

# PLAN CHANGE 33 - SECTION 32 REPORT

## PART A: RIDGELINE AND HILLTOP (VISUAL AMENITY) CHANGES

### 1. Introduction

Section 32 of the Resource Management Act stipulates a requirement that, in achieving the purpose of the Act, a decision maker must consider alternatives and assess the benefits and costs of adopting any objective, policy, rule, or method in the District Plan. Under section 32(3) the assessment 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.*

A report summarising a section 32 evaluation and giving reasons for the evaluation must be available for public inspection at the same time as the proposed Plan Change (to which it relates) is publicly notified.

### 2. Process & Consultation

#### 2.1 Background

The basis of the Plan Change essentially derives from s32.3(b), that is, the most efficient and effective means (policy, rules or other methods) for managing the effects of development and use on Wellington's ridgelines and hilltops. Submissions made to the Plan when notified in 1994 centred on the imprecise nature of the definition for ridgelines and hilltops and other related provisions.

With reviewing the definition and related provisions, the Council has considered submitters concerns and Council's own experience of administering the provisions since the Plan was notified in 1994, the effect of zone development controls, and similarly the effect of development controls contained in Reserve Management Plans, and the concurrent Plan Change for the Rural Area (in particular the rural area design guide and the relatively restricted subdivision allowance).

Replacing the definition of a ridgeline and hilltop with an overlay map was considered early on as a significant means to improve pitfalls arising from the definition. The approach undertaken for drafting the overlay map has been considered at length because the mapping rationale is a critical part of the Plan Change given that it will be the trigger for resource consent applications. Overall, four methodologies have been considered and, on balance, an overlay map capturing the main ridgelines and hilltops in the district is now proposed, based on district wide and local scale visibility, slope and landform continuum. Related to the mapping methodology are the zone policies and provisions that are affected by the extent of the overlay map.

The Council's Built and Natural Environment Committee has considered the mapping methodologies and revised zone policies and provisions on 3 separate occasions, 25 February 2004, 22 March 2004 and 14 April 2004. At the reconvened meeting on 22 March 2004, the Committee confirmed that the purpose of the Plan Change should be focussed to manage the visual impact of development and activities, after taking into account the advantages and disadvantages of incorporating all values (visual, natural, recreational, and heritage) which Boffa Miskell Ltd identified in its 2001 report. On balance it was considered that while all such values were relevant (to varying degrees) to all areas within the overlay map, recreation, heritage and natural values were more appropriately dealt with by policy/plans which specifically administer them. As part of the evolving nature of the Plan Change, inventory maps showing highly visible areas within the overlay map were later prepared to assist with the revised rule criteria.

## **2.2 Key documents**

Wellington City District Plan

Wellington City Ridgetop and Hill Study, Phase 1, 1999, Boffa Miskell Ltd

Wellington's Ridgetops and Hilltops, The Natural and Amenity Values, 2001 Boffa Miskell Ltd

Wellington Town Belt Management Plan

Outer Green Belt Management Plan

## **2.3 Key discussions/briefings**

- € **7 April 2004:** Meeting with Tawa Community Board
- € **25 March 2004:** Meeting with Greater Wellington Regional Council regarding Renewable Energy /Wind Farm Policy Paper; Rural Review and Ridgelines and Hilltops
- € **22 March 2004:** Built and Natural Environment Committee, considered Wellington's Ridgelines and Hilltops Report plus supplementary information.
- € **11 March 2004:** Meeting with Tawa Community Board
- € **25 February 2004:** Built and Natural Environment Committee, considered paper: Wellington's Ridgelines and Hilltops Report
- € **24 February 2004:** Councillors, Officers, Greater Wellington Officers and Makara/Ohariu Community Board bus trip to Tararua wind farm.
- € **19 February 2004:** Meeting with Makara/Ohariu Community Board
- € **12 February 2004:** Meeting with Horokiwi residents
- € **8 January 2004:** Meeting with Wellington Tenths Trust
- € **19 December 2003:** Meeting with Quartz Hill Reserve Charitable Trust

## **2.4 Consultation in accordance with the First Schedule of the RMA 1991**

Consultation (as required by the First Schedule to the Resource Management Act 1991) has been initiated with:

- € Greater Wellington Regional Council
- € Porirua City Council
- € Hutt City Council
- € Ministry for the Environment
- € Department of Conservation
- € Tenth's Trust
- € Te Runanga O Toa Rangatira Inc

Follow up meetings have been held with some of the above parties, and feedback to date has been generally supportive. The Department of Conservation has requested the overlay map include coastal areas, however this has always been considered to be a matter dealt with by an additional Plan Change in the future.

## **3. Resource Management Act 1991**

### **3.1 Purpose of the Act**

The purpose of the Resource Management Act 1991 (the Act) is to promote the sustainable management of natural and physical resources.

Sustainable management includes managing the use, development and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural well being and their health and safety. s5 is enabling, that is, while people and communities provide for social, cultural and economic wellbeing (*inter alia*), adverse effects on the environment are avoided, remedied or mitigated.

### **3.2 Matters of national importance and other matters**

S.6 lists matters of national importance that are to be recognised and provided for in achieving s5. The s6 provisions of relevance for considering ridgelines and hilltops are:

- € the protection and preservation of the natural character of the coastal environment
- € outstanding natural features and landscapes
- € significant indigenous vegetation and fauna
- € tangata whenua values

S.7 includes additional matters that particular regard must be given to. Of relevance are:

- € the efficient use and development of natural and physical resources

- € the maintenance and enhancement of amenity values
- € the intrinsic values of ecosystems
- € the maintenance and enhancement of the quality of the environment
- € any finite characteristics of natural and physical resources

#### **4. Appropriateness of Plan Change to Achieve Purpose of the Act**

##### **4.1 Objectives**

In achieving these relevant Part II matters, the management of landscape features such as Wellington's ridgelines and hilltops is guided by the operative District Plan's vision for the district and by objectives, policies and methods. Chapter 1 of the District Plan 'Vision of a Sustainable City' states that the protection of undeveloped ridgelines and hilltops and visually prominent landscape elements is a key component of the Plan. The Plan generally seeks to protect a number of landscape features including:

- € ridgelines and hilltops
- € undeveloped skylines and ridges
- € visually prominent landscape elements
- € undeveloped hillsides
- € natural features (including landscapes and ecosystems)
- € significant escarpments, coastal cliffs and areas of open space
- € natural landforms
- € character of the rural area
- € amenity values of rural areas
- € landscape elements that are significant in the context of the Wellington landscape

The significant resource management issues for the district are noted in the District Plan at 1.6, where amenity and the natural environment are listed, and such issues have been used to define the objectives for each zone.

The visual protection of ridgelines was first promoted by the 1985 District Scheme, which made reference to visual amenity, scenic character of Wellington, natural features, open space, hill tops and hill slopes. Submissions made to the rural review indicated a clear desire for ridgelines and hilltops to be managed within the realm of the amenity that these areas provide, in terms of recreation and visually. Therefore while ridgelines and hilltops must be managed in a sustainable manner, the issue of visual amenity (part of achieving the purpose of the Act) must be reflected through objectives, policies and methods.

Wellington's ridgelines and hilltops extend over land which is managed under a variety of zones, namely Residential, Rural Area, Open Space, and Conservation Sites. The relevant objectives of each zone are as follows:

- € *‘To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington’s natural environment’* (Residential (Objective 4.2.5), Open Space (Objective 16.5.2), Rural zones (Objective 14.2.5))
- € *‘To maintain and enhance the character of the Rural Area by managing the scale, location and rate of new building development’* (Rural zone, (Objective 14.2.2))

The Rural zone includes an additional relevant objective (14.2.2) where the character of Rural Area (again with which ridgelines and hilltops are part) is to be maintained and enhanced. This overlaps Objective 14.2.5.

The relevant objective for Conservation Sites is much more specific than the wider construct of ‘character’ and ‘natural features’ inherent in the above Objectives. The relevant Objective is:

- € *‘To maintain and enhance indigenous and part indigenous habitats and ecosystems, especially those classified as Conservation Sites, by protecting them from modification and loss’* (Conservation sites, (Objective 18.2.1))

The management of ridgelines and hilltops is by default, (from a visual amenity perspective), accommodated within this. Visual amenity is considered secondary to the principal and overriding value of sustaining the ecology of these areas.

For Utilities, one objective guides the management of these activities throughout the district, which is:

- € *‘To provide for the efficient development and maintenance of utility networks throughout the city while avoiding remedying or mitigating any adverse effects of activities on the environment’* (Objective 22.2.1)

Because utilities can be located throughout the district, avoiding, remedying and mitigating adverse effects on the environment is an appropriate objective to cover all aspects of possible types of utilities, including ecological and visual effects. Ridgelines and hilltops are again by default, accommodated within this.

In summary, the Plan Change has arisen from reconsidering the efficiency and effectiveness of policies, rules and methods (s32.3(a)). No change is proposed to the relevant Objectives of the Plan because these are considered to remain appropriate to achieving the purpose of the Act.

## **4.2 Policies, Rules and Other Methods for Achieving the Objectives**

### **Mapping methods**

The Plan currently includes policies, rules and assessment criteria for the management of visual effects of development on ridgelines and hilltops. Given submissions made to the Plan when notified, maintaining a regulatory approach is considered to be an expected means of control. In this instance, mapping ridgelines and hilltops where

associated rules and other methods relate, is the most significant means of improving the problems arising from the current definition. Four options for mapping have been considered as outlined below.

### **Option 1 - Mapping only visibility of ridgelines and hilltops**

This option reflects the intervisibility mapping that has been part of preparing the overlay map (intervisibility is explained in the Boffa Miskell Ltd 2001 report).

#### **Advantages**

- € lines on maps simply show highly visible areas, therefore this is a simple and an easily understood trigger mechanism for resource consents
- € affected areas have predominantly been mapped and therefore costs are minimised for Council
- € resource consent assessment is limited to one aspect, that is visibility of buildings, structures and earthworks
- € could allow for variable permissibility influenced by the degree of visibility or distance an activity is from its audience

#### **Disadvantages**

- € this approach would lead to a patchwork of ridgeline and hilltop areas and would not control visual impacts in areas outside the patchwork, such as saddles which may equally be susceptible to visually obtrusive activities
- € liberalises the current provisions significantly, which it is expected to be unacceptable from the community's point of view
- € a degree of arbitrary call as to where a line should be drawn and a question of scale of analysis, i.e. district wide vs. regional vs. local visibility
- € the timeframe may be lengthy after notification, with a need to fine tune the line

### **Option 2 - Mapping ridgelines and hilltops based on visual amenity**

#### **Advantages**

- € lines on maps show high visibility areas (intervisibility), landform continuum and slope context, a complete contextual approach to ridgelines and hilltops which avoids the pitfalls of Option 1
- € work has been completed, therefore the Plan Change is ready to be notified and consulted
- € an easily understood trigger mechanism for resource consent as policies and methods are limited to one aspect, that is visual impact of buildings, structures and earthworks
- € could allow variable permissibility, influenced by likely visual impact of particular activities and/or distance
- € no further costs incurred by Council up to notification

#### **Disadvantages**

- € this approach only deals with visual impact within mapped areas, and it does not cover visual impact of activities beyond which may also be susceptible to visually obtrusive activities, such as on hillsides, escarpments etc
- € liberalises the current provisions, but not to the same extent as Option 1

- € a degree of arbitrary call as to where a line should be drawn and a question of scale of analysis, i.e. district wide vs. regional vs. local contexts
- € timeframe may be lengthy after notification, with a need to fine tune lines on maps

**Option 3 – Mapping of all values of ridgeline and hilltops** (Option 2 plus the four values identified in the Boffa Miskell Ltd 2001 report (natural features, heritage and recreation values included))

#### **Advantages**

- € lines on maps show highly visible areas (intervisibility), landform continuum and slope context, plus natural features, heritage and recreation values
- € work has been completed, therefore the Plan Change is ready to be notified and consulted
- € trigger mechanism for resource consent, and policies and methods are more encompassing of all values (and potential values) pertaining to the character and use of ridgelines and hilltops thereby being a more integrated resource management approach than option 1 or 2
- € could allow variable permissibility, influenced by likely visual impact of particular activities and/or distance, and likely impact on natural, recreational, and heritage values
- € no further costs incurred by Council up to notification

#### **Disadvantages**

- € this approach deals with visual as well as other impacts within mapped areas, but does not cover the impact of activities beyond mapped areas which may also be susceptible to visually obtrusive activities, such as on hillsides, escarpments etc
- € this approach presents a blurred rationale within mapped areas, it is not known what values apply where
- € other documents already control some of values and/or such values are more appropriately dealt with by other documents e.g. heritage provisions for geological features
- € timeframe may be lengthy after notification with the need to fine tune the line
- € degree of arbitrary call as to where a line should be drawn and a question of scale of analysis, i.e. district wide vs. regional vs. local contexts
- € liberalises the current provisions, but not to the same extent as Option 1

**Option 4 – Comprehensive land use and catchment management mapping of entire district**

#### **Advantages**

- € an all encompassing mapping exercise identifying the relationships between visual effects of activities and land use, ecology, drainage patterns, slopes, ridgelines etc
- € ridgelines and hilltops are perceived as part on an overall landscape pattern where interrelating policies and methods could embody incentive based provisions to encourage sensitive siting of activities in context of catchments, and possible visual integration from the rehabilitation of degraded environments
- € allows variable permissibility influenced by activities, natural features and incentives

- € timing after notification likely to be less than Options 1, 2 or 3
- € precedent already set by Auckland City Council by its Hauraki Gulf Island Section of the District Plan having been tested by the Environment Court

### **Disadvantages**

- € extensive detailed mapping required, incurring significantly greater cost for Council
- € less easily understood district plan provisions
- € some time away from notifying a Plan Change
- € other objectives, polices and rules in the District Plan already address some of these relationships

On balance, Option 2 has been considered as the most appropriate method for the overlay map given the advantages and disadvantages of all options. The overlay maps have been based on:

- € areas of relatively high visibility from both district-wide and local level using inter-visibility mapping
- € moderately steep slopes near ridgelines
- € places/areas of particular risk e.g. saddles, where roading and housing development often occurs due to lower elevation
- € areas linking these identified areas, so that there is continuity along the landform.

Areas within the overlay map are to be referred to as ‘identified ridgelines and hilltops’.

## **4.3 Policies and Rules**

### **Residential Areas**

Some undeveloped areas within the proposed overlay map are zoned Residential (12 properties). Most of these are either controlled by specific development provisions (agreed to by Consent Order) or are owned by Council. Only two properties zoned Residential are left whereby activities would be affected by the overlay map. While it could be considered that this does not present a significant implication for these two properties, amendment to the Residential Area provisions is nevertheless worthwhile considering that significant areas of land within the Northern Growth Area are likely to be rezoned to Residential in the future.

The current policy is: *‘Encourage the protection of undeveloped skylines and ridges that make an important contribution to the landscape of Wellington’* (Policy 4.2.5.2). This is to be replaced by: *‘Ensure that the adverse visual effects of development are avoided, remedied or mitigated in ways that achieve a relatively undeveloped character within identified ridgelines and hilltops.’*

The revised policy reflects the ‘environmental result’ that is *‘the visual continuity of a relatively undeveloped character on the upper slopes and summit of ridgelines or hilltops.’* Because a higher level of density is permitted in the Residential Area, the policy recognises that retaining a relatively undeveloped character up to and along the apex of a ridgeline or hilltop is critical to the visual continuum that the overlay map

covers i.e. highly visible areas. The policy does not preclude the possibility of development if adverse visual effects can be avoided, remedied or mitigated, rather the policy reflects the idea that design may offer suitable solutions giving the appearance of an undeveloped character along the apex. Further amendment to the Policy Explanation expands the broader matters of visual amenity.

The assessment criteria for the rules for ridgelines and hilltops will be further amended to broaden the range of visual impact matters. Currently the Residential Area has two rules for ridgelines and hilltops; earthworks and subdivision. For subdivision, an Unrestricted Discretionary Activity consent is currently required where located within ridgelines and hilltops. Because no criteria refer specifically to ridgelines and hilltops, one criterion is proposed to be added. This will more specifically focus attention on upper most slopes and summit of a ridgeline or hilltop, minimising skyline effects by landform backdrop, and requiring planting and/or screening. Reference to district wide and community wide visibility is added here, thereby bringing the proposed inventory maps (showing highly visible areas and describing ridgeline character) into the rules.

## **Rural Area**

The Rural Area is the zone most affected by the overlay map. Two objectives are relevant to ridgelines and hilltops: *'To maintain and enhance the character of the Rural Area by managing the scale, location and rate of new building development'* (Objective 14.2.2) and *'To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment'* (Objective 14.2.5).

Both Objective 14.2.2 and 14.2.5 are supported by policies which refer specifically to ridgelines and hilltops, creating overlap within this Chapter. Given the overlap, Policy 14.2.5.2 (*'Restrict the construction of structures on undeveloped skylines and ridges that make an important contribution to the landscape of Wellington'*) will be deleted, and Policy 14.2.2.2 will be amended so as to give better effect to Objective 14.2.2. At present, Policy 14.2.2.2 states: *'Control the location of new structures and earthworks on ridgelines and hilltops.'* On revising the focus of the Plan Change to visual amenity, Policy 14.2.2.2 is to be amended to read: *'Control the construction and siting of new buildings, structures and earthworks on identified ridgelines and hilltops in ways that avoid, remedy or mitigate adverse visual effects on the rural character.'*

This is more consistent with the approach taken with other zones, where design solutions which avoid, remedy and mitigate adverse visual effects allow the possibility of development being located within ridgelines and hilltops. The revised policy enables Council to consider siting and design, within the scope of proposed lot sizes and design solutions proffered by the Rural Area Design Guide.

Assessment criteria relating to Unrestricted Discretionary Activity criteria for activities within identified ridgelines and hilltops will be expanded to include matters such as surrounding landscape character, visual continuity on the upper slopes, minimising skyline effects, mitigation by backdrop, existing vegetation and new planting, and visibility in relation to district wide, community wide and neighbouring

views. The Rural Area Design Guide will be introduced as part of assessment criteria as this also has relevance to managing the visual effects of residential scale development.

### **Open Space zone**

Minor amendments are to be made to the Open Space zone by making a clearer reference to visual impact. The relevant policy is currently: *'Restrict the construction of structures and earthworks on skylines, hilltops and ridges that make an important contribution to the landscape of Wellington'* (Policy 16.5.2.2). This is to be amended to read: *'Restrict the construction of buildings, structures and earthworks on identified ridgelines and hilltops'* to include buildings, which are separately defined under the Plan, and to broaden the scope of visual amenity to more than skylines.

Assessment criteria for Unrestricted Discretionary Activities are to be added to in the same way as the Residential Area, making reference to visual continuity on the upper slopes up to the apex of the ridgeline or hilltop, appropriate siting and design, and planting and/or screening, and minimising skyline effects by ensuring that buildings and structures will be seen against a landform backdrop. For earthworks, further assessment criteria will refer to minimising the visibility of earthworks in relation to district wide, community wide and neighbouring views, and mitigating the visibility of earthworks by appropriate planting and/or screening.

### **Conservation Sites**

No change to current policies for Conservation sites is proposed. Changes are proposed to the assessment criteria however for Unrestricted Discretionary Activities in the same manner as Residential Areas and the Open Space zone to provide for a broader consideration of visual effects of activities.

### **Utilities**

No further change is proposed to policies of Chapter 22. Amendment to the rules are to be made, particularly the assessment criteria for Discretionary Activities (Restricted and Unrestricted). Additional criteria for masts and antennas, and overhead lines will refer to visibility, siting, and external colours and materials.

## **5. Summary**

The review of the ridgeline and hilltop definition and provisions has been considered in light of the most efficient and effective way of achieving the relevant objectives, and thereby the purpose of the Act. This has involved two aspects, mapping methodologies, and policies and their related rules and assessment criteria. The attached table summarises the preceding outline and accompanies this s32 analysis.

## Ridgelines and Hilltops - District Plan provisions

	<b>OPTION 1:</b>  <b>Do Nothing – rely on the existing definition and assessment criteria</b>	<b>OPTION 2:</b>  <b>Rely solely on non-regulatory methods rather than rules</b>	<b>OPTION 3:</b>  <b>Proposed regulatory controls based on a map overlay of ridgelines and hilltops, inventory maps, and changes to DP provisions</b>  <i>This is the preferred option</i>
<b>Effectiveness and efficiency in achieving the District Plan objectives:</b>	<p>Medium.</p> <p>The current provisions, while effective to a degree with achieving the relevant objectives, are problematic insofar as identifying where ridgelines and hilltops rules (as defined) apply.</p> <p>Doing away with regulation is considered to be not supported by the community, as indicated by submissions made to the Rural Review and Northern Growth workshops, where the management of ridgelines and hilltops was clearly desired.</p>	<p>Low</p> <p>Developments in visually sensitive locations necessarily require detailed design in site specific locations. Non-regulatory controls are useful for encouraging design that is specific to site but require buy in by a developer/land owner, and accordingly have limited effectiveness in achieving the relevant objectives of the Plan if this does not occur.</p> <p>Design guides are considered to be the most useful as a non-regulatory method, however alone they do not provide the necessary control that is expected from the community as they can not be enforced.</p> <p>Incentives can be used to encourage landowners to adopt measures to protect landscape values, such as replanting which may screen development however this alone does not guarantee the objectives of the Plan will be achieved.</p>	<p>High</p> <p>Regulation provides the highest level of certainty for achieving the relevant objectives of the Plan. Regulation allows criteria to be employed to assess compliance, taking into account a range of visual effect matters. Regulation also allows potential for methods to also be considered such as non-regulatory methods (in this case a design guide which is to be part of the District Plan), and Reserve Management Plans, administered under the Reserves Act for land zoned Open Space which is publicly owned. Altogether this is very effective in achieving the relevant objectives of the Plan.</p>
<b>Costs:</b>	<p>Medium to high</p> <p>Financial costs for Council are low, however the cost to amenity are potentially high where:</p> <ul style="list-style-type: none"> <li>€ development is potentially not assessed for its visual effects on the ridgeline and hilltop when it should be, the cost being a loss of visual amenity for the wider community</li> <li>€ development is assessed for its visual effects when it</li> </ul>	<p>Medium to Low</p> <p>Financial costs of implementing non-regulatory methods are relatively low for Council and land owner/developer in context of potential time and costs of implementing a Plan Change.</p> <p>However this is reflected in their effectiveness in achieving the relevant objectives, which is limited</p>	<p>Medium to Low</p> <p>Financial costs for an applicant preparing necessary information are considered to be similar as the status quo option.</p> <p>Financial costs for Council are higher than Options 1 and 2 as background assessment work of ridgelines and hilltops is required.</p>

	<p>need not be, the cost being funded by the applicant</p> <p>The potential financial cost for Council is further legal action taken by appellants to the current provision, as noted in a Consent Order which Council agreed to in June 1999.</p> <p>Financial costs to applicants for preparing information involving a proposal within the ridgeline (as currently defined) will not be significantly more than what are considered to be incurred with preparing information for a resource consent required for some other rule or a building consent.</p>	as it requires buy in from the developer/land owner.	
<b>Benefits:</b>	<p>Low</p> <p>No cost is incurred by Council to review provisions for ridgelines and hilltops, so that resources can be used elsewhere.</p>	<p>Medium</p> <p>Allows freedom of design and is effects based</p>	<p>High</p> <p>The benefits arising from a consistent approach to managing the effects of development on ridgelines and hilltops via a rule are highest compared to options 1 and 2.</p> <p>In particular, maintaining a discretionary activity status is most beneficial as this encourages buy-in from a developer given the risk of potential disapproval. As a discretionary activity, development can be assessed against the criteria which allow freedom of design without being too prescriptive on a proposal.</p>
<b>Appropriateness in achieving the District Plan objectives:</b>	<p>Low</p> <p>Current provisions are to a degree appropriate for achieving the relevant objectives, but there is a risk associated with further legal action by doing nothing given the consent orders agreed to by Council over provisions for ridgelines and hilltops have been accepted by Council as being problematic. Such consent orders derived from appellants questioning the appropriateness of the current methods, i.e. the definition and related provisions.</p>	<p>Medium</p> <p>Non-regulatory methods are appropriate if buy in from the developer/land owner occurs, however this can not be guaranteed.</p>	<p>High</p> <p>Regulation provides the highest level of certainty for achieving the relevant objectives of the Plan.</p>

## **PART B: RURAL AREA CHANGES**

### **1. Introduction**

Section 32 of the Resource Management Act stipulates a requirement to consider alternatives and assess the benefits and costs of adopting any objective, policy, rule, or method in the District Plan. Under subsection three the assessment 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.*

The Proposed Plan Change to the Rural Area Chapter addresses matters concerning the subdivision and development of Wellington's rural areas – covering approximately two thirds of the City's area.

### **2. Process & Consultation**

#### **2.1 Background**

Changes to the rural provisions of the Wellington City District Plan have been contemplated since the development of the Council's first District Plan under the Resource Management Act. At that time (1994), the Council identified the fragmentation of rural land as being a significant resource management issue for the City, requiring further analysis to determine, in part, the capacity of the rural area for accommodating further subdivision. Like other Councils at that time, the demand for rural land for residential purposes – both suburban and rural/residential - was becoming a particular issue that challenged previous land use management techniques. Thus, whilst the District Plan signalled very clearly that a foundation principle of the sustainable management of Wellington's natural and physical resources is urban containment – the “compact city” – the Council recognised that the approach or mechanisms to achieve this within the RMA framework for the rural area needed further analysis.

The process of reviewing the rural provisions was based solidly in taking a consultative approach, especially given the strategic importance of determining the future of land use and subdivision in the rural area. Integration with concurrent urban form analysis at the City level was designed to ensure both continuity and also to help in identifying possible non-regulatory methods to achieve objectives for the future shape of the city as a whole. Community meetings, surveys, workshops sought to bring the bigger questions of Wellington's urban form into discussions about the precise dynamics of any regulation employed to manage land use activities and subdivision in the rural area.

Four Rural Community Plans were developed and timed to correspond with the Council's major planning and urban form project in the Northern Growth Management Area. These processes provided clear direction on what future management rural communities considered appropriate to enabling their social, economic and cultural wellbeing through the District Plan whilst also taking into account the broader issues facing other communities within Wellington as a whole. It

is relevant to note that the consultation process resulted in general endorsement for many of the provisions within the rural chapters and therefore there was not a major call for radical change. Much of the feedback received confirmed particular connections communities, including urban communities, had with Wellington’s rural landscapes.

The following summarises the process of evaluation and consultation undertaken to meet the requirements of section 32 of the Resource Management Act 1991.

## 2.2 Key documents/discussions/briefings

The following are the key stages of the Rural Review since 1998:

- € 1998/1999: Commissioning and development of the ‘Rural Area Study’ (Vols 1 and 2)
- € August 1998: Report commissioned by WCC completed entitled “Routes, Risks and Restoration: an assessment of riparian zones in Rural Areas of Wellington City District with special reference to ecological significance and public access linkages (Anstey et al)
- € 1999/2000: Development and consultation on the leaflet: ‘Rural Wellington: What are your thoughts on its future?’
- € Summary of Submissions on the consultation leaflet produced (March 2000). Results reported to Councillors at same time as the Strategic Review 2000 work
- € Wellington City District Plan becomes operative 27 July 2000
- € Rural Review brought into Strategic Review urban form work. Development of the map below in the Long Term Financial Strategy (10 Year Plan 2001/2002):



- § Rural Area Discussion Document released with other consultation material on the Strategic Review (November 2000). Idea proposed to develop rural community plans for the different rural communities within Wellington
- § Tour of the rural area by Councillors, the Chair of the Makara/Ohariu Community Board and officers (November 2000)
- § Decision by the (then) City Development & Business and Environment & Recreation Committees in January 2001 to proceed with Rural Community Plans
- § 2001/2002: Consultation, development and adoption of Rural Community Plans for South Karori, Makara, Ohariu Valley and Horokiwi, alongside development of the Northern Growth Management Plan
- § June 2001: Completion of the report: ‘Wellington’s Ridgetops and Hilltops: The Natural and Amenity Values’ (Boffa Miskell Limited)
- § September 2001: Wellington Wet and Wild: Bush and Streams Restoration Plan’ adopted by Council
- § 2002/2003 – Development and endorsement of the work involved in the Outer Green Belt Management Plan, including refinement of the area to be encompassed by the Management Plan
- § July 2002 –2003: Commissioning and development of a Rural Area Design Guide
- § November 2002 – 2003 consolidation of work, specific analysis of options to translate preliminary work into District Plan Changes, including refinement of the Rural Area Design Guide
- § March 2003 – Meeting with the Horokiwi Community Association to discuss proposed provisions for subdivisions and residential buildings
- § June 2003 – Rural Capacity Estimation Report completed for the Northern Growth Management Plan area to assess implications of subdivision policy in this area.
- § August 2003 – Workshop with the Makara/Ohariu Community Board on the proposed residential building and subdivision rules
- § September 2003 – Workshop with the Makara/Ohariu Community Board on amendments to the content and layout of the Rural Area Design Guide
- § December 2003 - February 2004 – Commissioning and completion of a report to assess the implications for the rural character and amenity of subdivision proposals in specified areas on the eastern side of the Outer Green Belt “Assessment of Rural Character on Peri-Urban and Rural Sites and the Implications for Subdivision” prepared by Clive Anstey”
- § February 2004 – Separate meetings with the Makara/Ohariu Community Board and meetings of the residents of South Karori Road and Horokiwi to present the amended draft Rural Area plan change and the Rural Area Design Guide
- § March 2004 – The draft Rural Area Plan Change presented to the Tawa Community Board, in conjunction with the draft Ridgelines and Hilltops Plan Change

- § March 2004 –Presentation of the amended draft Rural Area Plan Change to the Built and Natural Environment Committee focusing on changes made since the presentation of the draft plan change in February 2003. Work on two related areas, the Wind Farms and the District Plan: Issues and Options Report and a proposed plan change for Ridgelines and Hilltops) were presented to the Committee at the same time
- § April 2004 – Presentation of Rural Area Plan Changes to Built and Natural Environment Committee (alongside Ridgelines and Hilltops and Renewable Energy Plan Changes). Recommended to Council for notification subject to minor amendments.

### **2.3 Consultation, in accordance with the First Schedule of the RMA 1991**

- € Ministry for the Environment
- € Department of Conservation
- € Greater Wellington Regional Council
- € Porirua City Council.
- € Hutt City Council
- € Wellington Tenth Trust
- € Te Runanga O Toa Rangatira Inc

Copies of the draft Rural Area plan change were sent to the organisations listed above on the 24 February 2004 for comment. A follow up meeting was requested by officers from Greater Wellington to discuss the content of the draft Rural Area Plan Change and other related plan changes for Renewable Energy and the Ridgelines and Hilltops. This was held in March. Comments were also received from the Department of Conservation. This feedback has been taken into account in the finalisation of the Plan Change.

### **2.4 Other Relevant Plan Changes**

The Council has recently publicly notified three other Proposed Plan Changes, which are relevant to Proposed Plan Change 33 as follows:

- € Proposed District Plan Change 22 – Hazard (Fault Line) Area Re-alignment and Rules
- € Proposed District Plan Change 28 – Non-Notification Statements in the Operative District Plan
- € Proposed District Plan Change 6 – Residential rules and associated definitions (to address technical problems with the operation of the rules)

Changes to the Rural Area have either been introduced directly through these plan changes, or similar changes have been subsequently adopted into Proposed Plan Change 33 to ensure consistency. The separate section 32 reports for the above Changes provide the justification for the changes made in relation to these aspects within Proposed Plan Change 33.

### **3. Appropriateness of Objectives**

#### **3.1 Resource Management Act 1991 and the Wellington City District Plan**

The purpose of the Resource Management Act 1991 (the Act) is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural well being and for their health and safety.

Section 5 is intended to be enabling within the context of achieving other things – sustaining the potential or resources to meet the needs of future generations, safeguarding the life-supporting capacity of air, water, soil and ecosystems, and addressing adverse effects on the environment.

Chapter 14 of the District Plan sets out the objectives and policies for the use, development and protection of Wellington’s rural areas. Chapter 15 contains the rules for activities in the Rural Area.

The existing objectives for the Rural Area in Chapter 14 remain largely unchanged by the review on the grounds that the Council’s original intent in managing the rural area to meet the purpose of the Act remains valid. However, the review did identify that some existing policies and implementation methods do not fully enable these objectives to be achieved, particularly following in depth community consultation, changes to legislation and the evolution of best planning practice.

### **4. Appropriateness of Objectives in achieving the Purpose of the Act**

One objective is altered by the Plan Change:

#### **14.2.2 To maintain and enhance the character of the Rural Area by managing the scale, location, rate and design of new building development.**

A key element recognised by the Council in the explanation to this objective as it previously stood, was the need to ensure new buildings reflected rural character. A critical outcome of the review, including the consultation process, was that rural character was, in some cases, being lost as a result of inappropriate buildings being built in the rural area. A key aspect of this was that such an impact depended upon which part of the rural area you were in. Thus, in managing the use, development and protection of Wellington’s natural and physical resources in the rural area, the objective, as previously worded, did not assist the Council to meet the purpose of the Act in terms of maintaining or enhancing rural character.

Objective 14.2.2 is altered under the Plan Change to include the **design** of new building development in the rural area. This reflects the outcomes of the consultation process and is the central point for changes to the policies and rules to acknowledge the integral role of design in ensuring rural character can be maintained whilst still providing for new building development in the rural area.

## **5. Appropriateness of Policies, Rules and Other Methods**

### **5.1 Policies**

Two new policies are introduced under this Plan Change:

#### **14.2.4.2 Manage the rate of subdivision to minimise fragmentation of land in the Rural Area and to maintain a compact city.**

#### **14.2.4.4 To require esplanade areas along identified streams and the coast to protect conservation values, provide public access or other recreational use.**

These policies address current gaps in the implementation of the Council's objectives regarding urban containment, and also to clarify the Council's regulatory responsibilities in relation to acquiring esplanade land at the time of subdivision. In relation to the first policy above, a wide range of approaches, options and techniques for managing subdivision were examined over the course of reviewing the current provisions and exploring the most efficient and effective methods with the community. The chronology of the analysis that has led to the final wording of the plan change is covered above under Process and Consultation. The key point to note here is that the desire to limit the fragmentation of rural land was a key outcome of the process and is therefore reflected in the amendment to the rules outlined below.

In relation to the second policy, implementation of the existing District Plan provisions highlighted some legal issues over when the Council could acquire esplanade land at the time of subdivision, as well as revealing a gap in the Council's policy intent. The introduction of the above policy provides the context for the Council's statutory responsibilities in relation to esplanade land. The proposed provisions have been subject to a legal review to ensure they are consistent with the Act's requirements.

### **5.2 Methods**

Below is a summary of the evaluation undertaken of the various options assessed to identify the most effective and efficient way of implementing the Council's objectives for the Rural Area. Whilst the proposed changes to the current provisions contain wording changes to explanations and subsequent changes to rules, the outline below pulls the detail together into the overall approaches that were evaluated and summarises them, rather than covering all technical aspects of the change. More detail regarding the section 32 analysis is contained in the background material and reference documents outlined in section 2 above.

**Table 1: Options for managing subdivision in the rural area**

OPTION	EVALUATION
<p><b>Option 1</b></p> <p><b>Do Nothing</b></p>	<p><b>Explanation:</b> Any application to subdivide land that is zoned rural, whether on the edge of the City or in Ohariu Valley is a Discretionary Activity (Unrestricted) under the current rules. If one or more of the proposed allotments is less than 50ha in area, the subdivision automatically becomes Non-Complying. Generally applications are notified. The Council can consider any aspect but officers are guided by a list of assessment criteria in the District Plan.</p> <p>Benefits:</p> <ul style="list-style-type: none"> <li>€ Means the Council can consider all aspects of a proposal; can decide whether to grant or refuse consent, and/or to impose conditions relating to any matter.</li> <li>€ Potential benefit through greater opportunity for public participation in subdivision applications.</li> <li>€ Current provisions help to retain open rural landscapes by default as subdivision so restrictive.</li> <li>€ This option generally supports urban containment.</li> </ul> <p>Costs</p> <ul style="list-style-type: none"> <li>€ High administration costs to Council and applicants</li> <li>€ Does not specifically recognise the different character areas within the rural area and therefore sometimes leads to inappropriate subdivision design.</li> <li>€ There is little certainty for either the Council or the applicant prior to the lodging of an application as to how the proposal will be assessed.</li> <li>€ Some community costs where difficulties in subdividing affects the viability of being able to continue farming operations</li> </ul> <p><b>Overall, the current provisions are problematic to administer. They do not discriminate between different areas, nor give guidance on what is appropriate subdivision design. Without a specific policy relating to the land fragmentation issue, Council Officers and Hearings Committees have found it difficult to give due weight to the overall objective of urban containment, especially in the absence of any information regarding rural amenity values. As most applications are non-complying, there is a high cost to both the Council and the applicant.</b></p> <p><b>Not recommended</b></p>
<p><b>Option 2</b></p> <p><b>The “Tailored Approach”</b></p>	<p><b>Explanation:</b> This option reflects the consultative approach taken in the course of the review. It breaks the rural area up into recognised character areas and manages subdivision within those areas on the basis of a design guide and rural community plans.</p> <p>The assessment of any application to subdivide depends on the area in which the proposal is located, with the general principle being that widespread fragmentation of land to the west of the Outer Green Belt would not support the Council’s overall urban form goals, but that some targeted subdivision of rural zoned land east of the OGB would be sustainable, and also an effective and efficient use of land resources in Wellington.</p> <p>Benefits</p> <ul style="list-style-type: none"> <li>€ Reflects public consultation outcomes and therefore has most community agreement compared to other options.</li> <li>€ Provides greater opportunities for subdivision but tailored to suit the character of component parts of the rural area.</li> <li>€ Supports farming community aspirations by providing for some limited subdivision whilst still retaining open, rural character.</li> <li>€ Means that it is clear to both the Council and the applicant what matters are relevant to the consideration of an application, in what areas different controls apply and for what reasons, and how that fits into a wider picture of urban form.</li> <li>€ Consent can be refused if the proposal does not meet the requirements specified in the Plan.</li> <li>€ Is consistent with the outcomes of the Northern Growth Management Plan</li> </ul>

	<p>process and with the overall strategic vision of the Council, including urban containment.</p> <ul style="list-style-type: none"> <li>€ Design Guide approach is consistent with other character areas in the District Plan.</li> </ul> <p>Costs</p> <ul style="list-style-type: none"> <li>€ Additional resources needed to administer Rural Area Design Guide.</li> <li>€ Relatively high administration costs for Council and applicants.</li> </ul> <p><b>This option is the one most supported by the City’s rural communities after in depth consultation and examination of the issues at community level. It also ensures the integrity of the Plan’s objectives in seeking to limit fragmentation of rural land and maintain a compact city. Some liberalisation to provide communities with options to subdivide within the rural amenity framework should enable change to still occur in different parts of the rural area without placing stress on infrastructure, or resulting in degradation of the rural landscape.</b></p> <p><b>Recommended</b></p>
<p><b>Option 3</b></p> <p><b>The “Even-Handed” Option</b></p>	<p><b>Explanation:</b> This option manages all subdivision in the rural area as a Discretionary Activity (Unrestricted) with either no minimum lot size or a standard minimum lot size applying across all community plan areas and the urban fringe. The Rural Area Design Guide would be the principle tool by which lot size and subdivision design would be assessed. The idea behind this option is that it would allow more flexibility in terms of design, compared to the current 50ha requirement creating an arbitrary benchmark that is difficult for officers to assess in relation to actual effects on the environment. No subdivision would be ‘Non-Complying’. There would also be assessment criteria including the need to recognise different character areas within the rural area.</p> <p>Benefits:</p> <ul style="list-style-type: none"> <li>€ Provides a regime in which applicants could produce innovative subdivision design.</li> <li>€ Some submitters during consultation were in favour of having a ‘one rule for all’ approach so that the rules did not appear to favour some landowners above others.</li> </ul> <p>Costs</p> <ul style="list-style-type: none"> <li>€ Is risky in that demand for rural land may result in large numbers of subdivisions occurring that place stress on existing infrastructure and proceed at a rate too great for the environment to absorb.</li> <li>€ Does not reflect the different character areas identified through consultation</li> <li>€ Does not sit well with the overall principle of urban containment.</li> </ul> <p><b>Whilst there are some advantages to having a uniform rule in terms of administration, this approach does not adequately reflect the different character areas within the rural area. There would be a tendency for applicants to create lots at exactly the minimum lot size or, if there was no minimum, for there to be multiple subdivision of small lots which would have implications for the City’s infrastructure. Even if Discretionary Unrestricted the Council may still find it difficult to decline applications that together would have significant cumulative effects on rural character and amenity.</b></p> <p><b>Not Recommended</b></p>
<p><b>Option 4</b></p> <p><b>The “Traditional” Option</b></p>	<p><b>Explanation:</b> This option uses the activity class structure to create a hierarchy of consent scenarios depending on the significance of the proposal. A minimum lot size and assessment criteria under each category as the means for assessment. There is no design guide. Thus some subdivision will be controlled, Discretionary (Restricted), Discretionary (Unrestricted) and Non-Complying.</p> <p>Benefits:</p>

	<ul style="list-style-type: none"> <li>€ Low administration and compliance costs.</li> <li>€ Certainty for applicants.</li> <li>€ Some submitters during consultation were in favour of having a 'one rule for all' approach so that the rules did not appear to favour some landowners above others.</li> </ul> <p>Costs</p> <ul style="list-style-type: none"> <li>€ Doesn't encourage applicants to come up with innovative subdivision design.</li> <li>€ Does not reflect that there are different character areas identified through consultation.</li> <li>€ Does not sit well with the overall principle of urban containment.</li> </ul> <p><b>This option would have some effect but is less responsive to the outcomes of the consultation process. Although assessment criteria on their own would enable proposals to be assessed, the absence of a design guide would mean there would be no reference point upon which to assess effects on character and rural amenity</b></p> <p><b>Not Recommended</b></p>
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**Table 2: Options for managing residential buildings and associated accessory buildings**

OPTION	EVALUATION
<p><b>Option 1</b></p> <p><b>Do Nothing</b></p>	<p>Explanation: Any application for a new residential building on a certificate of title registered in the applicant’s name since the notification of the District Plan (in 1994) is a Discretionary Activity (Unrestricted) as a result of the permitted activity condition 15.1.3.1. In practice, this means that the Council currently processes a number of applications for new residential buildings under this activity classification.</p> <p>In contrast, the construction of new residential buildings on certificates of title registered in the applicant’s name prior to the notification of the District Plan are provided for as a Permitted Activity, subject to compliance with specified permitted activity conditions. Alterations and additions to existing residential buildings are also provided for as a Permitted Activity. There is no distinction in the provision of residential accessory buildings and farm accessory buildings, and the rule is permissive with large accessory buildings being able to be constructed.</p> <p>Benefits:</p> <p><u>New residential buildings on certificates of title registered in the applicant’s name since notification of the District Plan.</u></p> <ul style="list-style-type: none"> <li>€ Provides Council with a relatively high level of control (Discretionary Activity (Unrestricted))</li> <li>€ Means the Council can consider all aspects of a proposal; can decide whether to grant or refuse consent, and/or to impose conditions relating to any matter.</li> <li>€ Potential benefit through greater opportunity for public participation.</li> </ul> <p><u>New residential buildings on certificates of title registered in the applicant’s name prior to the notification of the District Plan, alterations and additions, and accessory buildings</u></p> <ul style="list-style-type: none"> <li>€ Resource consents generally not required, with reduced costs and risk of delays for the applicant, and reduced administration costs for the Council in relation to these.</li> </ul> <p>Costs:</p> <p><u>New residential buildings on certificates of title registered in the applicant’s name since notification of the District Plan.</u></p> <ul style="list-style-type: none"> <li>€ Relatively high administration costs to the Council and applicants, and potential delays for applicants.</li> <li>€ Does control the rate of new building, with relatively restrictive provisions.</li> </ul> <p><u>New residential buildings on certificates of title registered in the applicant’s name prior to the notification of the District Plan, alterations and additions, and accessory buildings</u></p> <ul style="list-style-type: none"> <li>€ Provides the Council with minimal ability to control to achieve good outcomes.</li> </ul> <p><u>All Proposals</u></p> <ul style="list-style-type: none"> <li>€ Results in variable quality of the design of new buildings and site planning, with no clear guidance on design and rural amenity issues.</li> <li>€ No clear policy framework for the difference in approach taken.</li> <li>€ Not effects based.</li> </ul> <p>Conclusion: This option is not an effective or efficient option to achieve the purpose of the Act.</p> <p><b>Not Recommended</b></p>

<p><b>Option 2</b></p> <p><b>New residential buildings and alterations and additions creating large residential buildings as a Discretionary Activity (Restricted) with the Rural Area Design Guide</b></p>	<p>Explanation: In most of the Rural Area all new residential buildings, and alterations and additions to residential buildings and associated residential accessory buildings that result in a gross floor area of more than 300m<sup>2</sup>, or exceeding a maximum height of 5m is a Discretionary Activity (Restricted). Proposals that require resource consent will be assessed against the Rural Area Design Guide. Express approval is provided for applications not to be notified.</p> <p>The Council’s current approach of applying the Outer Residential Area rules to the construction, alteration of and addition to residential buildings in the Makara Beach and Makara Village areas is retained.</p> <p>Benefits:</p> <ul style="list-style-type: none"> <li>€ Improved building design through the application of the Rural Area Design Guide to most residential buildings.</li> <li>€ Site planning that respects the particular characteristics of the locality including landform and ecosystems, with benefits to the natural environment.</li> <li>€ Provides certainty and guidance on the matters that will be addressed through resource consent applications with specified assessment criteria and the Rural Area Design Guide.</li> <li>€ Consent can be refused if the proposal does not meet the requirements specified in the District Plan.</li> <li>€ Reinforces the Council’s objectives of maintaining and enhancing the amenity values and rural character, which is widely supported by the rural community.</li> </ul> <p>Costs:</p> <ul style="list-style-type: none"> <li>€ Relatively high administration costs to Council and applicants due to resource consent process and potential delays for applicants.</li> <li>€ Additional resources needed by the Council to administer the Rural Area Design Guide, and potential costs to applicants to obtain expert advice in relation to the principles of the Design Guide.</li> </ul> <p><b>Conclusion: This option is an effective and efficient option to achieve the purpose of the Act. The consultation undertaken has reinforced that the Council’s existing policy of maintaining and enhancing the rural character and amenity is widely supported by the rural communities consulted. The proposal is to provide a more even handed approach to the provisions for residential buildings with the removal of the restriction on the date the lot was created and ownership of it in relation to the notification of the District Plan. Generally, however, a relatively strict approach is retained.</b></p> <p><b>Clear guidance is provided as to appropriate design and location and site planning of new residential buildings and alterations and additions that will result in large buildings to ensure that the rural character and amenity is maintained while providing flexibility in terms of design solutions. This option also provides greater control of the scale of accessory buildings associated with a residential activity than currently provided, to ensure that they will not have any adverse visual or amenity effects.</b></p> <p><b>Recommended.</b></p>
<p><b>Option 3</b></p> <p><b>New residential buildings Controlled Activity where there is a separation distance of 100m from the nearest dwelling; with Rural Area Design Guide</b></p>	<p>Explanation: All new dwellings would require a resource consent for a Controlled Activity, and would be assessed against the Rural Area Design Guide. In order to achieve Controlled Activity status there is a requirement that there be a separation distance of 100m to the nearest dwelling. Express approval is provided for applications to be considered on a non-notified basis. Resource consent applications for a Controlled Activity cannot be refused.</p> <p>Benefits:</p> <ul style="list-style-type: none"> <li>€ Potentially improved building design will be achieved if the proposed design is in accordance with the Rural Area Design Guide.</li> <li>€ Potentially improved site planning that respects the particular characteristics of the area including landform and ecosystems, with benefits to the natural environment, where applicants take into account the principles of the Rural Area Design Guide.</li> </ul>

	<ul style="list-style-type: none"> <li>€ Provides certainty and guidance on the matters that will be addressed through the resource consent applications with assessment criteria and the Rural Area Design Guide.</li> <li>€ Provides certainty to the applicant that resource consent will be granted.</li> <li>€ Privacy will be achieved through the required 100m separation distance between dwellings.</li> <li>€ Reinforces the Council’s objectives of maintaining and enhancing the amenity values and rural character, which is widely supported by the rural community.</li> </ul> <p>Costs:</p> <ul style="list-style-type: none"> <li>€ Relatively high administration costs to Council and applicants due to the resource consent process. This includes costs associated with the Council seeking to negotiate better design outcomes where applications are not in accordance with the principles of the Rural Area Design Guide.</li> <li>€ Potential delays for applicants due to the resource consent process.</li> <li>€ Additional resources needed by the Council to administer the Rural Area Design Guide, and there may be potential costs to applicants to obtain expert advice in relation to the Design Guide.</li> <li>€ Difficulties with the 100m separation distance between dwellings requirement, in terms of fairness (first come first served) and it does not encourage siting of buildings to fit in with the landscape.</li> <li>€ No ability to decline Controlled activity resource consent applications.</li> </ul> <p>Conclusion: This option is not an effective or efficient option to achieve the purpose of the Act.</p> <p><b>Not Recommended</b></p>
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**Table 3: Site Access and Parking**

OPTION	EVALUATION
<p><b>Option 1</b></p> <p><b>Do Nothing</b></p>	<p>Explanation: Currently, there is no specific site access or parking permitted activity conditions for activities in the Rural Area. The Do Nothing option is the retention of this approach.</p> <p>Benefits:</p> <ul style="list-style-type: none"> <li>€ No costs in terms of any resource consent requirements for this aspect.</li> </ul> <p>Costs:</p> <ul style="list-style-type: none"> <li>€ No control over the position of access ways with social and economic costs for landowners, and the wider public, in terms of motorists and pedestrian safety.</li> </ul> <p>Conclusion: This option is not an effective or efficient option to achieve the purpose of the Act.</p> <p><b>Not Recommended</b></p>
<p><b>Option 2</b></p> <p><b>Apply site access permitted activity conditions throughout the Rural Area and on –site parking requirements for new residential buildings</b></p>	<p>Explanation: Introduce a site access permitted activity condition for all activities. In relation to on site parking, include specific permitted activity conditions for residential buildings in Makara Beach and Makara Village, and the ability to consider on site parking in relation to residential activities, rural activities and non-rural activities in other areas in conjunction with Discretionary Activity status.</p> <p>Benefits:</p> <ul style="list-style-type: none"> <li>€ Social and economic benefits to landowners and the wider public resulting from safer vehicle accesses, and safer roads.</li> <li>€ Consistent with the existing policy framework, in particular Objective 14.2.9 and Policy 14.2.9.1.</li> <li>€ Aligns the Rural provisions with the rest of the District Plan, with the inclusion of requirements for vehicle access and on site parking for residential activities.</li> </ul> <p>Costs:</p> <ul style="list-style-type: none"> <li>€ Will result in some additional resource consent applications, with administration costs to Council and applicants.</li> <li>€ Additional costs for the Council in terms of the need for specialist advice to assess proposals.</li> <li>€ Potential delays for applicants due to the resource consent process.</li> </ul> <p><b>Conclusion: This option is an effective and efficient option to achieve the purpose of the Act. It provides for the social and economic wellbeing of landowners and the wider public, with the provision of safer roads and less potential for accidents involving pedestrians and motorists, and other road users.</b></p> <p><b>Recommended.</b></p>

**Table 4: Factory Farming**

OPTION	EVALUATION
<p><b>Option 1</b></p> <p><b>Do Nothing</b></p>	<p>Explanation: The District Plan currently provides for factory farming in buildings with a total floor area of less than 50m<sup>2</sup> as a Permitted Activity, and more than 50m<sup>2</sup> as a Controlled Activity (excluding pigs which are provided for as a Discretionary Activity (Unrestricted)). The Council’s control is limited to the location of the activity, and the District Plan specifies that written approvals will not be necessary and applications need not be notified. A resource consent application for a Controlled Activity cannot be refused. Conditions can only be imposed in relation to the matters specified and conditions cannot be imposed that would effectively mean that the application cannot proceed.</p> <p>Benefits:</p> <ul style="list-style-type: none"> <li>€ Provides certainty to applicants that resource consent will be granted.</li> </ul> <p>Costs:</p> <ul style="list-style-type: none"> <li>€ Provision is unworkable (confirmed with legal advice).</li> <li>€ Potential social and environmental costs as the effects of the activity are not able to be adequately assessed, there is no opportunity for third party involvement and resource consents cannot be refused.</li> </ul> <p>Conclusion: This option is not an effective or efficient option to achieve the purpose of the Act.</p> <p><b>Not Recommended</b></p>
<p><b>Option 2</b></p> <p><b>Provision for the Factory Farming of Animals in buildings with a total floor area of more than 50m<sup>2</sup> in area as a Discretionary Activity (Unrestricted).</b></p>	<p>Explanation: Retain the existing Permitted Activity rule for factory farming, and require a resource consent for a Discretionary Activity (Unrestricted) for all other factory farming.</p> <p>Benefits:</p> <ul style="list-style-type: none"> <li>€ For most factory farming, all the social and environmental effects of the proposal can be considered.</li> <li>€ Provides a robust workable provision.</li> <li>€ Provides an opportunity for an involvement by affected parties.</li> </ul> <p>Costs:</p> <ul style="list-style-type: none"> <li>€ Increased costs for applicants and the Council in terms of additional resource consent consents required, and the possible need for specialist advice on environmental effects.</li> <li>€ Potential delays for applicants due to the resource consent process.</li> <li>€ Removes certainty for the applicant currently provided through the removal of the Controlled Activity status for some factory farms.</li> </ul> <p><b>Conclusion: This option is an effective and efficient option to achieve the purpose of the Act. It removes an existing approach which is unworkable. Factory farming activities have the potential to generate adverse effects. Discretionary Activity (Unrestricted) status enables the effects to be comprehensively considered.</b></p> <p><b>Recommended</b></p>

**Table 5: Provision for Esplanade Areas**

OPTION	EVALUATION
<p><b>Option 1</b></p> <p><b>Do Nothing</b></p>	<p>Explanation: Currently, the District Plan specifies areas where esplanade areas are required. The mechanism by which the areas are taken is through a condition of resource consent. Legal advice provided to the Council is that this approach is questionable and could be subject to challenge.</p> <p>Benefits:</p> <ul style="list-style-type: none"> <li>€ Allows the Council to ‘pick and choose’ when it wishes to take esplanade areas.</li> </ul> <p>Costs:</p> <ul style="list-style-type: none"> <li>€ Legally questionable approach.</li> <li>€ Unclear provisions may mean that the Council is unable to take esplanade areas with implications for conservation values, public access and recreational use.</li> <li>€ No clear policy context for the esplanade provisions – the policy is currently contained in explanatory sections.</li> </ul> <p>Conclusion: This option is not an effective or efficient option to achieve the purpose of the Act.</p> <p><b>Not Recommended</b></p>
<p><b>Option 2</b></p> <p><b>Inclusion of a new policy, and rules relating to esplanade areas required on allotments of less than 4ha.</b></p>	<p>Explanation: Introduce a new policy and rules relating to the taking of esplanade areas on allotments of less than 4ha in specified areas, and the circumstances in which a waiver from these requirements will be provided. The option essentially ‘rolls over’ the intent of the existing provisions. The areas currently identified in the District Plan from where esplanade areas will be required do not alter. However, the new policy and rules make it clear that esplanade reserves will be required adjacent to Makara Estuary, and esplanade strips will be required elsewhere.</p> <p>Benefits:</p> <ul style="list-style-type: none"> <li>€ More certainty as the specific requirements for applicants, and the Council.</li> <li>€ No compensation costs for the Council.</li> <li>€ Esplanade areas provide benefits for conservation and in terms of public access and recreational use.</li> </ul> <p>Costs:</p> <ul style="list-style-type: none"> <li>€ Limited in application. Does not provide for taking esplanade areas on allotments of 4ha or more with potential lost opportunities in terms of the ability to provide continuous esplanade areas in the required areas.</li> </ul> <p><b>Conclusion: This option is an effective and efficient option to achieve the purpose of the Act. There has been insufficient background work undertaken to develop provisions for taking esplanade areas on allotments 4ha or more, and to be in a position to formulate a Council policy with respect to compensation (see Option 3 below). In the meantime, Option 2 ensures that the provisions for taking esplanade areas are certain and robust.</b></p> <p><b>Recommended</b></p>
<p><b>Option 3</b></p> <p><b>Inclusion of a new policy, and rules relating to esplanade areas required on allotments of less than 4ha or 4ha or greater.</b></p>	<p>The option of taking esplanade areas on allotments of 4ha or more, as well as less than 4ha was considered. Compensation is required to be paid for esplanade areas taken in relation to subdivisions of 4ha or greater. This option was discarded due to insufficient background work, including the likely costs of this option, the absence of a developed Council policy on compensation and insufficient consultation. In addition, it was recognised that this issue needs to be addressed comprehensively across all zones within the City.</p> <p>Benefits:</p> <ul style="list-style-type: none"> <li>€ Ability to provide continuous esplanade areas.</li> <li>€ Risk in litigation.</li> </ul> <p>Costs:</p> <ul style="list-style-type: none"> <li>€ Unknown compensation costs to Council.</li> </ul>

	Conclusion: This option is not an effective or efficient option to achieve the purpose of the Act. <b>Not Recommended</b>
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## 6. Summary

The extent and scope of the Rural Review meant that it has become a significant piece of work for the Council. Rural subdivision and buildings in the rural landscape in particular, were issues that needed addressing and which also generated much public interest. Selecting the most effective and efficient methods to achieve the strong outcomes of the consultative process has been the key goal of this Plan Change. The result reflects over five years of thinking, analysis, comparison with other Councils and consultation with different stakeholder groups. The outcomes of this consultation have then been considered by Council's elected representatives in the context of wider policy work on strategic issues and urban form in the City. This report summarises the scope of this work, but reference should still be made to the large number of source documents, Committee Reports, Makara/Ohariu Community Board Reports, Rural Community Plans, minutes of meetings, survey results, and legal reviews of draft plan changes preceding the final proposed plan change for the Rural Area.