

District Plan Review

LANDSCAPE AND RURAL AREAS



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Certainty and simplification a goal

While the proposed review of the QLDC District Plan ("PDP") for "Landscapes and Rural Areas" draws to a considerable extent upon the corresponding provisions of the Operative District Plan ("ODP") it includes more significant changes which the Council says will introduce greater certainty around development rights and will simplify the consenting procedure. Whether or not this proves to be the case remains to be seen.

More certainty and a simplified system for applicants is to be welcomed however this needs to be balanced against the need to protect the environment and to preserve amenities for other people.

CATEGORIES OF THE CURRENT ODP

The ODP includes five main landscape categories:

- Outstanding Natural Landscapes Wakatipu Basin ("ONLWB");
- Outstanding Natural Landscapes District Wide ("ONLDW");
- Outstanding Natural Features ("ONF");
- Visual Amenity Landscapes ("VAL"); and
- Other Rural Landscapes ("ORL").

Generally speaking ONL and ONF were covered by similar rules and were afforded the highest level of protection. VAL were next with ORL in third place. In practice the vast majority of land zoned "rural" was either ONL/ONF or VAL.

M A C T O D D

L A W Y E R S

CATEGORIES OF THE CURRENT ODP

The boundary between ONLs and VALs was decided by a series of Environment Court decisions. In terms of the ODP those boundaries have not been fixed for all of the district. The boundary is shown as indicative for some parts and for others is not shown at all on the plans. In many instances, because the boundary between the ONL and VAL is not defined significant resources are expended in determining where it is to be located when individual applications for resource consents in the rural zone are applied for and determined.

PROPOSED NEW LANDSCAPE CATEGORIES

QLDC has said that the PDP will retain ONLs and ONFs but will combine VAL and ORL into a single category to be known as "Rural Landscape Classification" ("RLC"). Given that very little land was previously classed as ORL, this arrangement is unlikely to be controversial. However it is also intended to identify ONLs (as one category of landscape) and ONFs on the planning maps and thereby fix the boundaries between them and those areas with a RLC.

This is likely to be controversial because development potential will vary depending upon what side of the line a property falls.

As a result, there are likely to be a significant number of submissions from owners of land located in the immediate vicinity of the proposed landscape boundary or where a property spans the boundary.

The existing sub-categories "Rural Lifestyle" and "Rural Residential" will remain with some additional land in the Wakatipu Basin being rezoned from Rural to Rural Lifestyle. Separate plan provisions will apply to each of these subzones. The Gibbston Character Zone will also be retained with amended rules. Conceivably, the location of the boundaries of those subzones will attract interest

LAKES AND RIVERS

In relation to activities carried out on the surface of lakes and rivers the Council is proposing that there be a change to the current rules which require all commercial boating activities to have a full "discretionary activity" consent.

In the PDP it is intended that the activities be split into two classes: "motorised" and "non-motorised". The former will continue to be treated as fully discretionary with the latter becoming "restricted discretionary".

The difference is that with restricted discretionary activities, the matters the Council can consider when assessing an application will be restricted to those specified in the rules. In practical terms this will limit the Council's ability to decline an application.

The Council will have to decide at the time it receives an application, whether or not the application for consent will have to be publicly notified (i.e. generally notified giving an opportunity for anyone to submit on them) or be the subject of limited notification (giving an opportunity to those particularly affected by the proposal to submit). That decision is controlled by the requirements of the Resource Management Act.

NEW ACTIVITY BASED FORMAT

The objectives and Policies in the PDP will follow a similar format to those in the ODP however the PDP will introduce quite extensive “activity tables” which will list activities by name and allocate land use categories for each. For example, in the Rural Zone “Farming activities” will be “permitted” subject to compliance with defined standards including prescribed minimum boundary setbacks, maximum heights, and so on for farm buildings. At present farm buildings require resource consent. Failure to comply with the standards will result in the activity defaulting to a different land use category for example “discretionary”.

RESIDENTIAL BUILDING PLATFORMS & CONSENT FOR DWELLINGS

Residential building platforms will require consent as a discretionary activity in the Rural Zone, which is the current position under the ODP, but thereafter the construction of a dwelling on that platform will, subject to compliance with prescribed standards, be a permitted activity. At present a further resource consent for a controlled activity is required before a dwelling may be constructed on an approved residential building platform. Residential subdivision is always a contentious issue. It will continue to be discretionary in the Rural Zone although this is a change from QLDC’s original position which proposed that it be non-complying in ONL and ONF.

Concluding comments

Overall, as far as the rural zone is concerned, there has not been a major shift in the PDP, away from the existing planning regime in the ODP.

Some of the proposed changes, together with the opportunity the process affords for more significant and different changes to be introduced by way of public submission means that when the plan is publicly notified **those owning land in rural areas need to be vigilant** and take the trouble to inform themselves about the PDP and **how it will affect them.**

It is also important to remember that you should consider lodging a submission not just on something you oppose but also on something you particularly support, because you want to be able to comment by way of a further submission on changes suggested by others which you do not agree with.