

Section 32 Evaluation Report

Subdivision and Development

Contents

Section 32 Evaluation Report: Subdivision and Development	2
1. Purpose of the report	2
2. Statutory Context	2
3. Iwi Management Plans	5
4. Regional Planning Documents	6
5. Resource Management Issues	8
6. Background Documents, projects and Consultation	10
7. Purpose and Options	12
8. Scale and Significance Evaluation	16
9. Evaluation of proposed Objectives Section 32 (1) (a)	17
10. Evaluation of the proposed provisions Section 32 (1) (b)	28
11. Efficiency and effectiveness of the provisions	42
12. The risk of not acting	42
References	42

Section 32 Evaluation Report: Subdivision and Development

1. Purpose of the report

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

Accordingly, this report provides an analysis of the key issues, objectives and policy response for the subdivision and development chapter of the Proposed District Plan;

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

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

2. Statutory Context

Resource Management Act 1991

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

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

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

Subdivision and the resultant development enables the creation of new housing and land use opportunities, and is a key driver of the District's economy. Subdivision is a key determinant of the pattern, layout, function and performance of the District's neighbourhoods. The infrastructure, development pattern and connection between neighbourhoods is established at the time of subdivision.

The Queenstown Lakes District is one of the fastest growing areas in New Zealand and the recent estimates (refer to more detail in the Strategic Directions Section 32 report) predict that the District will continue to experience significant population growth over the coming years, largely off the back of strong forecasted growth in visitors. A strategic policy approach is essential to manage future growth pressures and the management of subdivision is an important component because it facilitates the release of new land parcels for development and sale.

District plan subdivision provisions will need to be responsive to the demands of the District, both in terms of certainty for those directly involved with subdivision and land development, and for the wider community who will become the future residents and owners of the infrastructure and assets that would be managed by the Council.

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

31 Functions of territorial authorities under this Act

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

(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

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

Consistent with the intent of Section 31, the proposed provisions of the Subdivision and Development Chapter enable an integrated approach to the management of the multiple issues that need to be addressed through the approval of subdivision.

Section 6 Matters of National Importance is of relevant to subdivision.

6 Matters of National Importance

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

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

Section 7 Other matters also includes a number of matters relevant to subdivision.

7 Other matters

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

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

Local Government Act 2002

Section 14 - Principles relating to local authorities

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

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

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

Section 14(g) is of relevance in so far as a planning approach emphasises the multiple issues that need to be considered with subdivision including, the health and safety and wellbeing of communities, the construction and vesting of roads, water, wastewater and stormwater infrastructure, and parks and reserves.

The approach through this review is to provide a balanced framework in the District Plan to manage these resources appropriately. Furthermore, there is an emphasis on presenting the provisions in a manner that is clearly interpreted to facilitate effective and efficient District Plan administration.

3. Iwi Management Plans

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

The following iwi management plans are relevant:

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

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

3.4.14 Protecting Sites of Significance in High Country and Foothill Areas

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

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

3.5.2 Wastewater

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

3.5.7 Subdivision and Development

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

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

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

The following policies are of particular relevance;

5.6.4 Cultural Landscapes General Policies

Subdivisions:

- 1. To discourage subdivisions and buildings in culturally significant and highly visible landscapes.*
- 2. To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:*

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

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

9. *To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.*
10. *To promote sustainable land use in the Clutha/Mata-au Catchment.*
11. *To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.*
12. *To require reticulated community sewerage schemes that have the capacity to accommodate future population growth.*

4. Regional Planning Documents

Operative Regional Policy Statement 1998 (RPS)

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

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

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

Objective 9.3.3 and 9.4.3 (Built Environment) and related policies are relevant and seek to avoid remedy or mitigate the adverse effects of Otago’s built environment on Otago’s natural and physical resources, and promote the sustainable management of infrastructure.

Proposed Regional Policy Statement 2015

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

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

Proposed RPS 2015 Objective	Objectives	Policies	Relevance to the review of the subdivision and development chapter
The principles of Te Tiriti o Waitangi are taken into account in resource management decision.	1.1	1.1.1, 1.1.2	The Ngāi Tahu Claims Settlement Act 1998 and several associated Statutory Acknowledgement Areas within the Queenstown Lakes District
Kai Tahu values, rights and customary resources are sustained.	1.2	21.2.1, 1.2.2, 1.2.3	Subdivision and development can affect land that is of interest and value in terms of culture and practices, ancestral lands, water, site, wahi tapu and other taoka.
The values of Otago's natural and physical resources are recognised, maintained and enhanced.	2.1	2.1.1, 2.1.2, 2.1.5, 2.1.6, 2.1.7	Without falling out of scope or unnecessarily duplicating functions, the integrated management of resources includes the management of activities with regard to freshwater values, margins of water bodies, soil values, ecosystem and biodiversity values, recognising values of natural features and landscapes.
Otago's significant and highly-valued natural resources are identified, and protected or enhanced.	2.2	2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.5, 2.2.6, 2.2.14, 2.2.15. Schedule 4, Schedule 5	Subdivision facilitates future land uses that can impact on resources including significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes and highly valued soil resources.
Natural resource systems and their interdependencies are recognised.	2.3	2.3.1, 2.3.2	Applying an integrated approach to the management of Otago's physical resources to achieve sustainable management.
Protection, use and development of natural and physical resources recognises environmental constraints.	3.1	3.1.1	Subdivision involves land that contains areas of varying sensitivity that may create opportunities or constraints for activities seeking to utilise the respective resource. Primarily this matter would be addressed through the respective zone provision.
Risk that natural hazards pose to the communities are minimised.	3.2	3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10, 3.2.11	A critical component of subdivision is addressing natural hazards. The RMA directly facilitates this, including through Sections 5 and 106.
Good quality infrastructure and services meet community needs. Infrastructure of national and regional significance is managed in a sustainable way. Energy supplies to Otago's communities are secure and sustainable.	3.4 and 3.5	3.4.1, 3.4.2, 3.4.3, 3.4.4, 3.5.1, 3.5.2, 3.5.3,	Subdivision and land development is often coupled with the design, location and installation of infrastructure.

Energy Supplies to Otago's communities are secure and sustainable	3.6	3.6.1, 3.6.2, 3.6.3, 3.6.4, 3.6.5, 3.6.6	The development pattern and infrastructure can affect both large and small scale energy.
Urban areas are well designed, sustainable and reflect local character	3.7	3.7.1, 3.7.2, 3.7.4	Subdivision design is a fundamental component of how people and communities provide for their social, economic, and cultural well-being and for their health and safety (Section 5(2) RMA)
Urban growth is well designed and integrates effectively with adjoining urban and rural environments.	3.8	3.8.1, 3.8.2, 3.8.3	Subdivision in conjunction with the respective Proposed District Plan zone chapters and the Urban Development Chapter provides the provisions to manage the location or urban growth.
Hazardous Substances and waste materials do not harm human health or the quality of the environment in Otago.	3.9	3.9.4	Manages the change in use and subdivision of contaminated land. Primarily controlled through the <i>National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health</i> .
Public access to areas of value to the community is maintained or enhanced.	4.1	4.1.1	Esplanades and opportunities for public access are facilitated through subdivision.
Sufficient land is managed and protected for economic production.	4.3	4.3.1, 4.3.2, 4.3.6	Subdivision can fragment rural land through changes in ownership and landholding sizes. These can result in both opportunities and constraints for utilising land for economic production.

The evaluation and provisions have regard to the Proposed RPS.

5. Resource Management Issues

The key issues are:

Issue 1: A framework that provides certainty, efficiency and effective management of subdivision.

In broad terms the RMA requires that no person may subdivide land unless expressly allowed by a national environmental standard, rule in a District Plan or a resource consent (Section 11(1)). Subdivision is critical to the effective functioning of the District because the subdivision approval process encompasses the design, construction and vesting of infrastructure and services that are inherited by the community. Aspects of subdivision design including road layout, pedestrian and cycle connections, parks, reserves and open spaces is a key determinant of sustainable management and influences how people and communities provide for their social, economic, and cultural well-being and for their health and safety (Section 5(2) RMA).

The subdivision and development chapter of the District Plan addresses both the 'mechanics' of the subdivision process, and the management of the effects of subdivision and development including the design and how this may have an influence on the quality of the neighbourhood.

A shortfall of the Operative District Plan's subdivision chapter are complicated and unwieldy provisions, where the framework sets out that anticipated subdivision and development is managed through a controlled

activity resource consent¹. This framework suggests that adhering to the controlled activity class of resource consent is the best means to an end result. It is acknowledged that the subdivider, seeking expediency and certainty, would generally intend to adhere to this class of activity, and applications can be lodged with certainty of a favourable and expedient outcome.

Compliance with the controlled activity framework is underpinned by lot sizes complying with the specified minimum sizes outlined in the activity table for the respective zone. The reality is that the expediency of the subdivision consent process and a favourable outcome depends on the quality of the design and supporting resource consent application, particularly with regards to servicing, roading, allotment design, the management of natural hazards and any site specific constraints.

Subdivision and land development comprise multiple facets. The Operative District Plan manages the 'guaranteed right' to subdivide provided by the controlled activity status class of resource consent by including an assessment framework that attempts to address all possible eventualities associated with a controlled subdivision. In addition to the objectives and policies there are in the order of 29 pages of control and matters of discretion for controlled and restricted discretionary activities (Parts 15.2.6-15.2.19 of the Operative District Plan).

The management framework results in significant complexities in terms of confirming the class of activity an application falls into and the multiple elements both the applicant and Council officers are required to consider for controlled activities.

There are also many bespoke provisions for specific zones/locations that contain generic design-related provisions, rather than provisions relating to site constraints or unique features of the sites. This indicates that the district wide objectives and policies could have been considered to be inadequate by the proponents of these provisions, or perhaps, overlooked in favour of advocating for the change in zoning to urban land that was at the time zoned Rural General.

The subdivision chapter is arranged based on the class of activity, much like the majority of the Operative District Plan. The result is that a reader needs to trawl through nearly every page of the chapter to determine the status and framework for a particular activity. It is considered the chapter can be arranged so that bespoke, or location-specific provisions, are detailed separately from the 'district wide' provisions. This will improve accessibility and ensure that the critical goals provided in the objectives and policies are not lost.

Improvements can also be made to integrate the District Plan with design documents such as the QLDC Subdivision and Land Development Code of Practice and the proposed QLDC Subdivision Design Guidelines.

Issue 2: Provisions to encourage good neighbourhood design and amenity

The creation of neighbourhoods, where people live, work and play, and the quality and 'liveability' of these neighbourhoods is dependent on the subdivision process. Part 2, Purpose and principles of the RMA states (bold emphasis added):

5 Purpose

5 Purpose

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

¹ A controlled activity status requires the Council must grant consent but can impose conditions with regard to matters set out as specific matters of control.

- (2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

It is considered that there should be more emphasis on the critical design elements of subdivision and development such as roading and allotment layout, open spaces, inter-subdivision and external connections and vegetation management.

The Operative District Plan includes objectives and policies that address design (Objective 5 and Policy 5.3). Despite this, the Operative District Plan subdivision chapter is considered to fall short of encouraging good subdivision design, particularly in the context of creating good neighbourhoods for residents and taking opportunities to integrate with existing neighbourhoods and facilities.

Issue 3: Subdivision provisions that are accessible and efficient

In addition to Issues 1 and 2 identified above, there is unnecessary text and qualifiers of rule status in the provisions. Provisions are repeated within the subdivision chapter or are repeated in other zone chapters. The review provides an opportunity to consolidate and better coordinate the provisions. Examples include:

- The qualifiers for boundary adjustment in the Rural General Zone are initially provided in Part 15.2.3.2(i) for controlled activity boundary adjustments, but are also repeated in parts (bb) and (c) of Part 15.2.6.3 (zone subdivision standards). It is considered that the repetitions are unnecessary. In addition, due to the multiple qualifiers required for a controlled activity boundary adjustment in the Rural General Zone, it is questioned whether there is any merit in providing for this class of activity, particularly given the strict process associated with subdivision and development in the Rural General Zone.
- Furthermore, the subdivision of Rural General zoned land where a building platform is not identified is a non-complying activity (Rule 15.2.6.3.iii(b)). Reasons include ensuring that the 'discretionary' land use regime with no minimum allotment size is not undermined. While this in itself is appropriate, it does not anticipate, or reasonably provide for, situations where, for example, a subdivision is required for farming activity only (no provisions for buildings or services), despite farming activity being a permitted activity in the Rural General Zone.
- The assessment matters for subdivision in the Gibbston Character Zone (15.2.3.6(c)) are a duplicate of those provided in Part 5.8.2.i, despite the assessment matters in Part 5 making it clear they apply to subdivision and any applicable land use activities. This seems to be unnecessary repetition.

Other complexities include navigating through the 'district-wide' and location specific provisions and the associated rules to understand what outcome is generally anticipated within a particular zone.

Issue 4. Protection of significant natural, cultural and historic heritage through subdivision

The district has many places of natural, cultural and heritage value. Subdivision can have either temporary or permanent effects on these, including the positive effect of protection. Many of these places require recognition or protection under Sections 6 or 7 of the RMA.

Provisions can be included to reflect this and statutory changes since the chapter were made operative.

6. Background Documents, projects and Consultation

The following Council Documents and projects have been undertaken in recent years and have informed this Section 32 evaluation.

QLDC Plan Changes:

- Plan Change 05b – Glenorchy Township Zone Boundary ‘The Bible Terrace’
- Plan Change 07 – Residential Flats
- Plan Change 13 – Kirimoko
- Plan Change 14 – Makarora Rural Lifestyle Zone
- Plan Change 18 – Mt Cardrona
- Plan Change 20 – Wanaka Urban Boundary
- Plan Change 21 – Queenstown Urban Boundary
- Plan Change 24 – Community and Affordable Housing
- Plan Change 28 – Trails
- Plan Change 33 – Non-Residential Activities in the Residential, Rural Living and Township Zones
- Plan Change 48 – Signs
- Plan Change 49 – Earthworks

QLDC Strategy Documents and Projects:

- Wanaka Land Demands – Review of the Wanaka Structure Plan (2007)
- Hawea Community Plan 2003
- Arrowtown Community Plan 2003
- Luggate Community Plan 2003
- Makarora Community Plan 2003
- Tomorrows Queenstown
- Wanaka 2020
- Urban Design Strategy 2009
- Southern Light – A Lighting Strategy for the Queenstown Lakes District 2006
- Playground Strategy 2006
- Draft Transport Strategy Queenstown Town Centre February 2015 and related strategies preceding.
- Upper Clutha Walking and Cycling Strategy 2006

QLDC Monitoring Reports:

- Community Outcomes Monitoring Report 2009
- Rural General Zone Monitoring Report 2009
- Rural Living Zones Monitoring report 2009
- Business and Industrial Zones Monitoring Report 2011
- Queenstown High Density Residential Zone Monitoring Report 2011
- Queenstown Low Density Residential Zone Monitoring Report 2011
- Wanaka High Density Residential Zone Monitoring Report 2011
- Wanaka Low Density Residential Zone Monitoring Report 2011
- Residential Arrowtown Monitoring Report 2011
 - Related reports ‘Urban Design Critique of Subdivisions in Queenstown Lakes District’ prepared by Boffa Miskell, August 2010. Attached as Appendices to the respective residential monitoring reports.

The monitoring reports included the following recommendations that during the District Plan Review:

- *Council build on the Urban Design Critique, to clearly articulate what outcomes can be expected for neighbourhoods within the LDR Zone.*
- *Subdivision provisions are aligned to match the density provisions*

Regional and National Planning Documents:

Otago Regional Council Regional Policy Statement 1998

- Kai Tahu ki Otago Natural Resource Management Plan, 2005
- Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008
- Relevant legislative changes enacted since the Plan became operative

QLDC Local Government Act Documents:

- 2012 10 Year Plan
- Proposed 2015 10 Year Plan

Consultation has been undertaken in recent years as part of the processes/ documents outlined above. Feedback on the draft provisions has been received from local practitioners in the public and private sector. There is broad support for reducing complexity. The subdivision chapter is essentially technical in nature and focuses on the mechanics and process of subdivision design. As such, there has been no wider community consultation on the draft provisions. Critical aspects that relate to lot sizes or land use are a direct result of the rules derived from the respective zone. The community has been consulted on the respective zones separately.

7. Purpose and Options

Subdivision and the resultant development enables the creation of new housing and land use opportunities, and is a key driver of the District's economy. The council will support subdivision that is well designed, is located in the appropriate locations anticipated by the District Plan with the appropriate capacity for servicing and integrated transportation.

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

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

Broad options considered to address issues

Issue 1: A framework that provides certainty, efficiency and effective management of subdivision

And;

Issue 2: Provisions to encourage good neighbourhood design and amenity

And;

Issue 3: Subdivision provisions that are accessible and efficient

Option 1: Retain the operative provisions – no change

Option 2: Amend the operative provisions

Option 3: Significant changes including making subdivision a discretionary activity with emphasis on design and non-notification (Recommended)

	Option 1: Status quo/ No change	Option 2: Amend	Option 3: Significant Changes to the framework
Costs	- The Identified issues would not be resolved. - Does not provide for or anticipate how to better manage and provide a framework for the likely plan changes and growth over the life of the next District Plan. - No opportunity to strengthen the emphasis on subdivision design. - Future plan changes with bespoke provisions would add further complexity to the accessibility. - The existing framework focuses on the coupling of activity status from controlled-restricted discretionary-discretionary – non-complying. Rather, the emphasis should be not on the activity status, but on proposals having consideration of the applicable objectives and provisions to guide a favourable outcome.	- Would not remove existing layers of complexity and excessive text. - Retaining the existing framework would not strengthen and simplify the provisions and set an appropriate basis to facilitate subdivision and development over the duration of the next District Plan. - Limited opportunity to strengthen the emphasis on subdivision design and how this is important in terms of section 5(2) of the RMA.	- The removal of the controlled activity status has potential for uncertainty for developers/subdividers. - Has potential for a perceived loss in development rights by removing controlled activity status. However the development rights are facilitated through the respective zone provisions and expectation for land use and minimum allotment sizes. - Perception for a loss of direction or guidance of resource consent processing by the removal of specific matters of control. - Costs to the Council to formulate new provisions.

Benefits	• Lower cost for the Council to roll over existing provisions and framework. • Retains perception associated with the coupling of activity status that controlled and restricted discretionary activity resource consents are easier to obtain than discretionary.	• Would retain many of the features, expectations and certainty that people are familiar with. Notwithstanding they are deficient. • Could restructure to make more efficient without significant changes to policy. • Can remove identified deficiencies in the provisions that have little consequence.	• Benefit to the users of the District Plan and wider community from simplified provisions. • Provides focus on the merits of applications and promoting sustainable management (Section 5(1) RMA). • Potential opportunity for developer-led innovation where this accords with the policy framework. The status quo may have resulted in these types of proposals not being a controlled activity and the loss of this status could be regarded as a disincentive and possibility that the application could be notified. • Enables consideration of the important matters at issue, rather than a focus on the perceived least path of resistance associated with the class of resource consents. • Despite the change in activity status, a stronger non-notification clause for most discretionary activities removes the risk to council and developer with applications being subject to notification assessments. • Can still retain provisions relating to servicing and allotment sizes as anticipated by the respective zones.
Ranking	3	2	1

Issue 4. Protection of significant natural, cultural and historic heritage through subdivision

Option 1: Retain the operative provisions

Option 2: Amend the operative provisions (Recommended)

Option 3: Rely on the respective land use zoning.

	Option 1: Status quo/ No change	Option 2: Amend the Provisions	Option 3: Rely on the respective land use zoning
Costs	- Identified issues would not be resolved. - Giving effect to the Strategic Directions of the District Plan may be constrained. - No opportunity to strengthen the emphasis on esplanades and public spaces as set out in the Strategic Direction Chapter.	None identified. Heritage items are identified in the Operative District Plan as requiring management. The existing framework identifies a discretionary activity resource consent when a subdivision involves a item scheduled in Appendix 3 of the operative District Plan.	- Would not reflect the impact of subdivision and resultant land development on heritage items, archaeological sites and scheduled items. - Potential that the District Plan would not give effect to section 6 and 7 of the RMA with respect to protecting these resources.
Benefits	Lower cost for the Council to roll over existing provisions and framework.	Reinforces the importance of managing these items and that subdivision and the resultant development has potential to impact on these resources.	None identified.
Ranking	2	1	3

8. Scale and Significance Evaluation

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

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

The level of detail of analysis in the evaluations is moderate-high. Removing the controlled and restricted discretionary activity class of resource consents from the operative District Plan would be a significant departure from the existing approach and subdivision framework.

The facilitation of subdivision is a key driver of the District's economy, while subdivision outcomes will influence the wellbeing, health and safety of people and communities, both existing and future residents. The removal of the perceived development rights coupled to the controlled activity status class of resource consent has the potential for a reduction in investment certainty, whether perceived or real. The appropriateness of the objectives in terms of meeting the purpose of the RMA, and the, environmental, economic, social and cultural costs and benefits has been considered throughout the evaluation report.

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

<i>Proposed Objective</i>	<i>Appropriateness</i>
27.2.1 Subdivision will create quality environments that ensure the District is a desirable place to live, visit, work and play.	The objective is the most appropriate way to meet the of the RMA because it provides for sustainable management in terms of Section 5 (1) and (2), in particular, in particular 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. The objective establishes the framework to manage subdivision through a discretionary activity class of resource consent. Establishes that subdivision will generally be processed on a non-notified basis, underpinning the incentive for subdividers to design subdivision that will deliver good outcomes for the community and end-resident. Consistent with the Strategic Directions objectives and policies: • 3.2.1.1 Objective - Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand's premier alpine resorts and the District's economy. • 3.2.1.3 Objective - Enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities. • 3.2.1.4 Objective - Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character and healthy ecosystems. • 3.2.1.5 Objective - Maintain and promote the efficient operation of the District's infrastructure, including designated Airports, key roading and communication technology networks. • 3.2.2.1 Objective - Ensure urban development occurs in a logical manner: ○ to promote a compact, well designed and integrated urban form; ○ to manage the cost of Council infrastructure; and ○ to protect the District's rural landscapes from sporadic and sprawling development. • Objective 3.2.2.1 Manage development in areas affected by natural hazards. • 3.2.3.1 Objective - Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play. Policies • 3.2.3.1.1 Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in character in certain locations.

	• 3.2.3.1.2 That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design. • 3.2.3.1.3 Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.
	• Objective 3.2.5.1 'Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development'. • Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. • Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.
	• 3.2.6.1 Objective - Provide access to housing that is more affordable.
Policies	3.2.6.1.1 Provide opportunities for low and moderate income Households to live in the District in a range of accommodation appropriate for their needs. 3.2.6.1.2 In applying plan provisions, have regard to the extent to which minimum site size, density, height, building coverage and other controls influence Residential Activity affordability.
	• 3.2.6.2 Objective - Ensure a mix of housing opportunities.
Policies	3.2.6.2.1 Promote mixed densities of housing in new and existing urban communities. 3.2.6.2.2 Enable high density housing adjacent or close to the larger commercial centres in the District. 3.2.6.2.3 Explore and encourage innovative approaches to design to provide access to affordable housing.
	• 3.2.6.3 Objective - Provide a high quality network of open spaces and community facilities.
Policies	3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people. 3.2.6.3.1 That open spaces and community facilities are located and designed to be desirable, safe, accessible places.
	• 3.2.6.4 Objective - Ensure planning and development maximises opportunities to create safe and healthy communities through subdivision and building design.
Policies	3.2.6.4.1 Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting "Crime Prevention Through Environmental Design". 3.2.6.4.2 Ensure Council-led and private design and development of public spaces and built development maximises the opportunity for recreational and commuting walking and cycling.

	Gives effect to the Operative RPS objectives: • 4.4.5 (Manawhenua Perspective), 5.4.1, (Land) • 6.4.1, 6.4.6, 6.4.7, 6.4.8 (Water) • 9.4.1, 9.4.2, 9.4.3 (Built Environment) • 10.4.1, 10.4.2, 10.4.3 (Biota) • 11.4.1, 11.4.2, 11.4.4 (Natural Hazards) Gives effect to RPS policies: • 5.5.1, 5.5.4, 5.5.6 (Land) 6.5.5, 6.5.7, 6.5.10 (Water) • 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6 (Built Environment) • 10.5.1, 10.5.2, 10.5.3 (Biota) • 11.5.1, 11.5.2, 11.5.3, 11.5.4 (Natural Hazards) Gives effect to RPS Objective 12.4.1, 12.4.2 and policy 12.5.2 (Energy) Has regard to Proposed RPS 2015: • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago’s significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 - Natural Resource systems and their interdependence are recognised. • Objective 3.1 - Protection, use and development of natural and physical resources recognises environmental constraints. • Objective 3.2 - Risk that natural hazards pose to the communities are minimised. • Objective 3.7 - Urban areas are well designed, sustainable and reflect local character • Objective 3.8 - Urban growth is well designed and integrates effectively with adjoining urban and rural environments. • Objective 3.9 - Hazardous Substances and waste materials do not harm human health or the quality of the environment in Otago. • Objective 4.1 - Public access to areas of value to the community is maintained or enhanced. • Objective 4.3 - Sufficient land is managed and protected for economic production. Takes into account MNRMP 2008 Policies 3.5.7.4: 6, 7, 10, 11, 12, 13.
Objective 27.2.2 Subdivision design achieves benefits for the subdivider,	The objective is the most appropriate way to meet the purpose of the RMA because it provides a framework to require subdivision proposals to recognise accepted, basic principles of good subdivision design that has positive benefits for the subdivider, residents and wider community.

future residents and the community.	Provides framework to ensure amenity is protected and the future residents of subdivision has good level of amenity. Provides a framework to require subdivision has appropriate roading design and connections. Encourages recognition of the impacts and future patterns of land use including incorporating opportunities for open space, recreational areas and pedestrian access both through and beyond the subdivision. Where these opportunities arise. Meets the purpose of the RMA, in particular Sections 5-8, 11 and 31 of the RMA Gives effect to RPS Objectives: • 4.4.5 (Manawhenua Perspective), • 5.4.1, (Land) • 6.4.1, 6.4.6, 6.4.7, 6.4.8 (Water) • 9.4.2, 9.4.3 (Built Environment) • 10.4.1, 10.4.2, 10.4.3 (Biota) • 11.4.1, 11.4.2, 11.4.4 (Natural Hazards) Gives effect to RPS policies 5.5.1, 5.5.4, 5.5.6 (Land) 6.5.5, 6.5.7, 6.5.10 (Water) 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6 (Built Environment) 10.5.1, 10.5.2, 10.5.3 (Biota) 11.5.1, 11.5.2, 11.5.3, 11.5.4 (Natural Hazards) Takes into account MNRMP 2008 Policies 3.5.7.4: 6,7,10, 11,12,13. Consistent with the Strategic Directions objectives and policies: • 3.2.1.1 Objective - Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand's premier alpine resorts and the District's economy. • 3.2.1.3 Objective - Enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities. • 3.2.2.1 Objective - Ensure urban development occurs in a logical manner: ○ to promote a compact, well designed and integrated urban form; ○ to manage the cost of Council infrastructure; and ○ to protect the District's rural landscapes from sporadic and sprawling development. • 3.2.3.1 Objective - Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play. Policies
---	--

	3.2.3.1.1 Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in character in certain locations. 3.2.3.1.2 That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design. 3.2.3.1.3 Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design. • 3.2.6.1 Objective - Provide access to housing that is more affordable. Policies 3.2.6.1.1 Provide opportunities for low and moderate income Households to live in the District in a range of accommodation appropriate for their needs. • 3.2.6.2 Objective - Ensure a mix of housing opportunities. Policies 3.2.6.2.1 Promote mixed densities of housing in new and existing urban communities. 3.2.6.2.2 Enable high density housing adjacent or close to the larger commercial centres in the District. 3.2.6.2.3 Explore and encourage innovative approaches to design to provide access to affordable housing. • 3.2.6.3 Objective - Provide a high quality network of open spaces and community facilities. Policies 3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people. 3.2.6.3.1 That open spaces and community facilities are located and designed to be desirable, safe, accessible places. • 3.2.6.4 Objective - Ensure planning and development maximises opportunities to create safe and healthy communities through subdivision and building design. Policies 3.2.6.4.1 Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting "Crime Prevention Through Environmental Design". 3.2.6.4.2 Ensure Council-led and private design and development of public spaces and built development maximises the opportunity for recreational and commuting walking and cycling. Has regard to Proposed RPS 2015: • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 2.1 – The values of Otago's natural and physical resources are recognised, maintained and enhanced • Objective 2.2 – Otago's significant and highly-valued natural resources are identified, and protected or enhanced. • Objective 2.3 Natural Resource systems and their interdependence are recognised. • Objective 3.2 Risk that natural hazards pose to the communities are minimised.
--	--

	• Objective 3.7 Urban areas are well designed, sustainable and reflect local character • Objective 3.8 Urban growth is well designed and integrates effectively with adjoining urban and rural environments. • Objective 3.9 Hazardous Substances and waste materials do not harm human health or the quality of the environment in Otago. • Objective 4.1 Public access to areas of value to the community is maintained or enhanced. • Objective 4.3 Sufficient land is managed and protected for economic production.
Objective 27.2.3 Recognise the potential of small scale and infill subdivision while acknowledging that the opportunities to undertake comprehensive design are limited.	The objective is the most appropriate way to meet the purpose of the RMA because it recognises that small scale subdivision, generally comprising fewer than 4 lots, and infill subdivision where the buildings have already been constructed may not be able to give effect to some of the policies in Objective 27.2.2. The objective also is appropriate in the context that all subdivision will be a discretionary activity and there is the potential for consents to be declined. However, applications need to be considered on balance will all relevant provisions and an application not according with a policy is not likely to be fatal to the application, providing the reasons are appropriate. Provides a framework to recognise that policy requirements associated with larger scale subdivision may not be applicable to smaller scale subdivision. While providing a framework to ensure that amenity values are protected and future subdivision has a good level of amenity. Meets the purpose of the RMA including Sections 5-8, 11 and 31 of the RMA Gives effect to RPS Objectives: • 4.4.5 (Manawhenua Perspective), • 5.4.1, (Land) • 6.4.1, 6.4.6, 6.4.7, 6.4.8 (Water) • 9.4.2, 9.4.3 (Built Environment) • 10.4.1, 10.4.2, 10.4.3 (Biota) • 11.4.1, 11.4.2, 11.4.4 (Natural Hazards) Gives effect to RPS policies 5.5.1, 5.5.4, 5.5.6 (Land) 6.5.5, 6.5.7, 6.5.10 (Water) 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6 (Built Environment) 10.5.1, 10.5.2, 10.5.3 (Biota) 11.5.1, 11.5.2, 11.5.3, 11.5.4 (Natural Hazards) Consistent with the Strategic Directions objectives and policies: • 3.2.1.1 Objective - Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand's premier alpine resorts and the District's economy.

	• 3.2.1.3 Objective - Enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.
	• 3.2.2.1 Objective - Ensure urban development occurs in a logical manner: ○ to promote a compact, well designed and integrated urban form; ○ to manage the cost of Council infrastructure; and ○ to protect the District's rural landscapes from sporadic and sprawling development.
	• 3.2.3.1 Objective - Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.
Policies	• 3.2.3.1.1 Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in character in certain locations. • 3.2.3.1.3 Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.
	• 3.2.6.1 Objective - Provide access to housing that is more affordable.
Policies	• 3.2.6.1.1 Provide opportunities for low and moderate income Households to live in the District in a range of accommodation appropriate for their needs. • 3.2.6.1.2 In applying plan provisions, have regard to the extent to which minimum site size, density, height, building coverage and other controls influence Residential Activity affordability.
	• 3.2.6.2 Objective - Ensure a mix of housing opportunities.
Policies	• 3.2.6.2.1 Promote mixed densities of housing in new and existing urban communities. • 3.2.6.2.2 Enable high density housing adjacent or close to the larger commercial centres in the District. • 3.2.6.2.3 Explore and encourage innovative approaches to design to provide access to affordable housing.
	• 3.2.6.4 Objective - Ensure planning and development maximises opportunities to create safe and healthy communities through subdivision and building design.
Policies	• 3.2.6.4.1 Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting "Crime Prevention Through Environmental Design". • 3.2.6.4.2 Ensure Council-led and private design and development of public spaces and built development maximises the opportunity for recreational and commuting walking and cycling.

	Has regard to Proposed RPS 2015: • Objective 3.7 Urban areas are well designed, sustainable and reflect local character • Objective 3.8 Urban growth is well designed and integrates effectively with adjoining urban and rural environments.
Objective 27.2.4 Identify, incorporate and enhance natural features and heritage.	Provides a basis for the framework to consider the impact of subdivision on heritage items and significant natural area and features to ensure the subdivision approval and resultant development does overlook the potential impacts on heritage features, archaeological sites or other scheduled items. Provides framework to ensure amenity is protected and future subdivision has good level of amenity, where relevant. Similar to Operative District Plan Objective 5 – Amenity Protection. Meets the purpose of the RMA including Sections 5-8, 11 and 31 of the RMA. Consistent with the draft Strategic Directions chapter. • 3.2.7.1 Objective - Protect Ngai Tahu values, taonga and cultural sites and enable Ngai Tahu to express kaitiakitanga. Gives effect to RPS objectives • 4.4.5 (Manawhenua Perspective), • 5.4.1, (Land) • 6.4.1, 6.4.6, 6.4.7, 6.4.8 (Water) • 9.4.1, 9.4.2, 9.4.3 (Built Environment) • 10.4.1, 10.4.2, 10.4.3 (Biota) • 11.4.1, 11.4.2, 11.4.4 (Natural Hazards) Gives effect to RPS policies 5.5.1, 5.5.4, 5.5.6 (Land) 6.5.5, 6.5.7, 6.5.10 (Water) 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6 (Built Environment) 10.5.1, 10.5.2, 10.5.3 (Biota) 11.5.1, 11.5.2, 11.5.3, 11.5.4 (Natural Hazards) Gives effect to RPS Objective 12.4.1, 12.4.2 and policy 12.5.2 (Energy) Takes into account MNRMP 2008 Policies 3.5.7.4:12, 14, 15, 16, 17, 18. Takes into account KTKO NRMP 2005 Policy 5.6.4.25 to 29. Has regard to Proposed RPS 2015: • Objective 3.7 Urban areas are well designed, sustainable and reflect local character

	• Objective 3.1 Protection, use and development of natural and physical resources recognises environmental constraints. • Objective 3.8 Urban growth is well designed and integrates effectively with adjoining urban and rural environments.
Objective 27.2.5 Require infrastructure and services are provided to lots and developments in anticipation of the likely effects of land use activities on those lots and within overall developments.	The objective is the most appropriate way to achieve the purpose of the RMA because it provides for a framework to ensure subdivision is designed and serviced with regard to roading and access, non-vehicular connections and accesses throughout the subdivision, potable water, wastewater, stormwater, energy supply and telecommunications, and the provision of easements to facilitate services and infrastructure. Provides a framework to ensure amenity is protected and future subdivision has good level of amenity with regard to the infrastructure and vegetation that will be vested to the Council. Meets the purpose of the RMA including Sections 5-8, 11 and 31 of the RMA Gives effect to RPS objectives • 4.4.5 (Manawhenua Perspective), • 5.4.1, (Land) • 6.4.1, 6.4.6, 6.4.7, 6.4.8 (Water) • 9.4.1, 9.4.2, 9.4.3 (Built Environment) • 10.4.1, 10.4.2, 10.4.3 (Biota) • 11.4.1, 11.4.2, 11.4.4 (Natural Hazards) Gives effect to RPS policies 5.5.1, 5.5.4, 5.5.6 (Land) 6.5.5, 6.5.7, 6.5.10 (Water) 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6 (Built Environment) 10.5.1, 10.5.2, 10.5.3 (Biota) 11.5.1, 11.5.2, 11.5.3, 11.5.4 (Natural Hazards) Gives effect to RPS Objective 12.4.1, 12.4.2 and policy 12.5.2 (Energy). Similar phrasing and same intent as Operative District Plan Objective 1 – Servicing. Refer to Appendix A for the explanation and reasons of the appropriateness of the objective. Takes into account MNRMP 2008 Policies 3.5.7.4:13-14. Takes into account KTKO NRMP 2005 Policy 5.6.4.26. Consistent with the Strategic Directions: • 3.2.2.1 Objective - Ensure urban development occurs in a logical manner: ○ to promote a compact, well designed and integrated urban form;

	○ to manage the cost of Council infrastructure; and ○ to protect the District's rural landscapes from sporadic and sprawling development.
Objective 27.2.6 Cost of services to be met by subdividers.	The objective is the most appropriate way to meet the purpose of the RMA because it is derived from the from the Operative District Plan <i>Objective 2 – Cost of Services to be met by subdividers</i>. Subdivision of land provides a framework of services for subsequent purchasers of new lots who have an expectation that services will be available. New subdivision may also give rise to demands for extending or upgrading of existing services. The provision of services to, and within the subdivision, is a cost recoverable from the sale of lots and can be imposed on a subdivider via Council's 10 Year Plan Development Contributions Policy at the time resource consent for subdivision/development is issued. Contributions are set according to methods of determination provided in Council's Long Term Community Plan Development Contributions Policy to ensure a reasonable degree of certainty for developers. Meets the purpose of the RMA including Sections 5-8, 11 and 31 of the RMA Gives effect to RPS objectives • 4.4.5 (Manawhenua Perspective), • 5.4.1, (Land) • 6.4.1, 6.4.6, 6.4.7, 6.4.8 (Water) • 9.4.1, 9.4.2, 9.4.3 (Built Environment) • 10.4.1, 10.4.2, 10.4.3 (Biota) • 11.4.1, 11.4.2, 11.4.4 (Natural Hazards) Gives effect to RPS policies 5.5.1, 5.5.4, 5.5.6 (Land)6.5.5, 6.5.7, 6.5.10 (Water) 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6 (Built Environment) 10.5.1, 10.5.2, 10.5.3 (Biota) 11.5.1, 11.5.2, 11.5.3, 11.5.4 (Natural Hazards) Gives effect to RPS Objective 12.4.1, 12.4.2 and policy 12.5.2 (Energy) Consistent with the Strategic Directions: • 3.2.2.1 Objective - Ensure urban development occurs in a logical manner: ○ to promote a compact, well designed and integrated urban form; ○ to manage the cost of Council infrastructure; and ○ to protect the District's rural landscapes from sporadic and sprawling development.

Objective 27.2.7 Create esplanades where opportunities arise.	The objective is the most appropriate way to meet the purpose of the RMA because subdivision is the mechanism for the provision of esplanade reserves, esplanade strips and access strips and is therefore significant in the context of providing public access to lakes and rivers. Subdivision is also a means by which provision is made for additional land and facilities to meet the open space and recreation needs of the District's residents and visitors. Meets the purpose of the RMA including Sections 5-8, 11 and 31 of the RMA Gives effect to RPS Objective 5.4.4 – <i>To ensure that public access opportunities exist in respect of activities utilising Otago's natural and physical land features.</i> Gives effect to RPS policy 5.5.7 Takes into account MNRMP 2008 Policies 3.5.7.4:6, 9, 12. Takes into account KTKO NRMP 2005 Policy 5.6.4.29. Has regard to the proposed RPS 2015 objective: • 4.1 Public access to areas of value to the community is maintained or enhanced. Consistent with the Strategic Directions objective: 3.2.4.7 Objective - Facilitate public access to the natural environment.
Objective 27.2.8 Facilitate boundary adjustments, cross-lease and unit title subdivision, and where appropriate provide exemptions from the requirement of esplanade reserves.	The objective is the most appropriate way to meet the purpose of the RMA because it recognises small scale cross-lease and unit title subdivision and that there will be instances where no resource consent is necessary, or, that these types of applications are not likely to require consideration of the potential impacts and therefore, would be exempt from requiring a resource consent or the consideration of the provision of esplanades. Meets the purpose of the RMA including Sections 5-8, 11 and 31 of the RMA Gives effect to RPS objectives 4.4.5 (Manawhenua Perspective), 5.4.1, (Land) 6.4.1, 6.4.6, 6.4.7, 6.4.8 (Water) 9.4.1, 9.4.2, 9.4.3 (Built Environment) 10.4.1, 10.4.2, 10.4.3 (Biota) 11.4.1, 11.4.2, 11.4.4 (Natural Hazards) Gives effect to RPS policies 5.5.1, 5.5.4, 5.5.6 (Land) 6.5.5, 6.5.7, 6.5.10 (Water) 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6 (Built Environment) 10.5.1, 10.5.2, 10.5.3 (Biota)

	11.5.1, 11.5.2, 11.5.3, 11.5.4 (Natural Hazards) Gives effect to RPS Objective 12.4.1, 12.4.2 and policy 12.5.2 (Energy)
Location Specific Objectives and Policies.	Existing location specific Objectives that are proposed to be retained without modification. Any objectives and policies for new zones or changes will be set out in the respective Section 32 evaluation. Proposed location specific amendments refer to additional zones. The evaluation of the appropriateness of these is contained in the specific Section 32 assessment.

The above objectives are considered to be the most appropriate methods of achieving the purpose of the Act, as they identify and give direction as to the how the specific issues that pertain to the subdivision and development chapter are addressed.

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

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

Issue 1: A framework that provides certainty, efficiency and effective management of subdivision, and

Issue 2: Provisions to encourage good neighbourhood design and amenity, and

Issue 3: Subdivision provisions that are accessible and efficient

Objective 27.2.1: Subdivision will create quality environments that ensure the District is a desirable place to live, visit, work and play.

Objective 27.2.2: Subdivision design achieves benefits for the subdivider, future residents and the community.

Objective 27.2.3: Recognise the potential of small scale and infill subdivision while acknowledging that the opportunities to undertake comprehensive design are limited.

Objective 27.2.5: Require infrastructure and services are provided to lots and developments in anticipation of the likely effects of land use activities on those lots and within overall developments.

Objective 27.2.6: Cost of services to be met by subdividers.

Objective 27.2.7: Create esplanades where opportunities arise.

Objective 27.2.8: Facilitate boundary adjustments, cross-lease and unit title subdivision, and where appropriate provide exemptions from the requirement of esplanade reserves.

Summary of proposed provisions that give effect to these objectives:

- Making subdivision a discretionary activity;
- Emphasising the importance of subdivision design as a determinant of the quality of the District's living environments (Objective 27.2.2 and policies 27.2.1.1-27.2.1.9);
- Recognising that small scale subdivision and infill subdivision are likely to have limitations and may not be consistent with all the objectives and policies (Objective 27.2.3 and policies 1-2);
- Identification of the QLDC Subdivision and Land Development Code of Practice, and the QLDC Subdivision Guidelines as a matter under s104c (Objective 27.2.1 and related policies 1-2);
- Provide finer grained policy to assist with the assessment of resource consents.
- Provide exemptions for certain subdivisions with no potential for adverse effects.

Broad evaluation of the economic, social and cultural costs and benefits of the Discretionary activity status rule and non-notification rule.

A significant change to the subdivision chapter is to exclude the controlled and restricted discretionary activity status class of resource consent. The Operative District Plan has made significant use of the controlled activity status.

There are three key reasons for this change. First, the discretionary activity framework suits the variable nature of subdivision and multiple aspects that need to be addressed, recognising that there is no single prescribed design or outcome for every subdivision. The design response in terms of both layout and provision of services will vary based on the scale, location, and site specific opportunities and constraints associated with a subdivision proposal.

The use of a discretionary activity framework removes the requirement for the Council to set out specified matters of control or discretion. This has been identified as one of the complexities with the Operative District Plan. Guidance for designing and assessing whether the subdivision is appropriate will be achieved by:

- Having regard to the objectives and policies in the subdivision chapter, these are both high level and fine grained;
- Referencing as an 'other matter' under s104(c) of the RMA the QLDC Subdivision and Development Code of Practice, and the QLDC Subdivision Design Guidelines;
- Providing specific policy to assist with assessing applications, derived from the Operative District Plan's specified matters of control.

It is recognised that a discretionary class of resource consent has the potential for a perceived loss of development right. Notwithstanding this, a discretionary framework provides the subdivider the freedom to identify developer-led initiatives, guided by the policy and rule framework identified above.

It is emphasised that the reason to adopt a discretionary framework for subdivision is not the same as the reason why there is a discretionary framework for land use activities, including non-farming development in the Rural General Zone, or the removal or modification of a protected feature.

Furthermore, a review of the activity status of granted subdivision consent applications processed from 2009 to 2015 identify that 31% of applications processed and granted had a controlled activity status. The majority of applications (69%) had an activity status that afforded the Council the ability to decline consent.

Non-complying activity resource consents, which are often perceived by both planning practitioners and laypeople as an activity that may not accord with the environmental outcomes anticipated by the District Plan, comprised 31% of applications, the same as controlled activities.

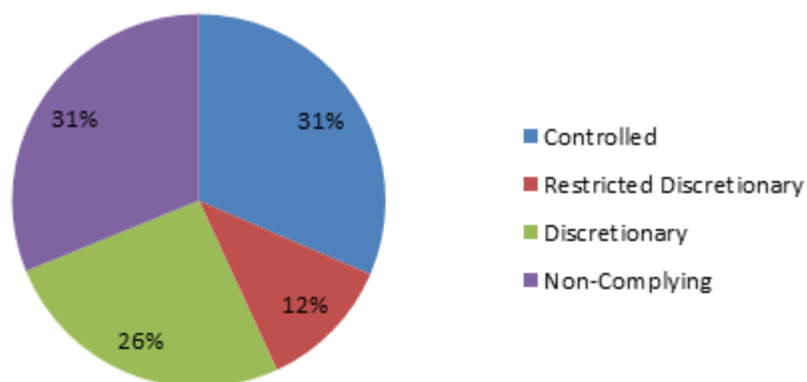
The combined classes of resource consent that restricts the assessment of applications to matters specified in the District Plan (controlled or restricted discretionary), comprised 43% of applications.

Making the starting point for subdivision a discretionary activity would not be an impediment to subdivision applications being granted consent, nor would the assessment of applications be misguided due to the absence of specified matters of control or discretion.

Table 1. Subdivision applications activity status 2009-2015.

Activity Status	Number of consents	Percentage
Controlled	213	31%
Restricted Discretionary	79	12%
Discretionary	174	26%
Non-complying	211	31%
Total	677	

Subdivisions Approved 2009-2015

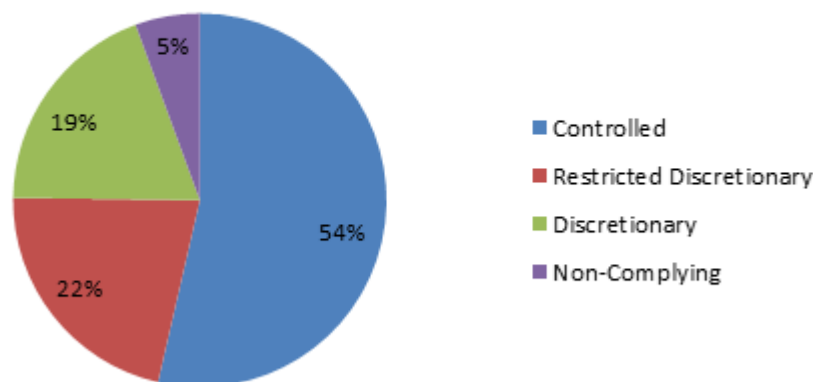


Of the 677 subdivisions identified above, 125 were boundary adjustments. Of these, 54% were processed as a controlled activity, as indicated in Table 2 below.

Table 2. Boundary adjustments activity status 2009 - 2015

Activity Status	Number of consents	Percentage
Controlled	67	54%
Restricted Discretionary	27	22%
Discretionary	24	19%
Non-complying	7	6%
Total	125	

Boundary Adjustments 2009-2015



It is noted that the NZ Productivity Commission (2015) at page 25, suggests that the use of discretionary activity classification in district plans, rather than permitted, controlled or restricted discretionary is a factor in slowing the release of land, due to community and political input into local government political process. In addition, at page 131 the report states that *'more liberal plans make greater use of permitted, controlled or restricted discretionary classifications, as these either do not require a resource consent or limit the discretion of local authorities in considering consent applications, and reduce the need for consent applications to be notified for public submissions'*.

While it accepted that planning rules and processes are a factor associated with land supply for housing, the analysis by the NZ Productivity Commission, with respect to this matter, is considered simplistic and not entirely accurate, particularly in the context of this evaluation report. This is because separate provisions in either the RMA or district plans dictate whether applications need to be processed on a publicly or limited notified basis, and the operative District Plan subdivision chapter is an example of a hierarchical approach to subdivision, though the coupling of activity status classification, which has led to overly complex and convoluted planning provisions. By making subdivision discretionary, coupled with non-notification provisions liberates applications from the burden of the operative District Plan framework.

The operative District Plan dispenses with the need to undertake an assessment as to whether to notify applications for controlled or restricted discretionary activities (Clause 15.2.2.6(i)). It is proposed to retain this provision for discretionary activity subdivision in the urban zones and the Rural Lifestyle and Rural Residential Zones. In certain situations applications will be subject to assessments to determine whether an application needs to be notified or limited notified. An example would be where a statutory agency has a direct interest such as:

- Situations where the site adjoins or has access to a State highway, and discretion should be available to consider whether the New Zealand Transport

Agency is affected.

- Situations where the site to be subdivided contains a listed item pursuant to the *Heritage New Zealand Pouhere Taonga Act 2014*. Discretion should be available to consider whether Heritage New Zealand is affected.
- The subdivision is in the Makarora Rural Lifestyle Zone and is affected by a natural hazard, having regard to existing provisions (15.2.2.6(ii)) requiring the written approval of the Otago Regional Council.

This will provide certainty to the subdivider with regard to process, and provides confidence that good subdivisions proposals supported by appropriate applications will be granted.

Existing critical standards relating to minimum lot size and existing servicing aspects requiring a non-complying resource consent will be retained. An assessment to determine whether an application will need to be notified or limited notified would be required where activities do not comply with the rule.

The second reason is that this allows the Council to decline a resource consent application if it feels it is necessary and also avoids instances where the controlled activity status establishes an unrealistic expectation where a site may be constrained by hazards (acknowledging S106 of the RMA also provides scope for this irrespective of the activity status), or the subdivider and the Council cannot reach agreement over the design, including the provisions of services.

It is anticipated that very few applications would be declined, in line with current practice. The Council would rather normally work with the applicant to reach an amicable outcome, than decline to issue consent. Also in line with current practice the Council would strive to reach agreement with applicant's on the conditions, avoiding the potential for objections to be lodged.

Thirdly, a discretionary regime helps focus the importance of good quality subdivision design, over a focus on ensuring a proposal conforms with the perceived lowest class of resource consent as a path of least resistance. The subdivision process is the platform for the creation of places of choice for people to live, work and play. Furthermore, the Council will ultimately inherit on behalf of the community the majority of services and facilities installed through the subdivision approval process.

<i>Proposed provisions</i> <i>(Grouped by topic)</i>	<i>Costs</i>	<i>Benefits</i>	<i>Effectiveness & Efficiency</i>
<i>Class of Activity</i> All policies and rules	<i>Economic</i> Cost to the subdivider where the Council has the ability to decline consents, potential for uncertainty due to the Council have unlimited discretion.	<i>Economic</i> Streamlined and more efficient assessment process where both the subdivider and Council's assessments can focus on the matters at issue.	The ability to decline a consent based on subdivision design or servicing aspects will encourage a subdivider to undertake considered design, where it was not previously contemplated. The rule will be effective at

	Cost through a loss of investment certainty associated with the ability for consents to be declined. This element is considered to be more of a perception than real economic cost, as discussed above. In line with current practice, it is rare that an application is declined. Potential financial cost associated with designing and applying for subdivision applications that may be declined. Environmental Exclusion of assessment matters, or the requirement for specified matters of control has potential for designers/applicants and Council to not focus on the aspects at issue, or be at odds over the relevant aspects to consider. Potential for reduced environmental outcomes through a reduction in the prescribed matters of control. However this is outweighed by the benefits of a discretionary status and the guidance provided in the policies and the QLDC land Development and Subdivision Code of Practice and QLDC Subdivision Design Guidelines. Social & Cultural Potential social cost to the subdivider through the economic cost issues and uncertainty discussed above.	Certainty of process through non-notification provisions. Strong non-notification provisions reduce the potential for a judicial review of applications granted on a non-notified basis. Less obligation to adhere to prescribed matters of control, whether or not they be matters at issue. Environmental Encourage good quality subdivision design through the ability to decline consents. However, in line with current practice this is unlikely. Council will seek to reconcile differences and reach agreement on conditions. A subdivision is usually declined due to not according with the activity anticipated by the zoning. The removal of many of the matters of control/assessment matters focuses the assessment on the matters at issue provided in the policies, and specific policies, QLDC land Development and Subdivision Code of Practice and QLDC Subdivision Design Guidelines. Social & Cultural Provides greater opportunity of a good quality neighbourhood being created for the future resident. Benefit to the subdivider where certainty of process through non-notification provisions. Strong non-notification provisions reduce the potential for a judicial review of applications granted on a non-notified basis.	encouraging good quality subdivision design and neighbourhood wide considerations associated with subdivision. The proposed change will be effective as the Council can decline applications that are not appropriate. The non-notification provisions provide efficiency. Often, it is difficult to for assessments to arrive at a non-supportive view without having had to notify an application. Particularly where this matter affects only the quality of the services and future residents may be unlikely to have any real value in being notified. The proposed policy will be effective at providing an adequate level of detail to assist the assessment process. The discretionary activity status will be effective in so far that it does not limit the assessment of the matters at issue. In addition, the discretionary activity status significantly improves efficiency by removing the requirement for the Council to specify the matters of control or discretion, as would be the case for controlled or restricted discretionary framework. The proposed provisions are significantly more effective and efficient than the existing.
--	--	--	--

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

Option 1: Keep Controlled status

- *Significant impediment to ensuring the District Plan is accessibly and legible by requirement to specify the matters of control.*
- *Disincentive to encourage good subdivision design*

Option 2: Make activities restricted discretionary

- *Retains status quo In terms of requirements to specify the matters of discretion associated with the multiple themes that need to be assessed at subdivision.*
- *Applications can still be declined, the real or perceived risk to the subdivider is the same as the preferred option.*

Proposed Provisions	Costs	Benefits	Effectiveness & Efficiency
Non-notification provisions All policies Rules in Part 20.7.	Economic None-identified Environmental The notification process has the potential to include input that can benefit the application and result in a better environmental outcome. Prescribing that the majority of applications are non-notified will exclude third party input into the process. (The relevant zone and District Wide rules would still apply irrespective of the subdivision non-notification clause). Social & Cultural Social cost in terms of the community's inability to provide input into applications. However these predominantly relate to activities that are anticipated in the respective zone. (The relevant zone and District Wide rules would still apply irrespective of the subdivision non-notification clause).	Economic Significant benefit and certainty to the subdivider avoiding notified subdivision process. This also includes costs associated with processing and reporting on non-notified consents where there is a requirement to undertake an assessment to justify whether or not an application should be notified. Reduced costs associated with the processing of application, even where the application may be declined or a hearing is held to consider matters where agreement has not been reached. Enabling non-notification provisions reduces the potential for NIMBYs (not in my back yard) objectors. The NZ Productivity Commission (2015) at page 245, identifies that for reasons associated with home ownership and the accumulation of equity into one asset (the house), people often oppose change irrespective of whether the change is positive or negative, or can be reasonably anticipated or not. The majority of urban subdivision located within urban zones can be reasonably expected providing it accords with the provisions of the District Plan. Environmental Only specified applications for discretionary activities will have the potential to be notified, or notice served on third parties where it is identified they have an interest greater than the general public.	Will provide certainty to the subdivider that the application will be non-notified. More certainty and greater potential for an expedient outcome. Provides certainty of the Council's intent to support subdivision that accords with the policies of the District Plan. Facilitates efficient processing of applications by removing the need for the applicant and Council to prepare a notification assessment. Significant efficiency in terms of removing the potential for notification decisions to be appealed.

		Social & Cultural The removal of the need for the applicant and council to undertake a notification assessment reduces costs and time taken to process a subdivision consent. More efficient and less expensive subdivision processes could contribute to a reduction in allotment prices. Certain applications for discretionary activities will have the potential to be notified, or notice served on third parties where it is identified they have an interest greater than the general public.	
Alternative options considered less appropriate to achieve the relevant objectives and policies:			
Option 1: No non-notification provisions.		• Would not provide certainty to the subdivider of the proposed subdivision framework. • Would not promote efficient administration of activities that are reasonably anticipated.	
Subdivision Design	Costs	Benefits	Effectiveness & Efficiency
Policy: 27.2.1.1 – 27.2.1.3 27.2.2.1 – 27.2.2.9 Subdivision design 27.2.3.1 – 27.2.3.2. Small scale and infill subdivision 27.2.4.1 – 27.2.4.8 Heritage 27.2.5.1 – 27.2.5.5 Roading 27.2.5.12	Economic Costs to subdivider associated with subdivision design and investigations. Noting these costs already exist associated with subdivision. Costs associated with integrating stormwater into open spaces and enhancing/integrating these with amenity, rather than designing solely to reticulate or dispose of stormwater. Environmental Recognises that infill and small scale subdivision has limited opportunities for inter-neighbourhood connections and	Economic Ensures increased opportunities for economic growth and employment through making the urban neighbourhoods and places desirable places to live, work and play. Environmental Ensures the distinctive characteristics of a places context and setting are incorporated in the subdivision design. Results in greater environmental benefits through promotion of connections, non-motorised transport. Encourages subdivision to respond to the	Ensures the distinctive characteristics of a places context and setting are incorporated in the subdivision design. Strengthens existing policy on encouraging good subdivision design and consideration of neighbourhood and site analysis. Emphasises the importance of ensuring subdivision makes the District a safe and healthy place to live, work and play. Protects heritage items and identifies opportunities for subdivision to enhance natural features.

stormwater 27.2.5.15(b) and (c) Energy and Telecommunications Rule: All rules.	road and lot layout considerations than larger scale design aspects. Social & Cultural Social costs through the economic costs identified above.	context and identified valued features within a site or neighbourhood including trees, indigenous vegetation, cultural and amenity features. Social & Cultural Ensures the health and wellbeing of the community in terms of Section 5 of the RMA, both in terms of existing neighbourhoods in the vicinity of the subdivision and the future residents of the proposed subdivision. Encourages the recognition of open space and enhancement of waterbodies and integration of stormwater management. Provides for a variety of allotment sizes to cater for different housing types, including infill subdivision. Site layout and dimensions are appropriate in terms of different housing types and affordability. Results in greater social benefits through promotion of connections, non-motorised transport. Encouraging allotment design to maximise sunlight and responding to local opportunities and constraints reduces energy and promotes sustainability. Provides an opportunity to recognise the history, cultural beliefs associated with the identity of places.	Emphasises the importance of integrating valued features social and cultural concepts into subdivision design.
Alternative options considered less appropriate to achieve the relevant objectives and policies:			

Option 1: Retain existing		- Retaining the existing policies in the existing structure would require consideration of design, cultural and historic heritage but without the effectiveness and efficiency as the proposed. Relevant provisions of the Strategic Direction chapter would not be given effect to. - The proposed changes are more appropriate than the existing.	
Servicing	Costs	Benefits	Effectiveness & Efficiency
Policy 27.2.5.1 – 27.2.5.17 Rule: 27.5.2	Economic Costs to subdivider to install the services, however these are essentially the same as the Operative District Plan Provisions. Environmental None identified. The majority of provisions have been retained. Social & Cultural None identified. The majority of provisions have been retained.	Economic None identified. The majority of provisions have been retained. Environmental None identified. The majority of provisions have been retained. Social & Cultural None identified. The majority of provisions have been retained.	The majority of provisions relating to servicing have been retained. The QLDC land Development and Subdivision Code of Practice has been referenced in the preamble and policy. This document communicates the expectations sought by the Council for the design and installation of servicing. Significantly improving both effectiveness and efficiency.
Alternative options considered less appropriate to achieve the relevant objectives and policies: None identified. The majority of provisions are part of the Operative District Plan.			
Esplanades	Costs	Benefits	Effectiveness & Efficiency
Policy 27.2.7.1 and 27.2.7.2 Rule: 27.5 27.6.1(b) certain activities exempt from the provision of esplanades.	Economic Cost to the subdivider associated with land being made an esplanade. Noting that this provision already exists in the Operative District Plan and the RMA. Environmental Making certain subdivision exempt from the consideration of esplanades will result in a lost opportunity, however, the activities are innocuous and not likely to involve circumstances where an opportunity for esplanade is likely.	Economic Potential enhancement of areas near waterbodies through making open space. Environmental Opportunities for protection of natural heritage and values. Social & Cultural Opportunities for public access and open space near waterbodies.	The policy provides reasonable opportunity to consider the provision of esplanades. The provisions are efficient where the exemptions clarify that certain subdivision is not likely to have an opportunity to consider the provision of esplanades. The provisions are also both effective and efficient where they rely on the provisions of the RMA. Reducing the requirement for text and provisions and potential for inconsistencies with the RMA

	Social & Cultural Loss of privacy to landowners / subdivider where an esplanade is taken.		The provisions are similar to the Operative District Plan provisions.
Alternative options considered less appropriate to achieve the relevant objectives and policies:			
Option 1: Create policy and rules associated with the taking of esplanades and compensation other than provided for in section 230 of the RMA.	The provisions in sections 229-237 of the RMA are considered appropriate.		
<u>Issue 4. Protection of significant natural, cultural and historic heritage through subdivision</u>			
Objective 4: Identify, incorporate and enhance natural features and heritage.			
Also,			
Objective 7: Create esplanades where opportunities arise. Refer to the table above for evaluation of esplanade provisions.			
Summary of proposed provisions that give effect to these objectives:			
- Policies that seek to integrate subdivision and development with natural and heritage features; - Encouraging the integration of stormwater management through amenity features and connections; - Policy to protect heritage features and archaeological sites from inappropriate subdivision; - Retention of the Operative District Plan rule for a discretionary activity for subdivision on sites that contain heritage items; - Consideration of natural values and heritage features when considering esplanades.			
Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
Policies: 27.2.4.1 – 27.2.4.7 27.2.7.1 (inclusive) Rules: 27.5.2.5 - 27.5.2.7	Economic Additional restriction on potential development opportunity and cost to subdivider associated with integrating and having regard to natural features. However the change is not significant compared to the status quo.	Economic Greater retention of natural and built heritage and integrated management with the subdivision process enhances the attributes of the District, making it a place of choice for residents and visitors.	Enhances the protection of natural and built heritage.

	Environmental None identified. Social & Cultural None identified.	Environmental Subdivision process and design ensures the retention of protected trees to the fullest practicable extent and ensure the protection of historic heritage. Encourages subdivision design that facilitates community appreciation of notable and heritage trees and historic heritage. Social & Cultural Provides for well-being through the integration of natural and built heritage, including protection where required. Ensures cultural and spiritual beliefs of iwi are had regard to where there is potential for an archaeological site to be modified or accidentally discovered.	
Alternative options considered less appropriate to achieve the relevant objectives and policies:			
<i>Option 1: As all subdivision is proposed to be a discretionary activity, exclude the rule requiring heritage items as requiring a discretionary activity. (As referenced in the Operative District Plan as Protected Items in Appendix 3).</i>		• <i>Important to provide emphasis that the values of heritage items have the potential to be affected by the subdivision.</i>	

11. Efficiency and effectiveness of the provisions

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

The subdivision and development chapter has been separated into provisions that affect all subdivision, to the provisions for location specific and bespoke provisions. The reasons for this include:

- To improve efficiency in terms of accessibility for readers and to focus on the objectives, policies and rules that affect all subdivision, irrespective of location;
- Providing a specific section for identified areas or zones give the reader certainty that they have not missed any provisions;
- Provide a template for existing bespoke/location specific provisions and future plan changes to be added to the District Plan without disrupting the structure of the subdivision chapter, and avoiding the respective zone chapters from becoming unwieldy with location specific provisions.

12. The risk of not acting

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

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

References

1. Ministry for the Environment. 2014. A guide to section 32 of the Resource management Act: incorporating changes as a result of the Resource Management Amendment Act 2013. Wellington. Ministry for the Environment - [link](#)
2. Raw data on subdivisions
3. New Zealand Productivity Commission. (2015). Using land for housing: Draft report. Wellington: New Zealand Productivity Commission. Available from www.productivity.govt.nz/inquirycontent/using-land

Appendix A. Operative District Plan Subdivision Objective 1: Explanation and Principal Reasons for Adopting.

Subdivision provisions for roading and access need to reflect the opportunities to create a variety of vehicle and access systems, for the benefit of both vehicular transport, cyclists and pedestrians. Roding and access can also have a major visual impact and as such both the location in terms of the topography and landscape, and the design of access routes, should enhance the natural environment and minimise any visual intrusion.

The subdivision of land is often followed by intensification or changes in land use that subsequently increase the demand for water usage. Where the proposed subdivision creates new lots and where the users will require water for human consumption, then that supply must be potable and reliable in the long-term. In addition, as life and property needs to be protected, ready access to sufficient water supplies must be available for fire fighting purposes. Unless the water supply system has an excess of capacity, subdivision and development will lead to the need for the water supply system to be upgraded. Some land use activities may place heavy demands upon a water supply system and consideration must be given to their location to ensure the sustainability of the water resource.

Notwithstanding regular monitoring and testing programmes, individual wells run the risk of contamination, variable quantity and inadequate levels of supply at some times of the year. Connections to a public supply provide much greater certainty as to the adequacy of the water quality and the reliability of the supply.

The design of stormwater systems and the capacity of existing systems must be adequate to achieve satisfactory disposal. It is the responsibility of the person who changes the existing land and water surfaces to investigate the effects of the proposal. If any adverse effects on the surrounding or receiving environment will, or could, result from the subdivision or development of land, then mitigating measures must be carried out by the subdivider or developer.

Recognition and enhancement of the values of natural lakes and rivers and receiving waters is a necessary part of planning subdivision and subsequent land use developments. Lakes and rivers can be visually attractive and generally provide an opportunity for enhancement through suitable landscape treatment. Preservation of the catchment is ecologically more acceptable and can assist in avoiding contamination of surface waters from stormwater run-off. These benefits need to be balanced by safety and practicality considerations in urban areas.

Proper treatment and disposal of sewage is a matter of importance. This is significant in terms of the protection of the quality of the surface and groundwaters and in the protection of public health.

Treatment of sewage effluent requires adequate provision for treatment systems and a means of disposal for the waste generated by the subdivision. In the existing urban areas where the Council provides or intends to provide for public sewage reticulation, treatment and disposal, there is a greater assurance that public health risks and adverse effects on the environment will be avoided.

In rural areas and townships, where connection to public reticulated systems is impracticable, care must be exercised to ensure the individual treatment and disposal system does not cause contamination of any adjoining lakes and rivers or groundwater, particularly if that could affect public health and the quality of a locality's water supply.

The taking of water and the discharge of the contaminants in stormwater and sewage are also the responsibility of the Otago Regional Council and consents may also be required from this Council in conjunction with a subdivision consent from the District Council.

The supply of electric power and telecommunications to all sectors of the community can be regarded as an essential service. It includes any upgrading or establishment of a system to service an area, and supply to individual users of sites created upon subdivision. The widespread use of electric power means a provision of power lines and their associated structures. With appropriate planning, the adverse effects of overhead lines can be mitigated to a certain degree in some locations, however, for most properties in the residential areas, townships, and town centres, provision of new reticulation is more appropriate underground.

Appendix B – QLDC Subdivision Design Guidelines, May 2015 - [Link](#)