# Appendix 4 Section 32AA Assessment

**Note:** The relevant provisions from the revised chapter are set out below, showing additions to the notified text in <u>underlining</u> and deletions in <u>strike through</u> text (ie as per the revised chapter). The section 32AA assessment then follows in a separate table underneath each of the provisions.

#### Recommended Amendments to Objective 21.2.5

Recognise for and provide opportunities for m Mineral extraction providing opportunities are provided for on the basis the location, scale and effects would not degrade amenity, water, wetlands, landscape and indigenous biodiversity values.

## Appropriateness (s32(1)(a))

The objective as recommended to be modified includes an additional reference to wetlands, which is appropriate in order to safeguard the life supporting capacity of the ecosystems found within wetlands.

The objective provides a clearer goal and establishes a basis for provisions to directly address the use, development and protection of natural and physical resources in the context of mineral exploration. This matter is relevant to all components of Sections 6 and 7 of the RMA.

While the identified section 6(c) items are included within Objective 33.2.2, this objective, by broadly outlining the goal of providing opportunities for mineral extraction, provides for a range of policies to apply to extraction proposals. The application of the policies could ascertain whether or not the proposed extraction will degrade the quality of the environment. The addition of reference to wetlands addresses section 6(a).

## **Recommended Amendment to Policy 21.2.5.1**

Recognise <u>Have regard to</u> the importance and economic value of locally <u>sourced mined</u> high-quality gravel, rock and other minerals <u>including gold and tungsten</u> for road making and construction activities.

Costs	Benefits	Effectiveness & Efficiency
None Identified	• The amendments identify that	• The policy is effective
	mineral extraction in the District	because it provides for
	relates to activities beyond road	mineral extraction of more
	making and construction.	minerals than as originally
	• The broadened scope of the	notified and does not restrict
	policy more effectively	the potential future use of

implements revised objective those minerals. 21.2.5, which seeks to provide for mineral extraction opportunities. • Inclusion of gold and tungsten acknowledges that these are mineral resources that exist in the district. Consequently the policy has greater relevance to the types of mining that is likely to occur in this district. • The term 'have regard to', rather than 'recognise', is more consistent with RMA terminology

## Recommended New Policy 21.2.5.4

Ensure potential adverse effects of large-scale extractive activities (including mineral exploration) are avoided, or mitigated, particularly where those activities have potential to degrade landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water.

and provides greater clarity as to how the policy should be applied.

## Recommended Amendments to Objective 21.2.9

Ensure commercial A range of activities are undertaken on the basis they do not degrade landscape values, rural amenity, or impinge on farming and established activities.

#### Appropriateness (s32(1)(a))

The objective as recommended to be modified replaces 'commercial activities' with 'a range of activities'. This change is considered to make the Objective more appropriate as the it applies to a broader range of activities that tend to occur in the Rural General Zone and can have similar effects. The definition of 'commercial activities' includes a wide range of activities, however 'a range of activities' provides a different type of breadth.

The inclusion of 'established activities' also broadens the scope of the objective to activities including roads and lawfully established activities.

#### **Recommended Amendment to Policy 21.2.9.1**

Commercial activities in the Rural Zone should have a genuine link with the rural land <u>and water</u> resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.

Costs	Benefits	Effectiveness & Efficiency
None identified	Provides clarification that activities on the surface of	The proposed changes to the policy are considered to be
	water are deemed to be a use	effective as it they provide
	of land.	increased clarity.

#### **Recommended Amendment to Policy 21.2.9.2**

Avoid <u>Provide for</u> the establishment of commercial, retail and industrial activities <u>only</u> where the<u>yse</u> would <u>degrade</u> <u>protect</u>, <u>maintain or enhance</u> rural quality or character, amenity <u>values</u> and landscape values.

Costs	Benefits	Effectiveness & Efficiency
• Does not provide as strong	• The change in wording results	• The policy is effective and

protection for rural land resources, or landscapes as the Policy no longer seeks to avoid.

- in the Policy being more positively worded. As a result the policy is worded more consistently when considered within the suite of associated policies.
- Provides clear guidance as to the issues to be considered when contemplating the establishment of commercial, retail and industrial activities.
- Provides clarification with regard to the situations and locations within which a commercial, retail or industrial activity would be considered to be appropriate.

- efficient because it provides guidance as to the anticipated effects resulting from the establishment of commercial, retail and industrial activities, rather than focussing on effects that are to be avoided.
- The policy is considered effective in that will direct positive outcomes whilst providing for s6(b) matters and having regard to s7 matters.

## Recommended Amendments to Policy 21.2.9.3

Encourage forestry to be consistent with topography and vegetation patterns, to locate outside of the Outstanding Natural Features and Landscapes, <u>significant natural areas</u> and ensure forestry does not degrade the landscape character or visual amenity values of the Rural Landscape.

None identified – no consequential change at the rule level as Rule 33.5.9 of the notified PDP requires resource consent for any exotic tree planting in any Significant Natural Area.

Costs

#### **Benefits**

 The reference to Significant Natural Areas provides a cross reference to the rules restricting the planting of exotic vegetation within the Significant Natural Areas. As a result the intended application of the policy is more clearly articulated.

# Effectiveness & Efficiency

 The policy is effective and efficient because it supports the rules in relation to the planting of exotic species within Significant Natural Areas with more clarity.

# Recommended Amendments to Policy 21.2.9.5

Limit exotic forestry to species that do not have any potential to spread and naturalise.

Costs	Benefits	Effectiveness & Efficiency
None identified.	Provides greater clarification	• The change is effective
	in relation to forestry activities	because it makes it clear that
	and the associated effects.	the policy is intended to
		minimise the effects of exotic
		forestry, rather than all
		forestry.

# Recommended Additional Policy 21.2.9.7

Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks Trail network on the basis landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.

Costs	Benefits	Effectiveness & Efficiency
None identified	Acknowledges the potential	• The policy is effective and
	benefit of the listed activities in	efficient because it recognises
	close proximity to trails,	the potential benefit of
	particularly in relation to	commercial activities directly
	tourism and economic benefits	related to the trail network, but
	• Recognises the social and	enables Council to continue to
	cultural benefits of providing	assess these activities on a
	for the listed activities in close	case by case basis.
	proximity to trails	• The policy as proposed is
	• Retains Council's ability to	considered to be an effective
	assess commercial proposals	means to achieve the purpose
	on a case by case basis.	of the RMA as set out in s5(2)
		in relation to communities
		providing for their social,
		economic and cultural well
		being whist providing for the
		continued protection of s6(b)
		and s7 matters.

#### **Recommended Amendments to Objective 21.2.10**

Recognise the potential for d Diversification of farmsing and other rural activities that utilises the natural or physical resources of farms and supports the sustainability of farming activities natural and physical resources.

## Appropriateness (s32(1)(a))

The objective as recommended to be modified retains the original aspiration of the objective while broadening the range of land uses that are applicable to the objective and related policies (ie by including 'other rural activities').

The modified objective also reflects the purpose of the RMA to promote the sustainable management of natural and physical resources, both in the productive and efficient use context and in relation to the protection of landscape and natural resource values.

## Recommended Amendments to Policy 21.2.10.1

Encourage revenue producing activities that can support the long term sustainability of farmsing and rural areas of in the district

Costs	Benefits	Effectiveness & Efficiency
None identified	• The change is consistent with	• The policy is more effective
	the changes to Objective	because it is consistent with the
	21.2.10	proposed modified wording of
	• Recognises the existence of	Objective 21.2.10
	activities within the Rural Zone	• The policy is efficient because if
	other than farming can support	recognises and provides for
	the sustainable management of	activities based on the rural
	resources.	resource, including but not
		restricted to farming.

# Recommended Amendments to Policy 21.2.10.3

Recognise <u>Have regard to that</u> the establishment of <del>complementary</del> activities such as <u>tourism</u>, commercial recreation or visitor accommodation located within farms <u>where these may</u> enable landscape values <u>and indigenous biodiversity</u> to be sustained in the longer term. <del>Such positive offects should be taken into account in the assessment of any resource consent applications.</del>

Costs		Benefit	S			Effect	iveness	& E	fficienc	У
None identified.	• The	inclusion	of	'tourism'	is	• The	policy	is	more	effective
	reco	gnition of	and	provision	for	beca	use it pro	ovide	es oppor	tunities to

tourism related activities in the rural zone, which have economic benefits to the district and can encourage the maintenance and enhancement of rural character

- The inclusion of 'indigenous biodiversity' provides clarity in relation to the outcomes sought in relation to the protection and enhancement of indigenous ecosystems as well as landscapes
- The drafting of the policy is more efficient whist ensuring the potential for such activities to positively assist in the retention of indigenous ecosystems and landscape values are assessed.

reconcile tourism, commercial recreational and visitor accommodation activities with the maintenance of indigenous biodiversity and landscape values.

 The policy is more effective because it enables activities that directly contribute to the district's economy whist promoting the protection and enhancement of s6 matters.

### **Recommended Amendments to Policy 21.2.12.8**

-Encourage the development and use of marinas, jetties and moorings in a way that avoids or, where necessary, remedies and or mitigates adverse effects on the environment.

Costs	Benefits	Effectiveness & Efficiency
The policy is broader	The inclusion jetties and moorings	• The policy is more effective
that could be	broadens the ambit and includes	because it provides opportunities
construed as	the ability to apply this to more	for a broader range of activities.
'encouraging' jetties	activities on the water.	
and moorings,		
however they are	• The drafting of the policy is more	
subject to the	efficient whist ensuring the	
qualifying	potential for such activities to	
components of the	positively assist in the retention of	
policy.	important s6 and s7 values.	

## Recommended Amendments to Rule 21.5.18.2

33.1.1.1 The density of all buildings on the site, inclusive of the proposed building(s) will be less than one farm building per 50 25 hectares on the site; and

Costs	Benefits	Effectiveness & Efficiency
• Cost to the ability to	• The change will reduce the	• The change has a negative
construct a farm building	potential for a proliferation of	impact in terms of efficiency
per 25ha, the change	farm buildings in the	because it will increase
would halve the ability for	landscape.	transaction costs.
farm buildings to become	• The reduced density provides	•The change will be more
established.	a 'buffer' or softening of the	effective at balancing the
• There would be a	adverse effects that could	transaction and administration
commensurate increase in	arise from permitting farm	costs with modest farm buildings
resource consents and	buildings, noting that they are	while ensuring their proliferation
transactions costs.	permitted up to a modest size	is appropriately managed.
	relative to the landscape	
	classification.	
	• The change means that the	
	'privilege' of this rule is	
	applicable to large	
	landholdings and these will	
	inherently have greater	
	capacity locate farm buildings	
	within these larger sites.	

# Recommended Amendments to Rule 21.4.19

Ski Area Activities not located within a Ski Area Sub Zone, with the exception of <u>Passenger Lift Systems</u>, heli-skiing and non-commercial skiing.

Costs	Benefits	Effectiveness & Efficiency
• Reduce protection of	Adding reference to	The amended policy enables the
landscapes and	'passenger lift systems'	provision of more efficient
indigenous ecosystems	enables the construction and	transportation methods
from the construction of	maintenance of transportation	
passenger lift systems	systems, including gondolas,	
such as gondolas	to enable people to access	
	the ski areas	
	More enabling towards the	
	construction of passenger lift	
	systems to ski fields, which	
	will have economic benefit in	
	relation to tourism, as well as	

environmental benefits in	
relation to reducing the need	
to use a person motor vehicle	
to travel up the mountain.	

## Recommended Addition Rule 21.5.X

## Lighting and Glare

21.5.X.1 All fixed exterior lighting shall be directed away from adjoining sites and roads; and

21.5.X.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.

21.5.X.3 There shall be no upward light spill.

Costs	Benefits	Effectiveness & Efficiency
• None Identified.	The additional standard will ensure that lighting in the rural general zone does not detract from the landscape quality or have an adverse effect on the open and natural character of landscapes  The additional standard will adequately ensure effects from light spill on persons can be addressed through the resource consent process.	The rule will be effective at maintaining rural amenity, and operational impacts in terms of effects on the State Highway, roads generally, and other activities that could be impacted by lighting such as airports and boating.  The rule will implement Policy 6.3.1.7 as filed with the Council reply and Policy 21.2.1.5.

#### Recommended amendments to Rule 21.5.15

## **Buildings**

Any building, including any structure larger than 5m<sup>2</sup>, that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:

All exterior surfaces\* shall be coloured in the range of browns, greens or greys (except soffits), including;

- 1. Pre-painted steel and all roofs shall have a <u>luminous</u> reflectance value not greater than 20%; and,
- 2. All other surface\*\* finishes shall have a <u>luminous</u> reflectance value of not greater than 30%.
- 3. In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.

Discretion is restricted to all of the following:

External appearance.

Visual prominence from both public places and private locations.

Landscape character.

Visual amenity.

Except this rule shall not apply within the Ski Area Sub Zones.

- \* Excludes soffits, windows and skylights (but not glass balustrades).
- \*\* Includes cladding and built landscaping that cannot be measured by way of luminous reflectance value but is deemed to be suitably recessive and have the same effect as achieving a luminous reflectance value of 30%.

Costs	Benefits	Effectiveness & Efficiency		
No specific costs arising	Provides clarification by excluding	The rule is more efficient with		
from the change as the	soffits, windows and skylights (but	the clarifications as it will assist		
changes are largely	not glass balustrades) when	the plan administrators		
clarifications or	previously the rule was silent on	(resource consent planners).		
exclusions.	these. I consider it important that	The rule is more effective as it		
	glass balustrades are not included	targets the issues of concern		
	where permitting this could	(not soffits, windows and		
	conflict with a condition/consent	skylights).		
	notice instrument excluding these			
	in sensitive landscapes.			
	Provides clarification for cladding			
	and built landscaping that cannot			

be measured by way of Light
Reflectance Value.
Makes the rule easier to
administer.

#### Recommended amendments to Rule 21.5.25

## Informal Airports Located on Public Conservation and Crown Pastoral Land

Informal airports that comply with the following standards shall be permitted activities:

- 21.5.25.1 Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987;
- 21.5.25.2 Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948;
- 21.5.25.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities, or the Department of Conservation or its agents;
- 21.5.25.4 In relation to points (21.5.25.1) and (21.5.25.2), the informal airport shall be located a minimum distance of 500 metres from any <u>other zone, formed legal road</u> or the notional boundary of any residential unit or approved building platform not located on the same site

Costs	Benefits	Effectiveness & Efficiency
None identified	The addition of informal airports	The proposed changes are
	ancillary to DOC activities enables	considered to result in the rule
	DOC to undertake airport	being more flexible and enabling for
	activities required in order to fulfil	DOC, while ensuring adverse
	their statutory duties	effects are avoided or minimised on
	• The restriction in relation to a	neighbouring land.
	500m setback from other zones	
	will ensure adverse effects from	
	informal airports in relation to	
	noise will be within acceptable	
	limits.	
	The removal of the setback from	

roads is more enabling as it has	
been determined that only	
minimal adverse effects are	
anticipated in relation to aircraft	
landing in close proximity to	
roads.	

## Recommended amendments to Rule 21.5.26

# Informal Airports Located on other Rural Zoned Land

Informal Airports that comply with the following standards shall be permitted activities:

- 21.5.26.1 Informal airports on any site that do not exceed a frequency of use of 3-2 flights\* per day week;
- 21.5.26.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;
- 21.5.26.3 In relation to point (21.5.26.1), the informal airport shall be located a minimum distance of 500 metres from any other zone, formed legal road or the notional boundary of any residential unit of building platform not located on the same site.

 $<sup>^{\</sup>star}$  note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.

Costs	Benefits	Effectiveness & Efficiency
May result in loss of amenity	• The increase in permitted	The proposed changes are
in relation to increased flights	flights is in general accordance	considered to result in the rule
permitted per week.	with NZ noise standards in	being more flexible and
	relation to helicopter and fixed	enabling, while ensuring
	wing landing and take off.	adverse effects are avoided or
	• The retention of the 500m	minimised.
	setback will ensure adverse	
	effects are minimised or	
	avoided.	
	The removal of the setback	
	from roads is more enabling as	
	it has been determined that	
	only minimal adverse effects	
	are anticipated in relation to	
	aircraft landing in close	

	proximity to roads.	
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#### Recommended Amendments to Rule 21.4.31

Mineral exploration that does not involve more than 20m³ in volume in any one hectare

Control is reserved to all of the following:

• The adverse effects on landscape, nature conservation values and water quality.

Rehabilitation of the site is completed that ensures:

- the long term stability of the site.
- that the landforms or vegetation on finished areas are visually integrated into the landscape.
- · water quality is maintained.
- that the land is returned to its original productive capacity.
- that the land is rehabilitated to indigenous vegetation where the pre-existing land cover immediately prior to the exploration, comprised indigenous vegetation in terms of Part 33.3.3.2 and 33.3.3.3.

Costs	Benefits	Effectiveness & Efficiency
None Identified	<ul> <li>Adding the requirement to rehabilitate land with indigenous vegetation will ensure land is returned to its original productive capacity in relation to ecosystems.</li> <li>Parameters require rehabilitation with native species only where native species where the land cover comprised indigenous vegetation prior to the exploration activity taking place.</li> </ul>	The amended policy is considered to be effective and efficient because it will ensure that areas vegetated with indigenous species will be re-vegetated with indigenous species upon completion of exploration activities. However, the requirement does not apply to sites that are not vegetated by a certain percentage of indigenous species.

## Recommended Addition - Rule 21.5.X

## Visitor Accommodation.

## Discretion is restricted to all of the following:

- Scale and intensity and whether these would have adverse effects on amenity, including loss of remoteness or isolation.
- <u>Location</u>, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any).
- Parking.
- Provision of water supply, sewage treatment and disposal.
- Cumulative effects.

Costs	Benefits	Effectiveness & Efficiency
Could result in ski field base buildings being more visible from the valley floor.	• Enables the construction of visitor accommodation and workers accommodation within the ski area subzone, which could have benefits in relation to the growth of tourism in the district.	The proposed rule as amended is considered to be effective and efficient because it is more enabling towards the construction and operation of visitor accommodation activities in association with ski field
	<ul> <li>Could result in potential benefits in relation to providing affordable housing and alternative housing options for ski field employees.</li> </ul>	tourism activities.

## Recommended amended Rule 21.5.39

# Commercial non-motorised boating activities

Discretion is restricted to all of the following:

- Location, S scale and intensity of the activity.
- Amenity effects, including loss of privacy, remoteness or isolation.
- Congestion and safety, including effects on other commercial operators and recreational users.
- · Waste disposal.
- · Cumulative effects.

Parking, access safety and transportation effects.

Costs	Benefits	Effectiveness & Efficiency		
None identified, the second	• The assessment matter	Amending the rule will be		
bullet point of matters also	directly allows to assess the	effective at directly		
addresses location in the	suitably of and adverse effects	considering the sensitivity of		
context of the impacts on the	on the location.	the location and the potential		
environment and the		adverse effects of a proposal.		
sensitivity of it.		• The assessment matter better		
		provides a platform to		
		consider adverse effects		
		especially in the context s6(a)		
		and (b) and s7 RMA matters.		

# Recommended amended Rule 21.5.47.1

The following activities are subject to compliance with the following standards:

 Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft shall only operate between the hours of 0800 to 2000.

Except: Public transport ferry activities.

Costs	Benefits	Effectiveness & Efficiency		
The rule has the potential to	• The rule acknowledges that	• Amending the rule will be		
disrupt the amenity through	public transport that caters for	effective at recognising the		
public transport ferry activities	commuters needs to operate	realistic times that public		
operating during sensitive	early in the morning and early	transport activities would be		
times of the evening and	in the evening.	expected to operate to.		
night.				
	• The rule will remove any	• The amended rule is effective		
	perceived disincentive for	in that it won't lead to		
	water based transport to be	unintended application by		
	constrained to operate	commercial motorised		
	between the hours of 0800-	recreation activities.		
	2000.			

## Recommended amended to Assessment Matters 21.7.1, 21.7.1.1, 21.7.2. and 21.7.2.1.

#### 21.7.1

These assessment matters shall be considered with regard to the following principles because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the <a href="mailto:zone-Wakatipu Basin">zone-Wakatipu Basin</a>, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes:

21.7.1.1 The assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases.

#### 21.7.2

These assessment matters shall be considered with regard to the following principles because in the Rural Landscapes the applicable activities are inappropriate unsuitable in many locations:

21.7.2.1 The assessment matters shall be stringently applied to the effect that successful applications are, on balance, consistent with the criteria.

Costs		Benefits			Effectiveness & Efficiency		
• The	removal	of	these	• The	changes	better	While I consider there will the
provis	ions have	the p	otential	acknowledge the ODP regime		regime	potential for a weakening of

to weaken the stringency of application of the the assessment matters could result in lead to lower development standards of expected to be approved.

 The removal of these provisions could reduce the importance of managing landscapes to the District. they are derived from.

- The part of the statement associated with the word 'exceptional' is framed toward non-complying activities and as a consequence, does not accord with discretionary activity status for most development subject to these assessment matters.
- The word inappropriate removed from 21.7.2. because of relationship with s6(b) and the Rural Landscapes are valued in terms of s7.
- Implementation method 21.7.2.1 deleted because they are provided in Landscape Policy 6.3.1.2 and 6.3.1.3.

the ability for the QLDC to manage landscapes and decline inappropriate development in the ONF/L and unsuitable development the RL landscape. Amending the provisions will be more effective in terms of the assessment aligning matters and their application with the statutory tests. Overall, this will provide a more suitable framework to determine the merits of applications based on section 5 of the RMA.