

**Queenstown Lakes District Proposed District Plan
Section 32 Evaluation
Variation to Proposed District Plan 26 August 2015**

For:

Definition of Site - Chapter 2 Definitions:

Report dated: 31 October 2017

1. OVERVIEW

1.1. This variation to the notified Proposed District Plan (**PDP**) definition of *site* applies to all land notified in Stage 1¹ of the Proposed District Plan on 26 August 2015, and all additional land notified in Stage 2. This land collectively forms the geographic area currently subject to Volume A of the District Plan.

1.2. For clarity, **Table 1** below identifies the land area (generally described by way of zone) and various components of the PDP that together comprise Volume A of the District Plan at Stage 2 of the District Plan review as it relates to this variation. All other land within the District continues to fall into Volume B of the District Plan.

Table 1. District Plan Volume A components, showing Stage 2 components as related to the variation of the definition of site.

Volume A	
Stage 1 Proposed District Plan 26 August 2015	Stage 2 Items notified as part of Stage 2.
Introduction	
1. Introduction 2. Definitions	<ul style="list-style-type: none"> Variation to the definition of Site – Chapter 2.
Strategy	
3. Strategic Direction 4. Urban Development 5. Tangata Whenua 6. Landscapes	<ul style="list-style-type: none"> Variation to the definition of Site all chapters.
Urban Environment	
7. Low Density Residential 8. Medium Density Residential 9. High Density Residential 10. Arrowtown Residential Historic Heritage Management Zone 11. Large Lot Residential 12. Queenstown Town Centre* (part withdrawn) 13. Wanaka Town Centre 14. Arrowtown Town Centre 15. Local Shopping Centres 16. Business Mixed Use Zone 17. Queenstown Airport Mixed Use Variation 1: Arrowtown Design Guidelines 2016	<ul style="list-style-type: none"> Variation to the definition of Site all chapters, including the new Stage 2 Visitor Accommodation variation.
Rural Environment	
21. Rural Zone 22. Rural Residential and Lifestyle 23. Gibbston Character Zone	<ul style="list-style-type: none"> Variation to the definition of Site all chapters, including the new Stage 2 Wakatipu Basin Variation.

¹ With the exception of land formally withdrawn from the PDP (Plan Change 50 Queenstown Town Centre extension, Plan Change 41 Peninsula Bay North, Plan Change 45 Northlake Special Zone, Plan Change 46 Ballantyne Road Industrial and Residential extension).

District Wide Matters	
26. Historic Heritage 27. Subdivision and Development 28. Natural Hazards 30. Energy and Utilities 32. Protected Trees 33. Indigenous Vegetation and Biodiversity 34. Wilding Exotic Trees 35. Temporary Activities and Relocated Buildings 36. Noise 37. Designations	<ul style="list-style-type: none"> Variation to the definition of Site all chapters, including the Earthworks Chapter 25, Transport, Chapter. 29 and Signs Chapter 31. Including Open Space and Recreation Zones Chapter 39.
Special Zones	
41. Jacks Point 42. Waterfall Park 43. Millbrook	<ul style="list-style-type: none"> Variation to the definition of Site all chapters.

2. BACKGROUND

District Plan Review

- 2.1. The review of the Operative District Plan (**ODP**) is being undertaken in stages. Stage 1 commenced in April 2014 and was publicly notified on 26 August 2015. Hearings on Stage 1 components comprising ten individual hearing streams for 33 chapters, 1 variation² and three separate hearing streams for rezoning requests and mapping annotations³ were held from March 2016 to September 2017.
- 2.2. On 29 September 2016 the Council approved the commencement of Stage 2 of the review of the ODP. As part of the 29 September 2016 resolutions, the Council addressed what the plan outcomes would be at the end of the partial review, and approved the separation of the District Plan into two volumes, Volume A and Volume B. Volume A (at the point in time of notification of Stage 2) consists of the PDP chapters notified in Stages 1 and 2 of the District Plan Review, which includes variations to Stage 1, and all the land as identified in the Planning Maps forming the Stage 2 notification bundle, as discussed above.
- 2.3. All other land currently forms Volume B of the District Plan. This includes zones that have not yet been reviewed and notified (i.e. Township Zone, Industrial A and B Zones, Rural Visitor Zone), land that has been withdrawn from the District Plan Review (i.e. the land subject to Plan Changes 46 - Ballantyne Road Industrial and Residential extensions, 50 - Queenstown Town Centre extension and 51 – Peninsula Bay North) and the Frankton Flats B Special Zone and the Remarkables Park Special Zone. All Volume B land is subject to the Operative District Plan.

² Variation 1 – Arrowtown Design Guidelines 2016

³ Ski Area Sub Zones, Upper Clutha Area and the Queenstown Area (excluding the Wakatipu Basin).

3. SECTION 32 EVALUATION REPORT: SITE - DEFINITION REVIEW

Strategic Context

- 3.1. This report has been prepared in accordance with s32 of the Resource Management Act 1991 ("RMA") to analyse the issues associated with the notified definition of *site*, to identify various options and determine the most effective option to resolve the issues.
- 3.2. The purpose of the Act demands 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.

- 3.3. Resolving the various issues with the notified definition of *site* will ensure that the definition is clear, unambiguous and ultimately useful to Plan users, and will enable effective sustainable management. Accordingly, this variation has been prepared as a means to achieve the purpose of the Act.

4. REGIONAL PLANNING DOCUMENTS

- 4.1. The District Plan must *give effect* to the operative Regional Policy Statement (**RPS**) and must *have regard to* the Proposed Otago Regional Policy Statement (**PRPS**). Section 74(2) of the RMA requires that a district plan prepared by a territorial authority shall "have regard to" any proposed regional policy statement. The PRPS was notified for public submissions on 23 May 2015, and decisions on submissions were released on 1 October 2016. The majority of the provisions of the Decisions Version have been appealed and mediation is currently taking place. Accordingly, limited weight can be provided to the Decisions Version of the PRPS.
- 4.2. The changes to the notified definition of *site* that are considered here-in are for administrative purposes. The changes enable more effective and efficient implementation of the objectives and provisions considered in the various s32 analyses for Stage 1 and Stage 2 of the District Plan Review, which include assessments of the degree of consistency with the RPS and PRPS. As such, it is not considered necessary to duplicate that analysis, other than to confirm that the proposed changes give effect to the operative RPS and have regard to the PRPS.

5. NOTIFIED DEFINITION OF *SITE*

5.1. The notified PDP definition of *site* was 'rolled-over' in an unmodified form from the ODP.

The notified definition is as follows:

Site	<p>Means:</p> <ol style="list-style-type: none">1. An area of land which is:<ol style="list-style-type: none">i comprised in a single lot or other legally defined parcel of land and held in a single Certificate of Title; orii comprised in a single lot or legally defined parcel of land for which a separate certificate of title could be issued without further consent of the Council. <p>Being in any case the smaller land area of i or ii, or</p> <ol style="list-style-type: none">2. an area of land which is comprised in two or more adjoining lots or other legally defined parcels of land, held together in one certificate of title in such a way that the lots/parcels cannot be dealt with separately without the prior consent of the Council; or3. an area of land which is comprised in two or more adjoining certificates of title where such titles are:<ol style="list-style-type: none">i subject to a condition imposed under section 37 of the Building Act or section 643 of the Local Government Act 1974; orii held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or4. In the case of land not subject to the Land Transfer Act, the whole parcel of land last acquired under one instrument of conveyance; <p>Except:</p> <ol style="list-style-type: none">i in the case of land subdivided under the cross lease of company lease systems, other than strata titles, site shall mean an area of land containing:<ol style="list-style-type: none">a) a building or buildings for residential or business purposes with any accessory buildings(s), plus any land exclusively restricted to the users of that/those building(s), plus an equal share of common property; orb) a remaining share or shares in the fee simple creating a vacant part(s) of the whole for future cross lease or company lease purposes; andii in the case of land subdivided under Unit Titles Act 1972 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units and an equal share of common property; andiii in the case of strata titles, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision.
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	<p>In addition to the above.</p> <ul style="list-style-type: none"> a) A site includes the airspace above the land. b) If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary. c) Where a site is situated partly within the District and partly in an adjoining District, then the part situated in the District shall be deemed to be one site.
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6. ISSUE 1 – WAKATIPU BASIN VARIATION

6.1. The proposed Wakatipu Basin Rural Amenity Zone (**WBRAZ**) and Wakatipu Basin Lifestyle Precinct (**WBLP**) are located within a geographic area and the extent of the Zone and Precinct has been identified for landscape reasons and not for the purposes of recognising any existing or approved legal boundaries. The WBRAZ is overlaid in locations by the WBLP, and at the outer extent of the WBLP are slithers of WBRAZ land that extend up to a change in zone, for instance where the WBRAZ adjoins the Rural Zone and Outstanding Natural landscape.

6.2. Limb b) of the notified PDP definition states *‘if any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary.’* is considered to be unhelpful and at odds with the purpose of the WBRAZ and WBLP as set out in PDP Chapter 24 and the accompanying section 32 evaluation. The purpose of the WBRAZ and WBLP are to maintain, protect and enhance the particular landscape values of the Wakatipu Basin. Zoning is used as a method based primarily on the capacity of the landscape to absorb additional development. It is considered incongruous with the zone therefore if small areas of land zoned WBRAZ can be treated as a separate site.

6.3. The merits of limb b) have also been investigated across the other Stage 1 and Stage 2 PDP zones and chapter text and the result of this review is that it is considered that limb b) does not offer any value in terms of providing certainty in achieving the purpose of the zones and the Strategic Directions of the PDP.

7. ISSUE 2 - DEFICIENCIES IDENTIFIED DURING THE STAGE 1 PROPOSED DISTRICT PLAN HEARINGS AND SUBMISSIONS

7.1. The only submission on the definition of site was received from Patterson Pitts Group (370). The submissions was:

Amend the definition of site, which refers to the Unit Titles Act 1972, to include 'and replacement Acts', or 'or Unit Titles Act 2010'. References to the Unit Titles Act 1972 throughout the Plan also include reference to replacement legislation. i.e. for now, the Unit Titles Act 2010.

7.2. Through the course of hearings on Stage 1 topics, the Hearings Panel raised the matter of the efficacy of the notified definition of site on at least two occasions in Hearing Stream 4 (Subdivision Chapter 27) and Hearing Stream 6 (Residential Chapters).

7.3. At the hearing on Chapter 27 – Subdivision and Development, the Panel requested that Mr Nigel Bryce (for the Council) review the definition of *site*, in particular clauses b) and c) below:

"In addition to the above.

- a) A site includes the airspace above the land.*
- b) If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary.*
- c) Where a site is situated partly within the District and partly in an adjoining District, then the part situated in the District shall be deemed to be one site."*

7.4. However, in his right of reply⁴, Mr Bryce deferred consideration of *site* until the hearing on Chapter 2 – Definitions.

7.5. Also in response to questioning by the Hearings Panel in relation to developments occurring across more than one lot and the intended application of the definition of *site* to cross lease, company lease, unit titles and strata titles, Ms Kim Banks in her right of reply for Chapter 9 – High Density Residential⁵ addressed the definition of *site* and in paragraph 12.13 of her reply concludes:

"To address all of these matters, and simplify the definition of 'site' a possible revision to the definition is set out below. I maintain however that this should be reconsidered at the Definitions hearing, or addressed via a variation.

⁴ Mr Bryce's Reply for Chapter 27 – Subdivision and Development dated 26 August 2016 at section 15: <http://www.gldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-4/Council-Right-of-Reply/QLDC-04-Subdivision-Chapter-27-Nigel-Bryce-Reply-28305692-v-1.pdf>

⁵ Ms Banks' Reply for Chapter 9 – High Density Residential dated 11 November 2016 at Paragraphs 12.6 – 12.13: <http://www.gldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-6/Council-Right-of-Reply/QLDC-06-Residential-Chapter-9-Kimberley-Banks-Reply-28591089-v-1.pdf>

Site – Any land on which an activity is carried out or is proposed to be carried out, whether such land comprises the whole or part of a legally defined parcel of land and held in a single Certificate of Title; or more than one legally defined parcel of land where these are contiguous."

7.6. In considering this definition further, Ms Amanda Leith⁶ in the hearing on Stage 1 Definitions (a component of Hearing Stream 10) suggested that the definition of *site* that is included within the Operative (in part) Auckland Unitary Plan as an appropriate definition. The definition is as follows:

"Any area of land which meets one of the descriptions set out below:

(a) An area of land which is:

- (i) Comprised of one allotment in one certificate of title, or two or more contiguous allotments held together in one certificate of title, in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or*
- (ii) Contained in a single lot on an approved survey plan of subdivision for which a separate certificate of title could be issued without any further consent of the council;*

Being in any case the smaller area of clauses (i) or (ii) above; or

(b) An area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are:

- (i) Subject to a condition imposed under section 37 of the Building Act 2004 or section 643 of the Local Government Act 1974; or*
- (ii) Held together in such a way that they cannot be dealt with separately without the prior consent of the council; or*

(c) An area of land which is:

- (i) Partly made up of land which complies with clauses (a) or (b) above; and*
- (ii) Partly made up of an interest in any airspace above or subsoil below a road where (a) and (b) are adjacent and are held together in such a way that they cannot be dealt with separately without the prior approval of the council;*

⁶ Ms Leith's s42A Report for Chapter 2 – Definitions dated 15 February 2017 at section 19: <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-10/Section-42A-Reports-and-Council-Expert-Evidence/QLDC-10-Definitions-Section-42A-report.pdf>

Except in relation to each description that in the case of land subdivided under the Unit Titles Act 1972, the cross lease system or stratum subdivision, 'site' must be deemed to be the whole of the land subject to the unit development, cross lease or stratum subdivision."

7.7. Ms Leith considered that the above Auckland Unitary Plan definition addresses the Hearing Panel's questions to Ms Banks in relation to cross leases and strata subdivisions.

7.8. As noted by Ms Leith, the above definition does not however address the questions put to Mr Bryce by the Hearings Panel in Hearing Stream 4, and the Unitary Plan definition does not include the same provisions relating to zone and district boundaries. Ms Leith considered that in practice, there was no need for a change in zoning or district within the land area of a property to necessitate a site being considered as two (or more) sites. The potential effects upon the environment and people as a result of development remain the same notwithstanding this technicality. This definition necessitates arbitrary assessment such as assessing breaches of setbacks within the middle of a site. Ms Leith considered that the zone (or District-wide) rules that are applied should be those that apply where the development is located. If it is located across two zones, two sets of rules may apply. Ms Leith did not consider that the abovementioned provisions are necessary within the definition of *site*.

7.9. Ms Leith's ability to recommend these changes, and to respond to the questions by the Hearings Panel were constrained by scope due to the matters raised not being subject to a submission. At the close of hearings on Stage 1 of the PDP the definition of *site* largely resembles the notified version. As a result, the issues identified with the notified definition of *site* were not able to be addressed through the Stage 1 Hearings, and consequently a variation to the notified PDP is required.

7.10. The Hearings Panel recommended in a Minute that the Council consider a variation to amend the definition of *site*⁷.

8. RECOMMENDATIONS

⁷ Minute identifying matters appropriate for variation. 22 May 2017. <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Memorandums/General/General-Recommended-matters-for-Variation-22-5-17.pdf>

8.1. It is recommended that the changes to the definition of *site* considered by Ms Leith for the Council in the hearing on Chapter 2 Definitions are advanced through a variation to the PDP.

8.2. The recommended definition of *site* is that recommended by Ms Leith, with the addition of more recent legislation. The recommended definition is outlined below (underlined text shows additions and ~~strike through~~ text shows deletions):

Site	<p>Means:</p> <p><u>Any area of land which meets one of the descriptions set out below:</u></p> <p>(a) <u>An area of land which is:</u></p> <p style="padding-left: 40px;">(i) <u>Comprised of one allotment in one certificate of title, or two or more contiguous allotments held together in one certificate of title, in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or</u></p> <p style="padding-left: 40px;">(ii) <u>Contained in a single lot on an approved survey plan of subdivision for which a separate certificate of title could be issued without any further consent of the council;</u></p> <p style="padding-left: 40px;"><u>Being in any case the smaller area of clauses (i) or (ii) above; or</u></p> <p>(b) <u>An area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are:</u></p> <p style="padding-left: 40px;">(i) <u>Subject to a condition imposed under section 37 of the Building Act 2004; or</u></p> <p style="padding-left: 40px;">(ii) <u>Held together in such a way that they cannot be dealt with separately without the prior consent of the council;</u> <u>or</u></p> <p>(c) <u>An area of land which is:</u></p> <p style="padding-left: 40px;">(i) <u>Partly made up of land which complies with clauses (a) or (b) above; and</u></p> <p style="padding-left: 40px;">(ii) <u>Partly made up of an interest in any airspace above or subsoil below a road where (a) and (b) are adjoining and are held together in such a way that they cannot be</u></p>
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dealt with separately without the prior approval of the council;

Except in relation to each description that in the case of land subdivided under the Unit Titles Act 1972 and 2010, the cross lease system or stratum subdivision, 'site' must be deemed to be the whole of the land subject to the unit development, cross lease or stratum subdivision.

~~1. An area of land which is:~~

- ~~(i) comprised in a single lot or other legally defined parcel of _____ land and held in a single Certificate of Title; or~~
- ~~(ii) comprised in a single lot or legally defined parcel of land for _____ which a separate certificate of title could be issued without further consent of the Council.~~

~~Being in any case the smaller land area of i or ii, or~~

~~2. an area of land which is comprised in two or more adjoining lots or other legally defined parcels of land, held together in one certificate of title in such a way that the lots/parcels cannot be dealt with separately without the prior consent of the Council; or~~

~~3. an area of land which is comprised in two or more adjoining certificates of title where such titles are:~~

- ~~(i) subject to a condition imposed under section 37 of the Building Act 2004 or section 643 of the Local Government Act 1974; or~~
- ~~(ii) held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or~~

~~4. In the case of land not subject to the Land Transfer Act 1952, the whole parcel of land last acquired under one instrument of conveyance;~~

~~Except:~~

- ~~(i) in the case of land subdivided under the cross lease~~

~~of company lease systems, other than strata titles, site shall mean an area of land containing:—~~

~~a) — a building or buildings for residential or business purposes with any accessory buildings(s), plus any land — exclusively restricted to the users of that/those — building(s), plus an equal share of common property; or~~

~~b) — a remaining share or shares in the fee simple creating a vacant part(s) of the whole for future cross lease or company lease purposes; and~~

~~ii — in the case of land subdivided under Unit Titles Act 1972 and 2010 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units and an equal share of common property; and~~

~~iii — in the case of strata titles, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision.~~

~~In addition to the above.~~

~~a) — A site includes the airspace above the land.~~

~~b) — If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary.~~

~~c) — Where a site is situated partly within the District and partly in an adjoining District, then the part situated in the District shall be deemed to be one site.~~

9. BROAD OPTIONS

	Option 1: Status quo/ No change	Option 2: Vary the definition of <i>site</i> to address the identified issues	Option 3: Remove the definition
Costs	<p>Does not address the identified issues.</p> <p>Definitions with outdate references may be open to challenge, decreasing the enforceability of Plan standards.</p>	<p>Costs associated with critically examining the definition and determining the best solution to addressing issues. However, this cost would be low, as some analysis of the issues associated with the definition of <i>site</i> has also been undertaken through the various Stage 1 Hearing Streams.</p> <p>Plan users would need to familiarise with the amended definition.</p> <p>Introducing a variation may add further complexity to the Plan Review processes currently in train.</p>	<p>Removing the definition entirely would significantly decrease the Plan’s operability and provide less certainty for Plan users.</p> <p>Decreased efficiency for Council Officers, who would need to provide interpretation on an ad hoc basis. Resultant cost to ratepayers to fund increased resourcing requirements, or consequential reduction in level of service delivered to ratepayers.</p> <p>Would undermine the ability for Plan standards and rules to be effectively implemented and enforced, with greater scope for interpretation to be challenged. Consequential financial and time cost to Plan users.</p>
Benefits	<p>Retains the established approach which parties are familiar with.</p>	<p>Broadly retains the established approach but improves where necessary to address identified issues for clarity, certainty and to assist implementation.</p> <p>Provides certainty as to how the term is correctly and consistently applied in the specific context of this District.</p> <p>Enables consideration to be given to making substantive changes to the definition,, including providing the opportunity for amendments to the definition of <i>site</i> to be introduced so that the PDP standards and rules that apply on a ‘per site’ basis are applied in the manner intended. Most notably,</p>	<p>Would reduce the volume of text in the Plan, which may increase general legibility, however this benefit would be negligible.</p>

		<p>this will result in the correct and consistent application of standards and rules relating to subdivision density, and associated development and activities.</p> <p>Enables references to legislation to be updated where necessary.</p> <p>In the absence of a submission seeking amendments that address the identified issues, introducing a variation would enable the PDP to be updated sooner, rather than undertaking a plan change in the future, once the PDP is operative. A variation is therefore considered to present the most timely option for addressing the identified issues.</p>	
Ranking	2	1 (PREFERRED)	3

10. SCALE AND SIGNIFICANCE EVALUATION

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

- Result in a significant variance from the existing baseline.
- Have effects on matters of national importance.
- Adversely affect those with specific interests, e.g, Tangata Whenua.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

10.2. In this case the scale of the recommended amendments is minor as the amendments do not result in a shift in policy approach, rather the amendments would result in clearer administration of the PDP (most notably, in respect of the PDP standards and rules that apply on a 'per site' basis); however the significance is moderate, given that the term site is applied throughout the PDP.

11. EVALUATION OF PROPOSED OBJECTIVES S32(1)(a)

11.1. Council is required to undertake an evaluation of the proposed objectives of a proposal. In this instance no District Plan 'objectives' are being considered for review, however the objective of this variation is to provide a definition of *site* that is clear, easy to understand and unambiguous, as well as overcoming the various issues highlighted in Sections 6 and 7 of this report.

12. EVALUATION OF THE PROPOSED PROVISIONS S32(1)(b)

Costs	Benefits	Effectiveness and Efficiency
<ul style="list-style-type: none"> • Loss of any familiarity with the existing definition. • Potential cost to landowners that may benefit from the notified version of the definition. 	<ul style="list-style-type: none"> • Referencing up to date legislation will remove possible confusion and allows for ease of reference. • The proposed definition is more succinct and accurate in terms of the application of the word <i>site</i> in the context of district plan administration and the subdivision process. • The notified definition necessitates arbitrary assessment such as assessing breaches of setbacks within the middle of a site. The proposed variation will remove this issue. • The proposed definition is more streamlined and removes a range of qualifiers (b) – d)) that have marginal benefit. 	<ul style="list-style-type: none"> • The recommended changes are effective and efficient as they will remove ambiguity and promote more certain and confident administration of the PDP.

Costs	Benefits	Effectiveness and Efficiency
	<ul style="list-style-type: none"> • The removal of limb b) will dispense with the potential for confusion and unintended consequences associated with treating a spilt zone as two different sites. Zoning is often determined on the basis of the most appropriate use of the land resource and not, to follow an existing allotment cadastral boundary. The zone boundary should not be used as a surrogate for a site boundary. • Enables consistent application of standards and rules that apply on a 'per site' basis. 	