

Queenstown Lakes District Council Plan Change 14 – Makarora Rural Lifestyle Zone - Planners Report

Introduction

This report discusses and makes recommendations on submissions received on the Queenstown Lakes District Council proposed Plan Change 14: Makarora Rural Lifestyle Zone.

The report is structured as follows:

- Part 1:** Executive Summary
- Part 2:** Statutory Considerations
- Part 3:** Submission Discussion and Recommendation
- Part 4:** Overall Recommendation

Part 1: Executive Summary

This Report has been commissioned by the Queenstown Lakes District Council in accordance with section 42A of the Resource Management Act 1991 (“the RM Act”) to consider all submissions received following the public notification of PC:14 and to make recommendations on those submissions.

The background information to this plan change is contained within the Section 32 evaluation prepared by Vivian and Espie Limited at the time this plan change was notified and will not be repeated in this report.

This report will: outline the statutory provisions relevant to the plan change process; discuss both the original and further submissions received following the public notification of this plan change; make recommendations as to whether or not those submissions should be accepted or rejected; and finally, this report will conclude with an overall recommendation based on the preceding discussions in the report.

Part 2: Statutory Considerations

Section 74 of the RM Act sets out the matters that must be considered in preparing a change to the District Plan. Section 74 states:

- “(1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, its duty under section 32, and any regulations.
- (2) In addition to the requirements of section 75(2), when preparing or changing a district plan, a territorial authority shall have regard to—
 - (a) Any—

- (i) Proposed regional policy statement; or
 - (ii) Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and]
- (b) Any –
- (i) Management plans and strategies prepared under other Acts; and
 - (ii) Repealed
 - (iii) Relevant entry in the Historic Places Register; and
 - (iv) Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—]
- to the extent that their content has a bearing on resource management issues of the district; and
- (c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
- (2A) A territorial authority, when preparing or changing a district plan, must –
- (a) 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 resource management issues of the district; and
 - (b) recognise and provide for the management plan for a foreshore and seabed reserve adjoining its district, once the management plan has been lodged with the territorial authority, to the extent that its contents have a bearing on the resource management issues of the district.
- (3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition.”

Among other things, section 74 requires a local authority to comply with its functions under sections 31, 32, 75(2) and Part 2 of the RM Act in preparing a change to a district plan.

Section 31 of the RM Act sets out the functions of territorial authorities in giving effect to the purpose of the RM Act and provides as follows:

- “(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:
 - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
 - i) the avoidance or mitigation of natural hazards; and
 - ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and
 - iii) the maintenance of indigenous biological diversity:
 - (c) Repealed
 - (d) The control of the emission of noise and the mitigation of the effects of noise:
 - (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:
 - (f) Any other functions specified in this Act

- (2) The methods used to carry out any functions under subsection (1) may include the control of subdivision."

The provisions of Part 2 of the RM Act include: the purpose of the Act as contained in Section 5; Section 6 - Matters of National Importance; and Section 7 Other Matters that require particular regard in achieving the purpose of the Act; and Section 8 Treaty of Waitangi.

Section 5(1) states that the purpose of the RM Act is to promote the sustainable management of natural and physical resources.

"Natural and physical resources" are defined in Section 2 of the Act as including "land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures."

Under Section 5(2) "sustainable management" is interpreted to mean:

"... 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."

Section 6 Matters of National Importance identifies the following matters of national importance in achieving the purpose of the RM Act:

"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 recognised customary activities."

(Underlining indicates sections that are particularly relevant to the plan change).

Section 7 Other Matters identifies the following items that shall be had particular regard to in achieving the purpose of the RM Act (emphasis added):

"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.”

(Underlining indicates sections that are particularly relevant to the plan change).

Section 8 Treaty of Waitangi states:

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).”

In accordance with Section 32 of the RM Act, the Council has a duty to consider alternatives, benefits and costs of the proposed change. Section 32 states:

- “(1) In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by—
 - (a) the Minister, for a national policy statement or regulations made under section 43; or
 - (b) the Minister of Conservation, for the New Zealand coastal policy statement; or
 - (c) the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or
 - (d) the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.
- (2) A further evaluation must also be made by—
 - (a) a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and
 - (b) the relevant Minister before issuing a national policy statement or New Zealand coastal policy statement.
- (3) An evaluation must examine—
 - (a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and
 - (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.
- (4) For the purposes of this examination, an evaluation must take into account –
 - (a) the benefits and costs of policies, rules, or other methods; and
 - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.
- (5) The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.
- (6) The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.”

In addition, Section 75(2) also requires the District Plan not to be inconsistent with the Regional Policy Statement or Regional Plan.

The section 32 evaluation in relation to this plan change has considered the function of the Council in accordance with section 31 of the RM Act and has taken into account the matters which must be considered in preparing a plan change in accordance with sections 74, 75(2) and Part II of the RM Act. This report has also been prepared with these statutory requirements in mind.

For completeness, it is noted that in making a decision on the plan change, the Council is guided by Clause 10 of the First Schedule to the RM Act, which provides as follows:

“10. Decision of local authority

- (1) Subject to clause 9, whether or not a hearing is held on a proposed policy statement or plan, the local authority shall give its decisions, which shall include the reasons for accepting or rejecting any submissions (grouped by subject-matter or individually).

- (2) The decisions of the local authority may include any consequential alterations arising out of submissions and any other relevant matters it considered relating to matters raised in submissions.
- (3) If a local authority publicly notifies a proposed policy statement or plan under clause 5, it must, not later than 2 years after giving that notice, make its decisions under subclause (1) and publicly notify that fact.
- (4) On and from the date of the public notice given under subclause (3), the proposed plan is amended in accordance with the decisions of the local authority given under subclause (1)."

Part 3: Submission Discussion and Recommendation

Part 3 will consider the submissions received, discuss the issues raised in the submissions and further submissions, make recommendations on whether those submissions should be accepted or rejected and give reasons for such recommendations.

Procedural Issues

Prior to commencing discussion in relation to submissions, a procedural issue needs to be addressed. The submission from Kati Huirapa Ki Puketeraki ("KHKP") (14/3/1) raises an issue regarding consultation requirements provided in the First Schedule, Part 1 of the RM Act – specifically section 3 and the requirement to consult with Iwi Authorities. KHKP has submitted that a cultural assessment has not been commissioned and accordingly there has been a failure to consult in accordance with section 3.

In response, it is noted that representatives from both Vivian+Espie Limited and the QLDC met with Mr Rosenbrook from Kai Tahu Ki Otago Ltd (KTKO) early in the preparation of this plan change (May 2006). At that meeting, KTKO expressed an interest in being involved in this plan change and that a report in this regard would be prepared. Following that meeting, no further correspondence was received from KTKO. Prior to notification another letter was sent to Mr Rosenbrook detailing the timeframe for notification of the plan change. The plan change was then notified. During the course of the submission period I met with Mr Vial who raised this procedural issue for the first time.

While consultation with Iwi is clearly an important part of the plan change process, in my opinion, the nature and scope of this plan change (being primarily related to visual amenity and hazard issues) is so specific that the provision of a cultural assessment is not necessary to undertake effective consultation under section 3.

Accordingly, I do not agree that the absence of a cultural assessment amounts to a failure to consult under section 3. KTKO, were contacted in relation to this plan change and were given the opportunity to be involved. Given the specificity of the plan change content, the lack of further correspondence from them was not considered to be unusual. For these reasons, it is considered that adequate consultation has been undertaken with KHKP.

(1) Submitter 14/1/1: Gary Charteris

(i) **Submission:**

Gary Charteris has submitted in opposition to the Plan Change for the following reasons:

- (a) The land in the Makarora Valley is fertile farming land, allowing for rural lifestyle subdivision would lead to a waste of this land as a valuable natural resource; and
- (b) Allowing for subdivision and human development in this area would destroy the iconic landscapes of the Makarora Valley; and
- (c) Due to natural hazards, there is practically no safe place to build within the Valley; and
- (d) The retention of Rural Lifestyle zoning would make it easier for developers to undermine the intention of Plan Change 14.

In general, Mr. Charteris agrees with the strengthening of the provisions in the plan relating to natural hazards. He believes that rezoning the current Rural Lifestyle zone as Rural General would best serve the purposes of the Resource Management Act 1991. He is also of the view that his property which falls within the Township Zone should also be re-zoned Rural General due to the significant native forest and QEII Covenant which protects that forest on his site.

(ii) Decision Requested

Mr. Charteris requests the following decision from Council:

- 1. That the Rural Lifestyle zone situated in the Makarora Valley be re-zoned Rural General; and
- 2. That his property located in the Makarora Township zone be re-zoned Rural General.

(iii) Further Submissions

No further submissions were received on this original submission.

(iv) Issues Raised in Further Submissions

N/a.

(v) Discussion

(i) The Rural Lifestyle Zone be re-zoned Rural General

The Section 32 report notified with the plan change considers five options to achieve the intended purpose of the plan change.

Option 4 considered initiating a plan change which deleted the Rural Lifestyle Zoning from the Makarora Valley and replacing it with Rural General Zoning. This has the effect of applying the District Wide Landscape objectives, policies and assessment criteria to all development within the Valley (excluding Township zones) under a discretionary activity regime.

While Option 4 addresses all of the issues the plan change sought to achieve, it is my opinion that changing the zoning from Rural Lifestyle to Rural General would result in significantly wider changes than this plan change needs or is anticipated to address. For example, changing from Rural Lifestyle to Rural General zoning adds a wide suite of

discretionary, non-complying and prohibited activity rules and site and zone standards that currently are not at issue with the Rural Lifestyle zoning.

To that extent I consider amending the Rural Lifestyle Zone specific to Makarora as concluded in the notified Section 32 report is the most appropriate way to achieve the purpose of the Act and achieve the objectives of the District Plan.

(ii) That Part of the Makarora Township Zone be re-zoned Rural General

Mr Charteris owns the following sections east of Rata Road in the Makarora West township:

- Part Sections 4689 and 4690 SO 8856 Block I McKerrow Survey District 6.0703 ha
- Part Sections 7698 and 21027 SO 2059 Block I McKerrow Survey District 8.0937 ha
- Part Section 4691 SO 8856 Block I McKerrow Survey District 6.857 ha

All of these sections appear to be held in the single title 17C/323.

Part Sections 4690 and 7698 are currently zoned Rural General in the District Plan.

The remainder of Mr Charteris' sections are within the Township Zone.

The purpose of this plan change is to review the permissive nature of the Rural Lifestyle Zoning within the Makarora valley – in particular the effects of permitted (controlled) development on landscape and visual amenity values, the effect of natural hazards on permitted (controlled) development, and to achieve consistency with some of the outcomes of the Makarora Community Plan.

Mr Charteris is seeking a zone change from Township Zone to Rural General. This plan change only addresses the Rural Lifestyle Zone provisions in the Makarora valley. As such, it is my opinion, that the Commission has no jurisdiction to accept the relief sought by this part of the submission and it should accordingly be rejected.

Recommendation (14/1/1) – Submission by Gary Charteris

I recommend that the original submission of Gary Charteris be rejected by:

- (a) Rejecting that part of the submission which seeks the Rural Lifestyle Zone be replaced with Rural General Zoning; and
- (b) Rejecting that part of the submission which seeks to rezone that land owned by submitter from Township Zoning to Rural General zoning.

(2) Submitter 14/2/1: A and P Cooper

(i) **Submission:**

A and P Cooper have submitted in opposition to the plan change for the following reasons:

- (a) The operative provisions of the Plan for the Rural Lifestyle Zone in Makarora are sufficient to stop development where the adverse effects in terms of hazards and amenity cannot be mitigated.
- (b) Basing the plan change on comments in the Community Plan is inappropriate as: it is not a statutory document; there was no opportunity to challenge the reported outcomes; and by contrast the district plan is a statutory document that has followed due process.
- (c) The Makarora Valley has been subject to flax and timber milling and farming since it was first settled and this has modified its rural character. The Makarora Valley is a place where people want to live and work, there must be allowance for housing and business opportunities within this community.

(ii) Decision Requested:

The Cooper's request that no change be made to the operative Rural Lifestyle Zone provisions as they relate to the Makarora Valley.

(iii) Further Submissions

Transit New Zealand

(iv) Issues Raised in Further Submissions

A and P Cooper are of the preference that no change is made to the current rural lifestyle provisions. In its current state, the district plan potentially allows for the creation of 400 new residential allotments within the Makarora Valley. This has the potential to cause a significant increase in the number of accesses to the State Highway.

The Land Transport Management Act (LTMA) was passed at the end of 2003 and embedded principles in the New Zealand Transport Strategy into Transit's statutory objective, which is to "operate the State highway system in a way that contributes to an integrated, safe, responsive and sustainable land transport system. If no change is made to the current provisions (option 1), Transit's ability to provide a safe and efficient transport system under the current provisions of the partially operative district plan will continue to be compromised.

(v) Discussion

(i) Operative Provisions are sufficient

The Section 32 report notified with the plan change considers five options to achieve the intended purpose of the plan change.

Option 1 considered retaining the existing Rural Lifestyle zone provision in an un-amended state. The Section 32 report concluded Option 1 failed to address the three issues that this plan change seeks to achieve. In my opinion those issues are important

resource management issues that the District Plan - in relation to the Makarora Valley, should address.

The Cooper's submission states that the Rural Lifestyle zone provisions (in an un-amended state) have the ability to stop development with respect to natural hazards and amenity. In my opinion that is questionable, given both subdivision and development is a controlled activity and section 104A of the RM Act requires controlled activity resource consents to be granted.

I note Transit's further submission states that under the current provisions of the District Plan (i.e. Option 1) Transit's ability to provide safe and efficient transport will continue to be compromised. To that extent I am assuming that Transit are supporting the change to proposed provision 15.2.3.5(b)(ix) which seeks to insert assessment matters which encourages development to utilise common access ways including pedestrian linkages, services and commonly held open space. I note Transit also have made an original submission which is discussed later in my report.

In my opinion the plan change is appropriate in achieving the purpose and principles of the RM Act and is consistent with the Council's duties and functions under the RM Act.

(ii) Community Plan

I was not involved in the development of the community plan and are therefore not able to comment on its appropriateness. Community Plans are strategic documents which are given statutory weight through the Plan Change process and consultation under the first schedule to the Resource Management Act. My position is the outcome sought by the community plan in terms of clustering development within the Rural Lifestyle Zone is an appropriate landscape outcome the District Plan should seek to achieve this in the Makarora Valley. This is particularly relevant to the Makarora Rural Lifestyle zone due to its permissive nature, size and location within an outstanding natural landscape.

(iii) Housing and Business Opportunities

I agree with the Cooper's that housing and business opportunities should continue to be proposed on the Makarora Valley. However, as the Section 32 evaluation has concluded, those activities need to be safe from natural hazards and be appropriate in terms of the landscape. As such, I consider the amendments to the zone provisions promoted by this plan change are appropriate and necessary and are unlikely to significantly restrict the continued development of the Makarora Valley.

Recommendation (14/2/1) - Submission by A and P Cooper

I recommend that the submission of A and P Cooper be rejected and the further submission of Transit NZ be accepted.

(3) Submitter 14/3/1: Kati Huirapa Ki Puketeraki

(i) **Submission:**

Kati Huirapa Ki Puketeraki (“KHKP”) has not expressed either support or opposition to the plan change but makes the following observations about the plan change and Rural Lifestyle provisions in the Plan:

- (a) The plan change fails to take into account the Kai Tahu Ki Otago Natural Resource Management Plan and the relevant provisions (particularly those in relation to Wai Maori, Wahi Tapu and Cultural Landscapes) need to be addressed.
- (b) A cultural assessment was not commissioned by the Council and accordingly the plan change does not take into account the natural resource values, concerns and issues of Ngai Tahu Whanui.
- (c) The section 32 Report fails to address the relevant principles in sections 6(a), 6(e), 6(g), 7(a), 7(aa) and 8 of the RMA.
- (d) There is no linkage between section 8.1.1 Rural Lifestyle Resource Management Issues and 8.1.2 Objectives and Policies with the District Wide Issues relating to Takata Whenua in section 4.3 of the Plan.
- (e) Rule 8.2.2.2 relating to controlled activity status for buildings excludes tanagata whenua from being identified as a potentially affected party.
- (f) The inventory in Appendix 3 of the Plan does not incorporate the archeological sites in the Makarora Valley recorded by the New Zealand archeological association.
- (h) The applicable subdivision rules and assessment matters fail to give any recognition to archeological sites that are recorded by the New Zealand Archeological Association but not contained in Appendix 3 of the District Plan.
- (i) The new assessment matter recommended in relation to the appropriateness of form and density of development in the Makarora Valley could be extended to include reference to the protection of cultural landscapes.
- (j) Rule 15.2.7.1 so far as it relates to subdivision design does not expressly specify the management of stormwater run-off as a matter for which Council control is reserved in relation to earthworks activities.
- (k) The assessment matters in Part 15 that relate to Rural Lifestyle subdivision do not include a specific assessment matter in relation to the management and control of stormwater run-off as a result of earthworks activities. Greater recognition of this issue could be achieved through a specific assessment matter.
- (l) There is no specific recognition in Rule 15.2.2.6 for Kaitaki Runaka as an affected party where a subdivision includes takata whenua archeological sites and areas of cultural significance.

(ii) Decision Requested:

KHKP request the following decision from the Council:

- (i) That Council commission a cultural assessment to enable Ngai Tahu Whanui to identify resource management issues of concern to them in the Makarora Valley.
- (ii) That the applicable principles in sections 6, 7 and 8 of the Resource Management Act be recognised and addressed through the plan change.
- (iii) That the objectives and policies of the Kai Tahu Ki Otago Natural Resource Management Plan be recognised and addressed through the plan change.
- (iii) That the plan change be amended to include the following changes:
 - That section 8.1.1 Rural Lifestyle Resource Management Issues and 8.1.2 Objectives and Policies be amended to include a link to section 4.3 of the plan relating to Takata Whenua.
 - That the Papatipu Runaka be identified in section 15.2.2.6 as an affected party where a subdivision includes takata whenua archeological sites and areas of cultural significance.
 - That a new site standard be inserted for the protection of archeological sites and sites of cultural heritage.
 - That Rule 8.2.4.1(x)(4) and applicable subdivision rules and assessment matters be broadened to extend to include non-listed sites, including those sites recorded by the New Zealand Archeological Association.
 - That Council commission an archeological survey of recorded sites in the Makarora Valley to verify site records.
 - That an assessment or letter of support be required from Kaitaki Runanga for the subdivision of tangata whenua archeological sites under rule 15.2.6.3(i)(f).
 - That the explanation for assessment matter 5.2.3.5(b) be extended to include reference to the protection of cultural landscapes.
 - That the management of all stormwater run-off be included as a matter for which control is reserved under rule 15.2.7.1.
 - Require applicants to provide information on the methods that will be used to minimize the volume of stormwater discharged during subdivision earthworks, and the level of contaminants, including the identification of secondary flow paths.
 - That a site specific assessment matter be included to address the management of stormwater run-off during all stages of subdivision site disturbance.

(iii) Further Submissions

No further submissions were received on this original submission.

(iv) Issues Raised in Further Submissions

N/a.

(v) **Planners Discussion**

(i) Consultation and Cultural Assessment

This aspect of the KHKP submission was considered above under the heading "Procedural Issues". I have already concluded that consultation with KHKP was undertaken and for this reason, there was no failure to consult in accordance with section 3 of Schedule 1, Part 1, nor is there a need to commission a cultural assessment in relation to this plan change.

(ii) Recognition of: the applicable principles in sections 6, 7 and 8 of the Resource Management Act and the objectives and policies in the Kai Tahu Ki Otago Natural Resources Management Plan

The general thrust of the submission by KHKP is that the plan change fails to take into account the natural resource values and concerns of Ngai Tahu Whanui due to a failure to take into account the relevant provisions of sections 6, 7, and 8 of the RM Act and the objectives and policies in the Kai Tahu Ki Otago Natural Resources Management Plan.

I do not agree with the proposition that this plan change fails to take these matters into account. In my opinion, these matters have been taken into account where relevant for the following reasons:

- The Kai Tahu Ki Otago Natural Resources Management Plan does not identify any Statutory Acknowledgement Areas, nohoaka sites, or Topuni in the Makarora Rural Lifestyle Zone.
- The issues, objectives and policies relating to Otago and Clutha Mata-Au Catchment (Wai Maori, Wahi Tapu, Mahika Kai and Biodiversity, Cultural Landscapes, Air and Atmosphere, Pounamu) are not directly related to this plan change which is looking specifically at visual amenity and hazard issues.
- The identification of Wahi Tapu areas and archeological sites is provided for under the Historic Places Act and Part 13 and Appendix 3 of the District Plan relating to Heritage. It is noted that no Wahi Tapu or other archeological sites have been identified in the Makarora Rural Lifestyle Zone, nor are the relevant provisions of the District Plan that seek to protect these areas subject to this plan change.
- The submitter has identified the following provisions as being relevant in sections 6, 7 and 8 of the RM Act, - 6(a), 6(e), 6(g), 7(a), 7(aa) and 8. I note that the District Plan provides for the relationship of Maori culture, tradition and values (including the principles of the Treaty of Waitangi) via the existing Heritage provisions, Appendix 3 and Part 4.3 of the Plan. Other than cross references to part 4.3 (addressed below) none of these plan provisions are subject to this plan change, nor does this plan change adversely alter the recognition of these matters in the relevant provisions.

As an aside, I suggest that Council note the comments from KHKP regarding further investigations into the cultural significance of the Makarora area in relation to future plan changes. I would also recommend that KHKP submit on the annual planning process if they wish Council to commit finances to such a Plan Change (I understand no such financial commitment is budgeted for).

(iii) 8.1.1 Rural Lifestyle Resource Management Issues and 8.1.2 Objectives and Policies

Provisions 8.1.1 and 8.1.2 as amended by the plan change reads:

“8.1.1 Resource Management Issues

Discussion of additional relevant issues is found in the following Parts of the District Plan:

Natural Environment	- Part 4.1
Landscape and Visual Amenity	- Part 4.2
Open Space and Recreation	- Part 4.4
Surface of Lakes and Rivers	- Part 4.6
Waste Management	- Part 4.7
Natural Hazards	- Part 4.8
Heritage	- Part 13.1
Hazardous Substances	- Part 16.1

Rural lifestyle and rural residential living reflects a desire by some people to live on small holdings in a rural environment while undertaking only limited farming or no farming at all. It is important to balance the needs of rural living activities, sustainable management, amenity values and the life supporting capacity of water and soil.

...

And:

“Additional relevant objectives and policies relating to the following matters are found in the corresponding Parts of the District Plan:

Natural Environment	- Part 4.1
Landscape and Visual Amenity	- Part 4.2
Open Space and Recreation	- Part 4.4
Surface of Lakes and Rivers	- Part 4.6
Waste Management	- Part 4.7
Natural Hazards	- Part 4.8
Heritage	- Part 13
Hazardous Substances	- Part 16

Objective 1 – Rural Living

Establishment of low density rural living managed and contained in both extent and location.

...”

KHKP request that this section be amended to include a link to section 4.3 of the plan relating to Takata Whenua. I agree that is an appropriate amendment. Amended provisions are contained in the recommendation below.

(iv) Provision 15.2.2.6

Provision 15.2.2.6 as amended by the plan change reads:

“15.2.2.6 Non-Notification of Applications

- (a) Any application for resource consent under the Subdivision Rules for Controlled Subdivision Activities and Discretionary Subdivision Activities where the exercise of the Council’s discretion is limited, need not be notified and the written approval of affected persons need not be obtained. If the Council considers special circumstances exist it may require the application to be notified.
- (b) Prior to any application for resource consent being processed under Rule 15.2.10.2 on a non-notified basis pursuant to section 94(2) of the Resource Management Act 1991 written approval of the Otago Regional Council must be provided to the Queenstown Lakes District Council.”

KHKP have requested that the Papatipu Runaka be identified in this section as an affected party where a subdivision includes takata whenua archeological sites and areas of cultural significance.

The purpose of this rule is to not identify affected persons – but to specify the basis on which non-notification may be obtained. The identification of affected persons is specified in section 94B of the RM Act. To that extent there is no need to list Papatipu Runaka as an affected party where a subdivision includes takata whenua archaeological sites and areas of cultural significance. KHKP can have confidence in the Council’s planning system that this would occur under such circumstances.

(v) New Standard – Protection of Archeological Sites and Sites of Cultural Heritage

KHKP request that a new site standard be inserted for the protection of archeological sites and sites of cultural heritage. Whilst I agree that this is an appropriate amendment to the District Plan should a section 32 evaluation find that those values are of in need of protection, I consider this relief to be beyond the scope of this plan change.

(vi) Rule 8.2.4.1(x)(4) - Earthworks

Rule 8.2.4.1(x)(4) Earthworks reads as follows:

“4. Protection of Archaeological sites and sites of cultural heritage

- (a) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.
- (b) The activity shall not affect Ngai Tahu’s cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Areas.”

KHKP request that the applicable subdivision rules and assessment matters be extended to include non-listed sites and sites recorded by the New Zealand Archeological Association.

I note this rule is not subject to the plan change. As such I do not consider there is any jurisdiction to consider this part of KHKP's submission.

(vii) Archaeological Survey

Two issues arise from this aspect of the submission.

Firstly, in my role as a reporting officer I am unable to make a recommendation which commits the Council to undertaking a detailed archaeological investigation as part of this plan change. This needs to be considered through the LTCCP process.

Secondly, the decision requested by KHKP is, in my opinion, outside of the scope of the plan change.

I am aware that the Council has been very proactive in initiating variations / plan changes to the District Plan which update or identify new heritage items and heritage landscapes. I understand that Council intends to progress with this work in the future. Accordingly I suggest that the KHKP contact the Council's policy planning department to discuss these issues further.

I note a similar submission has been made by the Historic Places Trust, this is discussed below.

(viii) Provision 15.2.6.3(i)(f).

Provision 15.2.6.3(i)(f) reads:

(f) Areas of Significant Indigenous Vegetation, Heritage Items and Archaeological Sites

Notwithstanding 15.2.6.2 and 15.2.6.3 i(a) above, there shall be no specified minimum lot sizes or dimensions in any zone for lots containing Areas of Outstanding Natural Conservation Value listed in Appendix 5 or Heritage Items or Archaeological Sites listed in Appendix 3, provided:

- (i) the area of the land contained within the lot shall only be that area sufficient for the protection of the listed area, site or item;
- (ii) any balance area of land, which does not conform with the requirements of 15.2.6.2 and 15.2.6.3 i(a) above, shall be amalgamated with land in an adjoining Certificate of Title;
- (iii) a certificate is provided to the Council from the Department of Conservation in the case of areas in Appendix 5 or the New Zealand Historic Places Trust in the case of sites or items in Appendix 3, certifying that the area, site or item is worthy of protection.

KHKP seek a requirement that an assessment or letter of support be obtained from Kaitaki Runanga for the subdivision of takata whenua archeological sites under this rule.

As this rule is not subject to the plan change, I consider there is no jurisdiction to consider an amendment to this rule under this plan change.

(ix) Provision 15.2.3.5(b)

Provision 15.2.3.5(b) as amended by the plan change reads:

- “(b) Subdivisions of Land in the Rural General, Rural Lifestyle, Gibbston Character, Bendemeer Zones the Rural Residential area at the north of Lake Hayes, and the Quail Rise Zone (Activity Area R2)
- (i) The extent to which subdivision, the location of Residential Building Platforms and proposed development maintains and enhances: ...
- (iv) The extent to which subdivision, the location of residential building platforms and proposed redevelopment may be adversely affected by natural hazards or exacerbate a natural hazard situation, particularly within the Rural Lifestyle Zone at Makarora.

Also refer to Part 15.2.10.1.

- (v) Consideration of the long term development of the entire property.
- ...
- (ix) In considering the appropriateness of the form and density of development in the Makarora Rural Lifestyle Zone the following matters shall be taken into account:
- (i) whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (ie. open space held in one title whether jointly or otherwise).
- (ii) whether and to what extent development is concentrated/clustered in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state.”

KHKP request that the explanation for assessment matter 5.2.3.5(b) be extended to include reference to the protection of cultural landscapes. The Council has now undertaken a Plan Change, which was recently confirmed by the Environment Court, identifying a number of cultural landscapes in the District. No cultural landscape, rightly or wrongly, was identified in the Makarora Valley. Adding a reference to cultural landscapes in this provision would be confusing. A more appropriate method to achieve this would be for KHKP to discuss with the Council the possibility of identifying other cultural landscapes through future related plan changes (which I understand the Council intends to do).

(x) Provision 15.2.7.1

Rule 15.2.7.1 as amended by the plan change reads:

“Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Subdivision Standards, is a Controlled Subdivision Activity, with the Council reserving control in respect of the following matters:

- The location of pedestrian access;
- The location of building platforms;
- The provision and/or use of open stormwater channels and wetland areas;
- Orientation of lots to optimise solar gain for buildings and developments;
- The effect of potential development within the subdivision on views from surrounding properties;

- The design, dimensions and location of, and access to, lots in Residential or Rural-Residential Zones, which adjoin Rural Zones;
- The scale and nature of earthworks and the disposal of excess material.
- The concentration or clustering of built form in the Makarora Rural Lifestyle Zone to areas with high potential to absorb development while retaining areas which are more sensitive in their natural state.”

KHKP request that the management of all stormwater run-off be included as a matter for which control is reserved under rule 15.2.7.1. At present only the “provision and/or the use of open stormwater channels and wetland areas” is covered by this control.

Two issues arise from this request. Firstly the third bullet has not been amended as part of this plan change. Secondly any amendment made to it would have to be specific to the Makarora Rural Lifestyle zone, otherwise the change would go beyond the scope of the plan change and affect the wider Rural Lifestyle and other zones.

I also note that Part 15.2.12.1 requires a controlled activity resource consent with respect to stormwater disposal. This rule reads:

“Except where specified as Discretionary or Non-Complying Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a **Controlled Subdivision Activity**, with the Council reserving control of the following matters:

- The capacity of existing and proposed stormwater systems;
- The method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;
- The location, scale and construction of stormwater infrastructure;
- The effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including the control of water-borne contaminants, litter and sediments, and the control of peak flow;
- Any requirements for financial contributions required in respect of stormwater disposal.”

As such, this standard addresses the concerns the concerns of KHKP.

In my opinion the District Plan provisions relating to stormwater disposal methods in Makarora are adequate and should not be changed.

(xi) New Standards

KHKP request two new standards as follows:

- Require applicants to provide information on the methods that will be used to minimize the volume of stormwater discharged during subdivision earthworks, and the level of contaminants, including the identification of secondary flow paths.
- That a site specific assessment matter be included to address the management of stormwater run-off during all stages of subdivision site disturbance.

I note that I have quoted Rule 15.2.5.1 above. This rule addresses the concerns of KHKP. Any further rule changes in relation to scope are in my opinion unnecessary and beyond the scope of this plan change.

Recommendation (3) - Submitter 14/3/1: Kati Huirapa Ki Puketeraki

I recommend that the submission of **Kati Huirapa Ki Puketeraki** be accepted in part by:

(i) Amend Provisions 8.1.1 and 8.1.2 as follows:

"8.1.1 Resource Management Issues

Discussion of additional relevant issues is found in the following Parts of the District Plan:

Natural Environment	- Part 4.1
Landscape and Visual Amenity	- Part 4.2
<u>Takata Whenua</u>	- Part 4.3
Open Space and Recreation	- Part 4.4
Surface of Lakes and Rivers	- Part 4.6
Waste Management	- Part 4.7
Natural Hazards	- Part 4.8
Heritage	- Part 13.1
Hazardous Substances	- Part 16.1

Rural lifestyle and rural residential living reflects a desire by some people to live on small holdings in a rural environment while undertaking only limited farming or no farming at all. It is important to balance the needs of rural living activities, sustainable management, amenity values and the life supporting capacity of water and soil.

...

And:

"Additional relevant objectives and policies relating to the following matters are found in the corresponding Parts of the District Plan:

Natural Environment	- Part 4.1
Landscape and Visual Amenity	- Part 4.2
<u>Takata Whenua</u>	- Part 4.3
Open Space and Recreation	- Part 4.4
Surface of Lakes and Rivers	- Part 4.6
Waste Management	- Part 4.7
Natural Hazards	- Part 4.8
Heritage	- Part 13
Hazardous Substances	- Part 16

Objective 1 – Rural Living

Establishment of low density rural living managed and contained in both extent and location.

..."

(ii) Making no other amendments to the zone provisions.

(4) Submitter 14/4/1: New Zealand Historic Places Trust

(i) Submission:

The New Zealand Historic Places Trust ("NZHPT") has submitted neither in support nor in opposition to Plan Change 14.

NZHPT states that its concerns are of an "entirely archeological nature". These concerns are:

There are a number of archeological sites identified on the New Zealand Archeological Association's Site Record Database and the Valley is therefore of significant heritage importance to both Maori and European New Zealanders. None of the sites specified on the New Zealand Archeological Association's Site Record Database in the Makarora Valley are identified in Appendix 3 Inventory of Protected Features in the District Plan. Most of these sites are located within the Makarora Rural Lifestyle Zone.

The Makarora Valley has not been subject to detailed archeological investigations in recent times. Without more precise knowledge in terms of where the archeological sites are and the geographic extent of the sites there is a real danger of these sites being compromised by inappropriate subdivision, use and development.

(ii) Decision Requested:

That the Queenstown Lakes District Council proceed with Plan Change 14 however, this is subject to Council making a commitment to the Makarora Rural Lifestyle Zone being subject to an archeological assessment and the recommendations that arise from that assessment should be given effect to in Appendix 3 of the District Plan.

(iii) Further Submissions

No further submissions were received on this original submission.

(iv) Issues Raised in Further Submissions

N/a.

(v) Planners Discussion

The relief requested in this submission is similar to that discussed in relation to submission 14/3/1 above. Two issues arise from this submission.

As already noted, in my role as a reporting officer I am unable to make a recommendation which commits the Council to undertaking a detailed archaeological investigation as part of this plan change. This needs to be considered through the LTCCP process.

Secondly, the decision requested by the HPT is, in my opinion, outside of the scope of the plan change.

I suggest that the Historic Place Trust contact the Council's policy planning department to discuss these issues further with a view to addressing heritage items and landscapes worthy of protection via future plan changes.

Recommendation (4) - Submitter 14/4/1: New Zealand Historic Places Trust

I recommend that the submission by the Historic Places Trust be rejected.

(5) Submitter (14/5/1): Otago Regional Council

(i) **Submission:**

The Otago Regional Council supports plan change 14 for the following reasons:

- (a) The addition of Clause (c) to Rule 8.2.2.2 is necessary to consider both the effect of natural hazards on buildings and buildings on natural hazards.
- (b) The proposed amendments to provision 8.3.2(ii) are necessary to ensure that the effects of and on natural hazards are assessed.
- (c) Council supports the amendments to 15.2.10 with the addition of provision 15.2.10.2 and 15.2.10.2 (i) to ensure that applicant's refer to the QLDC Natural Hazards Register in order to determine where the status of the proposed activity.

In addition to these factors in support of the Plan Change, the ORC further note that:

- Changes to the wording of provision 8.3.2(ii) to ensure that the effects of and on alluvial fan processes are sufficiently addressed.
- The QLDC require a process for updating its Hazards register when new information is available – in particular the Otago Regional Council Report titled "Otago Alluvial Fans Project". This process should occur outside of the plan change process.
- The proposed addition to clause (b) to provision 15.2.2.6 that requires applicants to obtain approval from the Otago Regional Council is of no benefit. Consultation with the Otago Regional Council can occur without this provision, it is presumed that non notification of applications would generally only occur where the application is a controlled activity and outside of the hazard area identified by the Natural Hazard Register. Furthermore, it is unclear what the Otago Regional Council would be approving as it has no jurisdiction in terms of approving the subdivision. As both the QLDC and ORC Natural Hazard Registers should contain the same information, the QLDC is equally equipped to make an assessment of the hazard there is no need to obtain written approval from the ORC in this context.

(ii) **Decision Requested:**

1. That provision 8.2.2.2(i)(c) is altered to read: "*the avoidance or mitigation of: adverse effects of natural hazards on use and development; and adverse effects of use and development on natural hazards in the Makarora Rural Lifestyle Zone*".

2. That provision 8.3.2(ii)(g) is altered to read: *"in relation to any natural hazard, including erosion, debris flow, mass movement (including rock fall) or slope instability"*.
3. That a process is identified for updating the Queenstown Lakes District Natural Hazards Register when new information is received.
4. That 15.2.2.6(b) is deleted.

(iii) Further Submissions

No further submissions were received on this original submission.

(iv) Issues Raised in Further Submissions

N/a.

(v) Discussion

(i) Provision 8.2.2.2(i)(c)

Provision 8.2.2.2(i)(c) as amended by the Plan Change reads:

"8.2.2.2 Controlled Activities

The following shall be Controlled Activities provided that they are not listed as a Prohibited, Non-Complying or Discretionary Activity and they comply with all the relevant Site and Zone Standards. The matters in respect of which the Council has reserved control are listed with each Controlled Activity.

i Buildings

The addition, alteration or construction of buildings, including Residential Units added to, altered or constructed within Residential Building Platforms approved pursuant to Rule 15.2.6.3, in respect of:

- (a) the location and external appearance of the buildings and associated earthworks, access and landscaping, to avoid or mitigate adverse effects on landscape and visual amenity values, nature conservation values and the natural character of the rural environment; and
- (b) the provision of water supply, sewage treatment and disposal, electricity and telecommunication services.
- (c) the avoidance or mitigation of effects of natural hazards in the Makarora Rural Lifestyle Zone."

The ORC request that this provision be amended as follows:

"8.2.2.2 Controlled Activities

The following shall be Controlled Activities provided that they are not listed as a Prohibited, Non-Complying or Discretionary Activity and they comply with all the relevant

Site and Zone Standards. The matters in respect of which the Council has reserved control are listed with each Controlled Activity.

i Buildings

The addition, alteration or construction of buildings, including Residential Units added to, altered or constructed within Residential Building Platforms approved pursuant to Rule 15.2.6.3, in respect of:

- (a) the location and external appearance of the buildings and associated earthworks, access and landscaping, to avoid or mitigate adverse effects on landscape and visual amenity values, nature conservation values and the natural character of the rural environment; and
- (b) the provision of water supply, sewage treatment and disposal, electricity and telecommunication services.
- (c) the avoidance or mitigation of: adverse effects of natural hazards on use and development; and adverse effects of use and development on natural hazards in the Makarora Rural Lifestyle Zone".

Rule 8.2.2.2 requires a controlled activity resource consent when a person seeks to build on an approved building platform which was identified at the time of subdivision. To that extent the Council has already assessed the location of the building platform with respect to natural hazards as part of its general consideration under a controlled activity subdivision consent. The proposed plan change strengthens such consideration into the future.

In my opinion, it is too late to consider the effect of the use and development of buildings within that building platform in terms of natural hazards as requested by the Council as a building platform (and its use) has already been approved.

(ii) Provision 8.3.2(ii)(g)

Provision 8.3.2(ii)(g) as amended by the plan change reads:

- “(g) In relation to erosion, falling debris, slope instability or slippage:
 - (i) The need for certification by a Registered Engineer that any building site is suitable for the erection of buildings designed in accordance with NZS 3604;
 - (ii) Any need for registration of covenants on the Certificate of Title;
 - (iii) Any need for conditions relating to physical works to limit the instability potential.”

The ORC have requested that this be amended (underlined) to read:

- “(g) In relation to any natural hazard, including erosion, debris flow, mass movement (including rock fall) or slope instability:
 - (i) The need for certification by a Registered Engineer that any building site is suitable for the erection of buildings designed in accordance with NZS 3604;
 - (ii) Any need for registration of covenants on the Certificate of Title;
 - (iii) Any need for conditions relating to physical works to limit the instability potential.”

This amendment significantly widens the intent of the assessment by the addition of the words “any natural hazard”. I consider this change to be appropriate in these circumstances.

(iii) Process for Updating Natural Hazards Register

The Council is aware of the need to update the Natural Hazards Register as suggested by the ORC. This is especially important now that the restricted discretionary rule promoted by this plan change is dependant on up-to-date information contained within the Natural Hazards Register. I suggest an update of the Natural Hazard Register be done in consultation with the ORC as a matter of urgency.

(iv) Provision 15.2.2.6(b)

Provision 15.2.2.6(b) as amended by the plan change reads:

“15.2.2.6 Non-Notification of Applications

- (a) Any application for resource consent under the Subdivision Rules for Controlled Subdivision Activities and Discretionary Subdivision Activities where the exercise of the Council’s discretion is limited, need not be notified and the written approval of affected persons need not be obtained. If the Council considers special circumstances exist it may require the application to be notified.
- (b) Prior to any application for resource consent being processed under Rule 15.2.10.2 on a non-notified basis pursuant to section 94(2) of the Resource Management Act 1991 written approval of the Otago Regional Council must be provided to the Queenstown Lakes District Council.”

The purpose of Part (b) of this rule is to ensure that any person subdividing under a restricted discretionary regime because of natural hazards in the Makarora Valley consulted with and obtained the ORC’s written approval to the subdivision. In my opinion such a mechanism, which has been sanctioned by the Environment Court in other parts of the District Plan (with a different party), ensures integrated and consistent decision making between the ORC and the QLDC with respect to natural hazards in the Makarora Valley. As such I consider the rule should remain.

Recommendation (5) - Submitter (14/5/1): Otago Regional Council

I recommend that the submission by the Otago Regional Council be accepted in part by:

- (i) Rejecting any change to Provision 8.2.2.2(i)(c);
- (ii) Amending Provision 8.3.2(ii)(g) as follows:

“(g) In relation to any natural hazard, including erosion, debris flow, mass movement (including rock fall) or slope instability:

- (i) The need for certification by a Registered Engineer that any building site is suitable for the erection of buildings designed in accordance with NZS 3604;
- (ii) Any need for registration of covenants on the Certificate of Title;

- (iii) Any need for conditions relating to physical works to limit the instability potential.”
- (iii) Accepting that the QLDC’s Natural Hazards Register should be updated in consultation with the ORC as a matter of urgency.
- (iv) Rejecting any change to Provision 15.2.2.6(b).

(6) Submitter (14/6/1): Transit New Zealand

(i) **Submission:**

Transit New Zealand does not express either support or opposition to Plan Change 14. However, the content of Transit’s submission expresses opposition to the extent that Transit’s preferred option (as per the section 32 analysis) is Option 5 for the deletion of a rural lifestyle zone and creation of a Makarora Special Zone to as opposed to a combination of options 2 and 3.

The reasons for Transit’s preferred option are as follows:

- The ability of Transit to provide safe and efficient transport under the current provisions of the Partially Operative District Plan is compromised.
- Option 5 would provide Transit with a greater opportunity to work with the QLDC to locate areas suitable for the Makarora Special Zone which are appropriate for development in terms of the safety and functionality of the adjacent State Highway.
- The combination of discretions available with options 2 and 3 are so varied that no land will be subdivided / developed thereby making a mockery of the zoning. It would be more appropriate to identify where development can occur under a Makarora Special Zone rather than creating planning hoops that cannot be satisfied.

In the alternative, Transit has noted that it could support a combination of options 2 and 3 that promotes cluster development and localizing access to the State Highway.

Transit has also noted that the section of State Highway 6 from Brady Creek to Wharf Creek is in the process of being declared a Limited Access Road.

(ii) **Decision Requested:**

Transit does not seek a specific decision from Council in relation to Plan Change 14 but notes its preference for option 5.

(iii) **Further Submissions**

No further submissions were received on this original submission.

(iv) **Issues Raised in Further Submissions**

N/a.

(v) **Planners Discussion**

Option 5 was to delete the Rural Lifestyle Zoning and replacement of it with a Makarora Special Zone. As detailed in the Section 32 evaluation this Option could achieve the desired results that this plan change seeks to achieve.

However, in my opinion, the creation of a special zone over a site this large with various landowners would be a mammoth undertaking by the Council. Special zoning would result in the Council “picking winners”. This is exactly what the Council wanted to avoid in 1998 when it adopted the District’s largest Rural Lifestyle Zone.

In my opinion, the restricted discretionary regime for subdivision in an area of natural hazard is the most appropriate method to manage subdivision in the Makarora Valley. The Council have already made the decision that Rural Lifestyle zoning is appropriate throughout the valley, and this plan change does not intend to prevent that – only manage it with respect to natural hazards and landscape values.

In my opinion the proposed plan change does not make a mockery of the Rural Lifestyle zoning. A restricted discretionary regime is in my opinion an appropriate technique to address the issue of natural hazards at the time of subdivision.

Recommendation (6) -

That the submission by Transit NZ be rejected.

Part 4: Overall Recommendation

Overall I recommend two changes to plan change as a result of submissions. The first is to amend Provisions 8.1.1 and 8.1.2 by the inclusion of reference to Part 4.3 of the District Plan as a result of the submission by KHKP as follows::

“8.1.1 Resource Management Issues

Discussion of additional relevant issues is found in the following Parts of the District Plan:

Natural Environment	- Part 4.1
Landscape and Visual Amenity	- Part 4.2
<u>Takata Whenua</u>	- <u>Part 4.3</u>
Open Space and Recreation	- Part 4.4
Surface of Lakes and Rivers	- Part 4.6
Waste Management	- Part 4.7
Natural Hazards	- Part 4.8
Heritage	- Part 13.1
Hazardous Substances	- Part 16.1

Rural lifestyle and rural residential living reflects a desire by some people to live on small holdings in a rural environment while undertaking only limited farming or no farming at all. It is important to

balance the needs of rural living activities, sustainable management, amenity values and the life supporting capacity of water and soil.

...

And:

"Additional relevant objectives and policies relating to the following matters are found in the corresponding Parts of the District Plan:

Natural Environment	- Part 4.1
Landscape and Visual Amenity	- Part 4.2
<u>Takata Whenua</u>	<u>- Part 4.3</u>
Open Space and Recreation	- Part 4.4
Surface of Lakes and Rivers	- Part 4.6
Waste Management	- Part 4.7
Natural Hazards	- Part 4.8
Heritage	- Part 13
Hazardous Substances	- Part 16

Objective 1 – Rural Living

Establishment of low density rural living managed and contained in both extent and location.

... "

The second amendment is to provision 8.3.2(ii)(g) as a result of the ORC's submission as follows:

"(g) In relation to any natural hazard, including erosion, debris flow, mass movement (including rock fall) or slope instability:

- (i) The need for certification by a Registered Engineer that any building site is suitable for the erection of buildings designed in accordance with NZS 3604;
- (ii) Any need for registration of covenants on the Certificate of Title;
- (iii) Any need for conditions relating to physical works to limit the instability potential."

No other changes to the provisions as notified are recommended.

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