

SECTION 32 REPORT

MACKENZIE DISTRICT PLAN – PROPOSED PLAN CHANGE 13

MACKENZIE BASIN

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1. INTRODUCTION

Proposed Plan Change 13 has been prepared in response to development pressure within the Mackenzie Basin, and in particular pressure for residential development and subdivision. The following report outlines the background to the Plan Change and contains an evaluation of the objectives, policies, rules and methods in accordance with section 32 of the Resource Management Act 1991.

2. BACKGROUND

Proposed Plan Change 13 has been prepared in response to development pressure within the Mackenzie Basin, and in particular pressure for residential development and subdivision. Since notification and completion of the District Plan council has monitored the plans effectiveness in dealing with residential development and subdivision within the Rural Zone. This monitoring was considered to be essential due to the liberal subdivision and building rules that applied throughout the Rural Zone.

When the District Plan was developed the effects of residential development and subdivision in the Rural Zone was looked at afresh and it was decided to remove any minimum lot size and place limited controls on where buildings could locate. A single rural zone for the whole district was adopted. Details of current Plan issues, objectives, policies and controls are contained in Appendix A and a summary of these is listed below in 3.

3. SUMMARY OF OPERATIVE DISTRICT PLAN PROVISIONS

A summary of the Rural zone controls in the Mackenzie District Plan relating to buildings, residential development and subdivision follows (Refer Appendix A for detailed statement of the issues, objectives, policies, and rules):

3.1 Subdivision

- No minimum allotment size
- All subdivision which meets standards is a **Controlled Activity** in relation to a wide range of matters including water supply, sewage treatment and disposal, lot size, access, subdivision design, natural hazards and vegetation.
- Subdivision within the Lakeside Protection Area, flooding areas and involving a heritage item are **Discretionary Activities**.

3.2 Buildings

Buildings are generally permitted provided they meet standards including:

- 50m setback from state highway.
- 20m setback from other roads and internal boundaries.
- 20m setback from rivers, 50m from wetlands and 100m from lakes.
- Not located with scenic viewing areas.
- Lakeside protection areas, sites of natural significance or over 900m.

Any buildings that breach these standards are a Restricted Discretionary Activity. Discretionary buildings/activities include:

- Buildings within Lakeside Protection Areas.
- Visitor accommodation buildings for 20 or more guests.

4. GROWTH AND CHANGE IN THE RURAL ZONE

When the District Plan was prepared it was recognised there would be new houses built in the rural area, however the number, type and locations of these lifestyles developments were not anticipated. In particular it was thought that most residential development would occur in the Fairlie Basin, mainly because of the potential to commute to work, given the pattern that had occurred in South Canterbury and elsewhere. While there is an element of this type of lifestyle development still occurring, by far the majority of new residential development in the Rural Zone is within the Mackenzie Basin. Much of this appears to be for a second home or retirement where the need to commute is limited. The area of choice to date have been around Twizel, both on the immediate boundary of the town or further afield (Glen Lyon Road and Manuka Terrace areas). More recently, pressure around the major lakes has arisen with more land being released from pastoral lease to freehold. There is nothing to indicate that the demand for this development will decrease significantly in the short to medium term.

The table below contains details of the number of new lots, which have been applied for and consented during the period 2003 to November 2007 within the Rural Zone. The general location of these is also specified. In almost all cases the subdivisions have been **Controlled Activities** and the houses **Permitted Activities**, giving the Council little choice but to grant them. By far the majority of this development has occurred within the Mackenzie Basin. With more tenure reviews of pastoral runs being entered into or completed and the general buoyant economy the Council took the view that the impacts of the development needed to be carefully assessed. From this it could be determined whether the District Plan needed modification to enable the Council and community to address any issues that have or are likely to arise.

New Lots Created	Rural Zone	Residential and Other Zones
Fairlie	56	44
Twizel	789	190
Lake Tekapo	8	147
TOTAL	853	381

5. DOCUMENTS/MATTERS CONSIDERED BY COUNCIL

Set out in Appendix B is a list of issues and options reports, presentations, consultation responses and information prepared for and considered by the Council. A summary of the various issues and options papers considered by the Council is set out below.

5.1 Manuka Terrace – March 2004

This report set out the history of subdivision along Manuka Terrace from a single lot in 1998 to 18 lots in 1999, 35 lots and then 111 by 2004. (Further subdivision has occurred since this report). The main issues arising from this level of subdivision are discussed in the report being:

Allotment size and dimensions: As there are no minimum lot area requirements there is real potential for the flow of subdivisions and subsequent re-subdivisions to continue resulting smaller and smaller lots. This has impacts on loss of rural land, amenity and outlook. It also creates an intensive rural residential area which is not connected in any way to a township.

Power and Telecommunications: Many subdividers did not propose to install power or telecommunications, neither of which were available in the area at that time. This was considered to be problematical as power realistically was required for rural-residential lots for normal domestic purposes and to drive pumps needed for septic tanks.

Water supply and Sewage Disposal: Most subdividers proposed to use groundwater for their water supply but little was known about the depth of the supply, its flow rate or its sustainability. In particular it was not known if there was sufficient future supply for all future owners to gain a reliable supply without having an adverse effect on each other and cumulatively on the aquifer. Along with this issue was the use of septic tanks for sewage treatment and disposal. As the direction of groundwater was unknown maintaining

suitable separation between water supply wells and septic tanks could be a real problem over time with the first owners potential disadvantaging future owners options. A third issue is the potential for septic tanks to contaminate the groundwater, which could then flow into Lakes Ohau and Ruataniwha.

Access: Concern about the safety and efficiency of Manuka Terrace due to its present condition.

Landscape Impacts: With the possibility of houses on all the lots created there could be significant visual impacts on the surrounding area.

5.2 Rural Development Issues in the Mackenzie Basin - Power Point Presentation August 2005

Background:

- Mackenzie Basin recognized internationally and nationally for its unique and inspiring landscape
- Rural area, in particular the Basin has experience significant development pressure
- Interest groups concerned at the level of uncontrolled development

District Plan Provisions

- Have very liberal provisions with very little discretion to control or refuse subdivision or housing.
- Only control on housing is the setback requirement from boundaries of 20m
- No specific standards for servicing of “rural” lots
- No ability to prevent or control widespread ad-hoc subdivision, strip development around lakes above the Lakeside protection areas, establishment of rural villages, ribbon development along the state highways and the growing demand for services.

Matters for consideration and feedback

- Rural character and development – appropriate subdivision and building control
- Development around towns – use of rural residential zones or a hard edge.

5.3 Mackenzie District Rural Zone Review Background Report #1 –March 2006

This report contained a detailed analysis of the problems associated with residential development in the rural zone, the evolving pressures and what is required to deal with these pressures and how the Plan could be improved including:

Issues, Objectives and policies

- Add a specific “issue” addressing subdivision and development pressures on the rural zone;
- Broaden and refine the existing objectives and policies where necessary;

Landscape Study and Design Guide

- Identify the important landscapes and water bodies through a landscape study, or require applications for subdivision consent or for more than one dwelling per site to include a landscape assessment;
- Introduce “interim landscape protection areas” over landscapes that are likely to be “important” but do not yet have protection in the Plan – interim until a fuller landscape assessment can be made;

- Require applications to “fit” with a design guide and colour palette through a rule, or as an assessment matter. Introduce a full design guide for rural subdivision and development as part of the Plan. Applications must refer to it and show how they meet its standards, or why they don’t and how the effects are minor.

District Plan Rules

- Introduce the requirement to identify building platforms for assessment at the time subdivision approval is sought as a **restricted discretionary** activity;
- Introduce a rule making building on an approved building platform a controlled activity, subject to compliance with a design guide and colour palette; if on a building platform but does not comply with the design guide or colour palette, it is a **restricted discretionary** activity in respect of the matter of non-compliance;
- Introduce the need for **discretionary** activity consent for the construction of non-rural buildings (e.g. more than one dwelling per lot, residential / rural residential subdivision, or commercial (non-productive) activities) unless the building is on a building platform approved at the time of subdivision. This will give Council full control over all buildings in the rural zone that are yet to be built in existing subdivisions, and future subdivisions will be encouraged by this rule to accommodate building considerations into their designs at an early stage.
- Introduce subdivision to a minimum lot size (50ha / 100ha) as a controlled activity, smaller than which is a **discretionary** activity;
- Ensure all subdivision or building development within ONL, LPA or SNS areas, areas higher than 900m, and all other identified “important” landscape areas is either fully **discretionary** or **non-complying**.

5.4 Residential Development in the Mackenzie Basin Rural Area, District Plan Responses - 20 June 2006

This report concentrated on two issues arising from unplanned residential development in the Rural zone namely, what **level of servicing** is appropriate and what are the **landscape impacts** of this development.

Options for dealing with the servicing issues were suggested as:

- a Create zones which have a clear differentiation in terms of the density of development (minimum subdivision area and house site area) and set the servicing standards accordingly:
- b Low-density residential/rural –residential – around Twizel
 - Minimum lot sizes of say 4000m²-2ha
 - Require reticulated sewerage and water supply and possibly on-site treatment of stormwater in these zones. Refer Appendix A for suggested rural-residential zones in the vicinity of Twizel and Appendix B for subdivision and servicing requirements for rural residential zones.

- c Rural-residential/cluster development –in Rural area
 - Minimum lot size of say 4000m² –2ha
 - Require reticulated sewerage and water supply and possibly on site treatment of stormwater in these zones.
 - Council could rezone areas considered suitable or put criteria for these zones in the District Plan
- d Set a minimum lot size elsewhere in the Rural zone sufficient to enable lots to be safely serviced, (adverse environmental effects are avoided), on site.
 - Could also provide for some cluster development that meets criteria.
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Options for dealing with the landscape impacts were suggested as:

- a Identify outstanding landscapes and strongly control subdivision and buildings within these landscapes. Suggested controls include subdivision and buildings being non-complying activities but with provision for development nodes to be identified within outstanding landscapes.
- b Identify significant/amenity landscapes and provide discretion to grant or refuse subdivision and buildings within these areas.
- c Set minimum standard of say 8ha-20ha for the Rural zone (outside outstanding and significant landscapes) and require building platforms and access tracks to be identified as part of all residential subdivisions in the Rural zone. Require all buildings to satisfy design and location guidelines.
- d Provide for rural residential zones with minimum lot sizes of 2-4 ha on sites where landscape impacts are limited. Insert criteria into the Plan for area that may be suitable for rural residential/tourist development. Refer Plan A for possible rural residential zones around Twizel.
- e Review the Lakeside Protection Areas to determine whether they achieve sufficient protection of outstanding landscape values and review LPA policy. (These areas could become part of outstanding landscape areas)
- f Provide for the clustering of houses as a discretionary activity in the Rural Zone and possibly in outstanding or significant/amenity landscape areas providing they satisfy certain landscape criteria.

Alternative

Identify areas where subdivision and housing can be accommodated with the landscape and strongly control the remainder of the Mackenzie Basin.

5.5 Landscape Values of the Mackenzie Basin’, Graham Densem February 2007

This report provided much of the impetus for the Council’s chosen approach encapsulated in the proposed Plan Change. The report outlined the characteristics and landscape values of the Mackenzie Basin landscape and set out various scenarios for housing in the Basin relating to rural lifestyle subdivision, hut settlements, towns and township development and housing and development on farms and runs. Extracts from the report follow:

LANDSCAPE VALUES AND ISSUES

The Mackenzie Basin is a special part of New Zealand. The combinations of physical environment and human traditions, while in many respects typical of the South Island high country generally, also have qualities of setting, location and tradition which are singular to this basin, and identifiably ‘Mackenzie’ in character. The Mackenzie Basin is among the group of landscapes most qualified for ‘outstanding’ status in New Zealand. The Council therefore needs to ensure its Plan guards strongly

against inappropriate housing development and subdivision, while continuing to encourage appropriate developments.

The current 'outstanding' landscape values of the Basin culminate from over 100 years of past and present land uses and stewardship. What appears to outsiders as an attractive 'wild' landscape is actually a quite modified high country working environment, in which management by land- and run-owners is integral to the landscape values. Therefore planning for future values cannot exist in isolation from the economic and practical realities facing present and future rural land owners and users.

Rural Lifestyle Subdivisions

Apart from these 'townships' and the homesteads on each run, there was traditionally no dispersal of independent housing in rural areas of the Mackenzie basin. Nor was there a gradual decrease of residential density between 'town' and country, as occurs in lowland towns throughout New Zealand. In the Mackenzie, townships sat abruptly within their surrounding rural landscape.

A significant change since the mid 1990's has been the subdivision of rural land for lifestyle and recreational housing and uses around Twizel and between Twizel and Lake Ohau. A new hut community has arisen at Black Forest, bordering Lake Benmore, similar to that at Alexandrina.

Black Forest excepted, rural lifestyle subdivisions are a new usage in the Basin. If too extensive or in the wrong places, they have potential, to alter the open character that much of the rural Basin still offers. Where subdivided and housed, the Basin becomes more strongly an 'occupied rural place' as in the lowlands of New Zealand. If an attribute of the Mackenzie landscape is its unspoiled openness, then the Council needs to think carefully about the amounts and locations of such housing.

The process begins with subdivision, which is an irreversible process, referring of course to freehold land. Once a rural landholding is broken up, the land is highly unlikely to re-amalgamate and the former high country ethos and landscape pattern is lost. There are places in the basin where such subdivision could occur with little impact, but elsewhere the Council needs to remove the general expectation that any rural land may be subdivided for lifestyle housing.

Housing and Developments on Farms and Runs

The traditional development pattern of the South Island's high country runs could be described as 'nodal'. That is, within the generally open landscape, periodic nodes of shelter and buildings occur at each homestead – i.e. one node per station. These typically consists of a homestead and other houses/quarters for employees, musterers, shearers, wool, implement, vehicle, aircraft and hay sheds, shelter trees and home paddocks.

An important characteristic of the nodal pattern in the Mackenzie is that between nodes the vast majority of the landscape remains unfettered by buildings and development.

Tenure review, freeholding, intensification and subdivision all have potential to significantly change this pattern through developments occurring more frequently in the landscape. The Council should seek to maintain the Mackenzie rural character by aiming to retain a nodal pattern as the norm for housing and buildings in rural areas of the Basin. This would occur through policies for clustering of further developments in existing or selected new nodes, and in particular avoiding dispersed, sporadic and scattered buildings. Any diversified farm and station activities such as accommodation lodges, cottages or ski facilities should be included in this policy, so all growth occurs at the traditional nodes or chosen new nodes.

PLAN POLICIES

The Mackenzie Basin is unquestionably an outstanding landscape, and the Council is justified in adopting policies to maintain its landscape values, referring particularly to land subdivision and

housing in rural areas and lake margins. As regards the land surface, the Council's options may be more limited to the seeking of accord with landowners and the promoting of cooperative guidelines.

5.6 Proposals for Workshop of 26 July 2007

Existing Nodes/Clusters	Can build within but with initiations on numbers, size and appearance of buildings Subdivision – no minimum requirement
Extension of Nodes	Provide for minor extensions of Nodes by resource consent
New Nodes	Provide for new nodes by resource consent which meet strict criteria
Outside of Nodes	Severely limit subdivision and buildings because of high landscape values (and servicing issues)
Rural Residential –Manuka Terrace	Limit further re-subdivision Provide some future security for existing lot owners re building Acknowledge wind hazard
Rural Residential - Twizel	Provide for larger sites for people wanting to reside near Twizel, but limit landscape impacts.
Scenic Viewing Areas	Remove rules in rural zone but retain SVAs on Planning Maps for assessing impacts
Lakeside Protection Areas	Remove LPAs from maps and rules

6. PROPOSED PLAN CHANGE 13 PROVISIONS

Proposed Plan Change 13 comprises the following components

Issues

- Additional statement in Issue 7 Landscape

Objectives

- Splitting existing Objective 3 Landscape Values into Objective 3A, which focuses outstanding natural landscapes, and Objective 3B, which deals with general landscape values across the District.

Policies

- New policies to support Objective 3A, which manage growth and development within outstanding natural landscapes and in the Mackenzie Basin in particular. These policies establish the general principle that residential use and subdivision should follow the current land use patterns of the Basin namely being limited to either existing towns or existing clusters of building usually associated with homesteads. Provision is also made for the establishment of new clusters where they meet stringent standards and have the ability to replicate existing clusters or nodes.

Rural Zone Rules

- Establishing a new Mackenzie Basin Subzone within the existing Rural Zone
- Generally limiting buildings and subdivision within existing or approved new building nodes
- Providing for the establishment of new nodes as a discretionary activity within the Mackenzie Basin Subzone
- Encouraging the appropriate location of irrigation structures and wrapped feed in proximity to roads through guidelines.

- Controlling earthworks as part of building node development or when associated with subdivision.

Subdivision rules

- Providing as a discretionary activity subdivision with a minimum allotment area of 200ha within the Mackenzie Basin Subzone (but with no provision for building within such a lot)
- Amending the allotment size provisions to clarify that the boundary adjustment and utility lot standards apply for all zones, not just Residential zones
- Requiring access to subdivisions of more than 6 lots to be by way of road and not private way or access lot
- Amend the method calculation of contributions towards open space and recreation to clarify that the credit for underlying lots is determined by deducting the number of underlying lots from the total number of new lots created.

7. SECTION 32 ASSESSMENT OF PROPOSED OBJECTIVES

Section 32 requires an evaluation of the extent to which each objective is the most appropriate way to achieve the purpose of the Act. Set out below is a summary of the evaluation undertaken by the Council.

Proposed Plan Change 13 takes existing **Rural Objective 3 Landscape Values** and divides it up into two objectives. The original objective states:

Protection of outstanding landscape values, the natural character of the margins of lakes, rivers and wetlands and of those natural processes and elements, which contribute to the District's overall character and amenity.

The objective effectively deals with outstanding landscapes and protecting the more general character and amenity values of the district that result from natural processes and elements. It was considered that to give both elements of this objective greater identity and force that the objective be split and policy developed separately for each aspect. Effectively this involved creating a new objective relating to outstanding natural landscapes and features and retaining many elements of the existing objective and policies as a second landscape objective dealing with the more general landscape values. The new **Objective 3A** states:

To protect and sustain the outstanding natural landscapes and features of the district for present and future generations.

This objective concentrates solely on a section 6 matter of national importance, namely the recognition and provision for the protection of outstanding natural landscapes and features from inappropriate subdivision and development (Section 6(b)). It does not make mention of inappropriate subdivision and development, rather that aspect is dealt with in the detailed policies. In this way the objective remains strong and does not simply parrot the Act's provisions. However because the new objective 3A is providing for a matter of national importance (as did the original objective 3), there can be no doubt that it is achieving the purpose of the Act.

The new **Objective 3B** is

Protection of the natural character of the landscape and of the margins of lakes, rivers and wetlands and natural processes and elements in particular that contribute to the District's overall character and amenity.

This objective is dealing with landscape values at a more general level and while it could be considered to cover outstanding natural landscapes it also covers landscapes of lesser value such as those that deserve some form of recognition and protection under section 7 (c)

Section 32(3)(a) requires an evaluation of the extent to which any new objective is the *most appropriate way to achieve the purpose of this Act*. As the main issue to be addressed by the Council is to achieve robust provisions to manage the outstanding natural landscape of the Mackenzie Basin it seems preferable and very appropriate to have a clear objective relating to outstanding natural landscapes and features which cannot be confused with a more general objective of protection of landscape values of the whole district. Such an objective also provides a clear basis for strong supporting policies relating to management of development within outstanding landscapes. It is considered that such an approach is preferable to the present joint objective. This approach also enables the policies sitting under the more general landscape objective 3B to be a better fit given that currently the policies do not relate well to outstanding nature landscapes. For these reasons it is considered that the new split objectives are the most appropriate way to achieve recognition and provision for protection of outstanding landscapes and provides for protection of general amenity type landscape values referred to in section 7(c).

8. SECTION 32 ASSESSMENT OF POLICIES, RULES AND OTHER METHODS

Section 32 requires an evaluation of whether the proposed policies, rules and methods are the most appropriate for achieving their objective and in this assessment regard must be had to the effectiveness and efficiency of these. For the purposes of this assessment effectiveness is taken to mean the extent to which something achieves the desired result, or in this case the proposed objectives. Efficiency is taken to mean producing the result effectively without wasting effort, energy or money. Inherent in assessing whether the provisions are the most appropriate is a comparison with other provisions. Council considered many options before the current approach was adopted. The assessment below assesses every policy and rule within the proposed plan change in terms of their effectiveness and efficiency. This is followed by general consideration of other options with particular consideration of costs and benefits. This approach was adopted in part to inform the reader of why the various policies and rules were chosen.

Section 32 also requires the risk of not acting if there is uncertain or insufficient information. This matter is considered later in the assessment in relation to the proposed plan change and alternative provisions.

8.1 Efficiency and Effectiveness of Policies and Rules

The Proposed Plan Change brings in a new series of policies relating to the management of the effects of subdivision and development in the outstanding natural landscapes as well slightly realigning some existing policies. In addition new or revised rules are proposed relating to

location of buildings and subdivision within the Mackenzie Basin. Some changes have also been made to the subdivision provisions, which have general applicability across the District. These changes are proposed to deal with omissions and errors in the Operative Plan provisions.

The new policies sit at differing levels with some being directly supportive of rules while others set out principles to be adopted. Because of this some policies are assessed separately while others will be assessed with the associated rules.

8.2 Policy 3A – Recognition of the Mackenzie Basin

Recognition of the Mackenzie Basin as an outstanding natural landscape and establishing a Mackenzie Basin Subzone to protect the basin from inappropriate subdivision use and development.

Effectiveness and efficiency: There needs to be clear recognition of the Basin as outstanding as this is required by the Act and case law. In addition specifying this as the first policy ensures that all policies which follow, can be seen in the light of the outstanding nature of the Mackenzie Basin landscape and the need therefore to protect its special values.

The creation of a Mackenzie Basin Subzone within the Rural zone is a means of providing a special layer of control over the Basin which has its basis in protection of the special landscape values while at the same time retaining the majority of the existing controls that apply in the Rural zone. A separate Mackenzie Basin zone could have been created but this would have involved a high degree of repetition between that zone and the general rural zone.

8.3 Policy 3B – Economy, Environment and Community

Policy 3B encouraging a healthy productive economy, environment and community in the Basin and to maintain the identity of the Mackenzie Country.

Effectiveness and Efficiency: The policy recognizes as pivotal to maintaining the landscape values that people living and working there are able to maintain the incomes and assets, that the environment remains healthy and that the identity be retained. The latter contributes to the economic values of the Basin, as it is partly this identity that draws visitors to the area. This policy provides an opportunity for development within the Basin for residential subdivision and development but seeks to manage the impacts of this by restricting the intensity, location, form and scale of such development. In this way landowners can maintain their income and develop their assets and remain within the Basin and continue to farm. The details of the proposed management of residential growth are contained in several other policies below.

8.4 Policy 3C – Adverse Effect of Sporadic Development

Policy 3C Adverse effects of Sporadic Development and Policy 3D Adverse Impacts of Buildings and Earthworks seek to avoid the adverse impacts of sporadic subdivisions, building and development. To a large extent this concern is the motivation for the plan change as the Council have experienced the difficulties associated with subdivision and development over which they have very little control. Two main impacts are the potential impacts on landscape

values of the Basin and problems with determining the appropriate type and level of servicing. Many other issues arise from “unplanned” development as listed in this policy.

Effectiveness and Efficiency: These policies are higher-level policies that are implemented through policies 3G, 3H, 3I and 3J. They are policies that the Council will refer to when assessing resource consents and possibly any private plan change requests. In themselves therefore they are not effective but rather provide support and a basis for tightly controlling development within any outstanding natural landscape within the District. To some extent their effectiveness can only be determined after the plan change comes into effect and the Council is required to make decisions on applications for new building nodes or non-complying subdivision and development.

8.5 Policy 3E – Limitations on Residential Subdivision and Development

To only provide for residential subdivision and housing development within identified urban areas of the Mackenzie Basin (Twizel and Tekapo) and within identified or approved (rural development) building nodes.

This policy again is a higher-level policy that directs where residential development should occur within the Basin. This policy again focuses on the residential development and subdivision as the key risks for the landscape values of the Basin that flow from the current District Plan regime, which place no limits on the location or scale of such development. Unlike many of the proposed policies policy 3E refers to the whole Basin and not just those parts which are zoned rural, that is it acknowledges the existing assets of Lake Tekapo and Twizel village and directs development to these towns.

Effectiveness and Efficiency: This policy is a higher-level policy that is implemented through policies 3G, 3H, 3I and 3J. It is a policy that the Council is expected to refer to when assessing resource consents and possibly any private plan change requests. In itself therefore it is not effective but rather provides support and a basis for tightly controlling development within any outstanding natural landscape within the District.

8.6 Policy 3F – Landscape Carrying Capacity

To recognize the diversity of physical settings and landscapes within the Mackenzie Basin and the varying capacity of these to absorb built development.

Policy F recognizes that within the Mackenzie Basin outstanding natural landscape and features there are distinctive areas that form an appropriate basis for management of development. In particular these areas have different characters and the ability to absorb development. For example the eastern Basin areas, which have long vistas and are generally flat provide very little opportunity for built development to remain inconspicuous as compared to some of the western hill areas. This recognition of differences which is reflected in the Landscape Character Areas and sub-areas identified and discussed in Landscape report is intended to provide a meaningful context in which any proposal to extend an existing building node or establish a new node can be assessed. With regard to the “carrying capacity” of areas or individual stations the Landscape Assessment of the Mackenzie Basin that accompanies this Plan Change contains an evaluation of

the various landscape character sub-areas capacity. This involves an assessment of where new building nodes could be developed using Policy 3G type criteria. The combined impact of this number of nodes is then assessed and a conclusion drawn as to the maximum number of nodes that could be developed without significantly impacting on the landscape character of each sub-area.

Effectiveness and Efficiency: As with Policies 3C and 3D the effectiveness can only be determined after the plan change comes into effect and the Council is required to make decisions on applications for new building nodes or non-complying subdivision and development. However it is considered that the double approach of having stringent criteria for new building nodes that are both specific to each node and which address cumulative issues is both effective and efficient. It is effective because it directly addresses the impact on the broader aspects of the Basin, which is an outstanding natural landscape. It is expected to be efficient, as it will avoid the lack of certainty associated with decision on cumulative landscape impacts. These decisions have over the years involved applicants, the community, councils and the Environment Court in many hours of at times tortuous assessment. By having the cumulative threshold stated in the Plan much of the argument will be avoided and the Council as decision maker will be able to make coherent decisions over time.

8.7 Policy 3G and 3H – New Approved Building Nodes and Extensions to Nodes

New building nodes will only be granted as “approved building nodes” where Council is satisfied that:....

Extensions to existing identified building nodes will only be granted where the Council is satisfied that all the matters listed in Policy 3G are satisfied other than items 7 and 13 and that there is no longer sufficient land available within the identified node for the operational requirements of the property.

Policies 3G and 3H are key policies in the assessment of resource consents. The policy sets out a detailed list of criteria that are to be met before a new building node or an extension to an existing node is approved. Once a new building node is “approved” then up to 10 new dwellings may be established within the node. It is therefore the main means by which the Plan Change provides for residential development and subdivision to occur but in a way that does not impact significantly on the outstanding landscape values of the Mackenzie Basin (or any other area identified as an ONL). The rule under which new building nodes and extensions are to be approved is new Rural Zone rule 15, which provides for an application for an Approved Building Node or Extension to an Identified (existing) by way of Discretionary Activity. The rule itself refers to applications having to provide information and assessment of all the requirements in Policy 3G. The criteria in the policy are detailed and wide-ranging but are expressed in a way that they must be met. This has been done to achieve a level of certainty for decision makers, applicants and the community.

Effectiveness and Efficiency: The principle of retaining and providing for limited replication of the current pattern of built development within the Basin is considered to be an effective way of achieving the objective of protecting and sustaining the outstanding natural landscapes and features of the District. This policy is an integral part of this approach by setting out very clearly

what matters have to be satisfied before a new building node can be established or an existing node extended. The form and detail of the policy is also considered to be efficient as compared to the standard “discretionary activity” where frequently the applicant and decision makers are provided with little guidance as to the acceptability of a proposal. Frequently the Act’s requirement of providing for full discretion with no detailed guidance in a plan has resulted in many councils granting applications because they had no specific criteria only generalized statements about rural character etc.

8.8 Policy 3I and 3J – Buildings

Farm and other non-residential buildings, other than farm buildings that require a remote location, are required to locate within identified or approved building nodes.

To recognise that some farm buildings are required because of their function to locate away from building nodes and to provide for those buildings subject to location, design and external appearance controls.

Policies 3I and 3J deal with where buildings can locate within outstanding natural landscapes. The policies distinguish between farm building and non-farm buildings in two ways. Firstly it is considered that farm buildings are generally not a significant issue in the sense that residential development is because farm buildings are not something from which profit can be made and so they are only built when they are needed. The policy therefore acknowledges that they are appropriate within existing building nodes or new nodes as they will always be limited in number and because they traditionally have been part of building nodes. Secondly Policy 3J acknowledges that there are some farm buildings, which need to locate in more remote locations. Again it is considered that the costs of these buildings will limit their number as will the requirement that they need to locate away from the existing homestead node. The Rural zone rules which implement these policies are:

Rule 3.1.2 – which provides for farm buildings inside building nodes as a **Permitted activity** (subject to the normal standards)

Rule 3.2.2 – which provides for remote farm buildings outside nodes as a **Controlled Activity** with design and appearance and location being matters for Council’s discretion.

Non-farm buildings, which are generally expected to be for residential purposes, are dealt with by Policy 3E which limits these to Identified (Existing) or Approved building nodes. The relevant Rural zone rule is 3.3.1 which provides for non-farm buildings as **Restricted Discretionary Activities**.

Effectiveness and Efficiency: As buildings and their associated curtilage and access are the type of development most likely to have adverse impacts on the ONLs, these policies which severely limit where building can be established are considered to be effective in protecting these landscapes. They are also considered efficient for the same reason, as the plan is the document that has direct control over the building of new buildings.

8.9 Policy 3K – Lakeside Areas

To avoid adverse impacts of buildings, structures and uses on the landscape values and character of the Mackenzie Basin lakes.

By adopting a broader approach to the Mackenzie Basin with it being identified as an ONL and with a regime that significantly restricts built development and subdivision there has been no need to retain the Lakeside Protection area of the operative District Plan (where buildings are a discretionary activity). However it was considered important to acknowledge in Policy 3K the significance of lakeside areas in terms of landscape values within the Mackenzie Country. This policy has no rule supporting it but rather is a policy to be considered when development is proposed.

Effectiveness and efficiency: This policy is a higher-level policy that is implemented through policies 3G, and the Council is expected to refer to it when assessing resource consents and possibly any private plan change requests. In itself therefore it is not effective but rather provides support and a basis for tightly controlling development within any outstanding natural landscape within the District.

8.10 Policy 3L – Subdivision

- a) *To provide for subdivision for non-residential purposes only where this subdivision does not have the potential to impact on the landscape values and character of the immediate area and management area and will not significantly alter the sustainability and likely future productive use of farm holdings.*
- b) *To provide for subdivision within identified and approved building nodes.*

The first part of Policy 3L relates to subdivisions outside of building nodes. This policy is implemented through a 200hectare minimum allotment size, which is a discretionary activity subdivision. This is a very important change from the current Plan, which has no minimum lot size, and which in tandem with no general control over the location of houses has resulted in ad hoc subdivision in the Basin, but particularly around Twizel. The policy sets out two specific matters that will be looked at if subdivision is applied for, namely possible landscape impacts and secondly the effect on the sustainability of the farm. The second ties in with Policy 3B in wanting to retain a strong economy based on the land.

The second part of the policy simply refers to providing for subdivision within nodes,. This will enable new housing to be built and sold or leased enabling landowners to have income from their property in addition to other farming or productive sources. It will also enable people to live and experience the Mackenzie Basin while ensuring the impact of new housing is minimal. Any such subdivision is a restricted discretionary activity with a very wide range of matters that are subject to Council's discretion (refer Subdivision Rule 4A a).

Effectiveness and Efficiency: Subdivision of itself does not generally have much of an effect on landscape values and so the first part of the subdivision policy is not expected to achieve the objective of protecting ONL of the Basin, however in tandem with the control on buildings it should severely limit ad hoc residential subdivision and development. It is intended that some

farming type subdivisions will still be provided for such as when a family trust takes ownership of parts of a property, or when forestry blocks are sold off or leased. This should not impact on the ONL. With regard to the second part of the Policy it is considered that this flexibility is needed if building in nodes is to become a realistic option for both landowners and future residents.

With regard to efficiency it is difficult to assess how these two subdivision controls will impact on development in the Basin because the market is relatively new and often based on purchasers who want a second home or investment property. This market is not easy to predict and it is not possible to say whether being able to develop with existing building nodes or apply for new ones will take the pressure of other areas. However the policies are strong and relatively clear in their purpose so should, if applied, assist in achieving the Objective 3A

8.11 Policy 3M - Manuka Terrace Rural Residential Zone

To avoid or mitigate the adverse effects of further subdivision and development on Manuka Terrace, Lake Ohau by rezoning the area for rural residential use.

The successive subdivisions which have occurred along Manuka Terrace, between Lake Ohau and the Ohau canal have created the real possibility of many of the adverse effects of ad hoc subdivision occurring. These effects include servicing difficulties, lack of reticulated water supply to avoid issues of groundwater contamination from septic tanks, impacts on landscape, creation of a remote village, and natural hazard risks. This type of subdivision is exactly why the Council has chosen to amend their District Plan to control subdivision. Meanwhile the subdivisions have been granted creating rural residential development. In the circumstances it seems appropriate to recognize this subdivision and future development area with its own zoning and in way which will prevent further subdivision below 4ha.

Effectiveness and Efficiency: The creation of a special rural residential zoning for Manuka Terrace is not expected to be effective or efficient in protecting the outstanding natural landscape of the Basin in this area as subdivision has already occurred in an ad hoc way. The zoning will however control servicing in the future and all buildings to be established will be subject to control in relation to the design and appearance. In addition all access tracks and earthworks will be subject to control. The options available to the Council in this situation are to recognize and control the development that is anticipated to occur given the level of subdivision, do nothing and let the subdivision continue, or to prevent houses on the subdivided lots. While the latter would provide some protection of the landscape and overcome some servicing issues it would seriously affect many landowners who have bought sections with the intention of building.

8.12 Policy 3N – Design and Appearance of Buildings

To control the design and appearance and location of all buildings within the Mackenzie Basin to avoid or mitigate adverse impacts on landscape values of the Basin Subzone.

Effectiveness and efficiency: This policy is considered, along with controls on where building can establish, to be very effective in mitigating impacts of buildings on the landscape. The

mechanism involved varies with the location with remote farm buildings being controlled activities and non-farm buildings within building nodes being restricted discretionary.

8.13 Policy 3O – Views From Roads

To encourage landscape change so that views from roads and in particular state highways 8 and 80, are maintained in an attractive state, in keeping with the extensive rural character of the basin, and to limit screening of distant views.

This policy recognizes the importance of views obtained of the Mackenzie Basin from the roads and state highways. Due to the difficulty in drafting workable rules the Council propose to prepare guidelines for landowners providing guidance on the location and alignment of temporary farming structures such as irrigators and covered feed in relation to roads.

Effectiveness and efficiency: The policy is a broad one that is supportive of Objective 3B. Rules relating to shelterbelts, irrigation structures and covered feed would be somewhat arbitrary and potentially quite impractical. In the circumstances encouragement of good practice through provision of guidelines is considered to be at least as effective as rules in achieving mitigation of visual impacts near roads. It is considered that any alternative will require all farming structures to obtain some kind of resource consent that is considered to place to greater cost on farmers and the Council in dealing with this issue.

8.14 Subdivision Amendments

Some minor amendments are proposed to the subdivision rules, in addition to those associated with subdivision in the Mackenzie Basin Subzone and within Identified and Approved Building nodes. These amendments apply to the general subdivision rules and have been included in the Plan Change to expedite what are relatively simple but useful changes.

The first amendment clarifies that the provision relating to boundary adjustments and utility lot standards apply for all zones, not just Residential zones. This was always the case but in amending the proposed plan as a result of decisions on submissions a heading was changed which unintentionally limited the provisions as if they only applied to Residential zones.

The second amendment requires access to subdivisions of more than 6 lots to be by way of road and not private way or access lot. This provision is considered to be very worthwhile due to the many difficulties that arise over time where a large number of private owners share the ownership responsibilities for rights of way. When agreement cannot be reached about the type, frequency and costs of maintaining and upgrading rights of way it is common for owners to lobby the Council to help out. In addition many right of way are simply unsatisfactory when they serve a large number of lots because they are long and narrow and frequently windy in rural areas. The new rule (which was taken out of the Proposed Plan by a decision on a submission) will give power to the Council to ensure that accesses are of a suitable width and alignment and if necessary that there are suitable arrangements for maintenance and upgrading of accesses.

The third amendment is to clarify the methodology for calculating the amount of reserves contribution. The Plan currently has two provisions relating two credits for the underlying lots

within a subdivision. One credit is the standard reference in rule 7d (first paragraph) to contributions only being charged per **additional** lot, which automatically gives a credit for any underlying lots. This approach is the most commonly adopted method of credits and follows from the approach adopted in the Local Government Act 1974. The second credit appears under the Method of Calculation section in rule 7d (a) and appears to give a credit for 5% of the value of any underlying lot, which could be taken as 5% of the lot before it was subdivided. This could be considerable sum and seems inconsistent with the first credit referred to above. The proposed amendment removes the second credit and clarifies the credit by introducing a simple formula. This amendment is considered to be the most appropriate method of overcoming the inconsistency within the rule and brings the rule into line with most district plans and development contributions policies.

9. SECTION 32 ASSESSMENT OF ALTERNATIVES AND COSTS AND BENEFITS

It is clear that given the issues with ad hoc subdivision and residential development within the Mackenzie Basin that **doing nothing** was not an option if the outstanding landscape values of the Basin were to be protected over time. Other alternatives or combinations open to the Council were to:

- Use the Boffa Miskell landscape study, which had its basis in providing for forestry within the Basin, as a basis for controlling residential development.
- Have a traditional detailed landscape assessment undertaken with mapping of all areas and areas identified where residential development and other intrusive elements or change **could locate**
- Have a traditional detailed landscape assessment undertaken with mapping of all areas and areas identified where residential development and other intrusive elements or changes **should not locate**
- Make all new development and subdivision discretionary or non-complying with generalized policies indicating what form of development would be acceptable.
- Specify a minimum lot size for subdivision for residential purposes

While some aspects of these approaches have merit and are in fact part of the proposed plan change they did not represent a “good fit” for the purposes of controlling residential development and subdivision in the Mackenzie Basin. Any approach involving generalized landscape compartments and “lines on maps” could be expected to be subject to considerable debate based on the Councils own experience and the experience in other districts. The scale of the Mackenzie Basin is such that a very detailed study would be both costly and time consuming. It would also potentially encourage a whole new form of development that does not yet exist. This would in effect be opening the proverbial can of worms and there would be no basis for comparison with existing acceptable development. A new pattern of development could therefore arise from some of the above approaches, which would not necessarily recognize and provide for the outstanding landscape values of the Basin. If option four for example were chosen (all development being discretionary or non-complying) there would be a real lack of certainty as to what form of development would be acceptable. There would also be the issue of determining when cumulative effects were such that individual proposals should be refused.

By comparison the option chosen acknowledges the role of station and homestead clusters within the current land use pattern that is part of the outstanding natural landscape and recognizes the

existing pattern as one that has merit and provides a basis for new development. It also sets limits on the number of building nodes permitted for each landscape character sub-area, thereby reducing the need for decision makers having to address the very difficult issue of cumulative effects. The landscape report also indicates areas where building nodes are unlikely to be suitable due to their high vulnerability to change. This would obviously be a factor in assessing any proposed new node, however it would not be something that will necessarily be the subject of considerable debate as might occur if definitive lines were put on a planning map. This approach also has enabled the landscape assessment to be achieved at a relatively small cost to a Council, which has the second smallest rating base in New Zealand. While some may not consider that to be a good “resource management” reason for a policy approach it would appear to be a relevant factor in assessing costs and benefits of various policies and methods. The proposed approach also has the advantage of creating a real opportunity for development but within a confined window. Flexibility is provided for landowners to consider whether there are locations within their property, which might be suitable for a new building node, however the criteria are stringent.

With regard to the economic costs and benefits all options will limit the type and location and development within the Basin. The proposed plan change generally gives most landowners similar opportunities for development, however the broader landscape classifications commonly adopted would have the effect of some landowners winning and others losing in terms of development potential.

10. SECTION 32 ASSESSMENT OF RISK OF NOT ACTING

It is considered that this is a relevant matter for this proposed plan change. There is a real risk that if action is not taken soon that some very important landscapes could be degraded by inappropriate development and subdivision. For this reason the Council are keen to put in place a management regime that will no longer allow development to occur “as of right”. In addition they want a management regime that is easy to apply and relatively robust and certain, as much as this is possible in a consenting environment. It is realized that the approach is not one, which necessarily satisfies the more theoretical approach to landscape assessment, which would involve mapping the landscape components in great detail. Such an approach was considered and not adopted both for reasons of time and money. More importantly however, as mentioned above, it was considered that such an approach may actually be detrimental to sustaining the current land use patterns of the Basin which to date have proven to be “appropriate” development within an outstanding landscape.

13 December 2007

APPENDIX A –CURRENT DISTRICT PLAN PROVISIONS CONTROLLING SUBDIVISION AND BUILDINGS IN THE RURAL ZONE

Rural Zones Issues

The Plan identifies 11 issues in the rural zone, most of which relate predominantly to farming activities. The issues relevant to this assessment are as follow:

Issue 4 – Protecting Rural Amenity

This issue focuses on protecting amenity primarily as it relates to those living and working in rural areas, particularly values of “*privacy, outlook, spaciousness, ease of access and quietness*”. While it does briefly refer to previous landscape assessments carried out in the basin, it notes that these look mainly at the effects of forestry. The issue notes that subdivision in the rural zone can potentially reduce the safety and efficiency of rural roads, but makes no mention of the potential effects on the wider rural landscape quality or visual amenity.

Issue 5 – Protection of Indigenous Vegetation and Wildlife and Natural Features

This issue acknowledges the importance of the vegetation and natural features in the landscape. It is written with an emphasis however on the effects of vegetation changes, grazing and farming practices, and forestry.

Issue 6 – Protection of Riparian Areas, Wetlands and other Water Bodies

The Plan refers to the management of these areas to protect water quality, and poses the question of the appropriateness of buildings in the lakeside areas from the perspective of the visual effects. It also acknowledges the value of the naturalness of the landscape as a result of the lack of buildings.

Issue 7 – Landscape Values

This issue acknowledges the importance of the landscape values of the Mackenzie basin, noting that they are regionally outstanding, and fall within the landscape categories protected by section 6 of the Resource Management Act (the Act) which are to be recognised and provided for in District Plans. The issue also highlights the vulnerability of the landscape, especially the high country areas, to changes in land use, activities, earthworks, tree planting, and built development.

Note:

Residential subdivision and dwellings encroaching on rural land is not currently identified as an issue. The Plan reflects the pressures that the District faced at the time the Plan was written, when a proliferation of holiday homes and population growth was not anticipated. Because the possibility of subdivisions, houses and developments occurring with little control throughout the rural zone had not been thought likely, the protection the Plan provides the visual and landscape amenity of the rural zone from degradation is not as robust as it could be. This is particularly so considering the importance of the landscapes in the District, and the duty that the Council has under section 6 of the Act to protect them.

Rural Zone Objectives and Policies

Objective 3: This objective relates directly to landscape values, and their protection, seeking for the “*protection of outstanding landscape values, the natural character of the margins of lakes, rivers and wetlands . .*”. The reasons for the objective call for the sustainable management and protection of the landscape and visual amenity to be treated with “some priority”, particularly the outstanding natural landscapes. It also states that it is appropriate that development, particularly in the high country and Mackenzie basin, has an overriding regard to the wider visual and landscape considerations.

This objective however can only be applied if the “outstanding landscape values” are identifiable such that those seeking to develop the basin or administer the Plan can categorically state whether a site is within such an area. The Objective is supported by the following policies:

- **Policy 3A – Lakeside Landscapes:** this policy seeks to control the scale appearance and location of buildings within the lakeside landscapes. This is recognised by the Plan as a matter of national importance, and has been addressed by the provision of lakeside protection areas (identified on the Planning Maps) within which subdivision and buildings are discretionary activities. This is intended to result in the design and location of buildings in such areas that avoid adverse effects on visual amenity of the lakeside areas.
- **Policy 3B – Important Landscapes and Natural Features:** this policy aims to limit earthworks on such areas to safeguard landform and landscape character. This also extends to steep or high altitude (>900m) areas, and aims to protect the views of the more highly visible landscapes.
- **Policy 3C – Scenic Viewing Areas:** Scenic viewing areas have been identified on the Planning Maps. They recognise the significance these areas play in providing important views of the basin from public vantage points. They have been afforded the same status in the Plan as the areas of natural significance, with the anticipated outcome being to retain views from within and of scenic viewing areas.
- **Policy 3D – Impacts of Subdivision Use and Development:** this policy seeks to ensure that subdivision, use and development of the rural zone avoids or mitigates adverse effects on areas that are highly visible, highly natural, or are important for their landscape, land form or visual amenity.
- **Policy 3F – In Harmony with the Landscape:** this policy encourages the use of design guides and a colour palette based on the natural colours occurring around the District’s settlements.

Objective 4 encourages land use activities that “sustain or enhance the soil, water and ecosystem functions and natural values of the high country” and where the character and amenity of the outstanding natural landscapes of the high country are safeguarded. Conversely it seeks to discourage land use activities, which may lead to the degradation of the quality of the high country.

Objective 6 looks to avoid activities that aren’t anticipated in the rural zone, and seeks to avoid “*a significant deterioration of the quality of the general rural and physical environment*”. The thrust of the latter however comes more from the adverse effects of farming than of subdivision and development, and this is reflected in Policy 6A.

- **Policy 6B – Setback of Buildings:** refers to the setback of dwellings from property boundaries. The thrust of this policy is more from the perspective of avoiding reverse sensitivity effects from adjacent farming activities, and to retain the low density rural character of the District when viewed from State Highways.
- **Policy 6D – General Amenity Controls:** this policy is very general in that it seeks to “avoid, remedy or mitigate” adverse effects on the “*amenities and physical environment of rural areas*”. The explanation however relates this policy more to rural amenity values in terms of noise, traffic generation and access control rather than the landscape or visual amenity values.

Rural Zone Rules

Permitted Activities

Buildings in the rural zone are generally permitted so long as they achieve the following standards:

- Height – 9m for buildings other than farm accessory or emergency services facilities which can be up to 15m;
- Road setback: 50m from State Highways;
20m for all other buildings (except emergency services buildings);
30m from all other roads for retail buildings;
- Boundary setbacks: 20m for a residential unit
2m if the allotment size is < 2025m² in area
6m for a non-habitable building over 5m²
- No buildings within Sites of Natural Significance, Scenic Viewing Areas, or above 900m²;
- No buildings within 20m of a riverbank, 50m of a wetland or 100m of a lake (other than Lake Ruataniwha);
- No buildings within the Lakeside Protection Areas;

Buildings that breach any of these standards require consent for a restricted discretionary activity, with the Council’s discretion restricted to the matter of non-compliance.

Controlled Activities

Relevant controlled activities relate to:

- the relocation of buildings to the rural zone (limited to external appearance);
- track construction on general land over 25 degrees slope with exceptions (limited to siting, slope, camber, manner of formation, terrain disturbance, and rehabilitation);
- certain tree planting (limited to landscape values, ecological values and wilding tree potential).

Discretionary Activities

- Buildings within the Lakeside Protection Areas are specifically provided for as fully discretionary activities;
- Visitor accommodation buildings accommodating over 20 guests;
- Retail sales of other than products produced on site.

- Vegetation clearance from riparian areas, site of natural significance, tussock, shrub lands, wetlands and high altitude areas are all permitted activities within relatively tight parameters, beyond which it is a discretionary activity.

Non-complying Activities

Relevant non-complying activities relate to building in the flood zones, inappropriate tree planting, and inappropriate vegetation clearance.

Subdivision

Objective 4 - Esplanade Provision refers to the provision of esplanade reserves / strips adjacent to “important” waterways to enable the protection of the natural character, functionality and access to the margins of the Districts lakes and rivers.

Objective 6 – Design and Location calls for the avoidance of adverse effects on the environment from subdivision design and location.

Policy 1 – requires that subdivision takes into account the topography within the site, and the integrity of any significant nature conservation site. It also requires the avoidance or mitigation of adverse effects on landscape, nature conservation values and amenity.

Subdivision Rules

There are no permitted subdivision activities.

There is no specified minimum allotment size in the Rural zone. The allotment size is a controlled activity only, so Council cannot refuse applications for subdivision, and can exercise control over allotment size in relation to the ability and practicalities of on-site sewage disposal. This rule and assessment matter therefore means that as long as on-site sewage disposal can be achieved without adverse effects, there is no practical limit on how small an allotment can be created in the Rural zone, and therefore how dense residential or built development can potentially become other than in the areas identified as High Altitude, Sites of Natural Significance, or Lakeside Protection Areas.

The preservation of vegetation and landscape, the location of buildings and servicing matters are controlled activities.

Where any activity does not comply with the minimum standards of the plan, the subdivision will become a restricted discretionary activity. Subdivision within the Lakeside Protection Areas is fully discretionary.

APPENDIX 2 -BACKGROUND AND SUPPORTING REPORTS/CONSULTATION

1. **March 2004** Manuka Terrace Issues Draft Report – Davie Lovell-Smith Ltd
2. **May 2004** Rural Subdivision and Development - Issues and Options in the Mackenzie District – Davie Lovell-Smith Ltd
3. **March 2005** Possible Development Controls in the Rural Area – Davie Lovell-Smith
4. **August 2005** Rural Development Issues in the Mackenzie District – Power point presentation by Manager of Planning to landowner consultation meeting at Lake Tekapo.
5. **March 2006** Mackenzie District Rural Zone Review Background Report #1 – Davie Lovell-Smith
6. **May 2006** Mackenzie District Rural Zone Review Background Report #2 – Potential Rule Development, Davie Lovell-Smith
7. **May 2006** Mackenzie District Rural Zone Review Background Report #3- Case Studies, Davie Lovell-Smith
8. **June 2006** Mackenzie District Rural Zone Review Background Report #4 – Rural Residential Development in the Mackenzie Basin, Davie Lovell-Smith
9. **20 June 2006** Residential Development in the Mackenzie Basin Rural Area, District Plan responses. Davie Lovell-Smith – Considered by MDC on 30 June 2006
10. **30 June 2006** Minutes of MDC meeting on 30 June 2006 including notes on presentation by Graham Densem of the vision required for the Mackenzie Basin and the challenges faced by the Council and community to attain that vision.
11. **13 February 2007** Report to MDC by CEO and Manager of Planning providing a review of the pilot landowner consultation exercise.
12. **February – June 2007** On site consultation meeting with Mackenzie Basin landowners
13. **February 2007 - Consultation documents** forwarded to land owners and other interested parties comprising a statement of Councils proposed approach, and the process, Paper by Graham Densem “Landscape Values of the Mackenzie Basin and Response Sheet. Meetings held in mid September 2007 with Meridian Energy, Department of Conservation, Forest and Bird. Te, Environment Canterbury, and Runanga O Ngai Tahu
14. **26 July/3 August 2007** – MDC workshop documents – Summary of Proposals for Subdivision and Development Rules and Supporting rules and G Densem Paper “Landscape Issues in the Mackenzie Country – Conclusions Following Initial Land and Run owner Discussions

15. **29 August 2007-** MDC workshop considering paper by G Densem “Possible Objectives and Policies for Landscape Change Discussion Document 29 August 2007” and possible Rules for buildings and subdivisions with existing nodes and extensions of nodes.
16. **25 October 2007** – MDC workshop considered the following documents prepared as part of a proposed plan change:
 - a Revised Rural Objectives and policies relating to landscape. The current Objective 3 has been split into two objectives, 3A dealing with outstanding landscapes and 3B dealing with landscape generally. A new series of policies has been drafted under Objective 3A mainly focusing on the new regime proposed for the Basin. Many of the existing policies remain but sit under the new Objective 3B. Policies relating to lakeside protection areas have been removed as these areas have been removed and replaced by a more restrictive regime overall.
 - b Changes to the Rural zone rules controlling buildings, mostly within existing or new nodes, and adding in a new activity dealing with Building Nodes. Earthworks controls have also been added.
 - c Changes to subdivision rules with earthworks added as a matter for Councils discretion. Other minor changes to subdivision provisions have been including a requirement that 7 or more lots must be served by a public road, not a private right of way.
17. **September 2007** – Consultation commences with other parties
18. **31 October 2007** – Draft Plan Change documents sent to interested parties for feedback