



Section 32 Evaluation Report

Waterfall Park Resort Zone

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Section 32 Evaluation Report: Waterfall Park Resort Zone

1. Strategic Context

Section 32(1)(a) of the Resource Management Act 1991 ('the Act') requires that a Section 32 evaluation report must examine the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act.

The purpose of the Act requires an integrated planning approach and direction:

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.*

2. Regional Planning Documents

The Regional Policy Statement 1998 ["RPS"] is currently under review itself, and may be further advanced in that process by the time the District Plan Review is notified. Amendments to this evaluation may be required to accommodate that change. The District Plan must *give effect* to the operative RPS and must *have regard* to any proposed RPS.

The operative RPS contains a number of objectives that are relevant to this review, including:

- 4.4.1 to 4.4.5 (Manawhenua Perspective)
- 5.4.1 to 5.4.5 (Land)
- 6.4.2 to 6.4.7, 6.57 (Water)
- 7.4.1 (Air)
- 9.4.1 to 9.4.3 (Built Environment)
- 10.4.1 (Biota)

Each objective has related policies which have also been considered.

The proposed plan change provisions are consistent with, and give effect to, the relevant operative RPS provisions.

A district plan is required to be not inconsistent with a regional plan

The Regional Plan – Water for Otago is relevant to this proposal. The following objectives in particular are identified:

- 5.3.4 to 5.3.6;
- 5.3.8, and
- 7.A.1 to 7.A.3.

There are a number of related policies which have also been considered.

The other notably relevant regional level document is the Regional Plan – Air for Otago. It is noted that the Objectives 6.1.1 and 6.1.2 are relevant, as are a number of related policies.

Overall, it is assessed that this plan change is not inconsistent with relevant regional plans.

3. Background and Resource Management Issues

The Monitoring Report for the Resort Special Zones prepared in 2012 noted that the site has not been developed since the resort was established, and therefore the objectives, policies and rules of the District Plan have not been tested.

However, the provisions have been reviewed as part of the District Plan review and its goal of streamlining and simplifying the District Plan.

As a whole the Resort Zone provisions are considered to be difficult to navigate and interpret, being circular. There are no substantive policy issues or concerns with the Operative provisions, and essentially the provisions are being restructured to provide greater clarity and ease of use.

4. Purpose and Options

The proposed purpose of the Waterfall Park Resort Zone is ‘to provide for the development of a visitor resort comprising a range of potential facilities, sympathetic to the natural setting to provide for visitor resort of high quality’.

Strategic Directions

The following goals and objectives from the Strategic Directions chapter of the draft District Plan are relevant to this assessment:

Table 1 – Assessment Against the Goals and Objectives of the Strategic Directions Chapter

Goals and Objectives from the Strategic Directions Chapter	Assessment
<p><i>Goal 1: To develop a prosperous, resilient and sustainable economy</i></p> <p>Objective 3 To enable the development of innovative and sustainable enterprises that contribute to diversification of the District’s economic base and create employment opportunities.</p>	<p>Visitor accommodation and residential development provided for by the zoning would generate economic benefits.</p>
<p><i>Goal 3: A quality built environment taking into account the character of individual communities</i></p>	<p>The provisions require sympathetic development.</p>
<p><i>Goal 4: The protection of our natural environment and ecosystems</i></p> <p>Objective 1 To promote development and activities that sustain or enhance the life supporting capacity of air, water, soil and ecosystems.</p> <p>Objective 3 To maintain or enhance the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities.</p> <p>Objective 5 To preserve or enhance the natural character of the beds and margins of the District’s lakes, rivers and wetlands.</p> <p>Objective 6 To maintain or enhance the water quality of our lakes, rivers and aquifers.</p>	<p>These objectives are achieved by policies on these matters.</p>

The following section outlines broad options considered to address the issues.

Broad Options considered with respect to existing Waterfall Park Resort Zone (see Table 1, below)

Option 1 is to retain the current provisions (objectives, policies and rules) as they stand (do nothing). This option would not result in the greater clarity and ease of use sought by the District Plan, and would result in structural inconsistency with other sections.

Option 2 (Recommended) provisions to be largely unchanged but restructured into the new District Plan format.

Option 3 requires comprehensive critical review and change of the provisions.

5. 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 the chapter. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Have effects on matters of national importance.
- Adversely affect those with specific interests, e.g., Takata Whenua, neighbours
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

As the changes essentially comprise restructuring and formatting the existing policy, the scale and significance of the proposed provisions is considered very minor.

As a result the analysis that follows is not highly detailed.

6. Evaluation of proposed Objectives S32 (1) (a)

Table 4 – Assessment against objectives

Objective	Appropriateness
<p>Objective 1: Visitor, residential and recreation facilities and activities developed in an integrated manner with particular regard for the natural and scenic values of the setting.</p>	<p>No shortcomings with the operative objective were raised in Council monitoring. The objective is considered to be consistent with achieving the purpose of the Act.</p>
<p>Objective 2: Development will avoid adverse effects on Mill Creek and ecological values.</p>	<p>No shortcomings with the operative objective were raised in Council monitoring. The objective is considered to be consistent with achieving the purpose of the Act.</p>

7. Evaluation of the proposed provisions S32 (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. (See also Table 1- Broad options considered, in Section 4 above.)

Table 5 – Evaluation of proposed provisions

Proposed provisions	Costs	Benefits	Other practical options considered
<p>Policies 12.3.1.1, 12.3.1.2, 12.3.1.3</p> <p>Rules: 12.4.1.1 through to 12.5.1.11</p>	<ul style="list-style-type: none"> • Reduces flexibility for the landowner as to where they can develop and what they can develop • Can lead to administrative inefficiencies if the Structure Plan does not promote development in the best locations. • Maintaining a maximum number of 100 residential units limits the potential for more intensive development, foregoing potential profit for the owners. 	<ul style="list-style-type: none"> • Provides increased certainty that development will be well planned and managed in a way which accounts appropriately for the resource management issues listed in the objective. • The structure plan locates development and sets out areas where mitigation is expected in order to mitigate adverse effects that could be experienced from nearby properties. • The rules prescribing activities and locations are worded differently from the current Plan. This format change aligns with the rest of the District Plan. • The range of uses enabled in each activity area is fairly narrow. This provides some certainty. It also allows for the activities to be located in certain areas in a manner which achieves the amenity levels anticipated in the different parts of the Zone. • The maximum number of 100 residential units gives some assurance (to those who reside near the zone) that established amenity levels will not be affected by intensification. The maximum site coverage rule for all buildings in the zone of 5% is also maintained. Maintaining 	None.

Proposed provisions	Costs	Benefits	Other practical options considered
		the overall cap at 100 residential units (as is currently prescribed in the Plan) also maintains a similar level of infrastructure demand to that which has been anticipated and provided for.	
Policies 12.3.2.1 and 12.3.2.2 Rules: 12.4.1.2 12.5.1.1	<ul style="list-style-type: none"> Costs associated with appropriate infrastructure provision which does not adversely impact on ecological values 	<ul style="list-style-type: none"> Protected ecological and environmental qualities of site 	<ul style="list-style-type: none"> None

8. Efficiency and effectiveness of the provisions.

In electing the preferred options regard has been given to their potential effectiveness and efficiency.

Overall, it is considered that the revised Waterfall Park Resort Zone:

- would be easier to read, aligning better with the rest of the District Plan
- would be more streamlined, with less provisions
- would achieve the purpose of the Act and the overarching objectives of the Plan through well managed and located development carried out in a responsible manner.

9. The risk of not acting.

Not acting would constitute a missed opportunity to:

- Address the lack of clarity and structural issues with the provisions

Attachments

- Monitoring Report for the Resort Special Zones - [link](#)