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> • Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). • Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land). • Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 Natural Resource systems and their interdependence are recognised
<p>21.2.7 (Rural Zone)</p> <p>Separate activities sensitive to aircraft noise from existing airports through:</p> <ul style="list-style-type: none"> • Wanaka: Retention of an area containing activities that are not sensitive to aircraft noise, within an airport’s Outer Control Boundary, to act as a buffer between airports and activities sensitive to aircraft noise (ASAN). • Queenstown: Retention of an area for Airport related activities or where appropriate an area for activities not sensitive to aircraft noise within an airport’s Outer Control Boundary to act as a buffer between airports and other land use activities. 	<p>The objective is the most appropriate way to achieve the purpose of the RMA because it acknowledges existing provisions and new provisions established through Plan Change 35 (as reflected by the Environment Court confirmed provisions of May 2013) and Plan Change 26 relating to avoiding conflict between established airports and noise sensitive activities, or activities that have potential to hinder the efficient operation of Queenstown and Wanaka airports. The provisions have been reworded slightly to correct inconsistencies between the outcomes of Plan Change 35 and Plan Change 26. Specifically, Plan Change 26 removed reference to “a greenfields area”, and whilst this was reflected in the Court confirmed provisions of Plan Change 35, it is understood this term was not intended to apply to the Queenstown airport. As a result, the objective has been separated to reflect the specific requirements of each airport; and reference to “a greenfields area” has been removed from both.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Consistent with Objective 3.2.1.1 - Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand’s premier alpine resorts and the District’s economy. • Consistent with Objective 3.2.1.5 - Maintain and promote the efficient operation of the District’s infrastructure, including designated Airports, key roading and communication technology networks. <p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> • Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). • Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land).

	<ul style="list-style-type: none"> Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> Objective 3.4 – Infrastructure of national and regional significance is managed in a reasonable way.
<p>21.2.8 (Rural Zone)</p> <p>Avoid subdivision and development in areas that are identified as being unsuitable for development.</p>	<p>The objective is the most appropriate way to achieve the purpose of the RMA because it acknowledges an established policy in the operative District Plan for existing provisions that avoid development within identified building restriction areas.</p> <p>Also establishes the ability to apply district wide policy that may restrict the ability for subdivision and development in the Rural Zone. For instance, natural hazards, landscape, noise, hazardous substances, national Environmental Standard for contaminated land.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> Consistent with Objective 3.2.2.2 - Manage development in areas affected by natural hazards. Consistent with Objective 3.2.5.1 'Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development'. Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land). Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> Objective 2.2 – Otago's significant and highly-valued natural resources are identified, and protected or enhanced. Objective 2.3 Natural Resource systems and their interdependence are recognised Objective 3.2 Risk that natural hazards pose to Otago's communities are minimised.

<p>21.2.9 (Rural Zone)</p> <p>Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.</p>	<p>The objective is the most appropriate in terms of achieving the purpose of the RMA because it establishes that the location, scale and intensity of commercial activities can affect rural amenity, constrain established rural activities and compromise the vitality of zones where commercial activities are anticipated.</p> <p>Consistent with the following Strategic Directions objectives:</p> <ul style="list-style-type: none"> • 3.2.1.1 Objective - Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand’s premier alpine resorts and the District’s economy. • 3.2.1.2 Objective - Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas in the District. • 3.2.1.4 Objective - 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 rural amenity, landscape character and healthy ecosystems. • 3.2.5.1 Objective - Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development. • 3.2.5.2 Objective - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. <p>Gives effects to RPS objectives 5.4.1, 5.4.3 and policies 5.5.2, 5.5.3 and 5.5.4 (Land)</p> <p>Gives effect to RPS objective 9.4.3 and policy 9.5.4 (Built Environment)</p> <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 Natural Resource systems and their interdependence are recognised
<p>21.2.10 (Rural Zone)</p> <p>Recognise the potential for diversification of farms that utilises the natural or physical resources of farms and supports the sustainability of farming activities.</p>	<p>The objective is the most appropriate way to meet the purpose of the RMA because it recognises the opportunity for alternative land uses on farms can help support the viability of traditional pastoral farming on large landholdings. The retention of large farming operations is a part of the character of the District’s landscape.</p> <p>Consistent with the following Strategic Directions objectives:</p>

	<ul style="list-style-type: none"> • 3.2.5.3 Objective - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. • 3.2.5.5 Objective - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effects to RPS objectives 5.4.1, 5.4.3 and policies 5.5.2, 5.5.3 and 5.5.4 (Land)</p> <p>Gives effect to RPS objective 9.4.3 and policy 9.5.4 (Built Environment).</p> <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 - Natural Resource systems and their interdependence are recognised • Objective 4.3 – Sufficient land is managed and protected for economic production
<p>21.2.11 (Rural Zone)</p> <p>Manage the location, scale and intensity of informal airports.</p>	<p>Refer to separate section 32 evaluation for informal airports</p>
<p>21.2.12 (Rural Zone)</p> <p>Protect, maintain and enhance the surface of lakes and rivers and their margins.</p>	<p>The surfaces of lakes and rivers have high nature conservation, recreational and passive recreational amenity values. Controls over water-based activities are necessary to manage:</p> <ul style="list-style-type: none"> • Adverse effects on water quality, visual amenity, recreational and passive amenity values • Safety and congestion associated with commercial boating operations • Structures and mooring lines • Managing effects from recreational boating activities. <p>For these reasons, the objective is the most appropriate way to meet the purpose of the RMA. The Objective recognises and provides for Section 6 – Matters of National Importance. In particular Sections 6(a), (b), (d), (e) and (g).</p> <p>Gives effect to RPS objective 5.4.3 and policies 5.5.1, 5.5.5 and 5.5.6 (Land).</p> <p>Gives effect to RPS objectives 6.4.4, 6.4.5, 6.4.7 and 6.4.8, and policies 6.5.1, 6.5.7, 6.5.9 and 6.5.10.</p>

	<p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 Natural Resource systems and their interdependence are recognised
<p>21.2.13 (Rural Zone)</p> <p>Enable rural industrial activities within the Rural Industrial Sub Zones, that support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.</p>	<p>While the predominant land use within the Rural Zone is farming there is a range of industrial and service activities that are aligned with farming and rural productive activities and have historically located in rural areas.</p> <p>These activities of an industrial nature compliment and support farming and rural productive activities and include fencing and agricultural contractors yards, firewood operations, sawmills, factories and fabrication yards.</p> <p>Many of these activities, due to their scale and nature, are not ideally suited to industrial areas located within or adjacent to urban areas and by necessity seek to locate in rural areas. Consequently there are a number of established nodes on rural industrial development throughout the District.</p> <p>The objective is the most appropriate way to meet the purpose of the RMA to recognise for rural service based and industrial in appropriate locations within the Rural Zone.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Relevant to 3.2.1.4 - 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 rural amenity, landscape character and healthy ecosystems. • Consistent with Objective 3.2.2.1 ‘Ensure Urban development occurs in a logical manner’. • Consistent with Objective 3.2.5.1 ‘ Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development’. • Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the

	<p>character of our landscapes.</p> <p>Gives effects to RPS objectives 5.4.1, 5.4.3 and policies 5.5.2, 5.5.3 and 5.5.4 (Land)</p> <p>Gives effect to RPS objective 9.4.3 and policy 9.5.4 (Built Environment).</p> <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 - Natural Resource systems and their interdependence are recognised • Objective 4.3 – Sufficient land is managed and protected for economic production
<p>23.2.1 (Gibbston Character Zone)</p> <p>Protect the economic viability, character and landscape value of the Gibbston Character Zone by enabling viticulture activities and controlling adverse effects resulting from inappropriate activities locating in the Zone.</p>	<p>The objective is the most appropriate way to meet the purpose of the RMA because it sets the direction for permitting farming activities, with an emphasis on viticulture, affiliated winery buildings and farm buildings on the basis that landscape, nature conservation and rural amenity values will be protected.</p> <p>The objective has regard to section 7(b) RMA.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Relevant to 3.2.1.4 - 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 rural amenity, landscape character and healthy ecosystems. • Consistent with Objective 3.2.2.1 ‘Ensure Urban development occurs in a logical manner’. • Consistent with Objective 3.2.5.1 ‘Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development’. • Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes.

	<p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> • Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). • Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land). • Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 Natural Resource systems and their interdependence are recognised
<p>23.2.2 (Gibbston Character Zone)</p> <p>Sustain the life supporting capacity of soils</p>	<p>The objective is the most appropriate way to meet the purpose of the Act because it identifies the economic importance of farming activities and protecting the soil resource for current and future productive use.</p> <p>Acknowledges the finite area of the Gibbston Character Zone.</p> <p>Recognises the importance of managing the spread of wilding species and siltation and erosion from earthworks activities.</p> <p>The objective has regard to section 7(b) RMA.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Relevant to 3.2.1.4 - 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 rural amenity, landscape character and healthy ecosystems. • Consistent with Objective 3.2.2.1 ‘Ensure Urban development occurs in a logical manner’. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> • Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). • Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land).

	<ul style="list-style-type: none"> Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. Objective 2.3 Natural Resource systems and their interdependence are recognised
<p>23.2.3 (Gibbston Character Zone)</p> <p>Safeguard the life supporting capacity of water through the integrated management of the effects of activities.</p>	<p>Then objective is the most appropriate way to meet the purpose of the RMA because it is an existing objective of the Operative District Plan that recognises the importance of the water resource to viticulture in the Gibbston Valley.</p> <p>The objective has regard to section 7(b) RMA.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> Relevant to 3.2.1.4 - 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 rural amenity, landscape character and healthy ecosystems. Consistent with Objective 3.2.2.1 ‘Ensure Urban development occurs in a logical manner’. Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land). Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. Objective 2.3 Natural Resource systems and their interdependence are recognised

<p>23.2.4 (Gibbston Character Zone)</p> <p>Encourage land management practices that recognise and accord with the environmental sensitivity and amenity values of the Gibbston Character Zone.</p>	<p>Then objective is the most appropriate way to meet the purpose of the RMA because it is an existing objective of the Operative District Plan that recognises the importance of the water resource to viticulture in the Gibbston Valley.</p> <p>The objective has regard to section 7(b) RMA.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Relevant to 3.2.1.4 - 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 rural amenity, landscape character and healthy ecosystems. • Consistent with Objective 3.2.2.1 'Ensure Urban development occurs in a logical manner'. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> • Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). • Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land). • Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). • Objectives 5.4.1, 5.4.2 and policies 5.5.2, 5.5.4 and 5.5.5 (Land) • Objectives 10.4.1, 10.4.2, 10.4.3 and policies 10.5.2, 10.5.3 and 10.5.4. <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 - Natural Resource systems and their interdependence are recognised
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The above objectives are considered to be the most appropriate methods of achieving the purpose of the Act, as they identify and give direction as to the how the specific issues that pertain to the management of activities in the Rural Zone and Gibbston Character Zone, and any activities that have the potential to affect the District's landscape resource, are addressed.

9. Evaluation of the proposed provisions Section 32 (1) (b)

The following tables consider whether the proposed provisions are the most appropriate way to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient. For the purposes of this evaluation the proposed provisions are grouped together by resource management issue.

(Also refer to the Table detailing broad options considered above)

Issue 1: The management of the District's landscapes

- 6.3.1 (Landscape)– The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.**
- 6.3.2 (Landscape)– Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.**
- 6.3.3 (Landscape)– Protect, maintain or enhance the district's Outstanding Natural Features (ONF).**
- 6.3.4 (Landscape)– Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).**
- 6.3.5 (Landscape)– Ensure subdivision and development does not degrade landscape quality or character or diminish visual amenity values of the Rural Landscapes (RLC).**
- 6.3.6 (Landscape)– Protect, maintain or enhance the landscape quality, character and visual amenity provided by the lakes and rivers and their margins from the effects of structures and activities.**
- 6.3.7 (Landscape)– Recognise and protect indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes.**
- 6.3.8 (Landscape)– Recognise the dependence of tourism on the District's landscapes.**
- 21.2.1 (Rural Zone)– Enable farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.**
- 21.2.5 (Rural Zone)– Recognise for and provide opportunities for mineral extraction providing the location, scale and effects would not degrade amenity, water, landscape and indigenous biodiversity values.**
- 21.2.6 (Rural Zone)– Encourage the future growth, development and consolidation of existing Ski Areas within identified Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.**
- 21.2.8 (Rural Zone)– Avoid subdivision and development in areas that are identified as being unsuitable for development.**

21.2.8 (Rural Zone)– Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.

23.2.1 (Gibbston Character Zone)– Protect the economic viability, character and landscape value of the Gibbston Character Zone by enabling viticulture activities and controlling adverse effects resulting from inappropriate activities locating in the Zone.

23.3.4 (Gibbston Character Zone)– Encourage land management practices that recognise and accord with the environmental sensitivity and amenity values of the Gibbston Character Zone.

Summary and broad assessment of the environmental, economic, social and cultural costs and benefits of the provisions that will achieve these objectives:

Landscape policies:

- Provide policies to facilitate the identification of outstanding natural landscapes and outstanding natural features that are of national importance pursuant to Section 6(b) of the RMA.
- Policy that requires the assessment criteria are applied and the roll-over of existing operative provisions in Part 1.5.3.iii of the District Plan which set out why resource consents are required as part of the management of the District's landscapes.
- Emphasis on managing potential cumulative effects of subdivision and development
- Clearer hierarchy where protection is necessary and where development could be located, or expected to locate, ONF, ONL and RLC landscapes.
- New policy for lakes and rivers and Indigenous biodiversity where the landscape is relevant. The existing operative district wide chapters for Lakes and rivers and Natural Environment are removed from the proposed district plan text.
- New policies on recognition of tourism and the relationship with landscape.

Assessment Criteria

- The structure of the existing assessment criteria has been retained. The assessment criteria have been refined to assist with investigation and whether the proposal is acceptable in terms of landscape character, visual amenity, the design and density of the proposal.
- Emphasis on assessing cumulative effects from residential subdivision and development.
- The landscape assessment matters for ONL and ONF focus on the attributes of the landscape that make it qualify as an ONL or ONF and to what extent the proposed activity will degrade/have adverse effects the landscape attribute.
 - The Outstanding Natural Landscapes and features of the District comprise large areas, and within these there will be locations that will have varying degrees of sensitivity to development. Undertaking an appraisal of the criteria provided in the assessment matters will inform both proponents and

decision makers of the appropriateness of a proposed development within the ONL/ONF.

- The landscape assessment matters for the RLC focus on identifying the important attributes on a case by case basis and to what extent the proposed development will degrade/have adverse effects on the landscape. The operative District Plan presumption on maintaining a 'visual amenity landscape' - pastoral and arcadian attributes has been removed.
- Direct consideration of compensation or positive effects such as the provision of walkways, or ecological restoration.

Landscape related rules:

- Subdivision and development in outstanding natural features and landscapes is retained as a discretionary activity.
- Subdivision and development in the rural landscape classification are a discretionary activity.
- The retention of no minimum area, and therefore no development rights for residential subdivision and development.
- Farm buildings: permitted largely based on existing operative standards that would require resource consent as a controlled activity (that have been changed to permitted activity standards).
- Subdivision and development: construction within building platforms and alterations up to 30% of existing buildings outside are a permitted activity subject to new rules to control the size and colour of buildings as a balancing mechanism to the removal of the controlled activity status and broad intervention and control of landscape matters associated with the rule.
- Jetties in the Frankton Arm are a restricted discretionary activity and the landscape assessment criteria do not apply (no landscape assessment). There are a range of performance standards based on the Jetties and moorings policy and if these are not complied with the proposed jetty would be non-complying class of resource consent.

Rural Policies

- Generally based around providing for farming and established activities such as roading while managing effects on landscape, amenity and nature conservation values.
- Recognises that diversification of farming to tourism and visitor accommodation based activities may support the ongoing viability of farming and retention of large landholdings. The retention of large landholdings has the potential to support the maintenance of the landscape qualities in certain locations.

Zoning Changes

- Identification of five areas in the Wakatipu Basin with capacity from a landscape perspective to absorb residential subdivision and development to the Rural Lifestyle Zone density constituting a minimum site size of 2 hectares average and individual sites to one hectare.
- Rezoning of land at Wyuna Station from Rural General to Rural Lifestyle.

<i>Landscape classifications</i>			
<ul style="list-style-type: none"> • Identification on the District Plan maps of the following landscape classifications: <ul style="list-style-type: none"> • Outstanding natural features (ONF) • Outstanding natural landscapes (ONL) • Rural Landscapes Classification (RLC) • The proposed landscape classifications replace the following existing landscape categories: <ul style="list-style-type: none"> • Operative District Plan Outstanding natural landscapes Wakatipu Basin: Proposed Outstanding Natural Landscapes • Operative District Plan Visual Amenity landscape and Other Rural Landscape: Proposed Rural Landscape Classification 			
<i>Proposed provisions</i>	<i>Costs</i>	<i>Benefits</i>	<i>Effectiveness & Efficiency</i>
<p>Policies:</p> <p><i>Landscape</i></p> <p>All Policies</p> <p><i>Rural Zone</i></p> <p>21.2.1.1 to 21.2.1.8</p> <p>21.2.5.1 to 21.2.5.4</p> <p>21.2.6.1 to 21.2.6.3</p> <p>21.2.8.1, 21.2.8.2</p> <p>21.2.9.2 to 21.2.9.5</p> <p><i>Gibbston Character Zone</i></p>	<p><i>Environmental</i></p> <ul style="list-style-type: none"> • Will allow more subdivision and development within the areas identified as suitable for Rural Lifestyle zoning. <p><i>Economic</i></p> <ul style="list-style-type: none"> • Potential cost for persons who may have been intending to undertake development for the purposes of developing for profit in locations identified on the planning maps as ONL or ONF, or in the Rural Landscapes where the cumulative effects policy could reduce the probability for subdivision and development being granted (although these activities may have been likely to have been 	<p><i>Environmental</i></p> <ul style="list-style-type: none"> • Enhances the protection of the remaining Rural Zoned District's landscape resource for present and future generations. <p><i>Economic</i></p> <ul style="list-style-type: none"> • Protecting the remaining landscape resource will ensure Queenstown Lakes District remains a desirable place to live and visit. Maintaining tourism and the desirability of Queenstown Lakes District as a destination. • Landscape classifications identified on the District Plan maps will save costs for applicants who currently require 	<ul style="list-style-type: none"> • The provisions are based on the existing structure of the operative provisions. The changes will improve the effectiveness at managing the districts landscape resource while creating efficiencies in the administration of the landscape criteria. • The provisions will be effective at managing the landscape resource to be consistent with the Operative and Proposed Otago Regional Policy Statement and the proposed strategic directions chapter. • The provisions will provide more certainty and guidance for

<p>23.2.1.1, 23.2.1.3, 23.2.1.5, 23.2.1.6, 23.2.1.7, 23.2.1.8.</p> <p>23.34.4</p> <p>Rules:</p> <p><i>Landscape</i></p> <p>6.4.1</p> <p><i>Rural Zone</i></p> <p>21.3.3</p> <p>21.4</p> <p><i>Gibbston Character Zone</i></p> <p>23.4.1, 23.4.5 to 23.4.20.</p> <p>23.5.1 to 23.5.8.</p> <p><i>Assessment Matters</i></p> <p>Rural Zone 21.7</p> <p>Gibbston Character Zone 23.7</p>	<p>considered unacceptable in any case).</p> <p>Social & Cultural</p> <ul style="list-style-type: none"> • Potential social and cultural cost to persons not supportive of the changes. 	<p>an assessment on a case by case basis to determine the landscape classification.</p> <ul style="list-style-type: none"> • Clearer and certain District Plan provisions will reduce costs for Council, applicants and litigants associated with resource consent decisions based on clear and specific policy and assessment criteria. <p>Social & Cultural</p> <ul style="list-style-type: none"> • More certainty and safeguards will provide for people's wellbeing by protecting the landscape resource. 	<p>persons contemplating subdivision and development and locating farm buildings. The provisions will improve efficiency by identifying the landscape categories on the District Plan maps.</p> <ul style="list-style-type: none"> • The provisions will create efficiencies by clearly setting out areas where subdivision and development is not likely to be appropriate and the assessment criteria and policies will provide clearer direction on where subdivision is likely to be appropriate.
<p>Alternative options considered less appropriate to achieve the relevant objectives and policies:</p>			
<p><i>Option 1: Impose a minimum site density standard to control subdivision and/or residential development.</i></p>	<ul style="list-style-type: none"> • <i>The operative Rural General Zone provisions focus on the management of the landscape resource. No minimum area is identified and, consequently there is no perceived or actual development right to establish residential activity or buildings.</i> 		

- *Imposing a minimum density standard could be considered an effective tool to help manage the potential adverse effects of subdivision and development and in particular the cumulative effects of residential development. It is recognised that through the resource consent process it can be difficult to quantify whether a threshold has been reached with respect to adverse cumulative effects from subdivision and development, and that this might be more difficult where there is no minimum allotment size in the Rural Zone to use as an indicator of the appropriate intensity of residential development.*
- *Typically, a minimum density standard is imposed in rural areas to protect the soil resource and productive potential of rural land. Minimum density standards also provide a degree of certainty for inhabitants and neighbours with respect to amenity, and can provide parameters with regard to servicing and infrastructure limitations.*
- *In the context of these matters, imposing a minimum area requirement on rural land primarily to manage the impact of residential/commercial subdivision and development on the landscape could be criticised as being selected arbitrarily. The District's landscape character and ability to absorb change varies and what may be considered appropriate in one area may not suit others.*
- *For these reasons, imposing a minimum allotment size to achieve the purpose of the RMA is not more appropriate than the proposed Provisions.*

Issue 2: The management of Farming Activities

6.3.1 (Landscape) – The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.

6.3.3 (Landscape) – Protect, maintain and enhance the district’s Outstanding Natural Features (ONF).

6.3.4 (Landscape) – Protect, maintain and enhance the District’s Outstanding Natural Landscapes (ONL).

6.3.5 (Landscape) – Ensure subdivision and development does not degrade landscape quality or character or diminish visual amenity values of the Rural Landscapes (RLC).

6.3.7 (Landscape) – Recognise and protect indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District’s landscapes.

6.3.8 (Landscape) – Recognise the dependence of tourism on the District’s landscapes.

21.2.1 (Rural Zone) – Enable farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

21.2.2 (Rural Zone) - Sustain the life supporting capacity of soils.

21.2.3 (Rural Zone) - Safeguard the life supporting capacity of water through the integrated management of the effects of activities.

21.2.4 (Rural Zone) – Manage situations where sensitive activities conflict with existing and anticipated activities in the Rural Zone.

21.2.8 (Rural Zone) – Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.

21.2.11 (Rural Zone) – Manage the location, scale and intensity of informal airports.

Summary of proposed provisions that give effect to these objectives:

- Retention of farming as a permitted activity;

- Permit farm buildings subject to standards to protect the landscape resource in the ONL and RLC locations;
- Protect farming from activities that may seek to establish in the rural zone and constrain activities such as of a residential or commercial nature;
- Allow as a permitted activity the construction of farm buildings subject to standards on colour, location, size and height;
- Providing an exemption for small scale roadside side stalls so they do not require a resource consent;
- Retain the exemption for informal airports associated with farming activity
- The introduction of standards to control the potential effects of dairy farming buildings and infrastructure on rural amenity.
- Encouraging persons responsible for dairy grazing stock to exclude them from waterbodies by making it a prohibited activity.

Proposed Policies:

Policies:

Landscape

6.3.1.1, 6.3.1.2, 6.3.1.5, 6.3.1.8, 6.3.1.10, 6.3.1.11, 6.3.1.12, 6.3.3.1, 6.3.3.2, 6.3.4.1 to 6.3.4.3, 6.3.5.1 to 6.3.5.3, 6.3.6.1, 6.3.7.1, 6.3.8.1, 6.3.8.2

Rural Zone

21.2.1.1 to 21.2.1.8, 21.2.2.1 to 21.2.2.3, 21.2.3.1, 21.2.4.1 – 21.2.4.2, 21.2.10.1 – 21.2.10.3.

Rules:

Landscape

6.4.1

Rural Zone

All Rules. Noting the new rules or rules of particular scale and significance are given particular consideration below.

(Also refer to the miscellaneous and existing operative provisions to be retained (Issue 7)).

Proposed Rule	Costs: Environmental, Economic, Social and Cultural	Benefits: Environmental, Economic, Social and Cultural	Effectiveness & Efficiency
<p>Rule 21.5.5</p> <p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</p> <p>All effluent holding tanks, effluent treatment and effluent storage ponds, shall be located at least 300 metres from any formed road or adjoining property.</p> <p>Permitted activity standard, non-compliance results in a restricted discretionary class of resource consent.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Odour. • Visual prominence. • Landscape character. • Effects on surrounding properties. <p>Rule 21.5. 6</p> <p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</p> <p>All milking sheds or buildings used to house or feed milking stock shall be located at least 300 metres from any adjoining</p>	<p>Environmental</p> <ul style="list-style-type: none"> • Irrespective of the required setback, there will be a reduction in the control and ability to impose conditions mitigating environmental effects due to the loss of control associated with making farm buildings a permitted activity. <p>Economic</p> <ul style="list-style-type: none"> • Has potential to impose costs on dairy farm operators by requiring buildings and related infrastructure to be located further away from road boundaries and adjoining property boundaries. <p>Social and Cultural</p> <ul style="list-style-type: none"> • Removing the need to obtain a resource consent but requiring standards has the potential to create adverse effects where the prescribed 300 metre setback for the defined dairy infrastructure. 	<ul style="list-style-type: none"> • Provides safeguards for rural amenity values by imposing controls on dairy farming milking sheds and effluent ponds, recognising it is a more intensive type of farming than traditional sheep or beef farming and having a higher potential for degrading rural amenity values. <p>Economic</p> <ul style="list-style-type: none"> • The standards are associated with making farm buildings a permitted activity. Allowing farm buildings as a permitted activity provides the opportunity for farmers to establish these buildings without the need to obtain a resource consent. • Provides for more flexibility in the rural zone for farming activities while maintaining rural amenity values. • Confirms farming as the anticipated and dominant activity in the Rural Zone. Provides certainty, economic wellbeing for farming operations, particularly large landholdings. <p>Social and Cultural</p> <ul style="list-style-type: none"> • Provides certainty for persons residing adjacent to working dairy 	<ul style="list-style-type: none"> • The provisions will provide effective management without unduly constraining permitted farming activities. • The provisions are not expected to create a high number of resource consents. • Overall, the proposed standards are considered an appropriate balance between making farm buildings permitted and managing the potential adverse effects of intensive farming activities.

<p>property or formed road.</p> <p>Permitted activity standard, non-compliance results in a restricted discretionary and discretionary classes of resource consent.</p>		<p>farms.</p> <ul style="list-style-type: none"> Provides certainty for dairy farms as to where the infrastructure is expected to locate. 	
<p>Proposed Rule</p>	<p>Costs: Environmental, Economic, Social and Cultural</p>	<p>Benefits: Environmental, Economic, Social and Cultural</p>	<p>Effectiveness & Efficiency</p>
<p>Farm Buildings</p> <p>Rule 21.5.18 – location, landholding size and density of buildings.</p> <p>Permitted activity standard non-compliance would require a restricted discretionary activity class of resource consent.</p> <p>Rule 21.5.19 – exterior colour of buildings</p> <p>Permitted activity standard non-compliance would require a restricted discretionary activity class of resource consent.</p> <p>Rule 21.5.20 – Building Height Permitted activity standard non-compliance would require a discretionary activity class of</p>	<p>Environmental</p> <ul style="list-style-type: none"> The permitted activity could create adverse visual effects by removing the discretion for Council to control effects providing the qualifiers in the rule are met. <p>Economic</p> <ul style="list-style-type: none"> Economic effect associated with regulation, however the rules are introduced to balance the removal of rules that require a resource consent for any building. <p>Social and Cultural</p> <ul style="list-style-type: none"> Potential for social and cultural effects on persons from building begin established as a permitted activity. these could be the location of a permitted farm building that obstructs views from adjoining residential building platforms in the Rural Zone. 	<p>Environmental</p> <ul style="list-style-type: none"> The permitted standards provide a degree of safeguards for landscape and location of buildings adjacent to water bodies. The permitted standard qualifiers are conservative and encourage buildings to be sited in sympathetic locations with recessive colours. <p>Economic</p> <ul style="list-style-type: none"> Provides the opportunity to establish farm buildings as permitted activity and dispense with the uncertainty with applying for a resource consent. <p>Social and Cultural</p> <ul style="list-style-type: none"> Better certainty for rural landowners with expectations around constructing permitted farm buildings. 	<p>Farm Buildings</p> <ul style="list-style-type: none"> The provisions will create efficiencies for farmers, particularly where small scale buildings are proposed where the costs of obtaining resource may be high relative to the value of the work. The permitted standards are subject to conservative criteria based on the existing standards for farm buildings and will provide effective management in the context of the landscape management provisions. The permitted activity standards are not intended to provide for all farm buildings as permitted activities. Buildings over 500m² are not uncommon and in these situations assessment would be required on a case by case basis.

<p>resource consent.</p> <p>Rule 21.5.4 – setback of buildings from water bodies.</p> <p>Permitted activity standard non-compliance would require a restricted discretionary activity class of resource consent.</p>			<ul style="list-style-type: none"> • The setback of buildings from waterbodies is effective in the context of the removal of a requirement for a resource consent.
Proposed Rule	Costs: Environmental, Economic, Social and Cultural	Benefits: Environmental, Economic, Social and Cultural	Effectiveness & Efficiency
<p>Rule 21.5.7</p> <p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</p> <p>Stock shall be prohibited from standing in the bed of, or on the margin of a water body.</p> <p>For the purposes of this rule:</p> <ul style="list-style-type: none"> • Margin means land within 3.0 metres from the edge of the bed. • Water body has the same meaning as in the RMA, but also includes any drain or water race that goes to a lake or river. <p>Permitted activity standard, non-compliance results in a prohibited</p>	<p>Environmental</p> <ul style="list-style-type: none"> • None identified. <p>Economic</p> <ul style="list-style-type: none"> • Measures will be required to exclude dairy grazing stock from water bodies by 3.0 metres. This will impose a cost associated with fencing infrastructure and time spent. However, the fencing need not be permanent. • Cost for Council to undertake monitoring and compliance with the administration of the rule. • Potential cost to persons whom do not comply with the rule and are subject to enforcement from the Council. <p>Social & Cultural</p>	<ul style="list-style-type: none"> • Simple and direct rule to ensure that dairy grazing activity excludes stock from water bodies. By doing so there is greater certainty intensive farming practices would not degrade water bodies and riparian areas. • Reduces potential for adverse effects on water bodies and amenity values. <p>Economic</p> <ul style="list-style-type: none"> • Reduces costs associated with remediation to water bodies that have been damaged by grazing stock. • Assists with maintaining rural amenity and the District's environmental image that is important to tourism. 	<ul style="list-style-type: none"> • Definition of water body is consistent and complementary to the RMA and Otago Regional Council definitions of water bodies, in particular the definition of water bodies and drains as defined in the Otago Regional Plan: Water; Rule 12.C.0.1. • The rule will be efficient to interpret and comply with because it is based on a specific activity, rather than the effects of an activity. • The rule is easily complied with and is enforceable. • The rule is efficient in that it captures both land regularly used for grazing and land that is not regularly used for grazing. Therefore covering activities potentially missed by The

class of activity.	<ul style="list-style-type: none"> Potential social cost to dairy grazing operators ensuring compliance. 	<p>Social & Cultural</p> <ul style="list-style-type: none"> Complementing regional council functions will assist with protecting social and cultural values associated with the intrinsic values of water bodies. 	Sustainable Dairying: Water Accord.
Alternative options considered less appropriate to achieve the relevant objectives and policies:			
<p><i>Option 1: Require resource consents for certain types of farming (such as dairy farming and grazing) to allow the Council to have a higher degree of control on landscape and rural amenity values.</i></p>	<ul style="list-style-type: none"> <i>The changes to the landscape from irrigation include linear and pivot irrigators and a change in the year-round colour of improved pasture. These aspects could be regarded as an adverse effect on the landscape. Activities such as horticulture and viticulture also fit within the proposed District Plan definition of 'Farming Activity' and the establishment of these activities would have an impact on the existing landscape.</i> <i>Pivot and linear irrigators are not buildings and are not subject to the rules of the District plan http://www.qldc.govt.nz/assets/Uploads/Planning/QLDC-Practice-Note-1-Centre-Pivot-and-Linear-Irrigators.pdf</i> 		
<p><i>Option 2: Make farm buildings permitted irrespective of location or size of the respective landholding.</i></p>	<ul style="list-style-type: none"> <i>The District relies upon the landscape as a significant resource for its economic, cultural and social wellbeing. It is recognised that farming activities are also a significant driver of the economy and farming activities are a key determinant of rural character and, farm buildings are an integral component of farming. Notwithstanding this, removing controls on farm buildings, particularly for larger scale buildings within the outstanding natural landscapes or on outstanding natural features would not provide effective management of the landscape resource.</i> <i>The proposed criteria provide as a permitted activity for modest sized farm buildings on what are likely to be genuine farming operations on larger landholdings at least 100ha in area, with a density of not more than one building per 25ha, currently one per 50ha. There are higher numbers of rural-residential subdivision and development on smaller landholdings and the effect of the sprawl of these buildings should be contained. It would not be appropriate to accept accessory buildings that support rural residential lifestyle</i> 		

Contamination of water bodies from dairy grazing stock

Option 1: Retain policy, but have no rule and rely on Regional Council rules, such as Rule 12.C.0.1 of the Otago Regional Plan: Water.

Option 2: Require fencing of water bodies.

activities as farm buildings for the purposes of this rule.

Contamination of water bodies from dairy grazing stock

Option 1:

- The proposed rule is purposefully different to the Regional Plan Rule in that it is an activity based rule that identifies dairy grazing as having a higher potential for contamination and degrading rural amenity values, and the intrinsic values of water bodies. The relevant Regional Plan Rule is:*

12.C.0 Prohibited activities: *No resource consent will be granted*

12.C.0.1 The discharge of any contaminant to water, that produces an objectionable odour, or a conspicuous oil or grease film, scum, or foam in any:

(i) Lake, river or Regionally Significant Wetland; or

(ii) Drain or water race that flows to a lake, river, Regionally Significant Wetland or coastal marine area; or

(iii) Bore or soak hole, is a prohibited activity.

- The proposed rule will promote the sustainable management of natural and physical resources by simply excluding activities that are likely to degrade nature conservation and amenity values.*
- The Regional Council rule (Rule 12.C.0.1) has qualifiers with regard to any odour being 'objectionable', or a 'conspicuous' oil or grease film, scum or foam. The proposed rule may have a higher standard of intervention than the Regional Council Rule, because it excludes the activity outright.*

Option 2:

- This option would impose potential costs associated with fencing off water bodies to exclude stock. It is recognised that dairy stock may be grazed in one-off situations, particularly where grazing is undertaken away from the milking platform. Temporary fences*

<p><i>Option 3: Not specify a waterbody margin area.</i></p>	<p><i>can be used to comply with the rule.</i></p> <ul style="list-style-type: none"> • <i>It is considered best to leave the method to comply with the rule up to the persons responsible for the stock. This could be achieved by existing physical barriers such as hedgerows or by temporary electric fences.</i> <p><i>Option 3:</i></p> <ul style="list-style-type: none"> • <i>The definitions of water body and bed have been derived from the RMA interpretations. The Otago Regional Plan: Water, utilises similar definitions. For consistency and ease of interpretation, 'drains' where they flow to a lake or river have also been included, as identified in the Otago Regional Plan: Water; Rule 12.C.0.1.</i> • <i>A margin area has been set to ensure there is a buffer area between the bed of the water body and area where stock would be able to stand. This would assist with avoiding the potential for stock to trample and for excrement to enter the water body.</i> • <i>The width of the margin has been set at 3.0 metres. The margin is intended to exclude stock from directly standing on the edge of the waterbody and includes the provision for temporary fencing. The margin does not anticipate the retirement of land or riparian planting.</i> • <i>Should effective riparian planting be required, the margin may need to be wider. There is guidance available on this matter from other agencies. It is reiterated that the intention of the rule is to exclude dairy grazing stock from entering water bodies. The method for achieving compliance should be left to the persons responsible.</i>
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<p><i>Option 4: Proposed Rule 21.5. 7</i></p> <p><u>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</u></p> <p>Do not provide as a prohibited activity and instead make it a controlled, restricted discretionary, discretionary or non-complying activity.</p>	<ul style="list-style-type: none"> • <i>The intent of the rule is to prevent intensive forms of farming degrading and creating significant adverse effects on water bodies and riparian areas. Providing the ability for a person to apply for a resource consent is counter intuitive to the encouragement to simply exclude stock from these relatively confined areas.</i> • <i>Providing the ability to apply for resource consent would be opening the door to a significant adverse effect and this would also leave the possibility for persons to apply for a resource consent on a retrospective basis. Neither of these scenarios would meet Section 5 of the RMA. The prohibited activity status is the most appropriate way to meet the purpose of the RMA.</i>
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Issue 3: Effective and Efficient Resource Management

6.3.1 (Landscape) Our distinctive landscapes are protected from inappropriate subdivision and development.

21.2.1 (Rural Zone) Enable farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

21.2. 13 (Rural Zone) Enable rural industrial activities within the Rural Industrial Sub Zones, that support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.

23.2.1 (Gibbston Character Zone) To protect the character and landscape value of the Gibbston Character Zone by enabling viticulture activities and controlling adverse effects resulting from inappropriate activities locating in the Zone.

Summary of proposed provisions that give effect to these objectives:

- Replacing the existing controlled activity resource consent requirement to build, reclad, repaint and alter buildings within a building platform with a permitted activity rule allowing these activities. Also includes allowing alterations to buildings located outside platforms, subject to a maximum area being altered.
- Permitted activities for farm buildings, buildings located within approved building platforms and alterations to buildings outside of an approved building platform, subject to controls on colour, height, coverage and location.
- Permits farm buildings where they previously required resource consent as a controlled activity, subject to controls on location, size, height and colour.

- Introducing new standards that require buildings comply with a range of colours that meet a certain hue and light reflectance value.
- Rule 21.5.16 limits the permitted size of any single building to 500m². The reason for this is to provide a control on the visual dominance of buildings. Because the operative District Plan requires that even where a building is anticipated a controlled activity resource consent is required, the Council has control over the location, external appearance, colours and landscaping. The removal of control necessitates a building size maxim to control the permitted baseline of buildings and to enable the potential visual dominance and effects on landscape character and rural amenity to be considered through a restricted discretionary resource consent.
- Rule 21.5.4 is introduced to control the location of buildings adjacent to waterbodies. As described above, the removal of the controlled activity status for buildings removes the ability of the Council to assess the potential amenity and hazard related effects associated with locating buildings near waterbodies. A restricted discretionary rule enabling the Council to consider potential adverse effects on biodiversity, landscape, visual amenity, open spaces values and hazards is considered appropriate in these instances.
- Making residential flats a permitted activity.

Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p>Policies:</p> <p><i>Landscape</i> 6.3.1.1, 6.3.1.2, 6.3.1.5, 6.3.1.10, 6.3.3.1, 6.3.3.2, 6.3.4.1, 6.3.4.2, 6.3.4.3, 6.3.5.1, 6.3.6.1</p> <p><i>Rural Zone</i> 21.2.1, 21.2.2, 21.2.3, 21.2.4, 21.2.5.</p> <p><i>Gibbston Character Zone</i> 23.2.1.1, 23.2.1.4,</p>	<p>Environmental</p> <ul style="list-style-type: none"> • Council will not have the same level of control over aspects associated with the development such as 'nature conservation values', landscape plans and control on the 'external appearance' of buildings, only the colour to control the degree of visual prominence. However development would still be subject to any controls or obligations required by the subdivision consent or approval for the building platform. <p>Economic</p> <ul style="list-style-type: none"> • Potential for higher costs with subdivision than previously as any mitigation required for landscaping 	<p>Environmental</p> <ul style="list-style-type: none"> • Permitting a range of reasonably conservative colours (20% LRV pre-finished steel, 30% LRV all other surfaces) will encourage applicants to utilise colours within this range to avoid applying for resource consent. • More emphasis for landscaping requirements to be at the time of subdivision. This would promote more integrated landscaping that would be responsive to the sensitivity of the surrounding landscape and whether any mitigation is required. • Any more conservative controls imposed on a site by a subdivision 	<ul style="list-style-type: none"> • The proposed provisions will replace the need for a resource consent by permitting buildings within a range of controls to ensure that anticipated development would maintain landscape values. The provisions are effective at managing the effects of buildings on the landscape resource. • The ability to build as a permitted activity significantly increases certainty and efficiency while permitted activities will be effective at achieving objectives and policies to maintain landscape values.

<p>23.2.1.5, 23.2.1.7, 23.2.1.8</p> <p>Rules:</p> <p><i>Landscape</i> 6.4.1</p> <p><i>Rural Zone</i> 21.4 – all relevant rules 21.5 – all relevant rules 21.6 – notification provisions.</p> <p><i>Gibbston Character Zone</i> All relevant rules.</p>	<p>would be focused at this stage, as opposed to leaving it for individual future allotment owners.</p> <ul style="list-style-type: none"> Potential for higher administration costs for Council to review permitted development as part of the building consent where previously this was recovered from the resource consent. <p>Social & Cultural</p> <ul style="list-style-type: none"> Potential for adverse effects due to the reduction of control. 	<p>consent notice will still apply, thus ensuring location specific landscaping or mitigation of adverse effects and associated servicing requirements are provided for.</p> <p>Economic</p> <ul style="list-style-type: none"> Reduced costs for applicants through resource consents and monitoring fees. Reduced cost for the Council through District Plan administration, including the requirement for development engineering staff to prepare RMA style reports on servicing. Removal of the potential for a ‘double up’ of processing where the existing controlled activity, matters of control for servicing (water supply, wastewater and stormwater) can be considered via the building consent application. Less delays in the overall build time and cost and more certainty for prospective development. <p>Social & Cultural</p> <ul style="list-style-type: none"> More certainty for people when they undertake anticipated development and small scale alterations to 	
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		<p>houses.</p> <ul style="list-style-type: none"> • Emphasis on landscaping applied at the time of subdivision to mitigate the effects of infrastructure and future buildings. More certainty for future landowners with regard to landscaping expectations when they build. 	
<p>Alternative options considered less appropriate to achieve the relevant objectives and policies:</p>			
<p><i>Option 1: Make buildings permitted with no controls on colour or maximum scale of buildings.</i></p>	<ul style="list-style-type: none"> • <i>Would not control the effects of buildings while managing the landscape resource.</i> 		

Issue 4: Commercial Activities

6.3.1 (Landscape) The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.

6.3.2 (Landscape) Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.

6.3.3 (Landscape) Protect, maintain and enhance the district's Outstanding Natural Features (ONF).

6.3.4 (Landscape) Protect, maintain and enhance the District's Outstanding Natural Landscapes (ONL).

6.3.5 (Landscape) Ensure subdivision and development does not degrade landscape quality or character or diminish visual amenity values of the Rural Landscapes (RLC).

6.3.6 (Landscape) Protect, maintain or enhance the landscape values of the lakes and rivers and their margins from the effects of structures and

activities.

6.3.8 (Landscape) Recognise the dependence of tourism on the District's landscapes.

21.2.1 (Rural Zone) Enable farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

21.2.2 (Rural Zone) Sustain the life supporting capacity of soils.

21.2.3 (Rural Zone) Safeguard the life supporting capacity of water through the integrated management of the effects of activities.

21.2.4 (Rural Zone) Manage situations where sensitive activities conflict with existing and anticipated activities in the Rural Zone.

21.2.5 (Rural Zone) Recognise for and provide opportunities for mineral extraction providing the location, scale and effects would not degrade amenity, water, landscape and indigenous biodiversity values.

21.2.6 (Rural Zone) Encourage the future growth, development and consolidation of existing Ski Areas within identified Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.

21.2.9 (Rural Zone) Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.

21.2.10 (Rural Zone) Recognise the potential for diversification of farms that utilises the natural or physical resources of farms and supports the sustainability of farming activities.

21.2.11 (Rural Zone) Manage the location, scale and intensity of informal airports.

21.2.12 (Rural Zone) Protect, maintain and enhance the surface of lakes and rivers and their margins.

21.2.13 (Rural Zone) Enable rural industrial activities within the Rural Industrial Sub Zones, that support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.

23.2.1 (Gibbston Character Zone) Protect the economic viability, character and landscape value of the Gibbston Character Zone by enabling viticulture activities and controlling adverse effects resulting from inappropriate activities locating in the Zone.

23.2.2 (Gibbston Character Zone) Sustain the life supporting capacity of soils.

Summary of proposed provisions that give effect to these objectives:

- Policy that acknowledges the dependence of some commercial activities on the landscape resource and rural amenity values;
- Policy that recognises that commercial activities within the rural zones can impinge on farming activities and reduce the vitality of commercial centres;
- Retention of the majority of the existing rules relating to commercial activities in the Rural Zone;
- Increasing the permitted standard for land based outdoor commercial recreation activities from five to ten persons in any one group;
- Clarification of the existing rules relating to retail sales;
- Changing the existing permitted standard for 'other activities' to allow home occupation based commercial activities up to 150m² in the Rural Zone and 100m² in the Gibbston Character Zone;
- Non-complying activity status for industrial activities in the Rural Zone;
- Forestry activities in the ONL and ONF a non-complying activity;
- Enabling the use of informal airports as a permitted activity, subject to standards.
- Identification of a rural industry/service zone. Refer to specific section 32 evaluation.

Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p>Policies:</p> <p><i>Landscape</i> 6.2.1.1 to 6.2.1.4, 6.2.1.7 to 6.2.1.12. 6.2.2.1 to 6.2.6.3 6.2.8.1 to 6.2..8.3</p> <p><i>Rural Zone</i> 21.2.2.1 – 21.2.2.3 21.2.3.1 21.2.4.1 – 21.2.4.2 21.2.5.1 – 21.2.5.4 21.2.6.1 – 21.2.6.3 21.2.7.1 - 21.2.7.4</p>	<p>Environmental</p> <ul style="list-style-type: none"> • Potential for larger range of permitted effects for home occupation activities • Increasing outdoor recreation activities from 5 to 10 will have a potential for higher adverse effects. <p>Economic</p> <ul style="list-style-type: none"> • Potential costs for commercial or industrial operators seeking to locate in the Rural Zone <p>Social and Cultural</p> <ul style="list-style-type: none"> • Potential for recreational users to be affected by larger groups of outdoor 	<p>Environmental</p> <ul style="list-style-type: none"> • Provides control to assess the effects of industrial activities. • Provides clearer parameters around what may constitute suitable commercial activities in the Rural Zones. • Provides more appropriate basis to encourage commercial activities to locate in the zone where that activity is likely to be most appropriate and recognises commercial and tourism activities that have a genuine 	<ul style="list-style-type: none"> • The provisions would provide effective control for activities that may have an adverse impact, while enabling activities that would have a low impact such as home occupation and outdoor commercial recreation activities. • The provisions introduce efficiencies in enabling persons to provide for small scale, low impact commercial activities while clarifying the operative provisions relating to commercial activities.

<p>21.2.9.1 – 21.2.9.6 21.2.11.1 – 21.2.11.2 21.2.12.1 – 21.2.12.10 21.2.13.1 – 21.2.13.2.</p> <p><i>Gibbston Character Zone</i> 23.3.3, 23.3.4, 23.3.6</p> <p>Rules:</p> <p><i>Landscape</i> 6.4.1</p> <p><i>Rural Zone</i> 21.3 - 21.4 and 21.5 all relevant rules.</p> <p><i>Gibbston Character Zone</i> 23.4.1, 23.4.12 to 23.4.20 Tables 2 and 3</p>	<p>commercial recreation activities.</p> <ul style="list-style-type: none"> • Potential for localised amenity effects from larger range of home occupation based activities. 	<p>affiliation with the landscape resource and farming activities.</p> <ul style="list-style-type: none"> • Suitable controls are in place for activities based on the scale and intensity of the activity. • Provides control to manage the effects of activities on the districts outstanding natural landscapes and features as required by Part 2 of the RMA. <p>Economic</p> <ul style="list-style-type: none"> • More certainty for commercial operators seeking to locate in the Rural Zones. • Enables small scale outdoor commercial operators to establish without the requirement to apply for a resource consent. <p>Social and Cultural</p> <ul style="list-style-type: none"> • Provides for a range of small scale outdoor commercial recreation opportunities without the need to obtain resource consent. • Enables people to meet their needs on their own properties as part of home occupation activities, where these activities would have a low 	
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		environmental impact.	
Alternative options considered less appropriate to achieve the relevant objectives and policies:			
<i>Option 1: Make all commercial activities require a resource consent</i>		<ul style="list-style-type: none"> • <i>Would be an unnecessary level of control on small commercial activities that are appropriate in the Rural Zones and have limited environmental impacts..</i> 	

Issue 5: Managing the existing Ski Area Subzones

6.3.8 (Landscape) Recognise the dependence of tourism on the District’s landscapes.

21.2.6 (Rural Zone) Encourage the future growth, development and consolidation of existing Ski Areas within identified Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.

Summary of proposed provisions that give effect to these objectives:

- Policy recognising the importance of skiing activities and their consolidation within the ski area subzones;
- Retention of operative rules allowed the construction of buildings as a controlled activity;
- A rule requiring a non-complying activity resource consent for ski area activities/commercial skiing (except heli-skiing) not located within the ski area sub zones;
- Specific policy and rules for established vehicle testing activity at Waiorau Snow Farm area.

<i>Proposed provisions</i>	<i>Costs</i>	<i>Benefits</i>	<i>Effectiveness & Efficiency</i>
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<p>Policies:</p> <p><i>Landscape</i> 6.2.8.1, 6.2.8.3</p> <p><i>Rural Zone</i> 21.2.6.1 to 21.2.6.3</p> <p>Rules:</p> <p><i>Landscape</i> 6.4.1</p> <p><i>Rural Zone</i> Table 1 and Table 8.</p>	<p>Environmental</p> <ul style="list-style-type: none"> • None identified <p>Economic</p> <ul style="list-style-type: none"> • None identified <p>Social & Cultural</p> <ul style="list-style-type: none"> • None identified 	<p>Environmental</p> <ul style="list-style-type: none"> • None identified <p>Economic</p> <ul style="list-style-type: none"> • Retains existing ski field and vehicle testing activities <p>Social & Cultural</p> <ul style="list-style-type: none"> • Retains the ongoing activities that provide for peoples well-being 	<p>The proposed provisions will assist with the identification of specific activities within the Rural Zone that make an important contribution to the district's economy and provide a recreational resource. The provisions will be effective in that they provide certainty to ski area activities within the sub zone areas while retaining control on the effects of activities.</p> <p>The provisions are enabling and maintain efficiencies to the ski field operators and established vehicle testing facilities.</p>
<p>Alternative options considered less appropriate to achieve the relevant objectives and policies:</p>			
<p><i>Option 1: More control on the adverse effects of building and activities in sensitive landscapes. Make buildings and ski area activities a restricted discretionary activity.</i></p>		<ul style="list-style-type: none"> • <i>The existing provisions are enabling and more control on the scale and intensity of activities could be considered necessary. A review of the resource consents granted for ski area activities does not however, indicate to date, that there is a valid reason to change the provisions to make ski area activity buildings a class of resource consent that could result in a development being declined.</i> 	

Issue 6: Managing the Gibbston Character Zone

6.3.1 (Landscape) The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.

6.3.2 (Landscape)– Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.

6.3.8 (Landscape) - Recognise the dependence of tourism on the District's landscapes.

23.2.1 (Gibbston Character Zone) Protect the economic viability, character and landscape value of the Gibbston Character Zone by enabling viticulture activities and controlling adverse effects resulting from inappropriate activities locating in the Zone.

23.2.2 (Gibbston Character Zone) Sustain the life supporting capacity of soils.

23.2.3 (Gibbston Character Zone) Safeguard the life supporting capacity of water through the integrated management of the effects of activities.

23.2.4 (Gibbston Character Zone) Encourage land management practices that recognise and accord with the environmental sensitivity and amenity values of the Gibbston Character Zone.

Summary of proposed provisions that give effect to these objectives:

- Retention of the majority of existing provisions including the following changes:
 - Further enabling the construction and use of winery buildings by making them a controlled activity up to 500m², currently this is a restricted discretionary activity for the construction of any building;
 - Industrial activities associated with wineries and underground cellars a permitted activity, up to 300m²;
 - Retention of the existing policies of the Gibbston Character Zone;
 - Recognition of the Gibbston Character Zone in the landscape policy and confirmation that the landscape categorisations do not apply;
 - Retention of the assessment criteria for buildings, subject to modifications similar to the Rural Zone assessment criteria to reduce repetition and clarification;
- Refer to separate resource management issues for matters relating to effective and efficient resource management, commercial activities, informal airports and landscape for provisions affected by these issues.

Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p>Policies:</p> <p><i>Landscape</i> 6.2.1.8, 6.2.2.3. 5.3.2.4. 5.3.9.2.</p> <p><i>Gibbston Character Zone</i> All policies</p> <p>Rules:</p> <p><i>Landscape</i> 6.4.1</p> <p><i>Gibbston Character Zone</i> 23.4-23.7 – All rules.</p>	<p>Environmental</p> <ul style="list-style-type: none"> • None identified <p>Economic</p> <ul style="list-style-type: none"> • None identified <p>Social & Cultural</p> <ul style="list-style-type: none"> • None identified 	<p>Environmental</p> <ul style="list-style-type: none"> • Retains emphasis on managing water and soil resource. Controlling effects of activities that may impinge on viticulture. <p>Economic</p> <ul style="list-style-type: none"> • Retains importance of viticulture and winery buildings and the contribution these make to the District. <p>Social & Cultural</p> <ul style="list-style-type: none"> • Provides for peoples welling being who rely on the resources and established infrastructure and buildings as part of the districts wine making. • 	<ul style="list-style-type: none"> • The proposed provisions will be effective at providing for viticulture as the predominant activity, maintain amenity and controlling non-viticulture activities. • The provisions will not create inefficiencies for viticulture activities, or any established residential or commercial activities. The proposed phrasing will encourage efficient administration of the provisions.
<p>Alternative options considered less appropriate to achieve the relevant objectives and policies:</p>			
<p><i>Option 1: Remove the existing zone, rezone to Rural Zone and apply the landscape categories.</i></p>	<ul style="list-style-type: none"> • <i>Viticulture fits under the ambit of farming activity and the main concession for new activities is that winery buildings are a restricted discretionary activity. While the Rural Zone provisions could also control the effects of subdivision and development in this location, the framework of the Gibbston Character Zone provides more certainty for activities associated with viticulture, including winery buildings and processing and manufacturing associated with wine making.</i> 		

Issue 7: Miscellaneous and existing Provisions

6.3.5 (Landscape) Recognise the dependence of tourism on the District's landscapes.

13.3.5 (Rural Zone) Recognise for and provide opportunities for mineral extraction providing the location, scale and effects would not degrade amenity, water, landscape and indigenous biodiversity values.

21.2.7 (Rural Zone) Separate activities sensitive to aircraft noise from existing airports through:

- **Wanaka: Retention of an area containing activities that are not sensitive to aircraft noise, within an airport's Outer Control Boundary, to act as a buffer between airports and activities sensitive to aircraft noise (ASAN).**
- **Queenstown: Retention of an area for Airport related activities or where appropriate an area for activities not sensitive to aircraft noise within an airport's Outer Control Boundary to act as a buffer between airports and other land use activities.**

21.2.8 (Rural Zone)– Avoid subdivision and development in areas that are identified as being unsuitable for development.

Summary of proposed provisions that give effect to these objectives:

- Proposed inclusion of policy to recognise and provide for a range of established rules.
- Existing status for the following activities substantially retained with minor modifications to phrasing or the matters of control:
 - Domestic livestock (Rule 21.4. 11)
 - Retail sales of farm and garden produce grown or produced on the site (Rule 21.4. 14) including a exemption for small scale roadside stalls
 - Commercial activities ancillary to and on the same site as recreational activities (Rule 21.4. 15)
 - Cafes and restaurants located in a winery complex within a vineyard (Rule 21.4. 17)
 - Forestry activities (Rule 21.4.2.21 and 21.4. 1)
 - Visitor accommodation (Rule 21.4.20)
 - Restrictions on activities adjacent to airports (Rule 21.4. 28 and 21.4. 29) and requirements for sound insulation within critical listening environments of activities sensitive to aircraft noise (limited to alterations and additions of existing buildings) (Rule 21.5.13) to reflect the outcomes of Plan Change 35 for the Queenstown Airport.
 - Mining activities (Rule 21.4.2.30 to 21.4.2.31)
 - Bulk and location of buildings (Table 2)
 - Factory Farming (Rule 21.4.2, 21.5.8 – 21.5.10)
 - Structures within road boundaries (Rule 21.4.2.45)
 - Retail sales associated produce grown or reared on site (Rule 21.5.14)
 - All activities relating to Closeburn Station (21.4.1 and Table 10)

Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p>Policies:</p> <p><i>Landscape</i> 6.2.9.1, 6.2.9.2</p> <p><i>Rural Zone</i> 21.2.1.1 – 21.2.1.8 21.2.4.1 – 21.2.4.2, 21.2.5.1 to 21.2.5.4 21.2.7.1 to 21.2.7.4 21.2.8.1 to 21.2.8.2</p> <p>Rules:</p> <p><i>Rural Zone</i> Refer to the summary above.</p>	<p>Environmental</p> <ul style="list-style-type: none"> • None identified <p>Economic</p> <ul style="list-style-type: none"> • Requirement for sound insulation and/or mechanical ventilation within the Air Noise boundaries of the Queenstown Airport will add some cost to development. However, the rule reflects the Environment Court confirmed provisions filed in May 2013; and seeks to achieve an appropriate management regime for land use around the airport. <p>Social & Cultural</p> <ul style="list-style-type: none"> • None identified 	<p>Environmental</p> <ul style="list-style-type: none"> • Operative provisions provide control for managing potential effects on the environment. <p>Economic</p> <p>Requirement for sound insulation and/or mechanical ventilation within the Air Noise boundaries of the Queenstown Airport will contribute to protecting the Queenstown Airport from reverse sensitivity effects; supporting the efficient operation of the airport and associated economic benefits to the District.</p> <p>Social & Cultural</p> <ul style="list-style-type: none"> • Provide certainty to the nature and scale of development. • Requirement for sound insulation and/or mechanical ventilation within the Air Noise boundaries will support appropriate level of amenity for activities sensitive to aircraft noise. 	<ul style="list-style-type: none"> • These provisions have not been identified as being necessary to change. • These provisions are considered to provide an effective degree of either permissiveness or control. They are not considered to create unnecessary inefficiencies.
<p><u>Alternative options considered less appropriate to achieve the relevant objectives and policies:</u></p>			
<p>Option 1: none identified.</p>			

10. Efficiency and effectiveness of the provisions

The above provisions are drafted to specifically address the resource management issues identified with the current provisions, and to enhance those provisions that already function well. A number of areas of the existing chapter have been removed to aid the readability of the Plan by keeping the provisions at a minimum, whilst still retaining adequate protection for the resource.

By simplifying the objectives, policies and rules (the provisions), the subject matter becomes easier to understand for users of the Plan both as applicant and administrator (processing planner). Removal of technical or confusing words and phrases also encourages correct use and interpretation. With easier understanding, the provisions create a more efficient consent process by reducing the number of consents required and by expediting the processing of those consents.

11. The risk of not acting

Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.

The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.

References

Also refer to any footnotes within the text

1. Read Landscapes Limited 'Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features' 2014. - [link](#)
 - a. Peer review on the Wakatipu component by Ben Espie landscape planner - [link](#)
 - b. Peer review on the Wanaka/Upper Clutha component by Anne Steven landscape architect - [link](#)
 - c. Read Landscapes Limited. Post review amendments 16 October 2014 - [link](#)
 - d. Landscape assessment of Criffel Station and terrace escarpments near McKay Road 'QLDC Landscape categorisation Lines' by Paul Smith landscape Architect. 20 July 2015 - [link](#)
2. Read Landscapes Limited 'Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment' June 2014 - [link](#)
3. 'High Level Review of Proposed District Plan Provisions – Landscape Issues' Ben Espie Landscape Planner. 20 November 2014 - [link](#)
4. Ministry for the Environment. 2014. A guide to section 32 of the Resource management Act: incorporating changes as a result of the Resource Management Amendment Act 2013. Wellington. Ministry for the Environment - [link](#)



Section 32 Evaluation Report

Informal Airports

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Section 32 Evaluation Report: Informal Airports

1. Purpose of the report

Section 32 of the *Resource Management Act 1991* (the Act) requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives (MFE, 2014).

Accordingly, this report provides an analysis of the key issues, objectives and policy response to manage informal airports within the District Plan.

As required by section 32 of the RMA, this report provides the following:

- An overview of the applicable **Statutory Policy Context**
- Description of the **Non-Statutory Context** (strategies, studies and community plans) which have informed proposed provisions
- Description of the **Resource Management Issues** which provide the driver for proposed provisions
- An **Evaluation** against Section 32(1)(a) and Section 32(1)(b) of the Act, that is:
 - Whether the objectives are the most appropriate way to achieve the RMA's purpose (s32(1)(a)).
 - Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives (S32(1)(b)), including:
 - identifying other reasonably practicable options for achieving the objectives,
 - assessing the efficiency and effectiveness of the provisions in achieving the objectives, and
 - summarising the reasons for deciding on the provisions.
- A **level of detail** that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (s32(1)(c))
- Consideration of **Risk**

2. Statutory Context

Resource Management Act 1991

The purpose of the Act requires an integrated planning approach and direction, as reflected below:

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *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*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The assessment contained within this report considers the proposed provisions in the context of advancing the purpose of the Act to achieve the sustainable management of natural and physical resources. The District's landscapes and natural environment are highly recognised and valued. The Council's Economic Development Strategy 2015 states:

‘The outstanding scenery makes the District a highly sought after location as a place to live and visit.’ And, ‘The environment is revered nationally and internationally and is considered by residents as the area’s single biggest asset.’

The Queenstown Lakes District is one of the fastest growing areas in New Zealand and the recent estimates (refer to more detail in the Strategic Directions Section 32 report) predict that the District will continue to experience significant population growth over the coming years, largely off the back of strong forecasted growth in visitors. A strategic policy approach is essential to manage future growth pressures in a logical and coordinated manner to promote the sustainable management of the valued landscape, nature conservation, productive land and infrastructure resources.

Section 31 of the Act outlines the function of a territorial authority in giving effect to the purpose of the Act:

31 Functions of territorial authorities under this Act

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(a) 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

Section 31 provides the basis for objectives, policies, and methods within a District Plan, to manage the effects of use, development or protection of land and associated natural and physical resources of the district.

Consistent with the intent of Section 31, the proposed informal airport provisions enable an integrated approach to the management of the multiple interests in the District.

Section 6 Matters of National Importance is of direct relevance to the Rural and Landscape chapters.

6 Matters of National Importance

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

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

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

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights

Section 7 Other matters also includes a number of matters directly relevant to these chapters.

7 Other matters

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—

- (a) kaitiakitanga:*
 - (aa) the ethic of stewardship:*
 - (b) the efficient use and development of natural and physical resources:*
 - (ba) the efficiency of the end use of energy:*
 - (c) the maintenance and enhancement of amenity values:*
 - (d) intrinsic values of ecosystems:*
 - (e) [Repealed]*
 - (f) maintenance and enhancement of the quality of the environment:*
 - (g) any finite characteristics of natural and physical resources:*
 - (h) the protection of the habitat of trout and salmon:*
 - (i) the effects of climate change:*
 - (j) the benefits to be derived from the use and development of renewable energy.*

In particular, Section 7(b) requires regard is had to the efficient use and development of natural and physical resources, while section 7(c) requires regard to be had to the maintenance and enhancement of amenity values.

Local Government Act 2002

Section 14 - Principles relating to local authorities

Sections 14(c), (g) and (h) of the Local Government Act 2002 are also of relevance in terms of policy development and decision making:

- (c) when making a decision, a local authority should take account of—*
 - (i) the diversity of the community, and the community's interests, within its district or region; and*
 - (ii) the interests of future as well as current communities; and*
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):*

- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and*

- (h) in taking a sustainable development approach, a local authority should take into account—*
 - (i) the social, economic, and cultural interests of people and communities; and*
 - (ii) the need to maintain and enhance the quality of the environment; and*
 - (iii) the reasonably foreseeable needs of future generations*

As per Part II of the RMA, the provisions emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

3. Iwi Management Plans

When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council's must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

The following iwi management plans are relevant:

The Cry of the People, Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)

Section 3.4, Takitimu Me Ona Uri: High Country and Foothills contain the following policies that have specific regard to subdivision and development:

3.4.2 High Country Pastoral Farming

Policy 1. Encourage sustainable pastoral farm land management practice whereby impacts on soil, vegetation and water quality are minimised.

3.4.8 Access and Tourism

Policy 2. Development that includes building activity should consider specific landscape and geographical features and the significance of these to Ngāi Tahu Whānui. Activity whereby buildings will protrude above ridgelines or displace site of cultural significance should be avoided.

Part 3.5.10: General Water Policy: includes, Policies:

- 3. Protect and enhance the mauri, or life supporting capacity, of freshwater resources throughout Murihiku.*
- 4. Manage our freshwater resources wisely, mō tātou, ā, mō ngā uri ā muri ake nei, for all of us and the generations that follow.*
- 5. Promote the management of freshwater according to the principle of ki uta ki tai, and thus the flow of water from source to sea.*
- 6. Promote catchment management planning (ki uta ki tai), as a means to recognise and provide for the relationship between land and water.*
- 16. Prioritise the restoration of those waterbodies of high cultural value, both in terms of ecological restoration and in terms of restoring cultural landscapes.*
- 17. Ensure that activities in upper catchments have no adverse effect on mahinga kai, water quality and water quantity in lower catchments.*

Part 3.5.19: Riparian Zones, includes the following policies:

Policy 6. Avoid stock access to riparian zones and streambeds, except when required for intermittent vegetation control.

Policy 7. Encourage fencing of streams to protect riparian vegetation, and promote healthy riparian establishment.

3.4.14 Protecting Sites of Significance in High Country and Foothill Areas

Policy 6. Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.

Section 3.5, Southland Plains: Te Rā a Takitimu contains the following policies that have specific regard to subdivision and development:

3.5.2 Wastewater

9. Encourage creative, innovative and sustainable approaches to wastewater disposal that make use of the best technology available, and that adopt principles of waste reduction and cleaner production

(e.g. recycling grey water for use on gardens, collecting stormwater for a pond that can then be used for recreation in a new subdivision).

3.5.7 Subdivision and Development

Policies 1- 18 of the MNRMP contain a range of policies that are relevant to Subdivision and Development, and cover iwi involvement in planning processing and plan development, and interaction with developers and iwi, particularly where there may be significant effects, long term planning and cumulative effects, avoiding adverse effects on the natural environment and advocating for the use of esplanades reserves.

Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)

Part 10: Clutha/Mata-au Catchments *Te Riu o Mata-au* outlines the issues, and policies for the Clutha/Mata-au Catchments. Included in this chapter is a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments. Generic issues, objectives and policies for all catchments across the Otago Region are recorded in Chapter 5 Otago Region.

The following policies are of particular relevance;

5.3.4: Bank Erosion:

Policy 43. To discourage activities on riverbanks that have the potential to cause or increase bank erosion.

Policy 44. To encourage the planting of indigenous vegetation from the local environs to help reduce continual erosion of the edge of rivers.

5.3.4: Land Use and management

Policy 54. To promote land use that suits the type of land and climatic conditions.

Policy 55. To encourage the exclusion of stock from waterways.

Policy 56. To oppose the draining of wetlands. All wetlands are to be protected.

Policy 57. To require a programme to monitor the effect of stock and agricultural activity on groundwater quality be established.

Policy 58. To promote integrated riparian management throughout entire catchments.

Policy 59. To oppose the indiscriminate use of chemicals or poisons in or near waterways.

5.6.4 Cultural Landscapes General Policies

Subdivisions:

1. *To discourage subdivisions and buildings in culturally significant and highly visible landscapes.*
2. *To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:*
 - i. *All consents related to the subdivision to be sought at the same time.*
 - ii. *Protection of Kāi Tahu ki Otago cultural values.*
 - iii. *Visual amenity.*
 - iv. *Water requirements.*
 - v. *Wastewater and storm water treatment and disposal.*
 - vi. *Landscaping.*
 - vii. *Location of building platforms.*
3. *To require that where any earthworks are proposed as part of a subdivision activity, an accidental discovery protocol is to be signed between the affected papatipu Rūnaka and the Company .*

4. To require applicants, prior to applying for subdivision consents, to contact Kāi Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory.
5. To require public foot access along lakeshores and riverbanks within subdivisions.

Land Use 10.2.3 Wai Māori Policies in the Clutha/Mata-au Catchment

9. To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.
10. To promote sustainable land use in the Clutha/Mata-au Catchment.
11. To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.

4. Regional Planning Documents

Operative Regional Policy Statement 1998

The operative RPS contains a number of objectives and policies of relevance to this plan change, specifically Objectives 5.4.1 to 5.4.4 (Land) and related policies which, in broad terms promote the sustainable management of Otago's land resource by:

- Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources;
- Avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource;
- Protect outstanding natural features and landscapes from inappropriate subdivision, use and development.

Proposed Regional Policy Statement 2015

Section 74 of the Act requires that a District Plan must "have regard to" any proposed regional policy statement.

The Proposed RPS was notified for public submissions on 23 May 2015, and contains the following objectives and policies relevant to the use of informal airports in the District:

Proposed RPS 2015 Objective	Objectives	Policies	Relevance to the review of the informal airports
The principles of Te Tiriti o Waitangi are taken into account in resource management decision.	1.1	1.1.1, 1.1.2	The Ngāi Tahu Claims Settlement Act 1998 and associated Statutory Acknowledgement Areas in the Queenstown Lakes District are located within the Rural Zone.
Kai Tahu values, rights and customary resources are sustained	1.2	21.2.1, 1.2.2, 1.2.3	Informal airports have the potential to operate on land that is of interest and value in terms of culture and practices, ancestral lands, water, site, wahi tapu and other taoka.
Protection, use and development of natural and physical resources recognises environmental constraints.	3.1	3.1.1	Informal airports would operate in areas of varying sensitivity that may create opportunities or constraints for activities seeking to utilise the respective resource.
Public access to areas of value to the community is maintained or enhanced.	4.1	4.1.1	A large component of informal airport activity is associated with access for persons in remote areas for recreational opportunities.

Sufficient land is managed and protected for economic production.	4.3	4.3.1, 4.3.2, 4.3.6	Informal airports ancillary to farming is relevant to this objective.
Otago's communities can make the most of the natural and built resources available for use.	4.4	4.4.3	Both permitted farming and viticulture and horticulture activities, in addition to other development proposals that seek to locate in the rural areas can degrade ecosystem health and recognition for opportunities to enhance existing areas.
Adverse effects of using and enjoying Otago's natural and built environment are minimised	4.5	4.5.1, 4.5.4, 4.5.5, 4.5.6, 4.5.7, 4.5.8	People are drawn to the rural areas for a wide range of farming and entrepreneurial opportunities and recreational activities. How these activities are managed will impact the communities' experience of the resource.

5. Resource Management Issues

The resource management issues set out in this section have been identified from the following sources:

- QLDC Research Report entitled Management of Informal Airports¹;
- Public Responses to the QLDC Brochure - Managing Airports in Rural Areas Issues and Options²;
- Meetings with local aircraft operators³.
- Acoustic Review and Advice by Chiles Ltd⁴
- January 9 – February 10 2015 Draft provisions and Section 32 reports placed on the Council's website and circulated to persons on the Council's District Plan Review distribution list, persons with an interest in the changes and statutory consultation parties required by the RMA

The key issues are:

Issue 1: The Operative District Plan provisions for informal airports capture almost every aircraft arrival and departure undertaken within the District. This leads to a 'doubling up' of statutory approval processes between the Council, Department of Conservation and Commissioner of Crown Lands.

Specifically, many of the informal airports within the Queenstown Lakes District occur on land that is administered by the Department of Conservation or Commissioner of Crown Lands. Robust statutory assessments are undertaken by each of these of these agencies before granting approval (in the form of a Concession under the Conservation Act 1987 or a Recreation Permit under the Crown Pastoral Land Act 1948) for informal airports on these land tenures.

¹ QLDC Research Report – Management of Informal Airports, prepared by Southern Planning Group dated April 2012.

² Publicly Notified for Comment on 4th October 2012

³ Queenstown Meeting 21 July 2014 & WAUG 07 November 2012

⁴ Acoustic Review dated 15 September 2012 of Southern Planning Groups April 2012 Research report and subsequent e-mail correspondence and phone conversations between SPG and Chiles Ltd August 2014

Requiring a land use consent from the Council over and above the approvals described above adds a secondary layer of cost and on-going compliance to the aircraft operators and has resulted in a large number of resource consents for Council staff to process (many of which currently remain 'on hold').

As the effects of most informal airports on these land tenures are internalised and assessed by the government agencies responsible for their administration and management, requiring land use consents from the Council for the same activities is inefficient, expensive and unnecessary.

Issue 2: The Operative District Plan provisions for informal airports are considered to be unclear / misunderstood by aircraft operators and the general public.

As described above and in detail in the research report, almost every aircraft arrival and departure is captured by the current definition of airport and subsequently, requires resource consent. However, members of the public often believe the term 'airport' implies a high level of aircraft activity and the physical hall marks of a traditional airport.

Additionally, there has been confusion amongst aircraft operators as to whether a limited number of aircraft landings can occur without triggering the need for resource consent.

6. Purpose and Options

The overarching purpose of the proposed changes to the Operative District Plan provisions is to simplify and streamline the provisions for the management of informal airports, while maintaining amenity values.

This has been undertaken with due regard to the predominant types of informal airport consents sought, the approach taken by other District Council's in managing informal airports and the assessment of effects that are completed by other statutory bodies such as LINZ (Commissioner of Crown Lands) and the Department of Conservation.

Strategic Directions

The objectives and policies of the Strategic Directions chapter of the proposed District Plan are relevant to this assessment.

In general terms, and within the context of this review, these goals and objectives are met by:

- Reducing the doubling up of statutory approvals that are required for informal airports on Crown Pastoral Lease and Public Conservation Land to reduce the financial implications on aircraft operators / tourism providers;
- Enabling aerial transportation of sightseers, recreationists and adventurers into the back country and natural areas of the District on Crown Pastoral Lease and Public Conservation Land where it has been authorised by the relevant administrators;

Determining the most appropriate methods to resolve the issues highlighted for the management of informal airports will enable the Plan to give effect to relevant parts of the Strategic Directions chapter, and ultimately meet the purpose of the Act.

As required by section 32(1)(b) RMA, the following section considers various broad options considered to address each issue, and makes recommendations as to the most appropriate course of action in each case.

Broad options considered to address issues

Issue 1: The Operative District Plan provisions for informal airports capture almost every aircraft arrival and departure undertaken within the District. This leads to a 'doubling up' of statutory approval processes between the Council, Department of Conservation and Commissioner of Crown Lands.

Issue 2: The Operative District Plan provisions for informal airports are considered to be unclear / misunderstood by aircraft operators and the general public.

Option 1: Retain the operative provisions;

Option 2: Retain and improve the operative provisions;

Option 3: Undertake a comprehensive review.

	Option 1: Status quo/ No change	Option 2:	Option 3:
Costs	<ul style="list-style-type: none"> The 2012 research report identifies a number of costs associated with the existing provisions, including the triggering of a high number resource consent applications. This option fails to address new Central Government policy direction to simplify and streamline Resource Management Act processes. Aircraft operators / landowners are required to lodge and pay for the processing of resource consents for tens if not hundreds of individual 'informal airports' throughout the District; Costs incurred in obtaining resource consents will either be passed on to consumers and / or aircraft operators will 	<ul style="list-style-type: none"> Existing airport rule and definition are 'all encapsulating'. Improving the existing provisions is unlikely to resolve the 'double dipping' issue of statutory assessment and subsequently the resource consent costs imposed on the aircraft operators; This approach would not deal with other related issues such as the ambiguity / debate with the assessment of noise from informal airports; Time and cost involved to research and consider alternatives; Potential for Environment Court appeals against amended provisions. 	<ul style="list-style-type: none"> A greater level of time and cost would be incurred by Council to comprehensively review and subsequently create new provisions for informal airports; Greater potential for Environment Court appeals to be lodged against any new plan provisions that are more comprehensive than just the existing airport rule.

	<p>cease using some sites to save costs;</p> <ul style="list-style-type: none"> • Council will need the staff capacity to process all the resource consents that have been and/or will be lodged if the current provisions remain; 		
Benefits	<ul style="list-style-type: none"> • Council staff are already familiar with the existing provisions and processes for assessing informal airports. 	<ul style="list-style-type: none"> • Retaining but improving the existing provisions may reduce some of the current ambiguity with the application of the existing rules; • Council has already budgeted for a complete review of the District Plan so there are no significantly greater costs imposed upon the Council to undertake this process. 	<ul style="list-style-type: none"> • A more comprehensive review with better quality information, including technical input, would enable the rules to be more appropriately refined. Better quality information may reduce the number of future resource consent triggers and prevent unnecessary 'double dipping' of statutory assessment and approvals; • Removing the 'double dipping' situation will have economic benefits for the aircraft operators by not requiring resource consents for every single landing site they utilise; • Council staff will not have to process and monitor hundreds of resource consents of which the environmental effects are less than minor; • A comprehensive review will remove all ambiguity and incorrect perceptions around what an informal airport is and what level of aircraft activity requires consent. • A comprehensive review will enable other relevant provisions to be considered

			<p>holistically i.e. applicable acoustic standards, temporary activities etc.</p> <ul style="list-style-type: none"> • Council has already budgeted for a comprehensive review of the District Plan so there are no significantly greater costs incurred by the Council in undertaking this process.
Ranking	3	2	1

The principal aims of the District Plan review is to simplify the plan where appropriate and to provide greater clarity and certainty around development matters in the District. It is anticipated that this will remove some of the uncertainties that can restrict potential economic growth and associated employment provision.

In accordance with these aims and based on the assessment above, Option 3 is considered the most practicable option.

7. Scale and Significance Evaluation

The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions for informal airports in the District Plan. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the existing baseline;
- Have effects on matters of national importance;
- Adversely affect those with specific interests, e.g., Tangata Whenua;
- Involve effects that have been considered implicitly or explicitly by higher order documents;
- Impose increased costs or restrictions on individuals, communities or businesses.

The level of detail of analysis in this report is moderate-high. Informal airports are an important method of transport and are the core business for businesses established in the District. Informal Airports can also have nuisance effects on persons, particularly those who reside near to rural areas.

Proposed Objective	Appropriateness
<p>Objective 11 Manage the location, scale and intensity of informal airports.</p>	<p>The objective is the most appropriate way to meet the purpose of the RMA because it provides a framework to permit informal airports providing they comply with a set of parameters to ensure sustainable management in terms of (S5(2)(c) RMA).</p> <p>The objective has regard to section 7(b) and 7(c) of the RMA.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Relevant to 3.2.1.4 - 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 rural amenity, landscape character and healthy ecosystems. <p>Section 74 of the Act requires that a district plan prepared by a territorial authority must “<i>give effect to</i>” any operative Regional Policy Statement. The operative <i>Otago Regional Policy Statement 1998</i> is the relevant regional policy statement to be given effect to within the District Plan.</p> <p>Gives effect to the Operative RPS contains a number of objectives and policies of relevance to this plan change, specifically Objectives 5.4.1 to 5.4.4 (Land) and related policies which, in broad terms promote the sustainable management of Otago’s land resource by:</p> <ul style="list-style-type: none"> • Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources; • Avoid, remedy or mitigate degradation of Otago’s natural and physical resources resulting from activities utilising the land resource; <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 4.2 - Public access to areas of value to the community is maintained or enhanced.

8. Evaluation of proposed Objectives Section 32 (1) (a)

Section 32(1) of the RMA requires the Council to evaluate the extent to which the objectives are the most appropriate way to achieve the purpose of the Act.

Specifically, the proposed Objective for informal airports has been developed to set a clear direction for the establishment, operation and management of informal airports in the Rural General Zone which balances the environmental, social, economic and cultural needs of the District.

The proposed Objective is considered the most appropriate way to achieve the Act because it addresses the fundamental matters identified in the Research Report⁵.

Specifically, location or perhaps more correctly, separation of informal airports from noise sensitive receivers was identified as the key attribute in mitigating the variety of adverse environmental effects that may arise from the operation of informal airports.

Accordingly, managing the location of informal airports (including directing where they may be appropriate) is a key determinant in achieving the purpose of the Act.

Similarly, the scale and intensity of informal airports has been identified as a matter that warrants higher level direction because increasing scale and intensity can decrease people's amenity and potentially breach the District Plan noise limits.

The proposed Objective is therefore considered to provide for the economic well-being of a prosperous tourism industry whilst also protecting the social and cultural wellbeing, health and safety of the Districts residents.

Accordingly, the proposed Objective is considered to be the most appropriate method of achieving the purpose of the Act.

⁵ Management of Informal Airports by Southern Planning Group dated April 2012, Section 3.2, page 20.

9. Evaluation of the proposed provisions Section 32 (1) (b)

The following table considers whether the proposed provisions are the most appropriate way to achieve the relevant Objective. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient.

Issue 1: The Operative District Plan provisions for informal airports capture almost every aircraft arrival and departure undertaken within the District. This leads to a 'doubling up' of statutory approval processes between the Council, Department of Conservation and Commissioner of Crown Lands.

Issue 2: The Operative District Plan provisions for informal airports are considered to be unclear / misunderstood by aircraft operators and the general public.

Objective 21.2.11: Manage the location, scale and intensity of informal airports

Summary of proposed provisions that give effect to the objective:

<i>Proposed provisions</i>	<i>Costs</i>	<i>Benefits</i>	<i>Effectiveness & Efficiency</i>
<p><u>Policy 21.2.11.1</u></p> <p><i>Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to minimise adverse effects on the surrounding rural amenity.</i></p>	<p>It is considered that there are no costs associated with this proposed Policy.</p>	<p>This proposed Policy promotes informal airports as an important part of recreational activities within the District as opposed to the current plan provisions which are silent regarding this activity.</p> <p>While promoting the operation and management of informal airports the policy also directs recognition of the effects that can be generated and to adequately mitigate these.</p>	<p>The recognition of mitigating adverse effects on rural residents and visitors directly links with the proposed Permitted Activity Rule which sets appropriate setbacks and limits on the scale of Permitted Activities to mitigate / avoid significant conflict with rural residents and visitors.</p>

	<p>Promotes the use of the Rural General Zone for informal airports.</p> <p>This could increase proposals for informal airports in this Zone with a decrease in rural amenity if incorrectly managed.</p>	<p>The Rural General Zone has historically been the location for most informal airports to date. Recognising the appropriateness of this Zone for informal airports will send a clear direction that this is where the Council and the Districts residents would prefer to see such activity occur.</p> <p>The proposed Policy still emphasises the need to minimise adverse effects on rural amenity so is considered to be appropriately balanced between providing for informal airports in an appropriate rural location and on a limited scale whilst protecting the Districts residents from potential adverse effects.</p>	<p>The proposed Policy is considered effective and efficient. It is a logical means of achieving the proposed Objective as it confirms the Rural General Zone as an appropriate location for informal airports but, also directs decision makers to minimise effects on rural amenity.</p> <p>The potential effects on rural amenity are ultimately a result of the scale and intensity of an informal airport and the proposed Policy acknowledges this by requiring amenity effects to be minimised.</p> <p>The proposed Policy directly informs proposed Rule 21.4.25 in Table 1 that permits informal airports subject to qualifiers in Table 6 to be met for informal airports that will have minimal effects and which are considered appropriate as Permitted Activities in the Rural Zone.</p>
<p>Proposed Policy 21.2.11.2</p> <p>Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.</p>	<p>Provides direction that not all areas in the Rural General Zone will be appropriate for informal airports. This potentially reduces the locations at which informal airports may be operated.</p>	<p>The proposed Policy will provide protection of adverse effects from informal airports that operate at a scale and intensity above that which is determined appropriate for Permitted Activities.</p> <p>The Policy enables a case by case assessment of adverse effects from informal airports that seek a higher level of use than provided for as a permitted activity.</p>	<p>The proposed Policy is considered effective and efficient.</p> <p>It provides a robust directive in support of the overarching Objective by requiring that informal airports for which resource consent is required must assess and protect rural amenity from the inappropriate siting, scale and intensity of their operation.</p> <p>The proposed Policy is directly relevant to the management of informal airports that</p>

		This will ensure that despite the District Plan acknowledging the Rural General Zone as an appropriate location for informal airports, adjoining residents, visitors and landowners are assured that the effects of high use informal airports will be avoided or appropriately mitigated.	require resource consent pursuant to proposed Rules in Table 6.
<p>Proposed Rules Rule 21.4.25 – Table 1</p> <p>Informal Airports which comply with Table 6 are permitted.</p>	<p>The proposed Permitted Activity Rule will enable the majority of informal airports to operate without requiring resource consent from the Council.</p> <p>This rule requires Council to relinquish the assessment of effects and control of a large number of informal airports to the Statutory bodies who administer Public Conservation Land and Crown Pastoral Land.</p>	<p>The Permitted Activity rule will remove the need for aircraft operators to obtain both a resource consent and a DOC Concession or Recreation Permit for a large number of informal airports. This will result in significant cost savings to aircraft operators.</p> <p>The Permitted Activity Rule will also establish set parameters in terms of location/separation distance and scale of informal airport activity that is appropriate on other Rural General Zone land. This will enable some sites to be used for limited private aircraft landings or infrequent commercial use. Again this will result in significant cost savings to aircraft operators.</p> <p>This proposed Rule directly addresses the new Central Government policy direction to simplify and streamline Resource Management Act processes.</p>	<p>The proposed Rule is considered very effective and efficient. It directly supports proposed Objective 21.2.11 and implements proposed Policy 21.2.11.1 by acknowledging the Rural General Zone as the appropriate location for informal airports subject to set standards that adequately minimise any potential adverse effects on rural amenity.</p>
<p>Rule 21.5.25 and 21.5.26 in Table 6</p>	<p>The standards of the proposed Rules and in particular the required separation distances mean that in some locations i.e. the</p>	<p>Maintaining the Discretionary Activity status for these informal airports is considered more beneficial than a Non-Complying</p>	<p>Higher level use or locations that are likely to be more sensitive will require an application for resource consent.</p>

	<p>Wakatipu Basin where the rural environment is more heavily domesticated, it is unlikely informal airports could meet the Permitted Activity rules.</p> <p>In this instance the proposed Rules provide for a Discretionary Activity status for informal airports that fail to meet the Permitted Activity provisions.</p> <p>This essentially maintains the status quo for assessment of informal airports and will result in a case by case assessment of effects.</p> <p>This may create uncertainty regarding the approval process (I.E. notification) for aircraft operators and tourism providers that wish to seek resource consent for informal airports that breach the Permitted Activity standards.</p>	<p>Activity Status.</p> <p>A Discretionary Activity status more accurately represents the intent of the proposed Rules that the Rural General Zone is the appropriate Zone for informal airport activity albeit recognising that the activity may not be acceptable in all parts of the Rural General Zone.</p> <p>The Discretionary Activity status of this Rule therefore provides the Council the ability to undertake a robust case by case assessment of informal airport proposals and any adverse environmental effects that may arise from their establishment and operation in each specific location.</p> <p>The Discretionary Activity status provides the Council with the ability to notify any proposals with significant adverse effects. However, this activity status is no more restrictive than the existing blanket provisions for informal airports.</p>	
<p>Noise Rule in Proposed Noise Chapter</p>	<p>There are not considered to be any costs associated with the proposed change to the existing Zone Standard for noise and specifically, the reference to assessment of helicopter noise pursuant to NZS 6807:1994.</p> <p>Acoustic advice provided to the Council confirms that the existing Zone Standard for</p>	<p>Inclusion of NZS 6807:1994 into the noise conditions removes all ambiguity over the appropriate assessment of noise for helicopter landings that occurs via the existing Rural General Zone Standard 5.3.5.2(v) and references to portions of NZS 6807:1994 in Assessment Matter 5.4.2.3(xvi).</p>	<p>The proposed amendments to the noise provisions are considered to be very effective and efficient. There is often a lot of ambiguity and debate as to what acoustic standards should be used to assess applications for informal airports and particularly those for helicopters.</p> <p>The inclusion of NZS 6807:1994 into the</p>

	<p>noise is not suitable for assessing helicopter noise (and in fact NZS 6802:2008 was never intended to be applied to assessment of helicopter noise. This is explicit in the scope of the standard.)</p> <p>The recommendation to use NZS 6807:1994 for assessment of helicopter noise will not exacerbate the number of compliant informal airports for helicopters in the District.</p> <p>This is because the proposed rule relies on setbacks and set limits for flights per week as well as requiring compliance with the proposed noise rule.</p> <p>Any informal airport that triggers resource consent pursuant to the proposed rules should still be assessed in accordance with the proposed Objective, Policies and Assessment Matters that consider all effects of informal airports regardless of whether the noise complies with the proposed noise rule.</p>	<p>The proposed amendments to the noise rules and the associated noise levels are considered to be conservative. Specifically, for an informal airport containing both helicopter and fixed wing aircraft the noise level is 5dB Ldn lower than NZS 6805:1992 recommends. This is to ensure that in the unlikely event that helicopters are more dominant than fixed wing aircraft; the lower noise limit for helicopters is always the controlling factor.</p>	<p>noise rules will remove this ambiguity and debate.</p> <p>Further, based on acoustic advice provided to the Council, it is understood that the proposed noise limits for informal airports are capable of being complied with by those informal airports permitted pursuant to Table 1..</p> <p>Accordingly, the proposed provisions are considered to be an effective means of implementing the proposed Objective and Policies.</p>
<p><i>Alternative options considered less appropriate to achieve the relevant objectives and policies:</i></p>			
<p><i>Option 1: Status quo - retain the operative airport Rule.</i></p>	<ul style="list-style-type: none"> • <i>Maintaining the operative Rule would be incredibly inefficient. As research has confirmed, in this scenario every single informal airport (other than for emergencies, fire-fighting or farming purposes) in the Rural General Zone would require resource consent.</i> • <i>Many of these informal airports can be undertaken without generating significant adverse</i> 		

	<p><i>effects on the environment due to significant separation distances from sensitive receivers and thorough assessment by other governing agencies.</i></p> <ul style="list-style-type: none"> • <i>The costs associated with still having to obtain a resource consent in these circumstances are significant to aircraft operators and will utilise a lot of time of Council processing planners.</i> • <i>In addition, retaining the operative rule does not address the existing issues of the ambiguity of the noise provisions and their inability to appropriately assess helicopter noise.</i> • <i>Collectively the abovementioned matters mean that retaining the operative airport rule is a highly inefficient approach.</i>
<p><i>Option 2: Amend / create new rules for the management of informal airports and retain existing noise provisions.</i></p>	<ul style="list-style-type: none"> • <i>Amending and/or creating new rules for the management of informal airports would not be efficient without looking at the other provisions of the Rural General Zone which currently affect their assessment and overall activity status.</i> • <i>Specifically, the key effect of informal airports is the noise emitted. It is understood from research and acoustic advice provided to the Council that the existing noise rules are ambiguous at best and incapable of assessing some aircraft (helicopter) noise.</i> • <i>Amending and/or creating new rules for informal airports would not be particularly efficient or effective if they were not considered holistically with the noise provisions.</i>

10. Efficiency and effectiveness of the provisions

The above provisions are drafted to specifically address the resource management issues identified with the current provisions, and to enhance those provisions that already function well.

By adding Objectives, Policies and Rules (the provisions) that are specific to the management of informal airports, the intent for management of informal airports in the Rural General Zone becomes easier to understand for users of the Plan inclusive of applicants and processing planners.

Removal of technical errors and ambiguous references to the assessment of noise from informal airports also enables correct assessments in accordance with industry best practise and associated standards.

With a clearer understanding and direction, the proposed provisions for informal airports create a more efficient consent process by reducing the number of resource consents required and by clarifying the appropriate form of assessment when processing resource consents received for informal airports.

1. The risk of not acting

Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.

The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.

Attachments

1. Management of Informal Airports Research Report April 2012; - [link](#)
2. Acoustic Advice from Stephen Chiles dated 15 September 2012. - [link](#)



Section 32 Evaluation Report

Rural Industrial Sub Zone

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Section 32 Evaluation Report: Rural Industrial Sub Zone

Section 32 of the *Resource Management Act 1991* (the Act) requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives (MFE, 2014).

As required by section 32 of the RMA, this report provides the following:

- An overview of the applicable **Statutory Policy Context**
- Description of the **Non-Statutory Context** (strategies, studies and community plans) which have informed proposed provisions
- Description of the **Resource Management Issues** which provide the driver for proposed provisions
- An **Evaluation** against Section 32(1)(a) and Section 32(1)(b) of the Act, that is:
 - Whether the objectives are the most appropriate way to achieve the RMA's purpose (s32(1)(a)).
 - Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives (S32(1)(b)), including:
 - identifying other reasonably practicable options for achieving the objectives,
 - assessing the efficiency and effectiveness of the provisions in achieving the objectives, and
 - summarising the reasons for deciding on the provisions.
- A **level of detail** that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (s32(1)(c))
- Consideration of **Risk**

1. Statutory Context

Resource Management Act 1991

The purpose of the Act requires an integrated planning approach and direction, as reflected below:

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *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*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The assessment contained within this report considers the proposed provisions in the context of advancing the purpose of the Act to achieve the sustainable management of natural and physical resources. The District's landscapes and natural environment are highly recognised and valued. The Council's Economic Development Strategy 2015 states:

'The outstanding scenery makes the District a highly sought after location as a place to live and visit.' And, 'The environment is revered nationally and internationally and is considered by residents as the area's single biggest asset.'

The Queenstown Lakes District is one of the fastest growing areas in New Zealand and the recent estimates (refer to more detail in the Strategic Directions Section 32 report) predict that the District will continue to experience significant population growth over the coming years, largely off the back of strong forecasted growth in visitors. A strategic policy approach is essential to manage future growth pressures in a logical and coordinated manner to promote the sustainable management of the valued landscape, nature conservation, productive land and infrastructure resources within the Rural Zone.

Section 31 of the Act outlines the function of a territorial authority in giving effect to the purpose of the Act:

31 Functions of territorial authorities under this Act

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(a) 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

Section 31 provides the basis for objectives, policies, and methods within a District Plan, to manage the effects of use, development or protection of land and associated natural and physical resources of the district.

Consistent with the intent of Section 31, the proposed provisions of the Rural Zone Chapter enables an integrated approach to the management of the multiple resources within the Rural Zone.

Section 6 Matters of National Importance is of direct relevance to the Rural Zone Chapter.

6 Matters of National Importance

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

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

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

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights

Section 7 Other matters also includes a number of matters directly relevant to these chapters.

7 Other matters

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—

(a) kaitiakitanga:

(aa) the ethic of stewardship:

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

- (ba) the efficiency of the end use of energy:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (e) [Repealed]*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*
- (h) the protection of the habitat of trout and salmon:*
- (i) the effects of climate change:*
- (j) the benefits to be derived from the use and development of renewable energy.*

In particular, Section 7(b) requires regard is had to the efficient use and development of natural and physical resources. The Rural Zone contains land utilised for primary production purposes.

Local Government Act 2002

Section 14 - Principles relating to local authorities

Sections 14(c), (g) and (h) of the Local Government Act 2002 are also of relevance in terms of policy development and decision making:

- (c) when making a decision, a local authority should take account of—*
 - (i) the diversity of the community, and the community's interests, within its district or region; and*
 - (ii) the interests of future as well as current communities; and*
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):*
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and*
- (h) in taking a sustainable development approach, a local authority should take into account—*
 - (i) the social, economic, and cultural interests of people and communities; and*
 - (ii) the need to maintain and enhance the quality of the environment; and*
 - (iii) the reasonably foreseeable needs of future generations*

As per Part II of the RMA, the provisions emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

Section 14(g) is of relevance in so far as a planning approach emphasises that the Rural Zone comprises the majority of the District's valued landscapes, surface of waterbodies, indigenous biodiversity and rural productive land resources.

Having regard to these provisions, the planning approach is to not interpret these provisions through a single lens, but to manage the resource for the benefit of the District and wider region. The approach through this review is to provide a balanced framework in the District Plan to manage these resources appropriately. Furthermore, there is an emphasis on presenting the provisions in a manner that is clearly interpreted to facilitate effective and efficient District Plan administration.

2. Iwi Management Plans

When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council's must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

The following iwi management plans are relevant:

The Cry of the People, Te Tangi a Tauria: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)

Section 3.4, Takitimu Me Ona Uri: High Country and Foothills contain the following policies that have specific regard to subdivision and development:

3.4.2 High Country Pastoral Farming

Policy 1. Encourage sustainable pastoral farm land management practice whereby impacts on soil, vegetation and water quality are minimised.

3.4.8 Access and Tourism

Policy 2. Development that includes building activity should consider specific landscape and geographical features and the significance of these to Ngāi Tahu Whānui. Activity whereby buildings will protrude above ridgelines or displace site of cultural significance should be avoided.

Part 3.5.10: General Water Policy: includes,
Policies:

3. Protect and enhance the mauri, or life supporting capacity, of freshwater resources throughout Murihiku.

4. Manage our freshwater resources wisely, mō tātou, ā, mō ngā uri ā muri ake nei, for all of us and the generations that follow.

5. Promote the management of freshwater according to the principle of ki uta ki tai, and thus the flow of water from source to sea.

6. Promote catchment management planning (ki uta ki tai), as a means to recognise and provide for the relationship between land and water.

16. Prioritise the restoration of those waterbodies of high cultural value, both in terms of ecological restoration and in terms of restoring cultural landscapes.

17. Ensure that activities in upper catchments have no adverse effect on mahinga kai, water quality and water quantity in lower catchments.

Part 3.5.19: Riparian Zones, includes the following policies:

Policy 6. Avoid stock access to riparian zones and streambeds, except when required for intermittent vegetation control.

Policy 7. Encourage fencing of streams to protect riparian vegetation, and promote healthy riparian establishment.

3.4.14 Protecting Sites of Significance in High Country and Foothill Areas

Policy 6. Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.

Section 3.5, Southland Plains: Te Rā a Takitimu contains the following policies that have specific regard to subdivision and development:

3.5.2 Wastewater

9. *Encourage creative, innovative and sustainable approaches to wastewater disposal that make use of the best technology available, and that adopt principles of waste reduction and cleaner production (e.g. recycling grey water for use on gardens, collecting stormwater for a pond that can then be used for recreation in a new subdivision).*

3.5.7 Subdivision and Development

Policies 1- 18 of the MNRMP contain a range of policies that are relevant to Subdivision and Development, and cover iwi involvement in planning processing and plan development, and interaction with developers and iwi, particularly where there may be significant effects, long term planning and cumulative effects, avoiding adverse effects on the natural environment and advocating for the use of esplanades reserves.

Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)

Part 10: Clutha/Mata-au Catchments *Te Riu o Mata-au* outlines the issues, and policies for the Clutha/Mata-au Catchments. Included in this chapter is a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments. Generic issues, objectives and policies for all catchments across the Otago Region are recorded in Chapter 5 Otago Region.

The following policies are of particular relevance;

5.3.4: Bank Erosion:

Policy 43. To discourage activities on riverbanks that have the potential to cause or increase bank erosion.

Policy 44. To encourage the planting of indigenous vegetation from the local environs to help reduce continual erosion of the edge of rivers.

5.3.4: Land Use and management

Policy 54. To promote land use that suits the type of land and climatic conditions.

Policy 55. To encourage the exclusion of stock from waterways.

Policy 56. To oppose the draining of wetlands. All wetlands are to be protected.

Policy 57. To require a programme to monitor the effect of stock and agricultural activity on groundwater quality be established.

Policy 58. To promote integrated riparian management throughout entire catchments.

Policy 59. To oppose the indiscriminate use of chemicals or poisons in or near waterways.

5.6.4 Cultural Landscapes General Policies

Subdivisions:

1. *To discourage subdivisions and buildings in culturally significant and highly visible landscapes.*
2. *To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:*
 - i. *All consents related to the subdivision to be sought at the same time.*
 - ii. *Protection of Kāi Tahu ki Otago cultural values.*
 - iii. *Visual amenity.*
 - iv. *Water requirements.*
 - v. *Wastewater and storm water treatment and disposal.*
 - vi. *Landscaping.*
 - vii. *Location of building platforms.*

3. To require that where any earthworks are proposed as part of a subdivision activity, an accidental discovery protocol is to be signed between the affected papatipu Rūnaka and the Company .
4. To require applicants, prior to applying for subdivision consents, to contact Kāi Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory.
5. To require public foot access along lakeshores and riverbanks within subdivisions.

Land Use 10.2.3 Wai Māori Policies in the Clutha/Mata-au Catchment

9. To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.
10. To promote sustainable land use in the Clutha/Mata-au Catchment.
11. To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.

3. Regional Planning Documents

Operative Regional Policy Statement 1998

Section 74 of the Act requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The operative *Otago Regional Policy Statement 1998* is the relevant regional policy statement to be given effect to within the District Plan.

The operative RPS contains a number of objectives and policies of relevance to this plan change, specifically Objectives 5.4.1 to 5.4.4 (Land) and related policies which, in broad terms promote the sustainable management of Otago’s land resource by:

- Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources;
- Avoid, remedy or mitigate degradation of Otago’s natural and physical resources resulting from activities utilising the land resource;
- Protect outstanding natural features and landscapes from inappropriate subdivision, use and development.

Objective 9.4.3 (Built Environment) and related policies are relevant and seek to avoid, remedy or mitigate the adverse effects of Otago’s built environment on Otago’s natural and physical resources, and promote the sustainable management of infrastructure.

These objectives and policies highlight the importance of the rural resource both in terms of the productive resources of the rural area and the protection of the District’s outstanding natural features and landscapes.

Proposed Regional Policy Statement 2015

Section 74 of the Act requires that a District Plan must “have regard to” any proposed regional policy statement.

The Proposed RPS was notified for public submissions on 23 May 2015, and contains the following objectives and policies relevant to the Rural Zone:

Proposed RPS 2015 Objective	Objectives	Policies	Relevance to the review of the Rural Zone
The principles of Te Tiriti o Waitangi are taken into account in resource management decision.	1.1	1.1.1, 1.1.2	The Ngāi Tahu Claims Settlement Act 1998 and associated Statutory Acknowledgement Areas in the Queenstown Lakes District are

			located within the Rural Zone. In addition, the lakes and rivers and majority of indigenous vegetation is contained within the Rural Zone. Refer to the respective Section 32 reports for these.
Kai Tahu values, rights and customary resources are sustained	1.2	21.2.1, 1.2.2, 1.2.3	The Rural Zone chapter manages land that is of interest and value in terms of culture and practices, ancestral lands, water, site, wahi tapu and other taoka.
The values of Otago's natural and physical resources are recognised, maintained and enhanced	2.1	2.1.1, 2.1.2, 2.1.5, 2.1.6, 2.1.7	Without falling out of scope or unnecessarily duplicating functions, the integrated management of resources includes the management of activities with regard to freshwater values, margins of water bodies, soil values, ecosystem and biodiversity values, recognising values of natural features and landscapes.
Otago's significant and highly-valued natural resources are identified, and protected or enhanced	2.2	2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.5, 2.2.6, 2.2.14, 2.2.15. Schedule 4, Schedule 5	The Rural Zone contains the majority of the District's land that contains significant natural areas, outstanding natural features and landscapes, special amenity landscapes and the soil resource for the productive use of land.
Natural resource systems and their interdependencies are recognised.	2.3	2.3.1, 2.3.2	Applying an integrated approach to the management of Otago's physical resources to achieve sustainable management. To ensure that effects of activities on the whole of a resource are considered when that resource is managed by sub-units.
Protection, use and development of natural and physical resources recognises environmental constraints.	3.1	3.1.1	The Rural Zone contains areas of varying sensitivity that may create opportunities or constraints for activities seeking to utilise the respective resource.
Risk that natural hazards pose to the communities are minimised.	3.2	3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10, 3.2.11	The Rural Zone contains land that is subject to natural hazards. Many non-farming activities including residential activity require resource consent as a discretionary activity and this provides the Council with the opportunity to assess the risk of natural hazards to development proposals.
Good quality infrastructure and services meet community needs. Infrastructure of national and regional significance is managed in a sustainable way.	3.4 and 3.5	3.4.1, 3.4.2, 3.4.3, 3.4.4, 3.5.1, 3.5.2, 3.5.3,	While much of the Districts infrastructure is located within urban areas. Roads, Airports, and utilities pass through or affect the development potential of the Rural

Energy supplies to Otago's communities are secure and sustainable.			Zone. Also, often the resource is located within the Rural areas. The creation and maintenance of these need to be managed to be protected and to avoid impacts on users and receivers.
Energy Supplies to Otago's communities are secure and sustainable	3.6	3.6.1, 3.6.2, 3.6.3, 3.6.4, 3.6.5, 3.6.6	Much of the District's energy supplies are located within the Rural Zone, noting the Hydro Generation zone is not in the scope of stage 1 of review.
Urban growth is well designed and integrates effectively with adjoining urban and rural environments.	3.8	3.8.1, 3.8.2, 3.8.3	The maintenance of rural landscape values and retention of soil resource is co-dependant on the strategic planning of urban areas and the certainty provided by the identification of urban growth boundaries.
Public access to areas of value to the community is maintained or enhanced.	4.1	4.1.1	Public trails are contained within the rural zone. Public access is often raised as an issue that presents both opportunities and constraints for development proposals and the maintenance of productive activities.
Sufficient land is managed and protected for economic production.	4.3	4.3.1, 4.3.2, 4.3.6	Notwithstanding the value of the landscape and recreational resources to the District, The rural economy is an important component and the protection of the soil resource is recognised.
Otago's communities can make the most of the natural and built resources available for use.	4.4	4.4.3	Both permitted farming and viticulture and horticulture activities, in addition to other development proposals that seek to locate in the rural areas can degrade ecosystem health and recognition for opportunities to enhance existing areas.
Adverse effects of using and enjoying Otago's natural and built environment are minimised	4.5	4.5.1, 4.5.4, 4.5.5, 4.5.6, 4.5.7, 4.5.8	People are drawn to the rural areas for a wide range of farming and entrepreneurial opportunities and recreational activities. How these activities are managed will impact the communities' experience of the resource.

The evaluation and provisions have regard to the Proposed RPS.

4. Resource Management Issues

The resource management issue set out in this section has been identified from the following sources:

- Initial feedback on the Rural section of the District Plan Review
- Meetings with interested landowner

The key issue is:

Issue : Managing Rural Industrial Activities

While the predominant land use within the Rural Zone is farming there is a range of industrial and service activities that are aligned with farming and rural productive activities and have historically located in rural areas.

These activities compliment and support farming and rural productive activities and include fencing and agricultural contractors yards, firewood operations, sawmills, factories and fabrication yards.

Many of these activities, due to their scale and nature, are not ideally suited to industrial areas located within or adjacent to urban areas and by necessity seek to locate in rural areas. Consequently there are a number of established nodes on rural industrial development throughout the District.

The Operative District Plan, however, makes little to no provision for rural industrial activities with buildings (other than those located within an approved residential building platform) being a discretionary activity and Site Standard 5.3.5.1 iii, which relates to the scale and nature of activities, requiring that no good, materials or equipment is stored outside of a building and that all manufacturing, repair or processing of goods is undertaken within a building.

As such, regardless of a rural industrial activity's scale or potential effects, operators and landowners are faced with uncertainty and an often costly consent process when trying to establish within rural areas.

While this approach acknowledges the sensitivity of the District's rural areas in terms of landscape, character and amenity, it fails to acknowledge the contribution rural industrial activities make to the viability of farming and rural productive activities or the locations within the rural areas where such activities can be undertaken without resulting in significant adverse effects.

5. Purpose and Options

The overarching purpose of the proposed changes to the Operative District Plan is to provide for rural industrial activities to be undertaken within the Rural Zone while managing their adverse environmental effects.

In general terms, and within the context of this review, these goals and objectives are met by:

- Identifying a specific area(s) within which rural industrial activities are being or can be undertaken while protecting the landscape and amenity values of the wider Rural Zone.

Determining the most appropriate methods to resolve the issue identified will enable the Plan to give effect to relevant parts of the Strategic Directions chapter, and ultimately meet the purpose of the Act.

As required by section 32(1)(b) RMA, the following section considers various broad options considered to address the issue, and makes recommendations as to the most appropriate course of action.

Broad options considered to address the identified issue

Issue : Managing Rural Industrial Activities

Option 1: Retain the operative provisions

Option 2: Maintain the majority of the provisions with modification where necessary

Option 3: Comprehensive modification to the operative provisions **(Recommended)**

	Option 1: Status quo/ No change	Option 2: Amend Operative Provisions	Option 3: Comprehensive Changes
Costs	<ul style="list-style-type: none"> • Operators required to obtain consent for relatively small scale activities that have historically, and by necessity, occurred in rural areas • Consenting costs will be passed on to consumers and/or operators will be forced to look elsewhere • Council staffing costs 	<ul style="list-style-type: none"> • Time/cost of research and consideration of alternatives • Potential for Environment Court Appeals • Likely to prove difficult to provide for rural industrial activities within the existing provisions while protecting the landscape, character and amenity values of the rural areas as a whole 	<ul style="list-style-type: none"> • Potentially greater time/cost incurred when compared to Option 2 • Greater potential for Environment Court Appeals
Benefits	<ul style="list-style-type: none"> • Council staff already familiar with provisions and process • Current provisions acknowledge sensitivity of the rural environment in a general sense 	<ul style="list-style-type: none"> • District Plan Review is currently budgeted for and underway 	<ul style="list-style-type: none"> • A comprehensive review is already budgeted for and underway • Review of rural industrial provisions could be incorporated into comprehensive review of the wider rural provisions • Provision can be made for rural industrial activities that support the viability of the wider rural zone • Specific locations for rural industrial activities can be identified while protecting the landscape, character and amenity values of the wider rural area.
Ranking	3	2	1

The principal aims of the District Plan review is to simplify the plan where appropriate and to provide greater clarity and certainty around development matters in the District. It is anticipated that this will remove some of the uncertainties that can restrict potential economic growth and associated employment provision. In accordance with these aims and based on the assessment above, Option 3 is considered the most practicable option.

6. Scale and Significance Evaluation

The level of detailed analysis undertaken for the evaluation of the proposed objective and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions for rural industrial activities in the Rural Zone. In making this assessment, regard has been had to the following, namely whether the objective and provisions:

- Result in a significant variance from the existing baseline.
- Have effects on matters of national importance.
- Adversely affect those with specific interests, e.g., Tangata Whenua.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

7. Evaluation of proposed Objective Section 32 (1) (a)

Section 32(1) of the RMA requires the Council to evaluate the extent to which the objectives are the most appropriate way to achieve the purpose of the Act.

Specifically, the proposed Objective for rural industrial activities has been developed to set a clear direction for the establishment of a Rural Industrial Sub Zone while avoiding more sensitive locations within the wider Rural Zone and ensuring that landscape, character and amenity values are protected thus balancing the environmental, social, economic and cultural needs of the District.

Proposed Objective	Appropriateness
<p>21.2.13 (Rural Zone)</p> <p><i>Enable rural industrial activities within specific locations, which support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.</i></p>	<p>While the predominant land use within the Rural Zone is farming there is a range of industrial and service activities that are aligned with farming and rural productive activities and have historically located in rural areas.</p> <p>These activities of an industrial nature compliment and support farming and rural productive activities and include fencing and agricultural contractors yards, firewood operations, sawmills, factories and fabrication yards.</p> <p>Many of these activities, due to their scale and nature, are not ideally suited to industrial areas located within or adjacent to urban areas and by necessity seek to locate in rural areas. Consequently there are a number of established nodes on rural industrial development throughout the District.</p> <p>The objective is the most appropriate way to meet the purpose of the RMA to recognise for rural service based and industrial in appropriate locations within the Rural Zone.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Relevant to 3.2.1.4 - 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 rural amenity, landscape character and healthy ecosystems. • Consistent with Objective 3.2.2.1 'Ensure Urban development occurs in a logical manner'. • Consistent with Objective 3.2.5.1 ' Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development'. • Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to RPS objectives 5.4.1, 5.4.2 and 5.4.3 and policies 5.5.2, 5.5.3, 5.5.4 and 5.5.6 (Land).</p> <p>Gives effect to RPS objectives 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment).</p> <p>Gives effects to RPS objectives 5.4.1, 5.4.3 and policies 5.5.2, 5.5.3 and 5.5.4 (Land)</p>

	<p>Gives effect to RPS objective 9.4.3 and policy 9.5.4 (Built Environment).</p> <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 - Natural Resource systems and their interdependence are recognised • Objective 4.3 – Sufficient land is managed and protected for economic production
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The above objective is considered to be the most appropriate method of achieving the purpose of the Act, as it identifies and gives direction as to the how the specific issues that pertain to the management of rural industrial activities within the Rural Zone are addressed.

8. Evaluation of the proposed provisions Section 32 (1) (b)

The below table considers whether the proposed provisions are the most appropriate way to achieve the relevant objective. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient. The proposed provisions are grouped by issue for the purposes of this evaluation.

(See also Table detailing broad options considered in Section 4, above)

Issue : Managing Rural Industrial Activities

21.2.13 (Rural Zone) – Enable rural industrial activities within specific locations, which support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.

Summary of proposed provisions that give effect to this objective:

Rural Policies

- *New policy (21.2.13.1) Provide for rural industrial activities and buildings within established nodes of industrial development while protecting, maintaining and enhancing landscape and amenity values.*
- *New policy (21.2.13.2) Provide for limited retail and administrative activities within the Rural Industrial Sub Zone on the basis it is directly associated with and ancillary to the Rural Industrial Activity on the site.*

Zoning Changes

- *Identification of a Rural Industrial Sub Zone.*

Rural Rules

- *Reference to the Rural Industrial Sub Zone added at 21.3.3.8 to clarify that all rules applicable to the Rural Zone apply to the Rural Industrial Sub Zone unless otherwise stated.*
- *Provisions made within Table 1 for retail and office activities ancillary to rural industrial activities within the Rural Industrial Sub Zone.*
- *Provisions added within Table 1 relating to Industrial Activities.*
- *Amendment to Rule 21.5.1 of Table 2 to exclude the Rural Industrial Sub Zone from the general internal boundary setback requirement.*
- *Table 8 added setting out Standards for activities within the Rural Industrial Sub Zone.*

Definitions

- *New definition added for Rural Industrial Activities.*

Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p><u>Policies:</u></p> <p><i>Proposed Policy 21.2.13.1</i> <i>Provide for rural industrial activities and buildings within established nodes of industrial development while protecting, maintaining and enhancing landscape and amenity values.</i></p> <p><i>Proposed Policy 21.2.13.2</i> <i>Provide for limited retail and administrative activities within the Rural Industrial Sub-Zone on the basis it is directly associated with and ancillary to the Rural Industrial activity on the site.</i></p>	<p>The proposed policy encourages rural industrial activities to be undertaken within existing nodes of industrial development.</p> <p>If not carefully considered and appropriately defined this could result in the expansion and intensification of existing nodes of industrial development to a point where the landscape, character and amenity of the wider Rural Zone may be compromised.</p> <p>The proposed policy allows for some retail and administrative activities to be undertaken within the Rural Industrial Sub Zone which may result in an increased level of activity within the Sub Zone and on adjoining roads than might otherwise occur.</p>	<p>The proposed policy recognises the necessity for certain industrial activities to locate within the Rural Zone and directs those activities to locations within the zone where landscape, character and amenity values are less likely to be compromised.</p> <p>The proposed policy acknowledges that industrial activities generally include some form of ancillary retail or administrative activity and makes provision for such activities to occur within the Rural Industrial Sub Zone while making it clear that the Sub Zone is primarily intended for industrial activities and the nature and scale of ancillary activities will be limited.</p>	<p>The proposed policy is considered an effective and efficient means of achieving the proposed Objective in that it promotes the location of rural industrial activities in areas of the Rural Zone which are less sensitive to change while seeking to protect landscape and amenity values.</p> <p>The proposed policy is considered an effective and efficient means of ensuring that the primary purpose of the Rural Industrial Sub Zone is to provide for rural industrial activities while acknowledging that limited ancillary activities will be appropriate.</p>

<p><u>Zoning Changes:</u></p> <p><i>Proposed Rural Industrial Sub Zone</i></p>	<p>The identification of a Rural Industrial Sub Zone promotes the development and intensification of rural industrial activities within those areas.</p> <p>The degree of control which Council holds over rural industrial activities within the Rural Industrial Sub Zone will be reduced.</p> <p>The direction of rural industrial activities to locate within the Rural Industrial Sub Zone reduced the scope for rural industrial activities to be undertaken elsewhere in the Rural Zone.</p>	<p>The identification of a Rural Industrial Sub Zone provides a location within which rural industrial activities may be undertaken without the need for a costly and uncertain consent process.</p> <p>The direction of rural industrial activities towards the Rural Industrial Sub Zone will allow Council to better manage the adverse effects of industrial activities in the wider Rural Zone.</p>	<p>The identification of a Rural Industrial Sub Zone is considered an effective and efficient way of identifying areas of the Rural Zone where industrial activities can be located without resulting in adverse effects on the landscape and amenity values of the wider Rural Zone.</p>
<p><u>Proposed Rules:</u></p> <p><i>Rule 21.3.3.8 – clarification of provisions</i></p>	<p>It is considered that there is no cost associated with this rule.</p>	<p>The amendment of Rule 21.3.3.7 to make reference to the proposed Rural Industrial Sub Zone provided clarification on how the Rural Zone rules will be applied.</p>	<p>The proposed clarification is considered effective and efficient in that it avoids uncertainty as to how the rules will be applied and/or unnecessary repetition of rules.</p>
<p><i>Rules Table 1</i></p>	<p>These rules provide for retail and office activities that are ancillary to industrial activities to be located within the Rural Industrial Sub Zone. This may result in a degree of activity within the Sub Zone and on the adjoining roads that might not otherwise occur.</p>	<p>It is likely that rural industrial activities located within the Rural Industrial Sub Zone will include some form of retail sales of goods produced on site and/or ancillary office activities.</p> <p>The provision for this through the proposed rules will avoid the need for additional resource consents for these ancillary activities.</p> <p>The scale and nature of ancillary retail</p>	<p>It is considered that the inclusion of proposed rules is an effective and efficient means of providing for activities that are ancillary to, and support, the principal industrial activities that may be undertaken within the Sub Zone.</p> <p>Further control over the scale and nature of these ancillary activities can be provided through the proposed rules specifically relating to the Rural Industrial Sub Zone</p>

<p><i>Rules 21.4.33 to 21.4.35– Table 1</i></p>	<p>Aside from the provision for Rural Industrial Activities to locate within specific areas of the Rural Zone it is considered that there is no cost associated with grouping the Table 1 rules relating to industrial activities as a separate sub group within Table 1.</p>	<p>activities can be controlled through proposed Rule 21.5.34 that restricts the display of items for sale to 10% of the floor area.</p> <p>Proposed Rule 21.4.33 provides for Rural Industrial Activities to be located within the Rural Industrial Sub Zone as a permitted activity and therefore achieves the proposed Objective.</p> <p>The creation of a sub group of rules, within Table 1, relating to industrial activities provides clarity and makes a distinction between industrial activities from commercial activities.</p>	<p>(Table 8).</p> <p>The proposed rules are considered an effective and efficient means of addressing industrial activities within Table 1.</p>
<p><i>Rule 21.5.1 –Table 2</i></p>	<p>The exclusion of the Rural Industrial Sub Zone from the general setback from internal boundaries rule effectively means that there will be no internal boundary setback for buildings within the Rural Industrial Sub Zone.</p> <p>This is likely to result in a reduced level of openness and amenity within the Sub Zone.</p>	<p>The exemption of the Rural Industrial Sub Zone from the general setback requirements acknowledges that the anticipated character and amenity of the Sub Zone will differ to that of the wider Rural Zone with a greater emphasis being placed on the provision of useable land than the protection of openness or amenity values within the Sub Zone.</p>	<p>The proposed exemption of the Rural Industrial Sub Zone from the general setback requirements is considered an effective and efficient means of maximising the land within the Sub Zone that can be actively used for rural industrial activities thus increasing the Sub Zones capacity to accommodate such activities and reducing pressure for the location of industrial activities in the wider Rural Zone.</p>
<p><i>Rules 21.5.32 to 21.5.37 – Table 8</i></p>	<p>The proposed rules provide for a reasonably significant degree of development within the Rural Industrial Sub Zone which may result in an increase in adverse environmental effects within the localized area of the Sub Zone.</p>	<p>The proposed rules provide for a reasonably significant degree of development within the Rural Industrial Sub Zone while setting limits, in terms of the scale of buildings and the nature of activities, beyond which more significant adverse effects on the landscape, character and amenity values of the wider</p>	<p>The proposed rules within Table 8 are considered an effective and efficient means of providing for Rural Industrial Activities to be undertaken within the Rural Industrial Sub Zone, reducing costly and uncertain consent processes while protecting the landscape, character and amenity values of</p>

<p><i>Definition – Rural Industrial Activities</i></p>	<p>It is considered that there is no cost associated with the addition of a definition of Rural Industrial Activities.</p>	<p>Rural Zone might be generated.</p> <p>While the proposed Sub Zone does not include any internal boundary setback requirements proposed rule 21.5.35 requires that a setback is provided from the Sub Zone boundaries in order to ensure that the openness and amenity of the wider Rural Zone is not compromised.</p> <p>In addition proposed rule 21.5.36 sets a relatively tight limit on the extent of ancillary retail activities that may be undertaken within the Sub Zone, thus clarifying that the primary intent of the Sub Zone is to provide for rural industrial activities and that retail activities are only provided for to a limited extent.</p> <p>The addition of a definition of Rural Industrial Activities creates a distinction between Industrial and Rural Industrial Activities, making it clear that Rural Industrial Activities must be clearly aligned with rural productive activities.</p>	<p>the wider Rural Zone.</p> <p>The proposed limits on retail activities will ensure that the primary purpose of the Sub Zone will be retained and that it does not become a de facto commercial zone.</p> <p>The proposed definition underpins the creation of a Rural Industrial Sub Zone and is considered an effective and efficient means of ensuring that the Sub Zone meets its intended purpose.</p>
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Alternative options considered less appropriate to achieve the relevant objectives and policies:

<p><i>Option 1: Status Quo</i></p>	<ul style="list-style-type: none"> • <i>Maintaining the operative Rural General rules would be ineffective in terms of providing for rural industrial activities and reducing the cost and uncertainty for operators and landowners who wish to undertake industrial activities which have historically and by necessity been located within rural areas.</i> • <i>Under the current provisions consent applications would continue to be received and processed on an ad hoc basis without any direction for such activities to locate within specific areas.</i>
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<p><i>Option 2: Retain and amend the operative provisions</i></p>	<ul style="list-style-type: none">• <i>Retaining and amending the operative provisions, to provide for rural industrial activities within the Rural Zone in a general, zone-wide sense would most likely fail to adequately protect landscape, character and amenity values or would require inefficient, case by case assessment.</i>
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9. Efficiency and effectiveness of the provisions

The above provisions are drafted to specifically address the resource management issue identified with the current provisions, and to enhance those provisions that already function well. A number of areas of the existing chapter have been removed to aid the readability of the Plan by keeping the provisions at a minimum, whilst still retaining adequate protection for the resource.

By simplifying the objectives, policies and rules (the provisions), the subject matter becomes easier to understand for users of the Plan both as applicant and processing planner. Removal of technical or confusing wording, also encourages correct use. With easier understanding, the provisions create a more efficient consent process by reducing the number of consents required and by expediting the processing of those consents.

10. The risk of not acting

Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.

The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.

Attachments:

1. Plan of the Proposed Rural Industrial Sub Zone.- [Link](#)



Section 32 Evaluation Report

Surface of Water on Rivers and Lakes

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Section 32 Evaluation Report: Surface of Water on Rivers and Lakes

1. Strategic Context

Section 32(1)(a) of the Resource Management Act 1991 requires that a Section 32 evaluation report must examine the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act.

The purpose of the Act requires an integrated planning approach and direction:

5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) 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*
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The National Policy Statement on Freshwater Management 2014 contains national objectives and policies to protect water quality and provide for the efficient allocation of water. It also contains objectives and policies to ensure integration between the Coastal Marine Area and freshwater lakes and rivers; and objectives and policies on tangata whenua values as they relate to water. The National Policy Statement must be given effect to in regional and district planning documents.

2. Iwi Management Plans

When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council's must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

The following iwi management plans are relevant:

The Cry of the People, Te Tangi a Taurira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)

Section 3.4, Takitimu Me Ona Uri: High Country and Foothills contain the following policies:

3.4.8 Access and Tourism

Policy 6. Instream values should be protected against negative impacts of new development, particularly with respect to appropriateness, discharges, abstraction, and effects over time.

3.4.14 Protecting Sites of Significance in High Country and Foothill Areas

Policy 6. Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.

Section 3.5, Southland Plains: Te Rā a Takitimu includes the following policies:

Part 3.5.10: General Water Policy: includes,

Policies:

3. *Protect and enhance the mauri, or life supporting capacity, of freshwater resources throughout Murihiku.*
4. *Manage our freshwater resources wisely, mō tātou, ā, mō ngā uri ā muri ake nei, for all of us and the generations that follow.*
5. *Promote the management of freshwater according to the principle of ki uta ki tai, and thus the flow of water from source to sea.*
6. *Promote catchment management planning (ki uta ki tai), as a means to recognise and provide for the relationship between land and water.*
16. *Prioritise the restoration of those waterbodies of high cultural value, both in terms of ecological restoration and in terms of restoring cultural landscapes.*
17. *Ensure that activities in upper catchments have no adverse effect on mahinga kai, water quality and water quantity in lower catchments.*

3.5.2 Wastewater

9. *Encourage creative, innovative and sustainable approaches to wastewater disposal that make use of the best technology available, and that adopt principles of waste reduction and cleaner production (e.g. recycling grey water for use on gardens, collecting stormwater for a pond that can then be used for recreation in a new subdivision).*

Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)

Part 10: Clutha/Mata-au Catchments *Te Riu o Mata-au* outlines the issues, and policies for the Clutha/Mata-au Catchments. Included in this chapter is a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments. Generic issues, objectives and policies for all catchments across the Otago Region are recorded in Chapter 5 Otago Region.

The following policies are of particular relevance;

Land Use 10.2.3 Wai Māori Policies in the Clutha/Mata-au Catchment

9. *To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.*
10. *To promote sustainable land use in the Clutha/Mata-au Catchment.*

10.5.3 Cultural Landscape Policies in the Clutha/Mataau-au Catchments

Jetties and Moorings:

6. *To require the development of a strategy in conjunction with the Queenstown Lakes District Council to investigate the viability of public moorings in the Queenstown Lakes District.*
- 7 *To require that all moorings situated in the vicinity of nohoaka and camping sites to be publicly available.*
8. *To require jetties to be at a fixed location and any effects of earthworks or from the ongoing operation of jetties and be remedied or mitigated.*

9. To require jetties and moorings to be located where they will not impede or restrict access to lakes, rivers and wetlands.

3. Regional Planning Documents

Operative Regional Policy Statement 1998

Section 74 of the Act requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The operative *Otago Regional Policy Statement 1998* is the relevant regional policy statement to be given effect to within the District Plan.

The RPS contains issues, objectives, policies and methods on two subjects of relevance to the surface of lakes and rivers. These are the subjects of water and biota, which are discussed in Chapters 6 and 10 respectively.

Proposed Regional Policy Statement 2015

Section 74 of the Act requires that a District Plan must “have regard to” any proposed regional policy statement.

The Proposed RPS was notified for public submissions on 23 May 2015, and contains the following objectives and policies relevant to landscape and the Rural Zone where the surface water rivers and lakes are at issue.

Proposed RPS 2015 Objective	Objectives	Policies	Relevance to the review of the surface of rivers and lakes
The principles of Te Tiriti o Waitangi are taken into account in resource management decision.	1.1	1.1.1, 1.1.2	The Ngai Tahu Claims Settlement Act Statutory Acknowledgments – these are pursuant to the Ngai Tahu Claims Settlement Act 1998 and apply to the following lake and rivers within the Queenstown Lakes district: <ul style="list-style-type: none"> • Lake Hawea • Lake Wanaka • Lake Wakatipu • Clutha River
Kai Tahu values, rights and customary resources are sustained	1.2	21.2.1, 1.2.2, 1.2.3	The council's function is to control any actual or potential effects of activities in relation to the surface of water in rivers and lakes. These areas are of interest and value in terms of culture and practices, ancestral lands, water, site, wahi tapu and other taoka.
The values of Otago's natural and physical resources are recognised, maintained and enhanced	2.1	2.1.1, 2.1.2, 2.1.5, 2.1.6, 2.1.7	Without falling out of scope or unnecessarily duplicating functions, the integrated management of resources includes the management of activities with regard to freshwater values, margins of water bodies, soil values, ecosystem and biodiversity values, recognising values of natural features and landscapes.

Otago's significant and highly-valued natural resources are identified, and protected or enhanced	2.2	2.2.3, 2.2.4, 2.2.5, 2.2.6, 2.2.13. Schedule 5	The Rural Zone, in which the surface water of rivers and lakes are zoned, contains the majority of the District's land that contains significant natural areas. Outstanding natural features and landscapes.
Natural resource systems and their interdependencies are recognised.	2.3	2.3.1, 2.3.2, 2.3.3	Applying an integrated approach to the management of Otago's physical resources to achieve sustainable management.
Protection, use and development of natural and physical resources recognises environmental constraints.	3.1	3.1.1	Surface water of rivers and lakes contain areas of varying sensitivity that may create opportunities or constraints for activities seeking to utilise the respective resource.
Risk that natural hazards pose to the communities are minimised.	3.2	3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10, 3.2.11	Surface of water in rivers and lakes are part of the District's natural processes and these can be attributed to many of the natural hazards that can affect communities.
Good quality infrastructure and services meet community needs. Infrastructure of national and regional significance is managed in a sustainable way. Energy supplies to Otago's communities are secure and sustainable.	3.4 and 3.5	3.4.1, 3.4.2, 3.4.3, 3.4.4, 3.5.1, 3.5.2, 3.5.3,	While much of the District's infrastructure is located on land and within urban areas. The infrastructure and its performance can affect surface water of rivers and lakes.
Energy Supplies to Otago's communities are secure and sustainable	3.6	3.6.1, 3.6.2, 3.6.3, 3.6.4, 3.6.5, 3.6.6	Much of the District's energy supplies are located within the Rural Zone, noting the Hydro Generation zone is not in the scope of stage 1 of review.
Public access to areas of value to the community is maintained or enhanced.	4.1	4.1.1	Public trails are contained within the rural zone and people seek out access to rivers and lakes. Public access is often raised as an issue that presents both opportunities and constraints for development proposals and the maintenance of productive activities.
Otago's communities can make the most of the natural and built resources available for use.	4.4	4.4.1	While water allocation and use is not within the scope of the District Plan or territorial authority, structures associated with the resource use comes under the

			ambit of the District plan.
Adverse effects of using and enjoying Otago's natural and built environment are minimised	4.5	4.5.1, 4.5.4, 4.5.5, 4.5.6,	Water take and discharges to water are not within the scope of the District Plan territorial authority however the integrated management of resources are a function of the Council. People are drawn to the surface water of rivers and lakes for a wide range of recreation and entrepreneurial opportunities and recreational activities. How these activities are managed will impact the communities' experience of the resource.

The evaluation and provisions have regard to the Proposed RPS. In particular, there are consistencies in the application of the Proposed RPS Schedule 4 '*Criteria for the identification of outstanding natural features and landscapes*' and the proposed District Plan assessment matters in outstanding natural landscapes and features, for guiding decision makers when considering proposals for activities within identified outstanding natural landscapes and features.

The Otago Regional Plan: Water

The Otago Regional Plan: Water became operative on 1 January 2004. It contains objectives and policies relating to water that are similar in intent to the matters listed above from sections 6 and 7 of the RMA. The regional plan contains rules in Part 13: Land use on Lake or River Beds which outlines the activity status for the erection or placement of structures within lakes and rivers. The rules of most relevance with regard to the surface of lakes and rivers are as follows:

- (a) The erection or placement of any fence, pipe, line or cable over the bed of a lake or river is a permitted activity subject to certain listed requirements (Rule 13.2.1.1).
- (b) Minor structures (such as fences, pipes, lines and cables which do not comply with the listed requirements), whitebait stands, eel traps, maimai, jetties, bridges or culverts in, on, under, or over the bed of any lake or river are a restricted discretionary activity (Rule 13.2.2).
- (c) All other activities require a discretionary activity resource consent from the Otago Regional Council (Rule 13.2.3).

The Otago Regional Plan: Water, also contains other rules of relevance to the surface of lakes and rivers relating to alterations, demolition activities; and rules relating to the introduction or planting of vegetation.

There are several other statutory documents that apply to specific parts of the district which are also relevant to activities on, or in, the surface of lakes and rivers. These include:

- (a) *Water Conservation (Kawarau) Order 1997* – This requires the outstanding amenity and intrinsic values of the Kawarau River to be protected.
- (b) *Lake Wanaka Preservation Act 1973* – This Act establishes 'Guardians of Lake Wanaka' to protect water quality and ensure that the lake levels of Lake Wanaka are retained.

- (c) *Ngai Tahu Claims Settlement Act Statutory Acknowledgments* – these are pursuant to the Ngai Tahu Claims Settlement Act 1998 and apply to the following lake and rivers within the Queenstown Lakes district:
- Lake Hawea
 - Lake Wanaka
 - Lake Wakatipu
 - Clutha River
- (d) *QLDC Navigation Safety Bylaws, 2009 and 2011* – these contain rules, pursuant to the Harbours Act 1950, relating to navigation and water activities, including access lanes and reserved areas, moorings and foreshore structures, and commercial activities.
- (e) *QLDC Proposed Navigation Safety Bylaw 2014* – notified for public submissions on 5 July 2014. Forty two submissions were received, 24 in support, 9 opposed and 9 partially opposed. The integration of the Bylaw and District Plan provisions are discussed in part 5 of this report.
- (f) *Shotover River Bylaw 2009* – this Bylaw relates to Shotover Jet Limited to operate on the Shotover River.
- (g) *Sunshine Bay, Queenstown, Frankton, Kelvin Heights Foreshore Management Plan, 1991* – this reserve management plan prepared by the QLDC pursuant to the Reserves Act 1997, relates to Queenstown Bay. It contains key issues, objectives and policies relating to the foreshore of the areas referred to in its title, with some policies also referring to specific portions of Lake Wakatipu and Queenstown Bay.

It is noted that other QLDC reserve management plans contain objectives, policies and methods relating to the district's foreshore and waterways. These are not referred to in the District Plan but are occasionally used to assist in decision making on resource consent applications.

4. Non-statutory Policy Context

The following QLDC non-statutory documents have also been reviewed:

- (a) *Queenstown Bay Waterfront Development Plan* (undated) - This specifies areas in which various activities can occur in Queenstown Bay and contains objectives that are used by Council in processing resource consent applications within the area. It is noted that some of the objectives and methods in this document are now considered to be out of date.
- (b) *Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu* (undated) – This non-statutory document specifies rules applicable to jetties, moorings and boat sheds, relating to engineering and amenity issues, ownership and management of these structures. It is noted that the document specifies that jetties must be wooden and attached to the lake foreshore. However, since this document was prepared, the technology relating to jetties has changed, and jetties can now be constructed from lighter metals and float, rather than be fixed to the waterway bed. The document also specifies that jetties should be located 200 metres apart, whilst the RMA has shifted to requiring an effects based assessment, rather than determining applications based on fixed measurements.
- (c) *Amenity Issues Relating to Jetties and Moorings in the Frankton Arm of Lake Wakatipu* (undated) – This contains a landscape assessment of the character and amenity of the Frankton Arm foreshore, issues and problems, and options for processing applications for jetties and moorings. This document was used to formulate the Jetties and Moorings Policy. It is noted that some of the landscape information in this document is becoming dated.

5. Transfer of functions with the Otago Regional Council

The Council and Otago Regional Council share a deed made on the 23rd of March 1994 that transfers the functions of the Otago Regional Council to the Council for the administration of resource consent applications under s13(1)(a) of the RMA for structures which states:

13 Restriction on certain uses of beds of lakes and rivers

1) No person may, in relation to the bed of any lake or river,—

(a) use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or

...

The deed requires the Council to provide a copy of the application to the Otago Regional Council in the following instances, where the Otago Regional Council has discretion to resume processing of the application:

- (a) Are located or proposed to be located on the bed of rivers
- (b) Are solid or effectively solid structures (as distinct from open piled structures)
- (c) Involve excavation of the bed, disturbance of the shoreline or significant disturbance to the lake bed; or
- (d) Are owned or proposed by the District.

This process appears to have resulted in efficiencies and avoided overlaps between district council and regional council regulations with regard to structures on water bodies, particularly in case of applications for jetties and moorings on lakes.

6. Resource Management Issues

This review seeks to address a number of key issues (detailed below), whilst also strengthening the existing provisions by providing more targeted objectives and policies, making the Plan easier to understand and improving certainty to what activities are permitted in the zones and whether they require a resource consent.

The resource management issues set out in this section have been identified from the following sources:

- Community consultation, Council workshops and a meeting of the Council's Resource Management Focus Group
- Public drop in sessions
- Workshops
- Meeting with the QLDC Harbourmaster – Marty Black 4/3/13
- Otago Regional Council Regional Policy Statement 1998
- Kai Tahu ki Otago Natural Resource Management Plan, 2005
- Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2000
- QLDC Resource consent decisions relating to boating activities, jetties, moorings and marinas
- Environment court case law
- Read Landscapes Limited 'Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment' 2014
- Read Landscapes Limited 'Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features' 2014.

- Peer review on Wakatipu component by Ben Espie landscape architect
- Peer review on Wanaka/Upper Clutha component by Anne Steven landscape architect
- Relevant legislative changes enacted since the Plan became operative
- January 9 – February 10 2015 Draft provisions and Section 32 reports placed on the Council’s website and circulated to persons on the Council’s District Plan Review distribution list, persons with an interest in the changes and statutory consultation parties required by the RMA

The key issues are:

Issue 1: Activity status of resource consents/rules relating to boating activities

The current District Plan rules relating to boating activities treat commercial non-motorised boating activities (such as rafting, paddle boarding and kayaking) in the same manner as motorised boating activities (such as jet boats). Both activities currently require a discretionary activity consent pursuant to Rule 5.3.3.3(iv)(b).

Non-motorised boating activities generally have a lower magnitude of effects on the environment, such as less noise, boat wake, vibration, lighting and passenger numbers, and there is more certainty over the type and scale of adverse effects that can arise from non-motorised commercial activities, than motorised. Accordingly it is considered that the rules relating to non-motorised boat activities could be amended to provide for these as a restricted discretionary activity. This still enables Council to undertake an assessment of the potential effects, notify and decline applications if necessary. However, the restricted discretionary regime provides an applicant a more defined scope of the issues that may need to be addressed. This may encourage potential operators to set up small scale tourism activities. The potential impacts from non-motorised activities are more predictable, and not likely to be as variable or have the same potential to be as widespread as motorised boating activities.

Currently District Plan Rule 5.3.3.5 prohibits all commercial boating including non-motorised boating activities on Lake Hayes, although these activities are not prohibited from occurring on all other waterways. It is considered appropriate that this rule is amended to enable non-motorised activities to occur on Lake Hayes, subject to obtaining a resource consent, as outlined above.

The requirement for commercial boating activities to require a discretionary class of resource consent appears to be appropriate and is not recommended to change. The location, nature, scale and intensity of commercial boating activities is variable and the discretionary status enables the Council the ability to look at matters that are relevant to the circumstance. In this regard, the discretionary status also enables the Council to consider the matter of cumulative effects where this relates to matters set out in the policy framework.

Issue 2: The management of jetties within the Frankton Arm and consistency with QLDC policy documents

Monitoring has identified that there is concern about the appearance of jetties within the Frankton Arm, and also that in some areas, too many jetties are located too close together creating an adverse cumulative effect, by having a proliferation of structures in close proximity along the foreshore. Currently new jetty applications within the Frankton Arm are assessed against the District Plan provisions, and also the Council’s non-statutory policy document titled ‘Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu’.

This document outlines Council’s policies relating to jetties and this includes requirements relating to jetty appearance and clutter. It is considered appropriate to include the applicable policies from the non-statutory policy document in the District Plan. This encourages proposals for jetties to be compliant with the policy and ensures that these issues are given appropriate consideration during resource consent processing and provides greater certainty to applicants who wish to apply for a new jetty. It also provides for Council policy on the subject to be contained in one document.

It is acknowledged in the Read Landscapes landscape classification boundaries report and in the peer review by Ben Espie the character of Frankton Arm has a different landscape character to the remainder of Lake Wakatipu. It is enclosed, surrounded by urban density residential development (with the exception being the north eastern side of the Kelvin Peninsula. There are large numbers of boat moorings, jetties, slipways and boat sheds.

The margins and surfaces of lakes and rivers are zoned Rural General and a landscape classification is required, with lakes and rivers generally being classified as an outstanding natural landscape. Whilst the Frankton Arm has a high amenity value, the landscape character is different to that of the remainder of the District's lakes. Generally, visual assessments in this area are based on the landscape classification and assessment criteria for outstanding natural features. While these are appropriate in other places throughout the District, which are often in remote places with a high natural value, it is considered a different management is suitable for this area.

It is considered that more efficient, but no less effective management of jetties and moorings in the Frankton Arm can be achieved by requiring jetties and moorings in this location obtain a restricted discretionary activity resource consent, and compliance with elements of the Jetties and Moorings Policy be a requisite for non-complying activity status.

Issue 3: Assessment criteria relating to activities on or in lakes and rivers

The existing District Plan provisions are overly long. It is considered that the assessment matters for specified discretionary and non-complying activities can be removed and the policies can be utilised as the primary guide for decision makers to evaluate the nature and scale of the adverse effects of a proposal.

Issue 4: Historic consents issued for boating activities on the Kawarau and the Lower Shotover River

A combination of concern about safety issues, and trade competitor conflict, particularly with regard to the Kawarau and Shotover rivers, has resulted in a number of appeals to the Environment Court. These appeals have highlighted that historically a number of consents have been obtained to operate boating activities in these locations, with no lapse dates on the consents issued.

The result has been that there are a high number of boat trips consented, which have never been utilised, and for which it is impossible to determine if the consent has ever been activated. This has caused issue with the opportunity for new operators to establish in these locations. As these consents have already been granted, this issue cannot be resolved through the District Plan review process. However, it does highlight the need to include conditions relating to lapsing of the consent on any future applications. This is a District Plan administration matter.

Issue 5: Consistency with the Navigational Safety Bylaw 2014.

The Council is responsible for the management of navigation safety throughout the district. The Bylaw enables the Council to control the speed of vessels and to exclude their use on specific waterways, with particular regard to safety.

The operative District Plan provisions also control the use of vessels on specific waterways, including recreational use by identifying the operation of boats on specific rivers, or at certain times of the year as a prohibited activity.

The District Plan provisions should be consistent with the Bylaw, where applicable.

Issue 6: Miscellaneous and existing Provisions

The operative provisions provide for a range of controls. These issues remain valid and are not considered to be necessary to change.

A number of amendments are also proposed to the objective, policies, rules and other methods to clarify the current District Plan provisions, delete unnecessary text, and to update references, including those relating to policy documents that may alter in the future.

The proposed structure of the Rural Zone provisions, where the surface of lakes and rivers policy will be located, has a more prescriptive focus than the operative District Plan provisions. Where an activity is not covered by the provisions a resource consent would be required as a non-complying activity.

This framework is also appropriate for activities relating to lakes and rivers because of the high natural values in many of the Districts waterbodies. An example of a non-specific activity that would require resource consent may include situations where a sunken boat or vehicle is intended to be left in-situ.

Another example is where a vessel may be hauled up onto shore on a permanent basis and was outside the ambit of the District Plan's rules for temporary activities (Temporary Storage), which requires that the item is not stored for longer for three months.

This framework is logical and provides clarity and assists with understanding whether or not an activity requires a resource consent or not. In addition, it is difficult to anticipate every potential activity that may seek to locate within the surface and margins of waterbodies and the non-complying status directs attention¹ to the objectives and policies of the District Plan. In this regard the applicable Strategic Direction, Landscape and Rural Zone policies allow a holistic view to be taken of whether an activity is appropriate.

7. Purpose and Options

The overarching purpose of the provisions is to control any actual or potential effects of activities in relation to the surface of water in rivers and lakes. .

Strategic Directions

The objectives and policies of the Strategic Directions chapter of the proposed District Plan are relevant to this assessment.

In general terms, and within the context of this review, these goals and objectives are met by:

- Retaining the control of all commercial activities on the surface of lakes and rivers by requiring resource consent is obtained.
- Retaining a range of activities in specific locations as prohibited, providing this does not conflict or duplicate the rules in the Navigational Safety Bylaw.
- Protecting amenity values.
- Providing objectives in the Landscape chapter associated with activities and structures on the surface of lakes and rivers.
- Confirming provisions that categorise lakes and rivers as outstanding natural landscapes.

Determining the most appropriate methods to resolve the issues identified will enable the Plan to give effect to the Otago RPS, the relevant parts of the Strategic Directions chapter, and ultimately meet the purpose of the RMA.

As required by section 32(1)(b) RMA, the following section considers various broad options considered to address each issue, and makes recommendations as to the most appropriate course of action in each case.

¹ Section 76(4)(e) and Section 104D RMA 1991

Broad options considered to address issues

Issue 1: Activity status of resource consents/rules relating to boating activities

Option 1: Retain the operative provisions.

Option 2: Amend the operative provisions to require a restricted discretionary resource consent for non-motorised commercial boating activities (**Recommended**).

Option 3: Change the entire suite of provisions for both motorised and non-motorised commercial boating activities.

	Option 1: Status quo/ No change	Option 2: Amend operative provisions	Option 3: Comprehensive changes
Costs	<ul style="list-style-type: none"> The objectives and policies do not recognise the difference in potential scale, intensity, noise, and infrastructure impacts between motorised and non-motorised commercial boating activities. May discourage potential small scale operators 	<ul style="list-style-type: none"> Costs associated with going through the District Plan Review process (but this is required by legislation). 	<ul style="list-style-type: none"> Costs associated with going through the District Plan Review process (but this is required by legislation). High costs for Council from potential litigation. Little benefit to be gained as there is already a high level of intervention.
Benefits	<ul style="list-style-type: none"> Retains the established approach which parties are familiar with. Low cost for Council. 	<ul style="list-style-type: none"> Recognises that non-motorised activities likely to have limited impact compared to motorised boating activities. Enables economic development and investment. Provides the Council with discretion to review relevant matters including safety, serve notice on affected persons, notify applications and decline applications. Consistent with the Strategic Directions Chapter. 	<ul style="list-style-type: none"> May be easier for Council to decline applications.
Ranking	2	1	3

Issue 2: The management of jetties within the Frankton Arm and consistency with QLDC policy documents

Option 1: Retain the operative provisions

Option 2: Include provisions that encourage consistency with the jetties and moorings policy (**Recommended**)

Option 3: Change the entire package of rules

	Option 1: Status quo/ No change	Option 2: Include provisions relevant to the jetty and mooring policy	Option 3: Change the entire package of rules
Costs	<ul style="list-style-type: none"> Lack of consistency with other QLDC policy guidance. Lack of clarity associated with the weight afforded to the jetty and mooring policy. 	<ul style="list-style-type: none"> The content of the jetty and mooring policy may be outdated or not reflect the anticipated outcome. Costs for Council to change the existing provisions. 	<ul style="list-style-type: none"> Higher costs for the Council. The existing structure is established and provides for a high degree of intervention.
Benefits	<ul style="list-style-type: none"> Retains the established approach which parties are familiar with. Low cost for Council. 	<ul style="list-style-type: none"> Encourages persons to propose jetties and moorings that are consistent with the policy. Strengthens relationship between the policy and District Plan. Including provisions consistent with the policy gives effect to the policy and allows proposals to be considered against the merits of the policy. 	<ul style="list-style-type: none"> Greater clarity and efficiency could be obtained from changing the rules which relate to jetties and moorings in the Frankton Arm.
Ranking	3	1	2

Issue 3: Assessment criteria relating to activities on or in lakes and rivers

Option 1: Retain the operative assessment criteria.

Option 2: Amend the operative assessment criteria.

Option 3: Remove the operative assessment criteria (**Recommended**).

	Option 1: Status quo/ No change	Option 2: Amend Operative provisions	Option 3: Remove Criteria and rely on policy
Costs	<ul style="list-style-type: none"> The existing criteria are too broad and do not provide adequate guidance to the likely range of activities, structures, commercial activities (motorised and non-motorised). 	<ul style="list-style-type: none"> Specificity can result in some activities being missed. Has costs associated with going through the District Plan Review process (but this is required by legislation). 	<ul style="list-style-type: none"> Lack of guidance for applicants and decision makers. Removes established parameters for assessing the merits of applications.
Benefits	<ul style="list-style-type: none"> Retains the established approach which parties are familiar with. Low cost for Council. 	<ul style="list-style-type: none"> Recognises the likely impact between separate activities. Helpful for applicants to form assessment of effects on the environment statements. 	<ul style="list-style-type: none"> Rely on policy to help gauge the effects of applications. Less prescriptive text in the District Plan. Discretionary activities are not restricted to prescribed matters, it is not compulsory to have these assessment criteria in the District Plan.
Ranking	3	2	1

Issue 4: Historic consents issued for boating activities on the Kawarau and the Lower Shotover River

Option 1: Retain the operative provisions (**Recommended**).

Option 2: Remove the operative commercial boating activities and control these through a bylaw.

Option 3: Avoid any further proposals for commercial boating activities in certain locations by making new applications prohibited.

	Option 1: Status quo/ No change	Option 2: Remove rules from District Plan and control through a bylaw	Option 3: Avoid any further proposals for commercial boating activities.
Costs	<ul style="list-style-type: none"> On-going potential for resource consent decisions to be appealed due to existing users activities being constrained. 	<ul style="list-style-type: none"> High potential cost for Council and operators. Loss and uncertainty to operators who have existing resource consents. Uncertainty with the legal ability to remove existing activity rights 	<ul style="list-style-type: none"> Restrict viability for other commercial operators. High cost for Council to review the rule. Does not provide for activities with potential to establish that may be appropriate
Benefits	<ul style="list-style-type: none"> Certainty for established operators. Enabling the opportunity to apply for resource consent retains the ability to consider the merits of applications, whether it be in the context of established activities that may constrain other prospective operators. 	<ul style="list-style-type: none"> Establishing new authorisations through a bylaw could create an equitable spread of activities and remove the potential for the Council to be involved in RMA litigation. Bylaw control has limited scope for approvals/authorisation compared to RMA process. Reduced costs for the Council associated with RMA applications. 	<ul style="list-style-type: none"> Removes the potential for litigation associated with Council decisions on resource consents affecting existing operators without specific limits on the intensity and duration of their consents.
Ranking	1	2	3

Issue 5: Consistency with the Navigational Safety Bylaw 2014.

Option 1: Retain the operative provisions.

Option 2: Amend to make consistent with the Navigational Safety Bylaw **(Recommended)**.

Option 3: Comprehensive review of all provisions.

	Option 1: Status quo/ No change	Option 2: Amend to make consistent with the Navigational Safety Bylaw	Option 3: Comprehensive review of provisions
Costs	<ul style="list-style-type: none"> Retain and/or create the potential for inconsistency with the Navigational Safety Bylaw. Duplication of regulation. Users need to refer to two separate rules to determine what activities are excluded from certain areas. 	<ul style="list-style-type: none"> Cost for amending the provisions. Potential to create a loophole not covered by the bylaw if an activity is removed from operative District Plan list of prohibited activities. 	<ul style="list-style-type: none"> Higher cost compared to the benefits gained. Excessive reviewing, only some provisions have been identified as being inefficient.
Benefits	<ul style="list-style-type: none"> Lower cost for Council to change operative provisions. 	<ul style="list-style-type: none"> Removes inconsistencies between bylaw and operative rules for prohibited activities. Removes duplication of regulation. Enables more efficient review and community involvement because the bylaw is reviewed every 5 years, compared to the ten years for the District Plan, exemptions can be granted for non-compliant bylaw activities while no application can be made for District Plan prohibited activities. 	<ul style="list-style-type: none"> Creates opportunity to revisit entirety of provisions and whether they would be better managed via a bylaw.
Ranking	3	1	2

Issue 6: Miscellaneous and existing Provisions

Option 1: Retain the operative provisions.

Option 2: Amend to improve phrasing, effectiveness and formatting (**Recommended**).

Option 3: Comprehensive changes

	Option 1: Status quo/ No change	Option 2: Minor Changes	Option 3: Comprehensive amendments
Costs	<ul style="list-style-type: none"> Identified inefficiencies will remain. 	<ul style="list-style-type: none"> Cost for Council to change. 	<ul style="list-style-type: none"> High cost and reviewing input relative to the changes required.
Benefits	<ul style="list-style-type: none"> Familiarity with existing approach. Low costs 	<ul style="list-style-type: none"> Appropriate opportunity to correct deficiencies. Lower cost for Council than a separate review plan change. 	<ul style="list-style-type: none"> Creates opportunity to revisit entirety of provisions and whether they would be better managed via a bylaw.
Ranking	2	1	3

8. Scale and Significance Evaluation

The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the operative District Plan.
- Have effects on resources that are considered to be a matter of national importance in terms of section 6 of the Act
- Adversely affect those with specific interests, e.g., Tangata Whenua, recreational and commercial users of the rivers and lakes.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

The level of detail of analysis in this report is moderate-high. The landscape and Rural Zone Chapters primarily manage activities on the surface of water in rivers and lakes. Many elements of the Landscape and Rural Zone chapters build on existing approaches within the operative District Plan, so there is not a significant change in policy direction.

However, a number of the provisions take general existing approaches further in terms of implementation. For example, the Operative District Plan sets out a framework of none, or very limited development right for commercial activities on the surface of water of rivers and lakes. The objectives take these established provisions further by providing for advancements including: the identification of landscape classifications (lines) and providing more targeted, informed policy for activities that could be contemplated in these areas..

Other reasons for the moderate-high detail of analysis include that the provisions set an important direction for the balance of the District Plan. The District's economy is largely based on the benefits derived from tourism and the landscape resource.

The detail of analysis is high. The provisions are both high level and detailed in terms of the application and administration of the rules and assessment

9. Evaluation of proposed Objectives Section 32 (1) (a)

The identification and analysis of issues has helped define how Section 5 of the RMA should be articulated in terms of managing activities on the surface of water rivers and lakes. This has informed determination of the most appropriate objectives to give effect to Section 5 of the RMA in light of the issues.

Section 32(1)(a) requires an examination of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act. The following objectives serve to address the key Strategic issues in the District:

<i>Proposed Objective</i>	<i>Appropriateness</i>
21.2.9 (Rural Zone) Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.	<p>The objective is the most appropriate in terms of achieving the purpose of the RMA because it establishes that the location, scale and intensity of commercial activities can affect rural amenity, constrain established rural activities and compromise the vitality of zones where commercial activities are anticipated.</p> <p>Strategic Directions: Relevant to Objective 3.2.4.6 - Maintain or enhance the water quality of our lakes and rivers.</p> <p>Gives effects to RPS objectives 5.4.1, 5.4.3 and policies 5.5.2, 5.5.3 and 5.5.4 (Land)</p> <p>Gives effect to RPS objective 9.4.3 and policy 9.5.4 (Built Environment)</p> <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 Natural Resource systems and their interdependence are recognised
21.2.12 (Rural Zone) Protect, maintain and enhance the surface of lakes and rivers and their margins.	<p>The surfaces of rivers and lakes have high nature conservation, recreational and passive recreational amenity values. Controls over water-based activities are necessary to manage:</p> <ul style="list-style-type: none"> • Adverse effects on water quality, visual amenity, recreational and passive amenity values • Safety and congestion associated with commercial boating operations • Structures and mooring lines • Managing effects from recreational boating activities. <p>For these reasons, the objective is the most appropriate way to meet the purpose of the RMA. The Objective recognises and provides for Section 6 – Matters of National Importance. In particular Sections 6(a), (b), (d), (e) and (g).</p>

	<p>Strategic Directions: Relevant to Objective 3.2.4.6 - Maintain or enhance the water quality of our lakes and rivers.</p> <p>Gives effect to RPS objective 5.4.3 and policies 5.5.1, 5.5.5 and 5.5.6 (Land).</p> <p>Gives effect to RPS objectives 6.4.4, 6.4.5, 6.4.7 and 6.4.8, and policies 6.5.1, 6.5.7, 6.5.9 and 6.5.10.</p> <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 Natural Resource systems and their interdependence are recognised
<p>6.3.6 (Landscape)</p> <p>Protect, maintain and enhance the landscape values of the lakes and rivers and their margins from the effects of structures and activities.</p>	<p>Recognises the importance of the District’s lakes and rivers and their contribution to the landscape resource.</p> <p>The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises the importance of the landscape resource to the District and that the adverse effects of activities on the District’s landscapes are avoided, remedied or mitigated (S5(2)(c) RMA).</p> <p>The lakes and rivers both on their own and, when viewed as part of the distinctive landscapes are a significant element to the national and international identity of the District and provide for a wide range of amenity and recreational opportunities. They are nationally and internationally recognised as part of the reasons for the District’s importance as a visitor destination, as well as one of the reasons for residents to belong to the area. Managing the landscape and recreational values on the surface of lakes and rivers is an important district plan function.</p> <p>The landscape values of the surface of lakes and rivers are a matter of national importance under section 6(b) of the RMA.</p> <p>Establishes a basis for the policy of the management of activities, subdivision and development which has the potential to affect the landscape values of the surface of lakes and rivers.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> • Consistent with Objective 3.2.2.1 ‘Ensure Urban development occurs in a logical manner’. • Consistent with Objective 3.2.5.1 ‘Protect the natural character of Outstanding Natural Landscapes and

	<p>Outstanding Natural Features from subdivision, use and development’.</p> <ul style="list-style-type: none"> • Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> • Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). • Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land). • Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 Natural Resource systems and their interdependence are recognised
<p>6.3.8 (Landscape)</p> <p>Recognise the dependence of tourism on the District’s landscapes.</p>	<p>The District relies, in large part for its social and economic well being on the quality of the landscape, open spaces and environmental image.</p> <p>The Objective acknowledges the existence of established skiing activities within established locations identified as sub-zones and their location amidst the District’s outstanding natural landscapes.</p> <p>The objective also recognises that a wide range of both passive and active activities seek to locate and utilise the District’s lakes and rivers for a wide range of tourism based ventures.</p> <p>The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises the importance of the landscape resource to the District and that the adverse effects of activities on the District’s landscapes are avoided, remedied or mitigated (S5(2)(c) RMA).</p> <p>The objective has regard to section 7(b) RMA.</p>

	<p>Strategic Directions:</p> <ul style="list-style-type: none"> • Relevant to 3.2.1.1 - Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand's premier alpine resorts and the District's economy. • Relevant to 3.2.1.3 - Enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities. • Relevant to 3.2.1.4 - 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 rural amenity, landscape character and healthy ecosystems. • Consistent with Objective 3.2.2.1 'Ensure Urban development occurs in a logical manner'. • Consistent with Objective 3.2.5.1 'Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development'. • Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. • Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained. • Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes. <p>Gives effect to the RPS:</p> <ul style="list-style-type: none"> • Objectives 4.4.1, 4.4.2, 4.4.3 and 4.4.5 (Manawhenua). • Objective 5.4.3 and policies 5.5.1 and 5.5.6 (Land). • Objective 9.4.1 and 9.4.3 and policy 9.5.4 (Built Environment). <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago's natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago's significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 Natural Resource systems and their interdependence are recognised
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The above objectives are considered to be the most appropriate methods of achieving the purpose of the Act, as they identify and give direction as to the how the specific issues that pertain to the management of activities on the surface of lakes and rivers, and any activities that have the potential to affect the District's landscape resource are addressed.

10. Evaluation of the proposed provisions Section 32 (1) (b)

The following tables consider whether the proposed provisions are the most appropriate way to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient. For the purposes of this evaluation the proposed provisions are grouped by the resource management issue.

(Also refer to the Table detailing broad options considered in Section 5, above)

Issue 1: Activity status of resource consents/rules relating to boating activities

21.2.9 (Rural Zone)

Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.

21.2.12 (Rural Zone)

Protect, maintain or enhance the surface of lakes and rivers and their margins.

6.3.6 (Landscape)

Protect, maintain or enhance the landscape values of the lakes and rivers and their margins from the effects of structures and activities.

6.3.8 (Landscape)

Recognise the dependence of tourism on the District's landscapes.

Summary of proposed provisions that give effect to these objectives:

- Retain the requirement for a discretionary resource consent for commercial motorised boating activities
- Introduce a new policy to take into account the potential adverse effects on nature conservation values from the boat wake of commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.
- Create a new restricted discretionary activity resource consent for non-motorised commercial activities.
- Create the opportunity for resource consent to be obtained for non-motorised commercial activities on Lake Hayes. Currently all commercial boating activities

are on Lake Hayes are prohibited.

- Require a resource consent to be obtained for an activity causing, or likely to cause, adverse effects not covered by the plan.

Policies:

Landscape

6.3.6.1 to 6.3.6.3, 6.3.8.1, 6.3.8.2

Rural Zone

21.2.9.1, 21.2.9.2 and 13.3.9.6, 21.2.12.1 to 21.2.12.10

Rules:

21.4.2.1, 21.4.2.24, Table 9

Proposed new/altered provisions	Costs:	Benefits	Effectiveness & Efficiency
<p>Rule 21.5.1.39</p> <p>Commercial non-motorised boating activities.</p> <p>Restricted Discretionary activity class of resource consent with discretion restricted to:</p> <ul style="list-style-type: none"> • Whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands. 	<p>Environmental</p> <p>Potential for more non-motorised commercial activities could lead to a higher potential for commercial operators to establish on the margins of lakes and rivers on recreation reserves, creating amenity and safety effects. However, the status of resource consent defines the terms that can be assessed, not either the notification process or the substantive merits of the proposal.</p> <p>Economic</p> <p>Perceived economic costs through other operators, noting that trade competition effects are not within the scope of the RMA.</p>	<p>Environmental</p> <p>Would protect the landscape resource which the District relies on for tourism, while enabling more passive, less intrusive commercial activities.</p> <p>Economic</p> <p>Resource consent application and process for non-motorised activities are likely to be less complex, require less technical assistance/expert advice and may be less likely to discourage commercial operators.</p> <p>Social & Cultural</p> <p>Potential to enable more persons to engage in non-motorised commercial activities.</p>	<p>The proposed provisions introduce clearer parameters for the different types of commercial activities and distinguish between the likely impacts associated with non-motorised and motorised activities. The proposed changes create efficiencies for non-motorised commercial activities.</p> <p>The proposed changes would be effective at providing safeguards through restricted discretionary resource consent.</p>

<ul style="list-style-type: none"> • Whether the structure causes an impediment to craft manoeuvring and using shore waters. • The degree to which the structure will diminish the recreational experience of people using public areas around the shoreline. • The effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect. • Whether the structure will be used by a number and range of people and craft, including the general public. • The degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design. 	<p>Social & Cultural Creating more enabling provisions for non-motorised commercial activities has the potential for more resource consents to be granted and this could reduce amenity values. However the ability to consider cumulative effects will be facilitated.</p>	<p>Retaining discretionary activity status for motorised activities provides safeguards for safety, amenity and cultural values.</p> <p>The changes to the provisions would not affect the obligation for the Council to consult with iwi as required by the statutory acknowledgement processes.</p>	
<p>Proposed new/altered provisions</p>	<p>Costs</p>	<p>Benefits</p>	<p>Effectiveness & Efficiency</p>

<p>Rule 21.5.1.42</p> <p>Recreational and commercial boating activities</p> <p>The use of motorised craft on the following lakes and rivers is prohibited, except where the activities are for emergency search and rescue, hydrological survey, public scientific research, resource management monitoring or water weed control, or for access to adjoining land for farming activities.</p> <p>...</p> <p>(b) Commercial boating activities on Lake Hayes.</p>	<p>Environmental Opening the opportunity for resource consent to be obtained will have an effect compared to the existing rules that prohibit all commercial activities on Lake Hayes.</p> <p>There will be a potential for a decrease in amenity values, however this is mitigated by the retention of the rule prohibiting motorised craft.</p> <p>Economic None identified.</p> <p>Social & Cultural Will provide opportunities for non-motorised operators and participants.</p>	<p>Environmental Proposals would still require a restricted discretionary resource consent that could be processed on a notified basis and declined.</p> <p>Would protect the landscape resource which the District relies on for tourism, while enabling more passive, less intrusive commercial activities.</p> <p>Economic Resource consent application and process for non-motorised activities is likely to be less complex, require less technical assistance/expert advice and may be less likely to discourage commercial operators.</p> <p>Social & Cultural Potential to enable more persons to engage in non-motorised commercial activities.</p> <p>The changes to the provisions would not affect the obligation for the Council to consult with iwi as required by the statutory acknowledgement processes.</p>	<p>The proposed provisions introduce the opportunity to obtain resource consent for non-motorised commercial boating activities. Being non-motorised the scale and impact of these activities will be minimal and the consent process would ensure the environmental standards and levels of amenity are effectively managed.</p> <p>The scale and intensity of non-motorised activities is not as variable as motorised forms and the restricted discretionary activity class of resource consent is efficient because it provides more certainty as to the matters at issue.</p>
<p>Proposed new/altered provisions</p>	<p>Costs</p>	<p>Benefits</p>	<p>Effectiveness & Efficiency</p>
<p>Policy 21.2.12.9</p> <p>Take into account the potential adverse effects on nature conservation values from the boat wake of</p>	<p>Environmental None identified.</p> <p>Economic Potential economic cost for applicants who may need to obtain expert evidence to</p>	<p>Environmental Introducing a new policy to consider the potential effects of commercial boating activities causing bank erosion and turbidity provides the opportunity to assess and manage the scale and</p>	<p>The proposed changes would be effective at providing safeguards to prevent turbidity and bank erosion.</p> <p>The proposed provisions are efficient as a policy because not all applications for</p>

<p><i>commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.</i></p>	<p>ensure that the proposed activity does not cause erosion and turbidity. However, the policy would only need to be applied in situations where this was likely to occur and is likely to affect a relatively small number of operators, in situations where this is a possibility. For example, the policy would only be likely to need to be addressed where jet boats were operating in a river or lake system where this was a possibility and the speed or actions of the boats had the potential to create adverse effects.</p> <p>Social & Cultural Potential social cost to applicants associated with addressing the policy where it could create uncertainty.</p>	<p>intensity of commercial boat activities and ensure that they do not cause erosion and turbidity of the banks of waterbodies.</p> <p>Economic Addressing this matter ‘up-front’ at the time of resource consent applications and assessment prevents having to assess this matter if commercial boating activities are causing turbidity and erosion.</p> <p>Social & Cultural Benefits to persons concerned with the intrinsic value of water bodies and ensuring commercial motorised boating activities have a limited environmental impact.</p>	<p>motorised commercial boating activities would need assessment</p>
<p>Alternative options considered less appropriate to achieve the relevant objectives and policies:</p>			
<p><i>Option 1: Control all boating activities through a bylaw</i></p>	<ul style="list-style-type: none"> • <i>A bylaw would not enable the ability for public input where required for activities that are likely to have a more than minor adverse effect.</i> • <i>A bylaw would provide more certainty for the public, established and existing operators, however the ability to assess the merits and effects on the environment are constrained compared to through the resource consent and RMA processes.</i> 		

Issue 2: The management of jetties within the Frankton Arm and consistency with QLDC policy documents

21.2.12 (Rural Zone)

Protect, maintain or enhance the surface of lakes and rivers and their margins.

6.3.6 (Landscape)

Protect, maintain or enhance the landscape values of the lakes and rivers and their margins from the effects of structures and activities.

Summary of proposed provisions that give effect to these objectives:

- New provision being a restricted discretionary activity resource consent status for jetties in the Frankton Arm.
- New provision requiring non-complying resource consent if proposed jetty does not achieve performance standards based on the Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu.
- Retain discretionary resource consent status for structures in all other areas.
- Unlike most of the surface of lakes and rivers and their margins, the Frankton Arm will not have an outstanding natural landscape classification, assessment of jetties would be restricted to the matters specified in the rule and would not be subject to the assessment criteria. However, other structures such as boat sheds, slipways would require a discretionary activity resource consent.
- Integrates the desired outcomes of the Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu.
- New policy in the landscape section recognising the unique character of the Frankton Arm.

<i>Proposed provisions</i>	<i>Costs</i>	<i>Benefits</i>	<i>Effectiveness & Efficiency</i>
<p>Policies: 21.2.12.1, 21.2.12.3, 21.2.12.5, 21.2.12.6 21.2.12.7, 21.2.12.8. 6.3.7.1-6.3.7.2.</p> <p>Rules: 6.4.1(c) ii.</p>	<p><i>Environmental</i> Potential for less control on landscape effects of jetties in the Frankton Arm, however the matters of discretion are considered adequate.</p> <p><i>Economic</i> Potential costs to applicants unable to gain permission for a jetty where a cumulative effect has been crossed.</p>	<p><i>Environmental</i> Restricted discretionary resource consent for jetties and discretionary status for other structures provides appropriate safeguards to assess potential adverse effects.</p> <p>Non-complying Jetties require additional justification for having potential higher adverse effects.</p>	<p>Removes requirement for resource consents for jetties to be subject to the ONL assessment criteria and input from landscape architect will increase efficiencies.</p> <p>Specific matters for restricted discretionary activities and, performance standards for non-complying activities provide clear and effective parameters as to whether</p>

<p>21.4.2.1, 21.4.2.69. 21.4.2.75</p>	<p>Social & Cultural Potential for jetties to be declined due to cumulative effects, at some point the number of jetties will reach a threshold and application will be declined, therefore limiting the ability for further jetties to be constructed at some point.</p>	<p>Economic Reduced costs for applicants for jetties by not requiring assessment against the assessment criteria and probable expert landscape architect input. Frankton Arm not classified as ONL so input from landscape architects would not typically be required, Clearer parameters for applicants of jetties. Reduced costs for applicants through resource consents and monitoring fees.</p> <p>Social & Cultural More certainty for applicants. Retains ability to assess and decline jetties if they are not considered appropriate.</p>	<p>resource consent applications are likely to be complex or contentious</p> <p>Ability to decline consents maintains effective safeguards. Non-complying status for jetties that do not comply with performance standards gives an indication of cumulative effects or jetties that may have a high adverse effect because they are not contemplated in those circumstances.</p>
<p>Alternative options considered less appropriate to achieve the relevant objectives and policies:</p>			
<p><i>Option 1: Retain existing discretionary rule and retain ONL landscape classification status for the Frankton Arm.</i></p>	<ul style="list-style-type: none"> • <i>Would not recognise the different character of Frankton Arm from the more rural and remote character of lake margins elsewhere.</i> • <i>Retains potential for excessive landscape architect input.</i> 		
<p><i>Option 2: Make activities that do not comply with the Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu a prohibited activity.</i></p>	<ul style="list-style-type: none"> • <i>Does not provide for applications to prove that while potential at odds with the policy, the activity is appropriate or has unique attributes that mean it is not contrary to District Plan policy and the adverse effects are not more than minor.</i> 		

Issue 3: Assessment criteria relating to activities on or in lakes and rivers

21.2.9 (Rural Zone)

Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.

21.2.12 (Rural Zone)

Protect, maintain or enhance the surface of lakes and rivers and their margins.

6.3.6 (Landscape) Objective 6

Protect, maintain or enhance the landscape values of the lakes and rivers and their margins from the effects of structures and activities.

6.3.8 (Landscape) Objective 8

Recognise the dependence of tourism on the District's landscapes.

Summary of proposed provisions that give effect to these objectives:

- Remove assessment criteria and rely on policy for direction to assess the nature and scale of adverse effects on the environment.

<i>Proposed provisions</i>	<i>Costs</i>	<i>Benefits</i>	<i>Effectiveness & Efficiency</i>
Policies 6.3.6.1 to 6.3.6.3 6.3.8.1 to 6.3.8.2 21.2.9.1, 21.2.9.2, 21.2.9.6. 21.2.12.1 to 21.2.12.10	<i>Environmental</i> Potential for effects not able to be specific in the matters of discretion for non-motorised commercial activities. <i>Economic</i> None identified <i>Social & Cultural</i> None identified	<i>Environmental</i> Maintains a range of potential effects to be considered. <i>Economic</i> Clarity and clearer parameters for applicants and resource consent processing. <i>Social & Cultural</i>	Efficient District Plan formulation and administration of resource consents and effective guidance for decision makers.

		Certainty and confidence in the potential effects of the activity.	
Alternative options considered less appropriate to achieve the relevant objectives and policies:			
<i>Option 1: Retain existing assessment criteria</i>		<ul style="list-style-type: none"> • <i>These are not considered necessary on the basis of the proposed policy to help inform and gauge decision making as to whether the activity meets the purpose of the RMA.</i> 	

Issue 4: Historic consents issued for boating activities on the Kawarau and the Lower Shotover River

21.2.9 (Rural Zone)

Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.

21.2.12 (Rural Zone)

Protect, maintain or enhance the surface of lakes and rivers and their margins.

6.3.6 (Landscape)

Protect, maintain or enhance the landscape values of the lakes and rivers and their margins from the effects of structures and activities.

6.3.8 (Landscape)

Recognise the dependence of tourism on the District's landscapes.

Summary of proposed provisions that give effect to these objectives:

- New policy recognising the contribution tourism and commercial recreation activities make to the District.
- Retain existing rules requiring a discretionary resource consent is required for motorised commercial activities.

Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p>Policies:</p> <p>6.3.6.1 6.3.8.3 21.2.12.1 to 21.2.12.10</p> <p>Rules:</p> <p>6.4.1(c) and (d) 21.4.2.1. 21.4.2.24. Table 9.</p>	<p>Environmental None identified</p> <p>Economic Potential costs for council and other stakeholders through resource consents and appeals.</p> <p>Social & Cultural None identified</p>	<p>Environmental Maintains control on commercial boating activities.</p> <p>Economic None identified</p> <p>Social & Cultural None identified.</p>	<p>The situation is a result in large part through existing resource consents having no limits on the intensity and duration of the activity, this provides uncertainty for new proposals to be assessed against how these may affect established operations.</p> <p>This matter cannot be resolved by District Plan provisions.</p> <p>This has the potential to constrain other potential commercial operators in some locations. However it must be realised the resource has a finite capacity.</p>
<p>Alternative options considered less appropriate to achieve the relevant objectives and policies:</p>			
<p><i>Option 1: Make commercial activities in certain areas regulated through a bylaw</i></p>		<ul style="list-style-type: none"> • <i>Has the potential to diminish the ability for holders of existing resource consents to undertake activities. This would impinge on established businesses and potentially constrain the use of established infrastructure and investment.</i> 	

Issue 5: Consistency with the Navigational Safety Bylaw 2014.

21.2.12 (Rural Zone)

Protect, maintain or enhance the surface of lakes and rivers and their margins.

Summary of proposed provisions that give effect to these objectives:

- The removal of some prohibited activities that are regulated under the bylaw to remove duplication and inconsistent regulation.

Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p>Policies: 21.12.1 to 21.12.12</p> <p>Rules: Table 9</p>	<p>Environmental Potential for adverse effect where a activity prohibited under the operative provisions is removed, but not regulated by the Bylaw.</p> <p>Economic None identified</p> <p>Social & Cultural Potential for effects on amenity and cultural values from the removal of the prohibited status for activities. Notwithstanding these activities would be controlled through the bylaw.</p>	<p>Environmental The Bylaw provides effective and clear parameters for controlling the location of vessels in waterways, where safety is the primary matter at issue.</p> <p>Economic Reduced duplication removes costs for the Council and operators dealing with two regulations.</p> <p>Social & Cultural The Bylaw can provide for social and cultural considerations by excluding boat access from certain locations.</p>	<p>The Bylaw is considered a more effective regulation to control the location of boats, especially recreational boating. It is preferred to use the Bylaw where applicable.</p> <p>Reducing inconsistencies would remove the potential for instance where a exemption/uplifting is provided under the bylaw, but the activity still remains prohibited in the District Plan. This would have significant gains in efficiency.</p>

Alternative options considered less appropriate to achieve the relevant objectives and policies:

<p><i>Option 1: Make activities not specified under the bylaw that would be prohibited in the District Plan a non-complying activity.</i></p>	<ul style="list-style-type: none"> • <i>Would enable the opportunity to obtain a resource consent in instances where an exemption is granted under the bylaw.</i> • <i>Would involve a duplication of regulation.</i> • <i>Unreasonable and impractical for recreational boaters to apply for a resource consent for a one-off activity.</i>
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Issue 6: Miscellaneous and existing Provisions

21.2.9 (Rural Zone)

Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.

21.2.12 (Rural Zone)

Protect, maintain or enhance the surface of lakes and rivers and their margins.

6.3.6 (Landscape)

Protect, maintain or enhance the landscape values of the lakes and rivers and their margins from the effects of structures and activities.

6.3.8 (Landscape)

Recognise the dependence of tourism on the District's landscapes.

Summary of proposed provisions that give effect to these objectives include:

- Retention of existing policies which recognise iwi values, white water values on the Kawarau River, maintain recreational values, controls the effects of structures, and manages safety and amenity effects of commercial boating operations.
- Retention of rules that control boating craft used for accommodation.
- Require a resource consent to be obtained for an activity causing, or likely to cause, adverse effects not covered by the plan.

Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
Policies: 6.3.7.1 to 6.3.7.2 6.3.8.3 21.2.12.1-21.2.12.10 Rules: 21.4.2.1 21.4.2.24 Table 9.	Environmental None identified Economic None identified Social & Cultural None identified	Environmental Maintains existing safeguards and ability to assess merits of activities through the resource consent process. Economic None identified. Social & Cultural None identified	The existing operative provisions which have not been identified as having issues that necessitate change. The existing operative provisions that are not being substantially altered are considered effective and efficient.
Alternative options considered less appropriate to achieve the relevant objectives and policies:			
None identified			

11. Efficiency and effectiveness of the provisions

The above provisions are drafted to specifically address the resource management issues identified with the current provisions, and to enhance those provisions that already function well. A number of areas of the existing chapter have been removed to aid the readability of the Plan by keeping the provisions at a minimum, whilst still retaining adequate protection for the resource.

By simplifying the objectives, policies and rules (the provisions), the subject matter becomes easier to understand for users of the Plan both as applicant and administrator (processing planner). Removal of technical or confusing words and phrases also encourages correct use and interpretation. With easier understanding, the provisions create a more efficient consent process by reducing the number of consents required and by expediting the processing of those consents.

12. The risk of not acting

Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.

The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.

References

Also refer to any footnotes within the text

1. Read Landscapes Limited 'Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features' 2014. - [link](#)
 - a. Peer review on the Wakatipu component by Ben Espie landscape planner - [link](#)
 - b. Peer review on the Wanaka/Upper Clutha component by Anne Steven landscape architect - [link](#)
 - c. Read Landscapes Limited. Post review amendments 16 October 2014 - [link](#)
 - d. Landscape assessment of Criffel Station and terrace escarpments near McKay Road 'QLDC Landscape categorisation Lines' by Paul Smith landscape Architect. 20 July 2015 - [link](#)
2. Read Landscapes Limited 'Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment' June 2014 - [link](#)
3. 'High Level Review of Proposed District Plan Provisions – Landscape Issues' Ben Espie Landscape Planner. 20 November 2014 - [link](#)
4. Ministry for the Environment. 2014. A guide to section 32 of the Resource management Act: incorporating changes as a result of the Resource Management Amendment Act 2013. Wellington. Ministry for the Environment - [link](#)