

Section 32AA Further Evaluation Report:

Proposal: Site specific amendment to the notified provisions regarding the Triangular Shaped Building Restriction Area (BRA) located in the western part of 27 Ballantyne Road - in order to change building within a BRA from a non-complying activity to a restricted discretionary activity, with discretion limited to stormwater management.

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1.0 Introduction

This further evaluation report has been prepared under section 32AA of the Resource Management Act 1991 (RMA) in relation to the proposed amendment to the activity status for buildings within an identified Building Restriction Area (BRA) at 27 Ballantyne Road, Wanaka, 9305 (Lot 4 DP 22854 & Lot 1 DP 304423).

The proposal is to change the current activity status from non-complying to restricted discretionary, with discretion confined solely to matters of stormwater management. This evaluation is required as the proposed change was not explicitly assessed in the original section 32 report and therefore requires a further assessment of its appropriateness, efficiency, and effectiveness.

2.0 Background

This report has been prepared at the direction of the Hearings Commission in relation to the Urban Intensification Variation to the District Plan. Submitter 1040 (Canterbury Helicopters Ltd) initially sought the removal of the Building Restriction Area (BRA) in its

entirety from 27 Ballantyne Road. In the absence of supporting engineering evidence, the submitter has subsequently acknowledged that retention of the BRA may be appropriate, subject to a proportionate amendment to the applicable activity status provisions.

3.0 Current Provisions and Issues

3.1 Current rule

- Noting that the current zoning is Medium Density Residential, however within the Council recommending report, the site is recommended to be zoned High Density Residential, the current corresponding Rules within both chapters have been addressed (9.5.13 in the High Density Zone or 8.5.15 in the Medium Density Zone):

	<i>Standards for activities</i>	Activity Status
9.5.13 / 8.5.15	Building Restriction Area. No building shall be located within a building restriction area as identified on the District Plan web mapping application	NC

3.2 Implications

- Applicants face a high threshold under s104D of the RMA to obtain consent.
- Consideration extends to any matters Council deem relevant whereas there is only one reason for the identification of the BRA, being stormwater management.
- The rule is unnecessarily restrictive upon built form outcomes in a highly suitable location for intensification, upon land which is proposed to be zoned High Density Residential.

3.3 Issues identified

- The non-complying activity status does not proportionately address the main resource management concern within this site specific BRA; which is the potential adverse effect of stormwater runoff, soakage, management and associated risks to buildings or other.

- The current regime will result in an unnecessarily arduous and ambiguous consenting process for development of the land which is likely to impose undue costs and uncertainty without materially improving environmental outcomes.

4.0 Proposed Change

Amend the District Plan provisions such that building within the BRA area identified upon 27 Ballantyne Road is a Restricted Discretionary activity, with discretion limited to Stormwater Management. The following wording is offered (note that numbering may change depending on other varied provisions):

	<i>Standards for activities</i>	Activity Status
9.5.13	Building Restriction Area	NC
	9.5.13.1 No building shall be located within a building restriction area as identified on the District Plan web mapping application.	
	9.5.13.2 No building shall be located within the Building Restriction Area at 27 Ballantyne Road (Lot 4 DP 22854 & Lot 1 DP 304423)	RD Discretion is restricted to: a. Stormwater Management

5.0 Evaluation of Options

5.1 Option 1: Status Quo – Building within the BRA at 27 Ballantyne Road remains a non-complying activity.

- Effectiveness: Provides a strong deterrent to develop zoned land that is well suited to accommodate dense residential development, specifically this will not achieve the intent of the Urban Intensification Variation.
- Efficiency: Inefficient due to the background of the BRA being unclear and as such consent assessments must address all effects regardless of relevance, creating unnecessary consenting administration, related expense and delay.

- Costs: High costs for applicants given ambiguity; administrative inefficiency for Council; potential inequities where effects are minimal/or can be managed as part of best practice land development.
- Benefits: Maintains a conservative and cautious approach.

5.2 Option 2: Proposed Amendment – Building within the BRA at 27 Ballantyne Road becomes a restricted discretionary activity (limited to stormwater management).

- Effectiveness: Directly addresses the key environmental risk associated with the specific BRA development within 27 Ballantyne Road (being stormwater management), without unnecessary regulatory burden.
- Efficiency: Creates a more efficient consenting pathway, focusing resources on the actual matter of concern.
- Costs: Reduced costs for applicants and Council due to streamlined assessment.
- Benefits: Proportionate management of environmental effects; provides certainty for applicants; improves consistency with the purpose of the RMA and Urban Intensification Variation.

6.0 Assessment Against Section 32AA Requirements


6.1 Appropriateness

The proposed amendment is more appropriate than the status quo, as it better targets the perceived reason for the BRA's existence and associated environmental issue of concern (stormwater management) while avoiding unnecessary regulatory barriers.

6.2 Efficiency and Effectiveness

The restricted discretionary activity status is both efficient and effective because it enables site and proposed development specific consideration of stormwater effects while reducing unnecessary cost and uncertainty associated with the non-complying status.

6.3 Risk of acting or not acting



The risk of not acting is the continuation of an overly restrictive consenting framework that imposes unnecessary costs without corresponding environmental benefits. The risk of acting is minimal, as discretion remains over the key environmental issue and perceived reason for the BRA's existence.

7.0 Conclusion

Changing the activity status for building within a BRA from non-complying to restricted discretionary, limiting discretion to stormwater management, is the most appropriate approach under section 32AA of the RMA. It is efficient, effective, and proportionate, addressing the relevant environmental risk while reducing unnecessary costs and uncertainty.

Kind regards,
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IP Solutions Ltd