

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of Hearing Stream 2 –  
Rural, Rural Residential  
and Rural Lifestyle,  
Gibbston Character  
Zone, Indigenous  
Vegetation and  
Biodiversity, and  
Wilding Exotic Trees

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**REPLY OF CRAIG ALAN BARR  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**CHAPTER 21 - RURAL**

**3 June 2016**

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## 1. INTRODUCTION

1.1 My name is Craig Barr. I prepared the section 42A report for the Rural Chapter of the Proposed District Plan (**PDP**). My qualifications and experience are listed in that s42A report dated 7 April 2016.

1.2 I have reviewed the evidence and submissions filed by other expert witnesses and submitters both in advance of and during the Rural hearing, and attended the hearing except on 25 May 2016 where I was provided with a report of the information from submitters and counsel presented on that day.

1.3 This reply evidence covers the following issues:

- (a) chapter structure and drafting;
- (b) whether there needs to be a separate chapter for water;
- (c) farming activity and non-farming activities;
- (d) separation of buildings and activities;
- (e) residential activity, residential and non-farming buildings;
- (f) standards for structures and buildings;
- (g) wanaka airport;
- (h) informal airports;
- (i) surface of water, rivers and lakes;
- (j) landscape assessment matters ;
- (k) other matters;
- (l) mining;
- (m) ski area sub zones; and
- (n) conclusion.

1.4 Where I am recommending changes to the provisions as a consequence of considering submitter evidence and the hearing of evidence and submissions before the Panel, I have included those changes in **Appendix 1 (Revised Chapter)**. I have attached a section 32AA evaluation in **Appendix 2**. In **Appendix 3** is an updated table that provides a comparison between the ODP and PDP landscape assessment table,<sup>1</sup> which I have added and populated a column to shows the link between assessment matters and the

1 Previously Table 1 of the s42A report, after my signature.

relevant policies, at the request of the Panel. In **Appendix 4** is an example resource consent that relates to jet sprint activities.

## 2. CHAPTER STRUCTURE AND DRAFTING

**2.1** A number of rules are recommended to be modified to ensure clarity and certainty. The changes are not substantive and do not relax or make any rules more onerous. These changes are related to clarity and questions received from the Panel and observations made over the course of the hearing. The changes are set out in **Appendix 1**, and are identified (and specifically state in bullet points that they are not referenced to a submission). I address the concerns of Mr Brown and Mr Goldsmith below.

**2.2** I consider that the location and hierarchy of provisions is appropriate. Mr Brown's evidence discussed the idea of changing the 'batting order' of the objectives and policies so the themes related to commercial activities and other activities that rely on the rural resource were located immediately after the objectives and policies associated with farming and reverse sensitivity.<sup>2</sup> From his evidence the reason for this re-arranging is to place 'other rural activities' on an equal footing to farming. As I have drafted the objectives and policies there is no hierarchy or preference in the layout of the objectives. I therefore do not support the recommended changes to the 'batting' order.

**2.3** Mr Goldsmith<sup>3</sup> considers that Chapter 21 does not consider rural living accommodation and that the PDP carries the same flawed approach as the ODP in that it relies on a District Wide chapter for the management of landscapes.<sup>4</sup> As a consequence, Mr Goldsmith purports that Chapter 21 does not have any meaningful policies or a framework on rural living. Mr Goldsmith also takes issue with the

2 Evidence of Jeffrey Brown dated 21 April 2016 at paragraph 2.8. Mr Brown gave evidence on behalf of Trojan Helmet Limited (Submissions 443, 452, 437), Mount Cardrona Station Limited (407), Hogan Gully Farming Limited (456) Ayrburn Farm Estate Limited (430), Kawarau Jet Services Holdings Ltd (307), ZJV (NZ) Limited (343), Queenstown Park Limited (806), Queenstown Wharves Limited (766), Mount Rosa Station Limited (377), Dalefield Trustees Limited (350), Skydive Queenstown Limited (122).

3 For Ayrburn Farm Estate Limited (430), G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, and Sam Strain (534 and 535), Slopehill Joint Venture (537), Wakatipu Equities Limited (515), Crosshill Farm Limited (531).

4 Legal Submissions of Mr Goldsmith for those submitters listed in paragraph 1.1 dated 20 May 2016 at section 7.

PDP process in that there is no oversight because the rezonings are to be dealt with at a separate hearing.

**2.4** The relevance of the Strategic chapter and evidence provided in those hearings, that provides a foundation for the Council's approach is addressed in the Council's legal submission, however from a planning perspective I disagree for several reasons. These include that the Rural Zone provisions provide detailed contemplation of rural living and the effects, both negative and positive through the Assessment Matters in Part 21.7. The policies under Objective 21.2.1 to 21.2.4 that seek to manage reverse sensitivity and viability of the Rural soil resource are also relevant in that they contemplate the effects of other land uses on the Rural Zone land resource. Such effects include residential activity where it would be incompatible with farming and other established activities. These could include not just farming but established airports, and informal airports, mineral extraction and the State Highways.

**2.5** Furthermore, rural living is enabled by the Rural Lifestyle and Rural Residential zones in Chapter 22 of the PDP. There are areas within the Rural Zone that can accommodate further rural living, however I consider that a case by case appraisal of development, using the PDP discretionary activity status regime is the best resource management method to manage rural living. The matters associated with density and allotment sizes are addressed in the Reply for Chapter 22.

### **3. WHETHER THERE NEEDS TO BE A SEPARATE CHAPTER FOR WATER**

**3.1** As part of their evidence for Real Journeys (#621) Mr Farrell<sup>5</sup> and Ms Black<sup>6</sup> consider that more recognition is deserved for the surface of water, specifically lakes and rivers.<sup>7</sup> Mr Farrell considers that there should be a new chapter for water in the Strategic Direction part of the PDP that is similar to Landscape but caters for water. Mr Farrell also states at paragraph 32 of his evidence (repeating his evidence

5 At paragraph 32.

6 At paragraph 3.42.

7 Supplementary Planning Evidence of Ben Farrell dated 21 April 2016 at paragraphs 30 to 32.

from the Strategic Direction hearing) that because the responsibilities under s13(1)(a) of the Resource Management Act 1991 (**RMA**) have been transferred from the Otago Regional Council (**ORC**) to the Queenstown Lakes District Council (**QLDC** or **Council**), the Council has additional responsibilities with respect to the management of waterways compared to other territorial authorities. A copy of the Deed recording this transfer of responsibilities was provided to the Panel by way of memorandum of counsel on 5 May 2016.

**3.2** I consider that the surface of water and margins are appropriately provided for in the PDP for the following reasons:

- (a) the surface of water and margins are zoned Rural.<sup>8</sup> They are an important element of the rural landscape and therefore are provided a landscape classification and are subject to the respective objectives and policies in the Landscape Chapter. This is in addition to the dedicated Objective for lakes and rivers (Objective 6.3.5 as numbered in the Council's Reply dated 7 April) and tourism activities and the interrelationship with the landscape (Objective 6.3.7 as numbered in the Council's Reply dated 7 April);
- (b) within the Rural Zone, Objective 21.2.12 and the ten policies provide appropriate direction for the wide range of both recreational and commercial activities that occur on the surface of water;
- (c) the activities associated with rivers and lakes are provided for in one table within the Rural Zone. I consider that this is a significant improvement from the ODP, where the rules are scattered throughout the chapter based on the status of activities or compliance with standards;
- (d) a supplementary policy framework is not necessary to compensate for the Council's duty under the transfer of functions with the ORC, because the transfer of functions means that the QLDC administers the relevant provisions of the Otago Regional Plan: Water, these do not need to be duplicated throughout the PDP;

<sup>8</sup> This is inherent in the fact that most of the objectives, policies and all rules are contained in the Rural Zone Chapter 21, with the exception of Queenstown Bay and the Hydro Generation Zone (reserved for Stage 2). It is recommended that this matter is clarified in Part 21.3.3 of the PDP.

- (e) creating a subzone is ineffective because subzones are usually geographically defined<sup>9</sup> and it would be an inefficient and ineffective task to attempt to identify a water zone on the PDP planning maps; and
- (f) a separate zone that in terms of a narrative describes the spatial extent of the 'water zone' could be subject to uncertainty and confusion over the definition of water and its margins. A neighbouring District, the Central Otago District (COD) Operative Plan has a 'Water Surface and Margin Area' that is identified by areas on the planning maps and *'all other areas of water surface in the District. Margins not identified on the planning maps as Water Surface and Margin Resource Area are subject to the provisions of the resource area within which those margins are located'*<sup>10</sup>. Therefore, there are examples available of separate water resource zones, however in the case of QLDC I consider that the Rural Zone rules are appropriate. This is because they contemplate a range of activities and where these are on the surface of water, the rural zoned margins mesh seamlessly. I do also note that while this might be appropriate in the COD, the COD Operative District Plan has a different philosophical approach to managing the effects of activities in its Rural Resource Zone,<sup>11</sup> which is the equivalent to QLDC's Rural Zone.

**3.3** The matters set out in paragraph 32 of Mr Farrell's evidence provide statistics and some facts relating to water in the District but I consider that they do not provide a compelling resource management reason to locate the management of freshwater within a separate chapter. On the basis of the above I reaffirm that the structure of the PDP in terms of the management of water is in my view appropriate and I recommend that it be retained as notified.

**3.4** Mr Farrell also maintains the request for water based public transport in paragraphs 36 - 38 of his evidence. I also maintain and reiterate

<sup>9</sup> For example the two subzones within the PDP are the Ski Area Subzones and Rural Industrial Subzones and these are geographically defined.

<sup>10</sup> Central Otago Operative Plan Part 5.5.1

<sup>11</sup> <http://www.codc.govt.nz/publications/plans/district-plan/operative-plan/Pages/default.aspx>.

my opinion set out in my s42A report that a separate objective and policy framework is not necessary for activities on the surface of water, in particular where these relate to tourism activities and water based public transport.

**3.5** In summary, the PDP structure is the most appropriate way to meet the purpose of the RMA, and in particular on the following matters:

- (a) providing for the District's social, cultural and economic wellbeing in terms of the wide range of benefits to be derived from the surface of water including both passive and active recreational and commercial recreational uses and the intrinsic and economic benefits (section 5(2) RMA);
- (b) the PDP Landscape and Rural Zone Chapters best provide for the preservation of the natural character (section 6(a) RMA), and the protection of these areas landscape values from inappropriate subdivision use and development (section 6(c) RMA), and has appropriate regard to amenity values and the quality of the environment (sections 7(c) and (f) RMA); and
- (c) the provisions are appropriate in terms of the economic benefits derived from the surface of water resource in so far that they contemplate applications for commercial boating activities and seek to manage them so that the adverse effects on the resource accord with and meet the purpose of the RMA.

**3.6** I also refer to and rely on the evidence of Mr Osborne at paragraph 3.8 of his evidence, where he is of the view that from an economic viewpoint, he considers that it is appropriate to take a precautionary approach to the management of the natural environment resource as both its intrinsic value and profile are extremely difficult to retroactively repair if damage does occur.

#### **4. FARMING ACTIVITY AND NON-FARMING ACTIVITIES**

**4.1** The submission of Mr James Hadley (675) supports farming as a permitted activity. He also considers that providing too readily for

other activities that rely on the rural land resource would lead to uncontrolled development and the consumption of rural land. Mr Hadley also made a case that the effects on the environment of farming activities are generally well known and predictable, however the effects of other activities are not well defined and much less predictable.<sup>12</sup> I agree with Mr Hadley's submission, which reinforces my opinion that the framework for farming and other activities in the PDP is the most appropriate resource management method in the Rural Zone.

**4.2** Related to this matter is the evidence of Ms Black and Mr Farrell both for Real Journeys (#621), where Ms Black, in particular, makes the assertion that the PDP makes it more difficult for tourism activities than under the ODP. I do not consider this to be correct for the following reasons:

- (a) The ODP policy framework did not specify other types of activities that seek to utilise the rural land resource,<sup>13</sup> while the PDP is more directive and specifically contemplates commercial (including tourism) activities that rely on the rural land resource through:<sup>14</sup>
  - (i) Objective 21.2.9, which provides for a range of activities within the Rural Zone subject to achieving environmental performance standards and outcomes;
  - (ii) Objective 21.2.10, which provides for the diversification of farming to promote sustainable and efficient use of the rural land resource;
  - (iii) Objective 21.2.11, which provides for a permitted regime and management of informal airports where resource consent is required, to which the tourism industry is a substantial generator of helicopter and fixed wing aircraft flights and user of informal airports; and

<sup>12</sup> Refer to Part 5 of the ODP.

<sup>13</sup> See for example Objectives 1 -3 and all policies within these objectives in Part 5.2 Rural General and Ski Area Sub Zone Objectives and Policies, Operative District Plan. <http://www.qldc.govt.nz/planning/district-plan/volume-1-district-plan/section-5-rural-areas-rural-general-and-ski-area-sub-zone/>.

<sup>14</sup> Also refer to PDP Landscape Objective 6.3.8 (notified version) and Objective 6.3.7 Council's reply dated 7 April 2016.

- (iv) Objective 21.2.12, which seeks to ensure the surface of lakes and rivers are appropriately managed while contemplating commercial recreation activities on the basis the adverse effects are suitably managed (policies 21.2.12.2, 21.2.12.3, 21.2.12.7, 21.2.12.8, 21.2.12.9 and 21.2.12.10.
  
- (b) Commercial recreation as a permitted activity has been increased from 5 to 10 persons in any one group (Rule 21.5.21);
  
- (c) Any landing or take off of an aircraft requires resource consent as a discretionary activity under the ODP, while the PDP 'Informal Airports' rules allow unlimited flights on Public Conservation land and Crown pastoral Land subject to approvals from other agencies and standards, and a permitted number of flights on 'private land' (Rules 21.5.25 and 21.5.26);
  
- (d) Commercial non-motorised boating activities are a restricted discretionary activity under the PDP (Rule 21.5.39), where they are a discretionary activity under the ODP;
  
- (e) Jetties and moorings on the Frankton Arm are a restricted discretionary activity under the PDP (Rule 21.5.40), instead of a discretionary activity under the ODP;
  
- (f) The following activities are specified and have the same activity status in the PDP as the ODP:
  - (i) Commercial activities ancillary to and located on the same site as recreational activities are a discretionary activity (Rule 21.4.15);
  - (ii) Cafes and Restaurants located in a winery complex within a vineyard are a discretionary activity (Rule 21.4.17);

- (iii) Visitor Accommodation is a discretionary activity (Rule 21.4.20); and
- (iv) Commercial activities not otherwise specified are a non-complying activity (Rule 21.4.1).

**4.3** For the above reasons I consider that other activities that seek to utilise the resources in the Rural Zone are appropriately contemplated. I also consider that the level of protection provided for in terms of the policy direction and the activity status of activities is appropriate and I refer to and rely on Dr Read's landscape evidence and Mr Phil Osborne's economic evidence that also discuss the importance of protecting the Rural Zone's landscape resource.

**4.4** I also note that although seeking modifications to the objectives and policies to provide more enablement for other activities, I infer that Mr Brown appears to be generally supportive of the overall structure of the Rural Zone chapter and the activity status of commercial activities.

**4.5** I also note that Ms Black stated during the presentation of the Real Journey submission on 24 May that objectives with the phrase 'protect, maintain or enhance'<sup>15</sup> set too high a bar and would make tourism development very difficult. I disagree, and consider that at a minimum, an outcome to 'maintain' the landscape, recreational, amenity and social, cultural and economic values of a resource is not an unobtainable aspiration and a range of adverse effects would be contemplated within the spectrum of 'maintenance'. The policy framework is not considered too restrictive and the maintenance, at least of the above matters within an environment is important where the District and its commercial and tourism operators rely on the landscape resource.

**4.6** Overall, I disagree with Mr Farrell where he considers more recognition is necessary for tourism. I consider that the Rural Zone Chapter achieves an appropriate balance between permitting farming and providing for a range of other activities that rely on the Rural Zone's resources, including the surface of water. Mr Farrell maintains

15 See for example Objectives 21.2.1 and 21.2.12 and Landscape Chapter Objectives

the inclusion of the term 'tourism' within his recommended changes to policies but does not recommend a robust definition of 'tourism'. I consider that it would be inappropriate to accept Mr Farrell's changes without certainty over what makes 'tourism' distinct from commercial activities as defined in the PDP. This is not because I do not support tourism where it is appropriate within the Rural Zone, but because of the potential abuse, unintended use or unintended application of the phrase.

**4.7** Related to this matter are the following activities specified in the PDP that are commercial and tourism related and have a genuine affiliation with the Rural Zone land resource:

- (a) Rule 21.4.15 Commercial activities ancillary to and located on the same site as recreational activities are a discretionary activity;
- (b) Rule 21.4.16 Commercial recreation activities up to 10 persons in any one group is a permitted activity and discretionary activity if this is exceeded; and
- (c) Rule 21.4.17 and Rule 21.4.35 cafes and restaurants located in a winery complex within a vineyard and industrial Activities directly associated with wineries and underground cellars within a vineyard are a discretionary activity.

**4.8** In relation to Rules 21.4.15 I support Mr Brown's request to include 'commercial recreation' as a specified discretionary activity. I consider that the equivalent rule under the ODP was administered to include commercial recreation activities as part of the rule. I also recommend increasing the permitted number of persons in any one group from 10 to 12, to bring this number in line with mini vans and the reasons set out in Ms Black's submission. I consider that these two matters also go some way to meeting the request of the submitter.

**4.9** Mr Greenway for Queenstown Park Limited (**QPL**) (#806) asserted that the Rural Zone Rules would inhibit appropriate tourism activity. Mr Greenway also stated at the hearing on 27 May 2016 that many tourism activities would be non-complying. For example, converting a

farming building to use as a tourism activity would be non-complying. He considered that this would be fettering the ability for an economic return, and would also deny people the right to experience these settings.

**4.10** From a planning viewpoint, I consider that Mr Greenway is overstating this matter, and as set out above, a large number of commercial and commercial recreation activities that have a genuine affiliation with the Rural Land Resource would be a discretionary activity. I also consider that a good proposal should not have a fear of obtaining a resource consent. In addition, the objectives and policies in the PDP do contemplate these activities subject to the necessary scrutiny afforded by the important landscape resource and in some parts high levels of rural amenity.

**4.11** There seemed to be an understanding from Mr Hazeldene and Mr Greenway for QPL (#806) that the construction of buildings and trails associated with tourism in the Rural Zone would be a non-complying activity. For clarification, the construction of buildings for any use is a discretionary activity pursuant to Rule 21.4.10. which states:

*The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule.*

**4.12** I do note that the subheading as notified states 'Residential Activities, Subdivision and Development' and this could have been incorrectly perceived as limiting the activity types covered by the rule. I recommend adding the word 'building' to the subheading for clarity so it is clear that these rules are not solely related to residential activity. The subheading would therefore read 'Building, Residential Activities, Subdivision and Development'.

**4.13** Also, the rules for indigenous vegetation in Chapter 33 permit the clearance of indigenous vegetation for the construction of tracks, including within SNAs, up to 1.5m in width, providing the clearance is not a threatened plant or any tree over 4 metres tall. This 'exemption' is specifically provided to permit the construction of walking and

cycling tracks and to not fetter the ability for people to enjoy these areas.

- 4.14** I consider that these and the other provisions are balanced and appropriately contemplate a range of activities within the Rural Zone. My experience with statutory planning in other districts in New Zealand that have high tourism profiles (such as Waiheke Island administered through the Auckland Council Operative Hauraki Gulf Islands District Plan), is that they do not provide these types of exemptions associated with indigenous vegetation and have a similar activity status for commercial activities in rural zones. An example in particular is a zipline commercial recreation activity<sup>16</sup> that required multiple resource consents including detailed design and consents to create tracks through a tract of indigenous vegetation.<sup>17</sup>
- 4.15** Mr Brown for QPL (#806) and others<sup>18</sup> considers that the Rural Zone Chapter is weighted too far toward farming, and that non-farming activities should be encouraged subject to ensuring that their effects on the environment are managed.
- 4.16** Mr Brown's evidence seeks that other activities that rely on the rural resource are given an equal footing to farming. I have considered this evidence, and while acknowledging that the majority of changes sought are at the policy level and do not seek to make significant changes to the overall structure and rule framework, I consider a discretionary activity status best provides the management regime for the variable nature of activities and adverse effects and wide range of effects, including positive effects these activities can have.
- 4.17** I accept that more recognition of the rural land resource for appropriate commercial development would better reflect the reality that there is already a range of other activities established and that there will be the desire for more activities. I consider that the Rural Zone, and Strategic Direction and Landscape Chapters of the PDP,

<sup>16</sup> <http://www.ecozipadventures.co.nz/gallery/>

<sup>17</sup> Auckland Council District Plan Operative Hauraki Gulf Islands Section.

<sup>18</sup> Trojan Helmet Limited (Submissions 443, 452, 437), Mount Cardrona Station Limited (407), Hogan Gully Farming Limited (456) Ayrburn Farm Estate Limited (430), Kawarau Jet Services Holdings Ltd (307), ZJV (NZ) Limited (343), Queenstown Wharves Limited (766), Mount Rosa Station Limited (377), Dalefield Trustees Limited (350), Skydive Queenstown Limited (122).

as notified, inherently accepted this reality but sought to direct appropriate development in the right places where there was capacity to do so. In this regard I consider that accepting some parts of Mr Brown's evidence, while tempering it in some places, advances a position already inherent in the PDP as notified.

**4.18** Consequently, I accept (and accept in part) a number of the suggested amendments made by Mr Brown and as a result I recommend a number of modifications to Chapter 21, these are shown in **Appendix 1**. Not all of the changes are exactly as requested by Mr Brown however I consider that the changes do go some way to meeting the issues raised.

**4.19** I consider that advancing these positions to the point set out in **Appendix 1** further aligns the Rural Zone with the Strategic Directions Chapter Objective 3.2.1.4 '*The significant socioeconomic benefits of tourism activities across the District are provided for and enabled*'. While still being consistent with the following Strategic Directions Objectives:

- (a) 3.2.5.1 'Protection of the Outstanding natural Features and Landscapes from inappropriate subdivision, use and development';
- (b) 3.2.5.2 The quality and visual amenity values of the Rural Landscapes are maintained and enhanced; and
- (c) 3.2.5.4 The finite capacity of rural areas to absorb residential development is considered so as to protect the qualities of our landscape.<sup>19</sup>

**4.20** However one matter I wish to make clear is that I do not support the reordering of policies associated with 'other activities' so that they are located next in line to Objective 21.2.1 for farming activities. I do not consider the Rural Chapter to have a hierarchical approach through the order activities are listed, or that the listing of themes places greater weight or entitlement on those listed first (and vice versa). There is nothing in the Chapter that implies this interpretation. Any

<sup>19</sup> Referring to the version filed with the Council's Right of Reply on 7 April 2016.

weight or entitlement is expressed through the language in the objectives and policies and the respective rule framework.

**4.21** I have also reviewed the evidence and response to the Panel's question by Mr Fergusson.<sup>20</sup> Similar to the above submissions and evidence from Mr Brown and Mr Farrell, Mr Fergusson considers that there should be more attention to the importance of rural land for tourism, recreation and other activities. I have considered Mr Fergusson's evidence as part of the overall position of the Rural Zone provisions and any changes recommended, which are shown in the recommended revised chapter at **Appendix 1**.

## **5. SEPARATION OF BUILDINGS AND ACTIVITIES**

**5.1** Mr Scott Edgar, a planner appearing for Submitter Longview Environmental Trust (#659) supported the rules that require a setback of intensive farming (Rule 21.5.5 and 21.5.6) but also seeks that rivers and lakes are included. Mr Edgar cited an example on Roys Peninsula where compliance with the rules as notified would push these activities towards lakes and rivers, and unformed roads. I agree with Mr Edgar that these areas are also public and also require that their amenity values are managed.

**5.2** Having considered Mr Edgar's evidence I accept these changes are a better response and method to manage this resource management issue. Recommended revised provisions are included in the revised chapter at **Appendix 1** and a section 32AA evaluation is set out in **Appendix 2**.

**5.3** Rule 21.5.7 prohibits dairy grazing stock from standing in the bed of, or on the margin of a water body. The Panel questioned whether it would be more appropriate to require waterbodies to be fenced. I prefer the drafting as proposed because if the rule required a fence, it does not mean that the fence would be effective. In addition, there could also be clarification required as to what constitutes a fence, or whether or not it needs to be electrified. There are also other

<sup>20</sup> Darby Planning LP (608) , Soho Ski Area Ltd (610), Treble Cone Investments Ltd (613) , Mount Christina Ltd (764), Lake Hayes Ltd (763) , Lake Hayes Cellar Ltd (767) , Hansen Family Partnership (751).

features that could be effective such as established hedges or dense flax plantings, but these are not fences.

### **Farm buildings**

- 5.4** In relation to Rule 21.5.18 the Panel questioned the relevance of the matters of discretion of 'scale' and 'location' on the basis that the previous assessment matters adequately provide for these.
- 5.5** 'Scale' and 'location' are two fundamental aspects of whether or not a building would have adverse effects in terms of the other assessment matters which are more to do with components of the environment that could be affected. The matters of discretion would better suit the rural amenity, landscape character, privacy and lighting being considered in the context of the scale and location of the farm building. I recommend the matters of discretion are modified so that the enquiry is on whether the scale and location are suitable in the context of the other assessment matters. Location and scale are identified as elements to be managed in the related policy (21.2.1.2) and the assessment matters should provide guidance on how a proposed Farm Building would accord with this policy and whether the scale and location are appropriate in the circumstances.
- 5.6** Therefore, I recommend retaining 'scale' and 'location' in the assessment matters but re-framing them so the other matters of discretion help inform the extent to which 'scale' and 'location' are appropriate. This recommended change is associated with clarity.
- 5.7** Mr Philip Bunn (265) considers that the PDP rules for farm buildings are inappropriate, in so far that they are too restrictive. I note that the PDP rules, compared to the ODP rules are more permissive, and largely retain the same qualifiers in terms of the size of the landholdings that would qualify as permitted (100ha), and the density (not more than one building per 50ha). I consider that the rules for farm buildings are appropriate in the context of the permitted status and associated qualifiers.

- 5.8** I also note that Ms Debbie MacColl made a submission on several of the standards relating to Farm Buildings, in particular citing a large number of changes between the notified version and those recommended in my s42A report. Having reviewed Appendix 2 to the S42A report in light of Ms MacColl's submission, I note that Ms MacColl did not submit on these matters and I question whether her submission is admissible. In addition, the only change to the notified version I recommended to the rule for Farm Buildings in my s42A report is to accept the submission of the Upper Clutha Environmental Society (**UCES**) (#145) and change the permitted density of one Farm Building from one every 25ha, to 50ha.
- 5.9** With respect to Ms MacColl, I do not know what she is referring to in terms of the changes that have 'snuck in', as was stated when appearing at the hearing on 24 May. I also reiterate that the permitted rules for Farm Buildings, as set out and evaluated in the section 32 report for the Landscape, Rural Zone and Gibbston Character Zone, are to enable modest sized farm buildings. It is appropriate to apply for and obtain a resource consent for larger buildings and those that do not meet the permitted standards of Rule 21.5.18.
- 5.10** I also reject the submission of New Zealand Tungsten Mining Limited (**NZTM**) (#519) and the evidence of Mr Vivian where it sought to give mining buildings the same entitlement as Farm Buildings. While I acknowledge that mining buildings are necessary as part of mining activities, I consider that it is incongruous with the overall scheme of the Rural Zone to permit mining buildings. This is especially where mining requires resource consent as a discretionary activity, with the exception of very small scale mining, exploration, and prospecting which is permitted or controlled.
- 5.11** In particular, I do not agree with mining buildings being a permitted activity, even if restricted to a small size, and especially not when they are located on an Outstanding Natural Feature. I consider that the requirement to apply for a resource consent is necessary. In addition, NZTM have not provided any landscape evidence justifying the relief sought nor demonstrating that effects on the landscape will

always be appropriately mitigated. I therefore recommend the relief associated with adding mining buildings to the rules for Farm Buildings is not accepted.

- 5.12** Mr Brown (806 et. al) requests a number of changes to the related policy for Farm Buildings (21.2.1.2). In my view it is important that the policy does two things: firstly it recognises the framework that Farm Buildings are permitted on large landholdings 100ha or over; and secondly, it provides for Farm Buildings that either do not meet the qualifiers or are on sites smaller than 100ha and would require a resource consent, on the basis the scale and location are appropriate. I recommend some modifications to the policy to make this clearer, which are shown in the revised chapter at **Appendix 1**.

## **6. RESIDENTIAL ACTIVITY, RESIDENTIAL AND NON-FARMING BUILDINGS**

### **Allowing more than one Residential Unit within a Building Platform**

- 6.1** Mr Goldsmith's submission for Arcadian Triangle Limited (#497), and Mr McDonald and Mr Geddes evidence for several submitters<sup>21</sup> request a permitted activity to allow more than one residential unit within a building platform in the Rural Zone (and Rural Lifestyle Zone<sup>22</sup>). Mr Goldsmith suggests a policy framework and if necessary a prohibited status to ensure building platforms are not further subdivided, while Mr McDonald appeared reluctant to accept the preclusion of the ability for a future subdivision of a building platform containing two residential units.
- 6.2** Mr McDonald's submission also focussed on where this could be appropriate and suggested the 'river flats' would be an appropriate area. Mr McDonald did not provide any landscape evidence to support his position and I do not accept or support his submission on that matter. I do agree in part with Mr Goldsmith where he expressed concern at the limitations associated with accommodation options and the efficient use of land.

<sup>21</sup> Hutchinson (228), Gallagher (534), Sim (235) McDonald Family Trust (411).

<sup>22</sup> Refer to the Reply for Chapter 22.

- 6.3** A relevant matter associated with the number of Residential Units within a building platform that does not seem to be considered by Mr Goldsmith is the effect of the accumulation of living arrangements through Residential Flats. A Residential Flat sits within the definition of Residential Unit, therefore, if two Residential Units are allowed, there would be an expectation that a Residential Flat would be established with each Residential Unit. In addition, within a single building platform with two Residential Units there could be four separate living arrangements. From an effects based perspective this could be well beyond what was contemplated when the existing building platforms in the Rural General Zone were authorised.
- 6.4** Mr Goldsmith's evidence for Arcadian Triangle (497) criticised the size of a Residential Flat as provided in the definition, that at 70m<sup>2</sup> the size of a residential Flat is arbitrary and of an urban context. I recommend therefore, that in the Rural Zone (and Rural Lifestyle Zone) the size of a Residential Flat is increased from 70m<sup>2</sup> to 150m<sup>2</sup>. This is considered to effectively provide for a wider range of opportunities for accommodation. A 150m<sup>2</sup> residential building could easily provide 4 bedrooms and ample living area. I also note that accessory building(s) associated with Residential Flats are excluded from the size qualifier in the definition of Residential Flat. Therefore, the 150m<sup>2</sup> can be dedicated to 'living' areas of the Residential Flat.
- 6.5** I also consider that this method is efficient and effective for the following reasons:
- (a) the PDP rules would require a non-complying activity resource consent to subdivide a Residential Flat from a Residential Unit, therefore there are robust processes in place to prevent unintended outcomes and precedent issues can be dealt with;
  - (b) the development contribution for a Residential Flat is only 50% the development contribution for a Residential Unit. Therefore, it is more efficient for landowners if the Council (through a district plan) encourage Residential Flats instead of multiple residential units;

- (c) the only changes required to the PDP provisions is an amendment to the definition of Residential Flat, therefore reducing any potential complexities associated with controlling multiple Residential Units within a single building platform; and
- (d) allowing additional Residential Units as part of the PDP submission process could be likely to create a disconnect between the approval in principal and conditions registered on the computer freehold register and the potential desire to establish separate driveways and curtilage areas. This is less likely to happen under the use of Residential Flats.

**6.6** An amended definition of Residential Flat is included within **Appendix 1** and a s32AA evaluation is attached at **Appendix 2**.

### **Rural Living Opportunities**

**6.7** Mr Brown (#806 et. al) recommends a new policy that states the following:

*Recognise the existing rural living character of the Wakatipu Basin Rural Landscape, and the benefits which flow from rural living development in the Wakatipu Basin, and enable further rural living development where it is consistent with the landscape character and amenity values of the locality.*

**6.8** I note that an entire strategic chapter (Chapter 6 Landscapes) is dedicated to managing development and the landscape. I also consider that a policy framework that enables rural living is already provided for in Chapter 22 Rural Lifestyle and Rural Residential zones. However, there is merit associated with providing policies associated with rural living in the Rural Zone on the basis they do not duplicate or confuse the direction of the Landscape Chapter and assessment matters in part 21.7 that assist with implementing these policies.

**6.9** I would not go so far as Mr Goldsmith, Counsel for a range of submitters whom seek a range of rezoning within the Wakatipu Basin,

that opine that the PDP is flawed where it does not provide adequate specificity for rural living in specified locations. As set out in my evidence on the Landscape Chapter (6) and Reply, filed on 7 April 2016, the policies are framed so that they can be effective across a broad range of landscape units in both the ONL and RLC landscape categories.

- 6.10** I do not support Mr Brown's policy because it is too enabling and has the potential to conflict with the policies in the Strategic Directions and Landscape Chapter, in particular the policies on cumulative effects,<sup>23</sup> where development that is consistent with a pattern can lead to a cumulative adverse effect. I also do not support it because it singles out the Wakatipu Basin and there are other areas within the Rural Zone where this matter is applicable, or could become similarly applicable within the life of the PDP, such as parts of the Wanaka Basin and Hawea Flat.
- 6.11** I acknowledge that rural living is one of the broad range of other activities that could seek to locate within the Rural Zone, but do not support reference to the Wakatipu Basin alone. Nor do I support the '*benefits that flow from rural living development*' phrase. No evidence was filed that shows that these benefits are actually real benefits to the District, region or nation, over and above the obvious direct benefit from a landowner profiting from creating rights to build and the resultant subdivision.
- 6.12** With regard to this matter I rely on the landscape evidence of Dr Read and economic evidence of Mr Osborne for the Council. In particular I rely on Mr Osborne's evidence at paragraphs 3.8 and 3.9 where, from an economic perspective, he supports a precautionary approach. He also states, and which I support, that there is the risk of a culmination of activities over time, which affects the landscape resource. Finally, he considers that damaging activities are difficult to retroactively repair and I agree. In this context I consider that the potential costs to the landscape, and in particular the over domestication of rural areas, would be higher to the District

<sup>23</sup> Refer to policies 3.2.5.4.1, 3.2.5.4.2, and Policies 6.3.2.1 to 6.3.2.5.

economically, intrinsically and environmentally, than the benefits reaped by any individual landowner.

- 6.13** In terms of any social benefits associated with increasing accommodation opportunities that might be inherent in the requested policy, I consider that this matter has been accounted for where I recommend that the size of Residential Flats is increased to 150m<sup>2</sup>.
- 6.14** I recommend a policy with a similar theme in so far that it recognises rural living within the limits of a locality and its capacity to absorb change. I do not consider any more policies are appropriate with the phrase 'providing for' rural living because of the detailed assessment matters in Part 21.7 of the Rural Zone and the Landscape Chapter. I also consider that any additional policies that are enabling of rural living have potential to conflict with policies in the Landscape Chapter (6), especially Objective 6.3.2 (as numbered in the Council's Reply dated 7 April 2016) which seeks to manage the cumulative effects of residential development.
- 6.15** The policy I recommend is included in **Appendix 1** and is added under Objective 21.2.9, which addresses the broad range of activities that seek to locate within the Rural Zone:

*21.2.9.8 Ensure that rural living is located where rural character, amenity and landscape values can be managed to ensure that over domestication of the rural landscape is avoided.*

### **Activity Status for Residential Development**

- 6.16** The Upper Clutha Environmental Society Incorporated (**UCES**) (#145) seek that a non-complying status is adopted for residential development within the ONF/ONL. I maintain my opinion as set out in the Section 11 (Pages 32 – 37) of the s42A report, and as discussed during questioning from the Panel that the most appropriate activity status is discretionary. While I acknowledge that a case could be made for residential development in the ONF/ONL to be non-complying in terms of section 6(b) of the RMA, it is the case in this

District that in the order of 96% of its area is identified as ONL, and while a large part of this is within the Conservation Estate, there will be entire working farms located within the ONL and I would be concerned that some people could treat the non-complying status as a de facto prohibited status.

- 6.17** This could make it very difficult for farming operations and legitimate tourism ventures to establish worker accommodation, even if well designed and in areas where the landscape had capacity to absorb development. In addition, the need could arise for a policy framework to recognise this matter, and this has not been undertaken because the activity status in the notified PDP is discretionary.
- 6.18** The discretionary activity status, in lieu of the section 104D tests, allows a broader consideration of the matters at issue. This is not to say that activities with locational constraints do not need to avoid, remedy or mitigate adverse effects, but to emphasise that because of these circumstances, I prefer the discretionary status over non-complying for residential activities in the ONF/L.
- 6.19** I also consider that in the case of the Rural Zone and residential development (and commercial development), the policy framework is comprehensive enough, in conjunction with the assessment matters in Part 21.7 that there would be no misconception that a discretionary regime is permissive. I consider this matter was emphasised by the Court in C75/2001<sup>24</sup> and I consider that this matter is still relevant.

## **7. STANDARDS FOR STRUCTURES AND BUILDINGS**

### **Rule 21.5.16: Building Size**

- 7.1** Arcadian Triangle Limited (#497) is one of many submitters who took issue with Rule 21.5.16 that would require a restricted discretionary activity resource consent to construct a single building over 500m<sup>2</sup>. I note that Dr Read in her evidence suggests that the matter could be addressed through volume. As a response, Arcadian Triangle Ltd entertained the idea of making some parts of a building a certain

<sup>24</sup> Lakes District Rural Landowners Society Incorporated v Queenstown Lakes District Council (2001) ENVC.

height and other parts of the building, once it is over a certain size, a lower building height.

**7.2** I consider that this would unnecessarily complicate the rule, which is intended to be able to give the Council the ability to take a closer look at buildings over a certain size. This is to ensure that, while taking into account the expectations of development in that location, the bulk of the building does not appear incongruous and have adverse effects in terms of the amenity of the immediate locality or any wider landscape effects.

**7.3** I do appreciate that the ODP requires resource consent for equivalent activities but as a controlled activity. Therefore, across the zone there is a higher level of regulation generally, but the consequences for the applicant are less, because the controlled status means that a consent must be granted. I consider that the rule should be retained in its current form. However, if the Panel considers a change is necessary then I would recommend that the activity status change from restricted discretionary to controlled. This would give concerned submitters assurance that future applicants would obtain resource consent.

### **Colour of permitted Buildings**

**7.4** Mr Fergusson's and Ms Pfluger's evidence<sup>25</sup> pursues the inclusion of schist in the permitted materials that cannot be measured by way of light reflectance value. I consider that the revised wording set out in the s42A report includes schist, and I disagree with Mr Fergusson and Ms Pfluger that the rule introduces uncertainty. As set out in the s42A report I am reluctant to list a range of materials because over the life of the district plan there will almost certainly be other materials that come onto the market and it would be ineffective and inefficient if these materials required a resource consent because they were not listed. I prefer the drafting in the Revised Chapter because while it does place discretion at the benefit of the Council, it allows the Council to accept a range of materials and not be hamstrung by the

<sup>25</sup> For Darby Planning LP (608) , Soho Ski Area Ltd (610), Treble Cone Investments Ltd (613) , Mount Christina Ltd (764), Lake Hayes Ltd (763) , Lake Hayes Cellar Ltd (767) , Hansen Family Partnership (751).

rule. I consider including only schist or a range of materials is short-sighted.

## **8. WANAKA AIRPORT**

**8.1** As set out in my s42A report I maintain that the best resource management approach is to manage Wanaka Airport through a separate zone rather than bespoke Rural zone provisions, however I accept that there is scope with the QAC submission for that zone to be determined through Stage 1 of the PDP. I refer to the Council's legal submission on this matter, and confirm my agreement that the matter is best addressed through the Queenstown Airport Mixed Use zone, and that further drafting and input is needed from QAC before that hearing commences.

**8.2** I also refer to the Council's legal submission where the proposed runway end protection area (**REPA**) is discussed.

**8.3** I accept Ms O'Sullivan's revised objective 21.2.7 associated with activities sensitive to aircraft noise near Queenstown and Wanaka Airports.

## **9. INFORMAL AIRPORTS**

**9.1** A number of submitters<sup>26</sup> appeared before the Panel who opposed the Informal Airport rules and sought to advance the position of recreational pilots and in particular the ability for fixed wing aircraft and airstrips and the continued use of existing airstrips.

**9.2** The submitters made some valid points associated with the frequency of flights and lack of restraint preferred to enable the ongoing use of airstrips, in particular where flying is dependent on the weather and where an airstrip could be used intensively, albeit for a relatively short duration associated with training procedures.

26 Vance Boyd for the Aircraft and Pilots Association (NZ) Inc. (211), Steven Bunn (294), Debbie MacColl (285), Jules Tapper (114), Carlton Campbell (162).

**9.3** With respect to these submitters, it is important to reiterate, as explained previously in the Informal Airports Research report, the Section 32 and the section 42A report prepared for the hearing, that the ODP requires a discretionary activity resource consent for 'Airports' and this involves the landing or take-off of an aircraft in any circumstance (with the exception of farming, firefighting and emergencies). Therefore, there have been rules in place that are more onerous than those proposed by the PDP, for at least 15 years.

**9.4** I also note that the Proposed District Plan 1995, Rule 5.5.3.3.v contained the following relevant rule to manage airports in rural areas:

*Aircraft*

*The take-off or landing of any motorised aircraft, including amphibious aircraft using the surface of waterbodies, other than for emergency landings and rescues, fire-fighting or ancillary to farming activities or, in the Rural Uplands Zone, ancillary to residential activities.*

**9.5** The 'Rural Uplands' area along with much of the original wording disappeared through the submissions and appeals on the Proposed Plan 1995. However it is interesting to note that there was provision for properties located in more remote locations.

**9.6** I do not consider it to be an appropriate resource management method to identify existing airstrips on the planning maps and provide provisions to protect the ongoing use of these. Reasons include that there may not be proof of the lawful establishment of these airstrips, there is no record of the nature, scale or frequency of use of any particular airstrip, and therefore it is difficult to wrap any rules around these.

**9.7** I appreciate that the same criticism could be made of the PDP rules for informal airports. However, these rules are based on an evidential basis in terms of compliance with the noise rules in Chapter 36, the advice and evidence of Dr Stephen Chiles, and a considered analysis

of what is considered to be an acceptable frequency of flights. This is in the context of the adverse effects on any persons' amenity who could be adversely affected, while enabling informal airports in remote locations and still enabling, but being appropriately more conservative in locations, where there are activities sensitive to informal airports.

- 9.8** I have also considered the request by these submitters such as Mr Bunn (#294) who seek that at a minimum, the 2 flights per day are able to be 'banked' so that 14 flights can be undertaken on any one day in the week. I have sought advice from Dr Chiles on this matter of spreading flights through a week. Dr Chiles considers that this might be reasonable but does not support all 14 flights on one day because there could not be certainty that the flights would comply with the noise limit. Mr Chiles noted that in other cases elsewhere he has supported doubling the number of flights from the average on any particular day. In this context therefore, the Rule could be amended to no more than 14 flights per week and no more than 4 flights a day.
- 9.9** Allowing 4 flights in one day constitutes 8 movements and this could be at the cusp of what a particular environments' amenity could withstand, particularly where the movements are likely to be compressed into daylight hours. While I accept Dr Chiles advice, it is my view that the frequency of 2 flights per day is the most appropriate as a permitted activity, with no spread (banking) over a week allowed for. The Panel could consider increasing the flights to 4 per day if they are comfortable with this increase.
- 9.10** I also agree with Mr Dent's evidence tabled at the hearing on 24 May where he considers that the intensity of banked flights would likely be considered adverse by persons and is not appropriate in terms of a permitted activity standard.
- 9.11** Overall, I consider that the recommended provisions in the s42A report and attached in **Appendix 1**, that increased the frequency from 3 flights per week, to 2 flights per day, and removing the 500m setback from roads (compared to notification) to be appropriate.

- 9.12** With regard to the recreational pilots concerns, I consider that the best resource management response is for the owners or operators of existing airstrips who use them for recreational flying to apply for an existing use certificate or apply for a resource consent to exceed the number of permitted flights. While I appreciate that from the perspective of these submitters the less intervention the better, their fear of applying for a resource consent should not compromise the ability for the Council to provide for the social wellbeing of persons from the effects of informal airports. I am also of the view that it is not the Council's responsibility to provide for an existing use in the rule framework if the submitter cannot provide an evidential basis of this existing use.
- 9.13** Mr Farrell for Te Anau Developments (#607) requests rearranging Objective 21.2.11 and policies associated with informal airports so that they protect existing informal airports rather than maintain amenity. Mr Farrell also seeks that a new rule is added that requires a restricted discretionary activity resource consent for a residential unit within 500m of an existing airstrip.
- 9.14** I agree that a policy identifying and protecting legally established informal airports is appropriate, however not at the expense of a policy that protects amenity from airports. I do not consider it appropriate to add a rule that protects existing legally established airstrips because there is uncertainty with where these are located. In practice, the Council notifies the majority of resource consent applications in the Rural Zone and if a residential activity seeks to locate where it could impinge on established rural activities, including airstrips, then those matters can be addressed through that process.
- 9.15** In summary I accept the evidence where the informal airports rule would benefit from a policy protecting established informal airports. However I do not support the addition of a new rule as there is a lack of certainty as the Council would have to know where the airport is in order to administer the rule with any confidence. I also note that Objective 21.2.4 and policies 21.2.4.1 and 21.2.4.2 seek to protect permitted and legally established activities that occur in the Rural Zone from incompatible or sensitive activities. This matter is also

applicable to these policies. However, for certainty and specificity I support the inclusion of an additional policy to do with informal airports. I also note that Mr Dent who appeared for Totally Tourism Limited (#571) also supports a policy to protect existing informal airports from incompatible land use and development.

- 9.16** Submitter Clive Manners Wood (213), opposes the informal airports rule and seeks that, at minimum, the ODP rules are reinstated that require a resource consent, and prefers that various helicopter activities are prohibited.
- 9.17** Mr Manners Wood considers that NZS 6807 is not sufficient to control noise effects from informal airports permitted by the proposed rules in Chapter 21. I refer to paragraphs 4.2 to 4.4 of Dr Chiles evidence where he draws the same conclusion that NZS 6807 is not sufficient for these informal airports with low movement numbers. For this reason Dr Chiles' supports more stringent controls than NZS 6807 using a setback distance and a limited number of flights. Therefore, the proposed rules do respond to the issues Mr Manner Wood is raising, but they seek to do so in a practical way that limits the need for detailed acoustics assessment (which can be costly for all parties to undertake and monitor).
- 9.18** I do not support the relief sought by Mr Manners Wood to require that all informal airports require a resource consent, or are prohibited. I also note that the application of NZS 6807 in the context of the noise rule is out of scope and not part of this hearing.
- 9.19** Mr Dent,<sup>27</sup> in paragraph 17 of his evidence considers that the Objective (21.2.11) and two policies for informal airports can be improved from the notified version. I agree and accept the intent of Mr Dents suggested changes. I also note that Objective 21.2.11 would be improved if it included the new recommended Policy 21.2.11.3 that seeks to protect informal airports from new incompatible land uses.

27 Appearing for Totally Tourism Limited (571), NZSki Limited (572) and Skyline Enterprises Limited (574).

- 9.20** Mr Dent also recommended amendments to the policies so they provide a clearer direction to achieve the objective. I recommend similar changes to the policies that are shown in **Appendix 1**. A section 32AA evaluation and explanation of the wording is attached at **Appendix 2**.
- 9.21** Skydive Queenstown Limited (#122) seek to introduce a new rule that requires a controlled or restricted activity resource consent where the frequency of flights cannot be met (3 per week in the notified PDP and 2 per day in the s42A recommendation version).
- 9.22** Flights would therefore be subject to the noise rule in Chapter 36. I do not support this submission because I consider that it takes away the pragmatism and certainty that the PDP rules regarding informal airports are trying to achieve. In addition, it cannot be taken that all commercial operators would prefer this rule, because certainty with the controlled or restricted discretionary status would certainly require advice from a noise expert to determine compliance with the applicable noise rule. As differing areas through the Rural Zone and adjoining zones will have different levels of amenity I do not accept that the assessment matters offered by the submitter are likely to suit all instances. I consider that by accepting the relief sought by Skydive Queenstown Ltd the PDP would be introducing a level of adverse effect that could be discordant with rural amenity and various environments.
- 9.23** The submitter has not provided any section 32aa evaluation of the costs and benefits associated with a more technical and onerous approach that is potentially more enabling, against the PDP version that is conservative but does not require a noise expert to ensure permitted activity status. I also consider that the submitter's proposed assessment matters are too confined, as they are based on an Environmental Court decision on a resource consent application at a specific location, and are not likely to be suitable to be applied across the entire district and address the potential effects on other the environment.

**9.24** I do not support Mr Fergusson for Soho Ski Area Ltd (610) and Treble Cone Investments Ltd (613) request to make informal airports exempt within the Ski Area subzones. I consider that the provisions as set out in **Appendix 1** are appropriate.

## **10. SURFACE OF WATER, RIVERS AND LAKES**

**10.1** I agree with Mr Brown's evidence<sup>28</sup> where he considers that the objective should be broader and more specific to the outcomes sought from the types of activities that seek to undertake activities on the surface of lakes and rivers. I recommend a revised objective 21.2.12 with similar wording to Mr Brown and this is shown in **Appendix 1**.

**10.2** Queenstown Rafting Limited (#167) submit that despite safety being specified twice in the matters of discretion, for both on water and associated with access and parking, the restricted discretionary activity status would limit the Council's ability, as decision maker, to fully consider the broad matters of safety under Part 2 of the RMA. I disagree and consider that assessment under Part 2 of the RMA is not limited. The assessment of adverse effects within the specified matters of discretion and the ability for the Council to notify (either on a limited or fully notified basis) an application as necessary means that a thorough analysis and application under section 104 and section 5 of the RMA is not unduly impinged.

**10.3** Jet Boating New Zealand Incorporated (**JBNZI**) seek that the ODP rules that allow the use of a jet sprint course be included in the PDP. The Panel queried whether the jet sprint course is within the jurisdiction of the Council under section 9 of the RMA, because (in summary) it is not a river as it is artificially constructed<sup>29</sup>. Under section 31(1)(e) of the RMA the control of any actual or potential effects of activities in relation to the *surface of water in rivers* falls within a TAs functions. If the jet sprint course does not use the river

<sup>28</sup> On behalf of Trojan Helmet Limited (Submissions 443, 452, 437), Mount Cardrona Station Limited (407), Hogan Gully Farming Limited (456) Ayrburn Farm Estate Limited (430), Kawarau Jet Services Holdings Ltd (307), ZJV (NZ) Limited (343), Queenstown Park Limited (806), Queenstown Wharves Limited (766), Mount Rosa Station Limited (377), Dalefield Trustees Limited (350), Skydive Queenstown Limited (122).

<sup>29</sup> Refer to the definition of river in section 2 of the RMA.

itself and instead water is diverted from the river for the purposes of the activity within the river bed (presumably through earthworks which falls within the Council's jurisdiction), the activity itself and its amenity effects (such as noise) and safety concerns do still fall within the Council's jurisdiction.

**10.4** I do not consider the need to specify the 'one lawfully established jet sprint course' as being exempt from prohibited status because it is not on the Hawea River. The use of this feature for jet boating would however come under other rules depending on the circumstances, including but not necessarily limited to:

- (a) the PDP Noise Chapter 36;
- (b) the Rural Zone rules for commercial recreation activities; and
- (c) the PDP Temporary Activities and Relocated Building Chapter 35.

**10.5** Related to this matter, the Panel requested the Council provide any information it has on this activity in form of previous resource consents. The only document held is Resource Consent RM990706 to operate a jet sprint event on 3 January 2000. This resource consent decision is attached at **Appendix 4**.

**10.6** JBNZI also seek to reinstate the ODP Rule 5.3.3.5.i (a) (2) to undertake jet boating activity on the river up to 6 days per year. Upon considering their submission I recommend the rule is appropriate and although the qualifiers are cumbersome, are necessary to ensure adequate notice is served to the public. I have included this change in **Appendix 1** and an evaluation in terms of section 32AA in **Appendix 2**.

## **11. LANDSCAPE ASSESSMENT MATTERS**

**11.1** A number of submitters including the UCES (#145), and those represented by Mr Vivian, Mr Brown and Mr Ferguson (detailed earlier) have recommended changes to the assessment matters. Overall I prefer those in the notified PDP as I consider that the

changes proposed by those submitters are simply 'wordsmithing' without offering added value, and that the changes seek to weaken the extent a decision maker should be satisfied a proposal accords with the assessment matter, and therefore whether the proposal is consistent with the policies.

- 11.2** In order to assist the Panel, I have added and populated a column showing the link between the assessment matter and the relevant policy to the Table that provides a comparison between the ODP and PDP landscape assessment. The table is attached at **Appendix 3**.
- 11.3** The Panel questioned a number of submitters, including Ms Di Lucas, landscape architect for the UCES (#145) whether the assessment matters should be tests. In the case of the questions put to Ms Lucas at the hearing of 'what do you mean by test'? I note Ms Lucas' answer was '*A 'test', that is, in application of the matter shall be satisfied that*.'
- 11.4** From a planning standpoint, I consider that tests should be located in the objectives and policies and the assessment matters provide guidance or direct users towards considering specified environmental effects or issues.
- 11.5** I do not agree with Ms Lucas where she considers the phrase 'shall be satisfied' is a test. The phrase 'shall be satisfied', is used in the following instances in the assessment matters in part 21.7:
- (a) 21.7.1.3 – Effects on landscape quality and character using the Pigeon Bay criteria – ONF/L;
  - (b) 21.7.1.4 – Visual Amenity ONF/L;
  - (c) 21.7.1.6 – Cumulative Effects ONF/L; and
  - (d) 21.7.2.7 – Cumulative Effects RLC.
- 11.6** I consider that within the assessment matters in Part 21.7 the phrase 'shall be satisfied' is not a test but directs the user and decision maker to carefully consider the assessment matter against the proposal. This is to the extent that the effects of the proposal accord with (or not) the assessment matter and therefore, assists with determining whether the proposal is consistent with Objective 6.3.4 and related

policies. For example, assessment matter 21.7.1.3 which deals with effects on landscape quality and character within the ONF/L states:

*In considering whether the proposed development will maintain or enhance the quality and character of Outstanding Natural Features and Landscapes, the Council shall be satisfied of the extent to which the proposed development will affect landscape quality and character, taking into account the following elements: ...*

**11.7** I consider that a test is a phrase that establishes an ultimatum that requires as a consequence, a direct course of action. For example the following phrase was in the PDP as notified but is recommended to be removed and retained in the Landscape Chapter policies 6.3.1.2 and 6.3.1.3.

(a) Assessment matter implementation method 21.7.1.1 (recommended to be deleted in the s42A):

*The assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases.*

(b) Landscape Chapter Policy 6.3.1.2 (as set out in the Council reply dated 7 April 2016):

*That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations within the Wakatipu Basin, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes.*

(c) Landscape Chapter Policy 6.3.1.3 (as set out in the Council reply dated 7 April 2016):

*That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is unsuitable in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.*

- 11.8** Furthermore, I do not consider the preamble statements at 21.7.1 and 21.7.2 to be tests. These are guiding statements that confirm the importance of carefully applying the assessment matters.
- 11.9** Tests in a statutory context are set out in the RMA and include for example, section 95 that require a resource consent application be notified if the adverse effects on the environment are likely to be more than minor. Also, section 104D of the RMA sets out that a consent authority may grant a resource consent for a non-complying activity only if the adverse effects are no more than minor and the activity is not contrary to the objectives and policies (my emphasis added).

## **12. OTHER MATTERS**

### **Policies for recreational activities**

- 12.1** Mr Dent's evidence requests the inclusion of a new objective and four policies for commercial recreation activities. I support the intent, however as noted by Mr Dent, the suggested provisions are derived from the Open Space and Recreation Chapter of the ODP (Part 4.4). As set out in the Council's legal submission on the Strategic Direction hearing, the equivalent chapter is programmed for Stage 2 of the PDP. I consider that these policies are best considered in that specific district-wide chapter and invite the submitter to re-submit in Stage 2, rather than the provisions being repeated in two places in the PDP. Further, I note that the primary submission of Totally Tourism Limited did not request for this new objective and four policies

## Firefighting

- 12.2** I maintain my recommendation set out in my s42A report that the best method to manage firefighting in the Rural Zone is via the conditions of resource consents. I also reaffirm where asked by the Panel on 3 May that the proposed rules in the Rural Residential Zone could be applied across the Rural Zone and Gibbston Character Zone, if it is their desire to do so.

### Constructing buildings associated with Residential Flats' Rule 21.4.12

- 12.3** The Panel identified a potential drafting error in Rule 22.4.6 (Rural Lifestyle Zone), which identifies a Residential Flat as a permitted activity. The corresponding rule in the Rural Zone is 21.4.12. The rule states:

*21.4.12 Residential Flat (activity only, the specific rules for the construction of any buildings apply).*

- 12.4** The Chair wondered whether a resource consent would be required to build the Residential Flat, and whether this was intended through the drafting.

- 12.5** The relevant rules that identify the status of the construction or alteration of a building as a permitted activity are:

- (a) Rule 21.4.7 where the building is located within a building platform; and
- (b) Rule 21.5.15.3 for alterations to existing buildings not located within a building platform, up to an area of 30% of the existing ground floor area within a ten year period.

- 12.6** Therefore, the construction and alterations to buildings used as a Residential Flat are provided for under these two scenarios is a permitted activity.

- 12.7** Alterations to a building, whether for a Residential Flat or the Residential Unit that would not comply with Rule 21.5.15 would be a

restricted discretionary activity and the construction of buildings not within a building platform would be a discretionary activity pursuant to Rule 21.4.10.

- 12.8** Also relevant is the relationship between a Residential Flat and a Residential Unit. A Residential Flat is part of a Residential Unit, as defined in the definition of Residential Unit. The Definition of Residential Unit from Chapter 2 is:

*Means a residential activity (including a dwelling) which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.*

- 12.9** Therefore, Rule 21.4.12 is not technically necessary because a Residential Flat is part of a Residential Unit and the permitted density of a Residential Unit is prescribed in Rule 22.5.12. The reason why it was identified as a separate rule in the PDP is because under the ODP, a Residential Flat requires resource consent as a controlled activity, and it was intended to make it clear that these are now permitted. It is my preference the identification of a Residential Flat as a permitted activity is retained.

- 12.10** In summary, the rules in this instance are not considered to be drafted incorrectly and no modifications are suggested.

### **13. MINING**

- 13.1** Mr Vivian for NZTM (#519) provides detailed planning evidence on a range of provisions in the Rural Zone chapter to advance mining. A number of the changes requested were accepted in part through the s42A report. Mr Vivian prefers the versions tabled in his evidence and has also provided more detail on the reasons for making the changes and additions. Overall, I consider that the Rural Zone Chapter provides accurate and balanced provisions for mineral extraction activities. Having reconsidered Mr Vivian's position I

recommend adding two policies under the Objective 21.2.5 that addresses mineral extraction activities. These policies are set out in the recommended revised chapter in **Appendix 1** and a s32AA evaluation is provided in **Appendix 2**.

**13.2** Mr Vivian has also recommended some minor changes to the definitions of mining activity, mineral prospecting and mineral exploration. I support these changes and they are set out in the recommended revised chapter in **Appendix 1**.

**13.3** The policies I have recommended in the revised chapter are derived from Mr Vivian's requests to include policies that protects mineral deposits from other land development activities. This is different to reverse sensitivity where incompatible land uses arise where one activity is sensitive to the adverse effect of another. In this case the policy seeks to ensure a resource is not impinged by other development activities, these are not necessarily sensitive to it but would hinder the ability for the resource to be utilised. I have rephrased the requested policy so that it more directly implements the objective (21.2.5). The recommended policy is:

*21.2.5.5 Manage through avoiding or mitigating the potential for other land uses, including development of other resources above, or in close proximity to mineral deposits, to adversely affect the extraction of known mineral deposits.*

**13.4** I recommend a policy that encourages the notion of environmental compensation. I note that Mr Vivian seeks to include 'off setting' however I do not agree that this is the correct use of the concept. In addition, I do not want to confuse the issues of 'biodiversity offsetting' and 'environmental compensation', particularly in light of the technical evidence that supports 'biodiversity offsetting'. I am also hesitant in the context of the recommended amendments to the Indigenous Vegetation and Biodiversity Chapter where I support the requested policy and definition of biodiversity offsetting as supported by DoC. Therefore the recommended policy is:

21.2.5.6 *Encourage environmental compensation where mineral extraction would have significant adverse effects.*

## **14. SKI AREA SUB ZONES**

### **Passenger Lift Systems**

- 14.1** Mr Brown<sup>30</sup> seeks the addition of policies and rules that provide that more recognition is made for passenger lift systems (or non-road transport) not located within the Ski Area Sub Zones and confirmed at the hearing on 27 May that these should be provided for as a restricted discretionary activity.
- 14.2** I support the requested policy that provides for non-road transport, except I do not support the reference to urban areas. This reference to urban areas could be discordant with the definition of urban. In addition, I consider that the policy should be applicable to all ski fields, not just Mt Cardrona Station Ltd and Mt Cardrona Special Zone, and the majority do not have urban areas to connect to.
- 14.3** I consider that creating a restricted discretionary framework for passenger lift systems creates the potential for important components to be missed. It could also create the potential for other operators or persons interpreting the rule to attempt to include 'ancillary support structures and facilities' or the 'structures to enable the embarking and disembarking of passengers' as set out in the proposed definition, to attempt to include base buildings within the restricted discretionary rule and I do not consider this is contemplated.
- 14.4** However, while a discretionary activity status would be appropriate to cover any matters that could be missed through a restricted discretionary framework, a full discretionary activity would be subject to the landscape assessment matters in Part 21.7. Overall, this would create an ineffective and inefficient plan administration process because the passenger lift system would be a controlled activity

<sup>30</sup> Trojan Helmet Limited (Submissions 443, 452, 437), Mount Cardrona Station Limited (407), Hogan Gully Farming Limited (456) Ayrburn Farm Estate Limited (430), Kawarau Jet Services Holdings Ltd (307), ZJV (NZ) Limited (343), Queenstown Wharves Limited (766), Mount Rosa Station Limited (377), Dalefield Trustees Limited (350), Skydive Queenstown Limited (122).

where it passes through the Ski Area Sub Zone, which is arguably more visually vulnerable by virtue of being at a higher elevation.

- 14.5** Under the recommendations presented by Mr Brown, a potential passenger lift system would be subject to the District Wide Rules including earthworks (in the ODP) and indigenous vegetation clearance. On this basis I am satisfied that the rule status and matters of discretion suggested by Mr Brown are appropriate.
- 14.6** I recommend specifying in the definition of 'Passenger Lift Systems' that base buildings are excluded because while 'structures to enable the embarking and disembarking of passengers' is included in the definition and these components are part of the base building or terminal buildings, these buildings and activities present a wider range of matters than those contemplated in the matters of discretion put forward by Mr Brown. For example the terminal / Base Building at the valley floor could be expected to include ticketing, toilets, a large car parking area, access, servicing and firefighting. Providing this distinction is made I support the rule activity status and matters of discretion put forward by Mr Brown.
- 14.7** I also note that Mr Brown anticipates a range of buildings associated with passenger lift system such as ticketing offices, through his commentary in paragraphs 13-17 of the evidence tabled at the hearing,<sup>31</sup> and requests to include these in the definition of 'Ski Area Activities'. However the suggested matters of discretion do not address the other potential effects associated with ticketing offices base or terminal buildings. Therefore I do not support Mr Brown's additional changes sought to the definition of Ski Area Activities where it is sought to add '*buildings for or ancillary to the activities in (a) – (f) above*'.
- 14.8** I have included the changes I accept from Mr Brown's evidence in recommended revised chapter in **Appendix 1**.

<sup>31</sup> <http://www.gldc.govt.nz/planning/district-plan/proposed-district-plan/proposed-district-plan-hearings/rural/evidence-presented-at-hearing/> C0122 S0307 Kawarau Jet T02 BrownJ Summary of Evidence

- 14.9** Mr Fergusson for the submitters identified earlier also recommends a policy that also provides for a transportation policy that includes passenger lift systems. I consider that the recommended policy 21.2.6.4 set out in **Appendix 1** goes at least some way to meeting this submission and therefore do not make any changes to the recommended revised chapter.

### **Visitor Accommodation**

- 14.10** Mr Fergusson for the submitters identified earlier seeks a policy is added to be able to implement the recommended rule for accommodation activities within the Ski Area Sub Zones. Mr Fergusson's suggested policy is:

*Enable commercial and visitor accommodation activities within Ski Area Sub Zones and associated with a Ski Area Activity, which are complementary to outdoor recreation activities, can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.*

- 14.11** I agree that a policy should be included that helps implement and guide decision making associated with visitor accommodation in the Ski Area Sub Zones because this type of activity is distinct from visitor accommodation generally in the Rural Zone. In terms of the policy requested, I would prefer a phrase that directs that these activities are 'provided for on the basis', with qualifiers rather than 'enabled' because the requested activity status is not permitted.

- 14.12** In addition, Mr Fergusson proposes further changes to the matters of discretion for visitor accommodation. These are matters associated with an ecological management plan, and I understand this is not to do with the request for an exemption for indigenous vegetation clearance in the Ski Area Subzones, but a separate requirement be made for a controlled activity status. I do not support the relief sought for exemptions from the indigenous vegetation clearance rules and the requirement for an ecological management plan alongside controlled activity status. I also consider if this is advanced, that it seems inappropriate that matters of discretion are limited to the

construction of visitor accommodation buildings and not any other building, in particular passenger lift systems or base buildings. I consider that the framework in Chapter 33 is the most appropriate method to provide for the maintenance of indigenous biodiversity. In addition, the matters of discretion as suggested by the submitter are not thorough and do not appear to be supported by any expert ecological evidence.

**14.13** Mr Fergusson also seeks two additional rules that would require a resource consent for visitor accommodation if it is longer than 6 months, and a rule that encourages visitor accommodation to be over 1,100 m elevation. In his response to the Panel's questions, Mr Fergusson also suggests a definition for 'visitor accommodation' in the Ski Area Sub Zones that specifies the length of stay is less than 6 months. The inclusion of the duration of stay as a qualifier in the definition, and then again in the proposed rule is conflicting because according to the definition as requested, any visitor accommodation that is over 6 months would not qualify as 'visitor accommodation in the Ski Area Sub Zones'. Therefore the proposed rule that requires discretionary activity resource consent for visitor accommodation that is longer than 6 months would be ultra vires because the definition itself limits the activity to 6 months.

**14.14** The definition of visitor accommodation in Chapter 2 of the PDP is as follows:

|                                     |  |
|-------------------------------------|--|
| <p><b>Visitor Accommodation</b></p> | <p>Means the use of land or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor/guest is less than 3 months; and</p> <ul style="list-style-type: none"> <li>i. Includes such accommodation as camping grounds, motor parks, hotels, motels, boarding houses, guest houses, backpackers' accommodation, bunkhouses, tourist houses, lodges, homestays, and the commercial letting of a residential unit; and</li> <li>ii. (May include some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with the visitor accommodation activity.</li> </ul> |
|-------------------------------------|--|

|  |   |
|--|---|
|  | <p>For the purpose of this definition:</p> <p>a. The commercial letting of a residential unit in (i) excludes:</p> <ul style="list-style-type: none"> <li>• A single annual let for one or two nights.</li> <li>• Homestay accommodation for up to 5 guests in a Registered Homestay.</li> <li>• Accommodation for one household of visitors (meaning a group which functions as one household) for a minimum stay of 3 consecutive nights up to a maximum (ie: single let or cumulative multiple lets) of 90 nights per calendar year as a Registered Holiday Home.</li> </ul> <p>(Refer to respective definitions).</p> <p>b. "Commercial letting" means fee paying letting and includes the advertising for that purpose of any land or buildings.</p> <p>c. Where the provisions above are otherwise altered by Zone Rules, the Zone Rules shall apply.</p> |
|--|---|

**14.15** Sub clause c of the definition is applicable where it states that the zone rules apply if the above provisions are altered. Therefore, I consider that visitor accommodation in the Ski Area Sub Zones should use the generic definition in the PDP with any modifications located in the rule. Therefore, I recommend some modifications to the rule to make it clear that worker accommodation is anticipated and the length of stay can be any period up to 6 months, as requested by Mr Fergusson.

**14.16** I also recommend adding natural hazards to the matters of discretion. This is an important matter worthy of discretion within the alpine environment. These changes are shown in the recommended revised chapter at **Appendix 1**.

**15. CONCLUSION**

**15.1** Overall, I consider that the revised chapter as set out in **Appendix 1** is the most appropriate way to meet the purpose of the RMA.



**Craig Barr**  
**Acting Policy Planning Manager**  
**3 June 2016**

**APPENDIX 1**  
**21 RURAL REVISED CHAPTER**

# RURAL ZONE 21

## Key:

Red underlined text for additions and ~~red strike through~~ text for deletions, Appendix 1 to Craig Barr's Right of Reply, dated 3 June 2016.

Purple underlined text for additions and ~~purple strike through~~ text for deletions, Working Draft in response to the Panel's Fourth Procedural Minute, dated 13 April 2016.

Black underlined text for additions and ~~black strike through~~ text for deletions, Appendix 1 to Craig Barr's s42A report, dated 7 April 2016.

## 21 Rural Zone

### 21.1 Zone Purpose

The purpose of the Rural zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, nature conservation values, the soil and water resource and rural amenity.

**Comment [CB1]:** J Brown for 806 et. al

A wide range of productive activities occur in the Rural Zone and because the majority of the District's distinctive landscapes comprising open spaces, lakes and rivers with high visual quality and cultural value are located in the Rural Zone, there also exists ~~the desire for a wide range of~~ rural living, recreation, commercial and tourism activities and the desire for further opportunities for these activities.

**Comment [CB2]:** J Brown for 806 et. al

Ski Area sub zones are located within the Rural Zone. These sub zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area sub zones is to enable the continued development of Ski Area Activities as year round destinations for ski area, tourism and recreational activities within the identified sub zones where the effects of the development ~~would be~~ are cumulatively minor.

**Comment [CB3]:** Submitters 610, 613, 615, FS1229.

**Comment [CB4]:** J Brown for 806 et. al

In addition, the Rural Industrial Sub Zone includes established industrial activities that are based on rural resources or support farming and rural productive activities.

A substantial proportion of the Outstanding Natural Landscapes of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of ~~farm~~ rural properties that utilise the qualities that make them so valuable.

**Comment [CB5]:** J Brown for 806 et. al

The Gibbston Valley is recognised as a Special Character Area for viticulture production and the management of this area is provided for in Chapter 23.

Pursuant to Section 86(b)(3) of the RMA, the following rules that protect or relate to water have immediate legal effect:

- 21.4.24 and all rules in Table 9: Activities on the surface of lakes and rivers.
- 21.5.4: Setback of buildings from water bodies.
- 21.5.7: Dairy farming grazing within the bed or margin of a water body.
- 21.4.30 (b) and 21.4.32: Suction dredge mining.

# RURAL ZONE 21

## 21.2 Objectives and Policies

21.2.1 **Objective - ~~Enable~~ Undertake a range of land uses including farming, permitted and established activities are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.**

**Comment [CB6]:** Submission 608 and grammatical change.

### Policies

21.2.1.1 Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.

21.2.1.2 ~~Provide for Enable~~ Farm Buildings associated with ~~larger~~ landholdings ~~of 100 hectares in area and provide for Farm Buildings, where while managing~~ the location, scale and colour of the buildings ~~will not adversely affect on~~ landscape values.

**Comment [CB7]:** Clarity and Submitter 437.

**Comment [CB8]:** J Brown for 806 et. al

21.2.1.3 Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.

21.2.1.4 Minimise the dust, visual, noise and odour effects of activities by requiring ~~facilities them~~ to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.

**Comment [CB9]:** Clarity

21.2.1.5 Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or the night sky.

21.2.1.6 Avoid adverse cumulative impacts on ecosystem services and nature conservation values.

21.2.1.7 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua.

21.2.1.8 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.

21.2.2 **Objective - ~~Sustain~~ The life supporting capacity of soils is sustained.**

### Policies

21.2.2.1 Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner.

21.2.2.2 Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.

21.2.2.3 Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of ~~recognised~~ identified wilding exotic trees with the potential to spread and naturalise.

**Comment [CB10]:** Grammatical amendment to make consistent with the S42a recommendations Wilding Exotic Trees Revised Chapter.

21.2.3 **Objective - ~~Safeguard~~ The life supporting capacity of water is safeguarded through the integrated management of the effects of activities.**

### Policies

21.2.3.1 In conjunction with the Otago Regional Council, regional plans and strategies:

- Encourage activities that use water efficiently, thereby conserving water quality and quantity;
- Discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.

## RURAL ZONE 21

21.2.4 **Objective - ~~Manage~~ Situations where sensitive activities conflict with existing and anticipated activities are managed to minimise conflict between incompatible land uses in the Rural Zone.**

**Comment [CB11]:** Grammatical efficiency. Not necessary to identify the zone.

### Policies

21.2.4.1 New activities must Recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.

21.2.4.2 Control the location and type of non-farming activities in the Rural Zone, to minimise or avoid conflict with activities that may not be compatible with permitted or established activities.

21.2.5 **Objective - ~~Recognise for and provide opportunities for~~ Mineral extraction providing opportunities are provided for on the basis the location, scale and effects would not degrade amenity, water, wetlands, landscape and indigenous biodiversity values.**

**Comment [CB12]:** Grammatical change to read more like an outcome statement.

**Comment [CB13]:** Submitter 706.

### Policies

21.2.5.1 ~~Recognise~~ Have regard to the importance and economic value of locally sourced mined high-quality gravel, rock and other minerals including gold and tungsten for road making and construction activities.

**Comment [CB14]:** Grammatical correction.

**Comment [CB15]:** Submitter 519.

21.2.5.2 ~~Recognise~~ Provide for exploration, prospecting and small scale recreational gold mining as activities with limited environmental impact.

**Comment [CB16]:** Submitter 519

21.2.5.3 Ensure that during and following the conclusion of mineral extractive activities, sites are progressively rehabilitated in a planned and co-ordinated manner, to enable the establishment of a land use appropriate to the area.

21.2.5.4 Ensure potential adverse effects of ~~large-scale~~ extractive activities (including mineral exploration) are avoided, ~~or remedied or mitigated,~~ particularly where those activities have potential to degrade landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water.

**Comment [CB17]:** Submitter 706.

**Comment [CB18]:** Submitter 519

~~21.2.5.5 Manage through avoiding or mitigating the potential for other land uses, including development of other resources above, or in close proximity to mineral deposits, to adversely affect the extraction of known mineral deposits.~~

**Comment [CB19]:** Submitter 519

~~21.2.5.6 Encourage environmental compensation where mineral extraction would have significant adverse effects.~~

**Comment [CB20]:** Submitter 519

21.2.6 **Objective - ~~Encourage~~ The future growth, development and consolidation of existing Ski Areas Skiing Area Activities is encouraged within identified Ski Area Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.**

**Comment [CB21]:** Grammatical change to read more like an outcome statement.

**Comment [CB22]:** Grammatical change

### Policies

21.2.6.1 Identify Ski ~~Field Area~~ Sub Zones and encourage Ski Area Activities to locate and consolidate within the sub zones.

21.2.6.2 Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.

## RURAL ZONE 21

21.2.6.3 Provide for the continuation of existing vehicle testing facilities within the Waiorau Snow Farm Ski Area Sub Zone on the basis the landscape and indigenous biodiversity values are not further degraded.

~~21.2.6.4 Provide for appropriate alternative (non-road) means of transport to and within Ski Area Sub Zones, by way of passenger lift systems and ancillary structures and facilities.~~

Comment [CB23]: 806 et. al

~~21.2.6.5 Provide for visitor accommodation activities within Ski Area Sub Zones and associated with a Ski Area Activity, which are complementary to outdoor recreation activities, can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.~~

21.2.7 **Objective - ~~Separate activities sensitive to aircraft noise from existing airports through:~~**

- ~~• Wanaka: Retention of an area containing activities that are not sensitive to aircraft noise, within an airport's Outer Control Boundary, to act as a buffer between airports and activities sensitive to aircraft noise (ASAN).~~
- ~~• Queenstown: Retention of an area for Airport related activities or where appropriate an area for activities not sensitive to aircraft noise within an airport's Outer Control Boundary to act as a buffer between airports and other land use activities.~~

An area to contain is retained Retention of an area containing that excludes activities that are not sensitive to aircraft noise, is retained within an airport's Outer Control Boundary, to act as a buffer between airports and Activities Sensitive to Aircraft Noise.

Comment [CB24]: Submitter 433

### Policies

21.2.7.1 Prohibit all new Activity Sensitive to Aircraft Noise (ASAN) on rural zoned land within the Outer Control Boundary (OCB) at Queenstown Airport and Wanaka Airport to avoid adverse effects arising from aircraft operations on future Activity Sensitive to Aircraft Noise (ASAN).

21.2.7.2 Identify and maintain areas containing activities that are not sensitive to aircraft noise, within an airport's outer control boundary, to act as a buffer between the airport and activities sensitive to aircraft noise.

21.2.7.3 Retain open space within the outer control boundary of airports in order to provide a buffer, particularly for safety and noise purposes, between the airport and other activities.

21.2.7.4 Require as necessary mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary and require sound insulation and mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.

21.2.8 **Objective - ~~Avoid s Subdivision, use and development is avoided, remedied or mitigated~~ in areas that are identified as being unsuitable due to identified constraints for development is avoided, remedied or mitigated.**

Comment [CB25]: Grammatical change. Submitter 356.

### Policies

21.2.8.1 ~~Assess subdivision and development proposals against the applicable District Wide chapters, in particular, the objectives and policies of the Natural Hazards and Landscape chapters. To ensure that any subdivision, use and development is undertaken on land that is appropriate in terms of the anticipated use, having regard to potential constraints including hazards and landscape.~~

Comment [CB26]: Submitter 433.

## RURAL ZONE 21

- 21.2.8.2 Prevent subdivision and development within the building restriction areas identified on the District Plan maps, in particular:
- In the Glenorchy area, protect the heritage value of the visually sensitive Bible Face landform from building and development and to maintain the rural backdrop that the Bible Face provides to the Glenorchy Township.
  - In Ferry Hill, within the building line restriction identified on the planning maps.

21.2.9 **Objective - ~~Ensure commercial~~ A range of activities are undertaken that rely on a rural location on the basis they do not degrade landscape values, rural amenity, or impinge on farming permitted and established activities.**

Comment [CB27]: Submitter 806.

Comment [CB28]: J Brown for 806 et al

### Policies

21.2.9.1 Commercial activities in the Rural Zone should have a genuine link with the rural land ~~and~~ water resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.

Comment [CB29]: Clarity. Activities on the surface of water are deemed to be a use of land, however water is added for clarity.

21.2.9.2 ~~Avoid~~ Provide for the establishment of commercial, retail and industrial activities only where they ~~se~~ would ~~degrade~~ protect, maintain or enhance rural quality or character, amenity ~~values~~ and landscape ~~values~~.

Comment [CB30]: Submitter 806 and FS1313.

21.2.9.3 Encourage forestry to be consistent with topography and vegetation patterns, to locate outside of the Outstanding Natural Features and Landscapes, significant natural areas and ensure forestry does not degrade the landscape character or visual amenity values of the Rural Landscape.

Comment [CB31]: Submitter 706.

21.2.9.4 Ensure forestry harvesting avoids adverse effects with regards to siltation and erosion and sites are rehabilitated to minimise runoff, erosion and effects on landscape values.

21.2.9.5 Limit exotic forestry to species that do not have any potential to spread and naturalise.

Comment [CB32]: Submitter 600.

21.2.9.6 Ensure traffic from commercial activities does not diminish rural amenity or affect the safe and efficient operation of the roading and trail network, or access to public places.

21.2.9.7 Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks ~~Trail~~ network on the basis landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.

Comment [CB33]: Submitter 671

~~21.2.9.8 Ensure that rural living is located where rural character, amenity and landscape values can be managed to ensure that over domestication of the rural landscape is avoided.~~

Comment [CB34]: Submitter 806 et al

21.2.10 **Objective - ~~Recognise~~ The potential for ~~d~~ Diversification of farming and other rural activities that ~~utilises the natural or physical resources of farms and supports the sustainability of farming activities~~ natural and physical resources.**

Comment [CB35]: Multiple submitters.

21.2.10.1 Encourage revenue producing activities that can support the long term sustainability of ~~in~~ farming and rural areas of the district.

21.2.10.2 Ensure that revenue producing activities utilise natural and physical resources (including buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and ~~values~~ resources.

21.2.10.3 ~~Recognise~~ Have regard to that the establishment of ~~complementary~~ activities such as tourism, commercial recreation or visitor accommodation located within farms where these may enable landscape values and indigenous biodiversity to be sustained in the longer term. ~~Such positive effects should be taken into account in the assessment of any resource consent applications.~~

## RURAL ZONE 21

21.2.11 **Objective - ~~Manage~~ The location, scale and intensity of informal airports is managed to maintain amenity values while protecting informal airports from incompatible land uses.**

### Policies

21.2.11.1 ~~Recognise that informal airports are an appropriate activity within the rural environment, provided the~~ **Ensure** informal airports ~~is are~~ located, operated and managed ~~so as to minimise adverse effects on~~ maintain the surrounding rural amenity.

21.2.11.2 Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.

~~21.2.11.3 Protect legally established and permitted informal airports from the establishment of incompatible activities.~~

**Comment [CB36]:** Submitters 607 and 571

21.2.12 **Objective - ~~Protect, maintain or enhance~~ The surface of lakes and rivers and their margins are protected, maintained or enhanced, while providing for appropriate activities including recreational, commercial recreational and public transport.**

**Comment [CB37]:** J Brown 806 et. al

### Policies

21.2.12.1 Have regard to statutory obligations, the spiritual beliefs, cultural traditions and practices of Tangata Whenua where activities are undertaken on the surface of lakes and rivers and their margins.

21.2.12.2 Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.

21.2.12.3 Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft in areas of high passive recreational use, significant nature conservation values and wildlife habitat.

21.2.12.4 ~~Recognise~~ **Have** regard to the whitewater values of the District's rivers and, in particular, the values of parts of the Kowarau, Nevis and Shotover Rivers as ~~two~~ three of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.

**Comment [CB38]:** Grammatical change

**Comment [CB39]:** J Brown 806 et. al

**Comment [CB40]:** Submitter 706.

21.2.12.5 ~~Protect, maintain or enhance~~ **Preserve** the natural character and nature conservation values of lakes, rivers and their margins, from inappropriate activities with particular regard to places with nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.

**Comment [CB41]:** Submitter 706 and questioning from the panel.

21.2.12.6 Recognise and provide for the maintenance and enhancement of public access to and enjoyment of the margins of the lakes and rivers.

21.2.12.7 Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided, remedied or mitigated.

**Comment [CB42]:** Submitter 519.

21.2.12.8 Encourage water based public transport ferry systems and associated infrastructure, the development and use of marinas, jetties and moorings in a way that avoids ~~or, where necessary,~~ remedies and/or mitigates adverse effects on the environment.

**Comment [CB43]:** J Brown 806 et. al

**Comment [CB44]:** Submitter 194.

21.2.12.9 Take into account the potential adverse effects on nature conservation values from the boat wake of commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.

**Comment [CB45]:** Submitter 621 and grammatical correction.

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21.2.12.10 Ensure that the nature, scale and number of commercial boating operators and/or commercial boats on waterbodies do not exceed levels where the safety of passengers and other users of the water body cannot be assured.

21.2.13 **Objective - Enable Rural industrial activities within the Rural Industrial Sub Zones, that will support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.**

**Comment [CB46]:** Grammatical Change

### Policies

21.2.13.1 Provide for rural industrial activities and buildings within established nodes of industrial development while protecting, maintaining and enhancing landscape and amenity values.

21.2.13.2 Provide for limited retail and administrative activities within the Rural Industrial Sub Zone on the basis it is directly associated with and ancillary to the Rural Industrial Activity on the site.

## 21.3 Other Provisions and Rules

### 21.3.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative District Plan (ODP).

|                                   |                                  |   |
|-----------------------------------|----------------------------------|---|
| 1 Introduction                    | 2 Definitions                    | 3 Strategic Direction                           |
| 4 Urban Development               | 5 Tangata Whenua                 | 6 Landscapes                                    |
| 24 Signs (18 ODP)                 | 25 Earthworks (22 ODP)           | 26 Historic Heritage                            |
| 27 Subdivision                    | 28 Natural Hazards               | 29 Transport (14 ODP)                           |
| 30 Utilities and Renewable Energy | 31 Hazardous Substances (16 ODP) | 32 Protected Trees                              |
| 33 Indigenous Vegetation          | 34 Wilding Exotic Trees          | 35 Temporary Activities and Relocated Buildings |
| 36 Noise                          | 37 Designations                  | Planning Maps                                   |

### 21.3.2 Regional Council Provisions

21.3.2.1 In addition to any rules for mining, the Otago Regional Plan: Water, also has rules related to suction dredge mining.

### 21.3.3 Rules: Clarification

21.3.3.1 A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.

21.3.3.2 Where an activity does not comply with a standard listed in the standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

21.3.3.3 Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant resource consent, consent notice or covenant registered on the site's computer freehold register.

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- 21.3.3.4 The Council reserves the right to ensure development and building activities are undertaken in accordance with the conditions of resource consent through monitoring.
- 21.3.3.5 Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent conditions.
- 21.3.3.6 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control or discretion to the matters listed in the rule.
- 21.3.3.7 The existence of a farm building either permitted or approved by resource consent under Table 4 – Farm Buildings shall not be considered the permitted baseline for residential or other non-farming activity development within the Rural Zone.
- 21.3.3.8 The Ski Area and Rural Industrial Sub Zones, being Sub Zones of the Rural Zone, require that all rules applicable to the Rural Zone apply unless stated to the contrary.
- 21.3.3.9 Ground floor area means any areas covered by the building or parts of the buildings and includes overhanging or cantilevered parts but does not include pergolas (unroofed), projections not greater than 800mm including eaves, bay or box windows, and uncovered terraces or decks less than 1m above ground level.
- 21.3.3.10 Building platforms identified on a site's computer freehold register shall have been registered as part of a resource consent approval by the Council.

21.3.3.11 The surface of lakes and rivers are zoned Rural, unless otherwise stated.

21.3.3.12 In this chapter the meaning of bed shall be the same as in section 2 of the RMA.

21.3.3.13 Internal alterations to buildings including the replacement of joinery is permitted.

Comment [CB47]: Clarification.

21.3.3.14 These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

|    |                          |    |               |
|----|--------------------------|----|---------------|
| P  | Permitted                | C  | Controlled    |
| RD | Restricted Discretionary | D  | Discretionary |
| NC | Non Complying            | PR | Prohibited    |

### 21.4 Rules - Activities

All activities, including any listed permitted activities shall be subject to the rules and standards contained in Tables 1 to 10.

Table 1 – Activities

Table 2 – Standards for all Activities

Table 3 – Structures and Buildings

Table 4 – Farm Buildings

Table 5 – Commercial Activities

Table 6 – Informal Airports

Table 7 – Ski Area Sub Zone

Table 8 – Rural Industrial Sub Zone

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Table 9 – Surface of Lakes and Rivers

Table 10 – Closeburn Station

| Rule    | Table 1 – Activities Rural Zone   | Activity |
|---------|---|----------|
| 21.4.1  | Any activity not listed in tables 1 to 10.  | NC       |
|         | <b>Farming Activities</b>   |          |
| 21.4.2  | Farming Activity that complies with the standards in Table 2.   | P        |
| 21.4.3  | Construction or addition to farm buildings that comply with the standards in Table 4.   | P        |
| 21.4.4  | Factory Farming that complies with the standards in Table 2.  | P        |
|         | <b><u>Buildings</u>, Residential Activities, Subdivision and Development</b>  |          |
| 21.4.5  | The use of land or buildings for residential activity except as provided for in any other rule.   | D        |
| 21.4.6  | One residential unit within any building platform approved by resource consent.   | P        |
| 21.4.7  | The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register, subject to compliance with the standards in Table 3. | P        |
| 21.4.8  | The exterior alteration of any lawfully established building located outside of a building platform <u>where there is not an approved building platform on the site</u> , subject to compliance with the standards in Table 3.          | P        |
| 21.4.9  | The identification of a building platform not less than 70m <sup>2</sup> and not greater than 1000m <sup>2</sup> .  | D        |
| 21.4.10 | The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule.   | D        |
| 21.4.11 | Domestic Livestock.   | P        |
| 21.4.12 | Residential Flat (activity only, the specific rules for the construction of any buildings apply).   | P        |
|         | <b>Commercial Activities</b>  |          |
| 21.4.13 | Home Occupation that complies with the standards in Table 5.  | P        |

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| Rule    | Table 1 – Activities Rural Zone  | Activity |
|---------|--|----------|
| 21.4.14 | <p>Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site and that comply with the standards in Table 5.</p> <p>Except roadside stalls that meet the following shall be a permitted activity:</p> <ol style="list-style-type: none"> <li>a. the ground floor area is less than 5m<sup>2</sup>;</li> <li>b. are not higher than 2.0m from ground level;</li> <li>c. the minimum sight distance from the stall/access shall be 200m;</li> <li>d. the minimum distance of the stall/access from an intersection shall be 100m; and, the stall shall not be located on the legal road reserve.</li> </ol> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> <li>• The location of the activity and buildings.</li> <li>• Vehicle crossing location, car parking.</li> <li>• Rural amenity and landscape character.</li> </ul> | C        |
| 21.4.15 | Commercial activities ancillary to and located on the same site as <u>commercial recreational or</u> recreational activities.  | D        |
| 21.4.16 | Commercial recreation activities that comply with the standards in Table 5.  | P        |
| 21.4.17 | Cafes and restaurants located in a winery complex within a vineyard.   | D        |
| 21.4.18 | Ski Area Activities within <del>the</del> <u>a</u> Ski Area Sub Zone.  | P        |

**Comment [CB48]:** Submitter 806 et al

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| Rule    | Table 1 – Activities Rural Zone  | Activity |
|---------|--|----------|
| 21.4.19 | <p>Ski Area Activities not located within a Ski Area Sub Zone, with the exception of <u>the following</u>:</p> <p><del>Passenger Lift Systems, heli-skiing and non-commercial skiing.</del></p> <p><u>a. Commercial heli skiing not located within a Ski Area Sub Zone is a commercial recreation activity Rule 21.4.16 applies.</u></p> <p><u>b. Passenger Lift Systems not located within a Ski Area Sub Zone shall be a restricted discretionary activity.</u></p> <p><u>Discretion is reserved to all of the following:</u></p> <ul style="list-style-type: none"> <li>• <u>The route of the passenger lift system and the extent to which the passenger lift system breaks the line and form of the landscapes with special regard to skylines, ridges, hills and prominent slopes.</u></li> <li>• <u>Whether the materials and colours to be used are consistent with the rural landscape of which the passenger lift system will form a part.</u></li> <li>• <u>Whether the geotechnical conditions are suitable for the passenger lift system and the extent to which they are relevant to the route.</u></li> <li>• <u>Lighting.</u></li> <li>• <u>The ecological values of the land affected by structures and activities.</u></li> <li>• <u>Balancing environmental considerations with operational requirements.</u></li> <li>• <u>The positive effects arising from directly linking settlements with ski area sub zones and providing alternative non-vehicular access.</u></li> </ul> | NC       |
| 21.4.20 | Visitor Accommodation.   | D        |
| 21.4.21 | Forestry Activities <u>within the Rural Landscapes classification.</u>   | D        |
| 21.4.22 | Retail activities within the Rural Industrial Sub Zone that involve the sale of goods produced, processed or manufactured on site or ancillary to Rural Industrial activities that comply with Table 8.  | P        |
| 21.4.23 | Administrative offices ancillary to and located on the same site as Rural Industrial activities being undertaken within the Rural Industrial Sub Zone that comply with Table 8.  | P        |
|         | <b>Other Activities</b>  |          |
| 21.4.24 | Activities on the surface of lakes and rivers that comply with Table 9.  | P        |
| 21.4.25 | Informal Airports that comply with Table 6.  | P        |
| 21.4.26 | Any building within a Building Restriction Area identified on the Planning Maps.   | NC       |
| 21.4.27 | Recreation and/or Recreational Activity.   | P        |
|         | <b>Activities within the Outer Control Boundary at Queenstown Airport and Wanaka Airport</b>   |          |

**Comment [CB49]:** Submitter 407

**Comment [CB50]:** Comment. Non commercial skiing is a recreational activity and permitted pursuant to Rule 21.4.27

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| Rule                         | Table 1 – Activities Rural Zone   | Activity |
|------------------------------|---|----------|
| 21.4.28                      | <p>New Building Platforms and Activities within the Outer Control Boundary - Wanaka Airport</p> <p>On any site located within the Outer Control Boundary, any new activity sensitive to aircraft noise or new building platform to be used for an activity sensitive to aircraft noise (except an activity sensitive to aircraft noise located on a building platform approved before 20 October 2010).</p>   | PR       |
| 21.4.29                      | <p>Activities within the Outer Control Boundary - Queenstown Airport</p> <p>On any site located within the Outer Control Boundary, which includes the Air Noise Boundary, as indicated on the District Plan Maps, any new Activity Sensitive to Aircraft Noise.</p>   | PR       |
| <b>Mining Activities</b>     |   |          |
| 21.4.30                      | <p>The following mining and extraction activities are permitted:</p> <ol style="list-style-type: none"> <li>a. Mineral prospecting.</li> <li>b. Mining by means of hand-held, non-motorised equipment and suction dredging, where the total motive power of any dredge does not exceed 10 horsepower (7.5 kilowatt); and</li> <li>c. The mining of aggregate for farming activities provided the total volume does not exceed 1000m<sup>3</sup> in any one year.</li> <li>d. The activity will not be undertaken on an Outstanding Natural Feature.</li> </ol>  | P        |
| 21.4.31                      | <p>Mineral exploration that does not involve more than 20m<sup>3</sup> in volume in any one hectare</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> <li>• The adverse effects on landscape, nature conservation values and water quality.</li> </ul> <p>Rehabilitation of the site is completed that ensures:</p> <ul style="list-style-type: none"> <li>• the long term stability of the site.</li> <li>• that the landforms or vegetation on finished areas are visually integrated into the landscape.</li> <li>• water quality is maintained.</li> <li>• that the land is returned to its original productive capacity.</li> <li>• <u>that the land is rehabilitated to indigenous vegetation where the pre-existing land cover immediately prior to the exploration, comprised indigenous vegetation in terms of Part 33.3.3.2 and 33.3.3.3.</u></li> </ul> | C        |
| 21.4.32                      | <p>Any mining activity <u>or mineral prospecting</u> other than provided for in rules 21.4.30 and 21.4.31.</p>  | D        |
| <b>Industrial Activities</b> |   |          |
| 21.4.33                      | <p>Rural Industrial Activities within a Rural Industrial Sub-Zone that comply with Table 8.</p>   | P        |

Comment [CB51]: Submitter 706.

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| Rule    | Table 1 – Activities Rural Zone  | Activity |
|---------|--|----------|
| 21.4.34 | Buildings for Rural Industrial Activities that comply with Table 8.                                | P        |
| 21.4.35 | Industrial Activities directly associated with wineries and underground cellars within a vineyard. | D        |
| 21.4.36 | Other Industrial Activities.   | NC       |

### 21.5 Rules - Standards

|        | Table 2 - General Standards.   | Non-compliance |
|--------|--|----------------|
|        | The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated.  |                |
| 21.5.1 | <p><b>Setback from Internal Boundaries</b></p> <p>The minimum setback of any building from internal boundaries shall be 15m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Rural Amenity and landscape character.</li> <li>• Privacy, outlook and amenity from adjoining properties.</li> </ul> <p>Except this rule shall not apply within the Rural Industrial Sub Zone. Refer to Table 8.</p>  | RD             |
| 21.5.2 | <p><b>Setback from Roads</b></p> <p>The minimum setback of any building from a road boundary shall be 20m, except, the minimum <b>setback</b> of any building <b>setback</b> from State Highway 6 between Lake Hayes and Frankton shall be 50m. The minimum setback of any building for other sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Rural Amenity and landscape character.</li> <li>• Open space.</li> <li>• The adverse effects on the proposed activity from noise, glare and vibration from the established road.</li> </ul> | RD             |
| 21.5.3 | <p><b>Setback from Neighbours of Buildings Housing Animals</b></p> <p>The minimum setback from internal boundaries for any building housing animals shall be 30m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Odour.</li> <li>• Noise.</li> <li>• Dust.</li> <li>• Vehicle movements.</li> </ul>   | RD             |

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|        | <b>Table 2 - General Standards.</b><br>The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated.  | <b>Non-compliance</b> |
|--------|---|-----------------------|
| 21.5.4 | <p><b>Setback of buildings from Water bodies</b></p> <p>The minimum setback of any building from the bed of a wetland, river or lake shall be 20m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Indigenous biodiversity values.</li> <li>• Visual amenity values.</li> <li>• Landscape and natural character.</li> <li>• Open space.</li> <li>• Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building.</li> </ul> | RD                    |
| 21.5.5 | <p><b>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</b></p> <p>All effluent holding tanks, effluent treatment and effluent storage ponds, shall be located at least 300 metres from any formed road <u>lake, river, or</u> adjoining property.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Odour.</li> <li>• Visual prominence.</li> <li>• Landscape character.</li> <li>• Effects on surrounding properties.</li> </ul>  | RD                    |
| 21.5.6 | <p><b>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</b></p> <p>All milking sheds or buildings used to house or feed milking stock shall be located at least 300 metres from <u>any formed road, lake, river or</u> adjoining property <u>or formed road</u>.</p>  | D                     |
| 21.5.7 | <p><b>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</b></p> <p>Stock shall be prohibited from standing in the bed of, or on the margin of a water body.</p> <p>For the purposes of this rule:</p> <ul style="list-style-type: none"> <li>• Margin means land within 3.0 metres from the edge of the bed.</li> <li>• Water body has the same meaning as in the RMA, and also includes any drain or water race that goes to a lake or river.</li> </ul>   | PR                    |
| 21.5.8 | <p><b>Factory Farming (excluding the boarding of animals)</b></p> <p>Factory farming <u>shall be located a minimum distance of within</u> 2 kilometres <u>of from</u> a Residential, Rural Residential, Rural Lifestyle, Township, Rural Visitor, Town Centre, Local Shopping Centre or Resort Zone.</p>  | D                     |

Comment [CB52]: Submitter 659

Comment [CB53]: Submitter 659

Comment [CB54]: Comment: non specified/referenced amendments are on clarity and are not substantive changes.

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|         | <b>Table 2 - General Standards.</b><br>The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated.   | <b>Non-compliance</b> |
|---------|--|-----------------------|
| 21.5.9  | <b>Factory Farming of pigs</b><br><del>Factory farming of pigs where:</del><br>21.5.9.1 <del>‡</del> The number of housed pigs <del>exceeds</del> <u>shall be limited to</u> 50 sows or 500 pigs of mixed ages; <del>and/or</del><br>21.5.9.2 <del>‡</del> Any housed pigs are <u>shall be located no</u> closer than 500m <del>to</del> <u>from</u> a property boundary; <del>and/or</del><br>21.5.9.3 <del>‡</del> The number of outdoor pigs <u>shall not</u> exceeds 100 pigs and their progeny up to weaner stage; <del>and/or</del><br>21.5.9.4 <del>‡</del> Outdoor sows are not ringed at all times; <del>and/or</del><br>21.5.9.5 <del>‡</del> The stocking rate of outdoor pigs <u>shall not</u> exceeds 15 pigs per hectare, excluding progeny up to weaner stage.  | NC                    |
| 21.5.10 | <b>Factory farming of poultry</b> <del>where:</del><br>21.5.10.1 <del>‡</del> The number of birds <u>shall not</u> exceeds 10,000 birds; <del>and/or</del><br>21.5.10.2 <del>‡</del> Birds <del>are</del> <u>shall not be</u> housed closer than 300m to a site boundary.  | NC                    |
| 21.5.11 | Any <b>factory farming</b> activity other than factory farming of pigs or poultry.   | NC                    |
| 21.5.12 | <b>Airport Noise – Wanaka Airport</b><br>Alterations or additions to existing buildings, or construction of a building on a building platform approved before 20 October 2010 within the Outer Control Boundary, shall be designed to achieve an internal design sound level of 40 dB Ldn, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Table 5, Chapter 36. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Table 5, Chapter 36.   | NC                    |
| 21.5.13 | <b>Airport Noise – Alteration or Addition to Existing Buildings (excluding any alterations of additions to any non-critical listening environment) within the Queenstown Airport Noise Boundaries</b><br>(a) <b>Within the Queenstown Airport Air Noise Boundary (ANB)</b> - Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn, within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either adhering to the sound insulation requirements in Table 4 of Chapter 36 and installation of mechanical ventilation to achieve the requirements in Table 5 of Chapter 36, or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.<br>(b) <b>Between the Queenstown Airport Outer Control Boundary (OCB) and the ANB</b> – Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to | NC                    |

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| <b>Table 2 - General Standards.</b>   |  | <b>Non-compliance</b> |
|---|--|-----------------------|
| The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated. |  |                       |
|   | <p>achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Table 5 of Chapter 36 or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.</p> <p>(c) Standards (a) and (b) exclude any alterations or additions to any non-critical listening environment.</p> |                       |
| 21.5.x  | <p><u>Lighting and Glare</u></p> <p>21.5.13.1 <u>All fixed exterior lighting shall be directed away from adjoining sites and roads; and</u></p> <p>21.5.13.2 <u>No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.</u></p> <p>21.5.13.3 <u>There shall be no upward light spill.</u></p>                   | NC                    |

**Comment [CB55]:** Submitter 568.

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|         | <b>Table 3 – Standards for Structures and Buildings</b><br>The following standards apply to structures and buildings, except Farm Buildings.  | <b>Non-compliance</b> |
|---------|---|-----------------------|
| 21.5.14 | <p><b>Structures</b></p> <p>Any structure <del>which is greater than 5 metres in length, and between 1 metre and 2 metres in height shall be located a minimum distance of within</del> 10 metres <del>of from</del> a road boundary, <del>which is greater than 5 metres in length, and between 1 metre and 2 metres in height,</del> except for:</p> <p>21.5.14.1 post and rail, post and wire and post and mesh fences, including deer fences;</p> <p>21.5.14.2 any structure associated with farming activities as defined in this plan.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Effects on landscape character, views and amenity, particularly from public roads.</li> <li>• The materials used, including their colour, reflectivity and permeability.</li> <li>• Whether the structure will be consistent with traditional rural elements.</li> </ul>   | RD                    |
| 21.5.15 | <p><b>Buildings</b></p> <p>Any building, including any structure larger than 5m<sup>2</sup>, that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p>All exterior surfaces* shall be coloured in the range of browns, greens or greys (<del>except soffits</del>), including;</p> <p>21.5.15.1 Pre-painted steel and all roofs shall have a <u>light</u> reflectance value not greater than 20%; and,</p> <p>21.5.15.2 All other surface** finishes shall have a <u>light</u> reflectance value of not greater than 30%.</p> <p>21.5.15.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• External appearance.</li> <li>• Visual prominence from both public places and private locations.</li> <li>• Landscape character.</li> <li>• Visual amenity.</li> </ul> <p><u>Except this rule shall not apply within the Ski Area Sub Zones.</u></p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** <u>Includes</u> cladding and built landscaping that cannot be measured by way</p> | RD                    |

**Comment [CB56]:** Submitters 610 and 613.

**Comment [CB57]:** Submitter 608 and others.

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| <b>Table 3 – Standards for Structures and Buildings</b>                           |   | Non-compliance |
|---|---|----------------|
| The following standards apply to structures and buildings, except Farm Buildings. |   |                |
|   | <u>of light reflectance value but is deemed <b>by the Council</b> to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</u>  |                |
| 21.5.16   | <p><b>Building size</b></p> <p>The maximum ground floor area of any building shall be 500m<sup>2</sup>.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• External appearance.</li> <li>• Visual prominence from both public places and private locations.</li> <li>• Landscape character.</li> <li>• Visual amenity.</li> <li>• Privacy, outlook and amenity from adjoining properties.</li> </ul> <p><u>Except this rule shall not apply within the Ski Area Sub Zones.</u></p> | RD             |
| 21.5.17   | <p><b>Building Height</b></p> <p>The maximum height shall be 8m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Rural Amenity and landscape character.</li> <li>• Privacy, outlook and amenity from adjoining properties.</li> <li>• Visual prominence from both public places and private locations.</li> </ul>   | RD             |

| <b>Table 4 - Standards for Farm Buildings</b>    |   | Non-compliance |
|--|---|----------------|
| The following standards apply to Farm Buildings. |   |                |
| 21.5.18  | <p>The construction, replacement or extension of a farm building <del>as</del> <u>is</u> a permitted activity, <del>is</del> subject to the following <u>standards</u>:</p> <p>21.5.18.1 The landholding <u>the farm building is located within</u> is greater than 100ha; and</p> <p>21.5.18.2 The density of all buildings on the <u>landholding site</u>, inclusive of the proposed building(s) <del>will be less than</del> <u>shall not exceed</u> one farm building per <del>50</del> <u>25</u> hectares <del>on the site</del>; and</p> <p>21.5.18.3 <del>is</del> <u>The farm building shall</u> not <u>be</u> located within an Outstanding Natural Feature (ONF); and</p> <p>21.5.18.4 If located within the Outstanding Natural Landscapes (ONL), <u>the farm building shall be</u> <del>is</del> less than 4 metres in height and the ground floor area <del>is shall</del> not <u>be</u> greater than 100m<sup>2</sup>; and</p> <p>21.5.18.5 <del>is</del> <u>The farm building shall be located at an elevation not</u></p> | RD             |

Comment [CB58]: Submitter 145.

## RURAL ZONE 21

| Table 4 - Standards for Farm Buildings |   | Non-compliance |
|--|---|----------------|
|  | The following standards apply to Farm Buildings.  |                |
|  | <p><del>exceeding less than</del> 600 masl; and</p> <p>21.5.18.6 If located within the Rural Landscapes (RLC), <del>the farm building shall be is</del> less than 5m in height and the ground floor area <del>is shall not be</del> greater than 300m<sup>2</sup>; and</p> <p>21.5.18.7 <del>Farm B-buildings</del> shall not protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• <del>The extent to which the scale and location of the Farm Building is appropriate in terms of:</del></li> <li>• Rural Amenity values.</li> <li>• Landscape character.</li> <li>• Privacy, outlook and rural amenity from adjoining properties.</li> <li>• Visibility, including lighting.</li> </ul> <p><del>Scale.</del></p> <ul style="list-style-type: none"> <li>• <del>Location.</del></li> </ul> |                |
| 21.5.19                                | <p>Exterior colours of <del>farm</del> buildings:</p> <p>21.5.19.1 All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits).</p> <p>21.5.19.2 Pre-painted steel, and all roofs shall have a reflectance value not greater than 20%.</p> <p>21.5.19.3 Surface finishes shall have a reflectance value of not greater than 30%.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• External appearance.</li> <li>• Visual prominence from both public places and private locations.</li> <li>• Landscape character.</li> <li>• Visual amenity.</li> </ul>  | RD             |
| 21.5.20                                | <p>Building Height</p> <p>The maximum height for any farm building shall be 10m.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>• Rural amenity values.</li> <li>• Landscape character.</li> <li>• Privacy, outlook and amenity from adjoining properties.</li> </ul>   | RD             |

## RURAL ZONE 21

|         | <b>Table 5 - Standards for Commercial Activities</b>   | <b>Non-Compliance</b> |
|---------|--|-----------------------|
| 21.5.21 | Commercial recreation <del>activities</del> shall be undertaken on land, outdoors and involving not more than <del>10</del> 12 persons in any one group.   | D                     |
| 21.5.22 | <p><b>Home Occupation</b></p> <p>21.5.22.1 The maximum net floor area of home occupation activities shall be 150m<sup>2</sup>;</p> <p>21.5.22.2 No goods materials or equipment shall be stored outside a building;</p> <p>21.5.22.3 All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• The nature, scale and intensity of the activity in the context of the surrounding rural area.</li> <li>• Visual amenity from neighbouring properties and public places.</li> <li>• Noise, odour and dust.</li> <li>• The extent to which the activity requires a rural location because of its link to any rural resource in the Rural Zone.</li> <li>• Access safety and transportation effects.</li> </ul> | RD                    |
| 21.5.23 | <p><b>Retail Sales</b></p> <p>Buildings <del>that have a in excess of 25m<sup>2</sup></del> gross floor area <del>that is greater than 25m<sup>2</sup></del> to be used for retail sales identified in Table 1 shall be setback from road boundaries by a minimum distance of 30m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Landscape character and visual amenity.</li> <li>• Access safety and transportation effects.</li> <li>• On-site parking.</li> </ul>   | RD                    |
| 21.5.24 | <p><b>Retail Sales</b></p> <p>Retail sales where the access is onto a State Highway, with the exception of the activities listed in Table 1.</p>   | NC                    |

Comment [CB59]: Submitter 621

|         | <b>Table 6 - Standards for Informal Airports</b>   | <b>Non-Compliance</b> |
|---------|--|-----------------------|
| 21.5.25 | <p><b>Informal Airports Located on Public Conservation and Crown Pastoral Land</b></p> <p>Informal airports that comply with the following standards shall be permitted activities:</p> <p>21.5.25.1 Informal airports located on Public Conservation Land where the</p> | D                     |

## RURAL ZONE 21

| Table 6 - Standards for Informal Airports |   | Non-Compliance |
|---|---|----------------|
|   | <p>operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987;</p> <p>21.5.25.2 Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948;</p> <p>21.5.25.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities, <u>or the Department of Conservation or its agents;</u></p> <p>21.5.25.4 In relation to <del>points rules</del> (21.5.25.1) and (21.5.25.2), the informal airport shall be located a minimum distance of 500 metres from <del>any other zone, formed legal road or</del> the notional boundary of any residential unit or approved building platform not located on the same site.</p> |                |
| 21.5.26                                   | <p><b>Informal Airports Located on other Rural Zoned Land</b></p> <p>Informal Airports that comply with the following standards shall be permitted activities:</p> <p>21.5.26.1 Informal airports on any site that do not exceed a frequency of use of <del>3-2</del> flights* per <del>day week</del>;</p> <p>21.5.26.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;</p> <p>21.5.26.3 In relation to <del>point rule</del> (21.5.26.1), the informal airport shall be located a minimum distance of 500 metres from <del>any other zone, formed legal road or</del> the notional boundary of any residential unit of building platform not located on the same site.</p> <p>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</p>           | D              |

Comment [CB60]: Submitter 373.

Comment [CB61]: Multiple Submitters.

Comment [CB62]: Multiple submitters.

| Table 7 – Standards for Ski Area Activities within the Ski Area Sub Zones |  | Activity |
|---|--|----------|
| 21.5.27   | <p>Construction, relocation, addition or alteration of a building.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> <li>• Location, external appearance and size, colour, visual dominance.</li> <li>• Associated earthworks, access and landscaping.</li> <li>• Provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary).</li> <li>• Lighting.</li> </ul> | C        |
| 21.5.28   | <p><del>Ski tows and lifts</del> <u>Passenger Lift Systems.</u></p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> <li>• The extent to which the <del>ski tow or lift or building</del> <u>passenger lift system</u> breaks the line and form of the landscape with special regard to skylines, </li></ul>   | C        |

Comment [CB63]: Submitter 407

Comment [CB64]: Submitter 407

## RURAL ZONE 21

|               | Table 7 – Standards for Ski Area Activities within the Ski Area Sub Zones  | Activity |
|---------------|--|----------|
|               | <p>ridges, hills and prominent slopes.</p> <ul style="list-style-type: none"> <li>Whether the materials and colour to be used are consistent with the rural landscape of which the <u>passenger lift system</u> will form a part.</li> <li>Balancing environmental considerations with operational characteristics.</li> </ul>   |          |
| 21.5.29       | <p>Night lighting.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> <li>Hours of operation.</li> <li>Duration and intensity.</li> <li>Impact on surrounding properties.</li> </ul>   | C        |
| 21.5.30       | <p>Vehicle Testing.</p> <p>In the Waiorau Snow Farm Ski Area Activity Sub Zone; the construction of access ways and tracks associated with the testing of vehicles, their parts and accessories.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> <li>Gravel and silt run off.</li> <li>Stormwater, erosion and siltation.</li> <li>The sprawl of tracks and the extent to which earthworks modify the landform.</li> <li>Stability of over-steepened embankments.</li> </ul>                              | C        |
| 21.5.31       | <p>Retail activities ancillary to Ski Area Activities.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> <li>Location.</li> <li>Hours of operation with regard to consistency with ski-area activities.</li> <li>Amenity effects, including loss of remoteness or isolation.</li> <li>Traffic congestion, access and safety.</li> <li>Waste disposal.</li> <li>Cumulative effects.</li> </ul>   | C        |
| <u>21.5.X</u> | <p><u>Visitor Accommodation</u></p> <p><u>Of a duration of stay from 0 to 6 months and includes worker accommodation.</u></p> <p><u>Discretion is restricted to all of the following:</u></p> <ul style="list-style-type: none"> <li><u>Scale and intensity and whether these would have adverse effects on amenity, including loss of remoteness or isolation.</u></li> <li><u>Location, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any).</u></li> </ul> | RD       |

Comment [CB65]: Submitter 407

Comment [CB66]: Submitter 572

Comment [CB67]: Submitters 608, 610.

## RURAL ZONE 21

|  | Table 7 – <del>Standards for</del> Ski Area Activities within the Ski Area Sub Zones   | Activity |
|--|--|----------|
|  | <ul style="list-style-type: none"> <li>• <u>Parking.</u></li> <li>• <u>Provision of water supply, sewage treatment and disposal.</u></li> <li>• <u>Cumulative effects.</u></li> <li>• <u>Natural Hazards.</u></li> </ul> |          |

|         | Table 8 – Standards for activities within the Rural Industrial Sub Zone   | Non-Compliance |
|---------|---|----------------|
| 21.5.32 | <p><b>Buildings</b></p> <p>Any building, including any structure larger than 5m<sup>2</sup>, that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p>All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits), including;</p> <p>21.5.32.1 Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and,</p> <p>21.5.32.2 All other surface finishes shall have a reflectance value of not greater than 30%.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• External appearance.</li> <li>• Visual prominence from both public places and private locations.</li> <li>• Landscape character.</li> <li>• Visual amenity.</li> </ul> | RD             |
| 21.5.33 | <p><b>Building size</b></p> <p>The maximum ground floor area of any building shall be 500m<sup>2</sup>.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• External appearance.</li> <li>• Visual prominence from both public places and private locations.</li> <li>• Visual amenity.</li> <li>• Privacy, outlook and amenity from adjoining properties.</li> </ul>   | RD             |
| 21.5.34 | <p><b>Building Height</b></p> <p>The maximum height for any industrial building shall be 10m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• rural amenity and landscape character.</li> <li>• privacy, outlook and amenity from adjoining properties.</li> </ul>  | RD             |

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| Table 8 – Standards for activities within the Rural Industrial Sub Zone |  | Non-Compliance |
|---|--|----------------|
| 21.5.35   | <p>Setback from Sub Zone Boundaries</p> <p>The minimum setback of any building within the Rural Industrial Sub Zone shall be 10m from the Sub Zone boundaries.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• The requirement for landscaping to act as a buffer between the Rural Industrial Sub-Zone and neighbouring properties and whether there is adequate room for landscaping within the reduced setback.</li> <li>• Rural amenity and landscape character.</li> <li>• Privacy, outlook and amenity from adjoining properties.</li> </ul> | RD             |
| 21.5.36   | <p>Retail Activities</p> <p>Retail activities including the display of items for sale shall be undertaken within a building and shall not exceed 10% of the building's total floor area.</p>   | NC             |
| 21.5.37   | <p><del>Lighting and Glare</del></p> <p>21.5.37.1 <del>All fixed exterior lighting shall be directed away from adjoining sites and roads; and</del></p> <p>21.5.37.2 <del>No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.</del></p> <p>21.5.37.3 <del>There shall be no upward light spill.</del></p>             | NC             |

**Comment [CB68]:** Drafting matter and Issue 13 s42a.

| Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers |  | Activity |
|--|--|----------|
| 21.5.38  | <p><b>Jetboat Race Events</b></p> <p>Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge not exceeding 6 race days in any calendar year.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> <li>• The date, time, duration and scale of the jetboat race event, including its proximity to other such events, such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity.</li> <li>• Adequate public notice is given of the holding of the event.</li> <li>• Reasonable levels of public safety are maintained.</li> </ul> | C        |
| 21.5.39  | <p><b>Commercial non-motorised boating activities</b></p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• <del>Location, S</del> scale and intensity of the activity.</li> </ul>   | RD       |

**Comment [CB69]:** Submitter 621.

## RURAL ZONE 21

|         | <b>Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers</b>   | <b>Activity</b> |
|---------|---|-----------------|
|         | <ul style="list-style-type: none"> <li>• Amenity effects, including loss of privacy, remoteness or isolation.</li> <li>• Congestion and safety, including effects on other commercial operators and recreational users.</li> <li>• Waste disposal.</li> <li>• Cumulative effects.</li> <li>• Parking, access safety and transportation effects.</li> </ul>  |                 |
| 21.5.40 | <p><b>Jetties and Moorings in the Frankton Arm</b></p> <p>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan Maps.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands.</li> <li>• Whether the structure causes an impediment to craft manoeuvring and using shore waters.</li> <li>• The degree to which the structure will diminish the recreational experience of people using public areas around the shoreline.</li> <li>• The effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect.</li> <li>• Whether the structure will be used by a number and range of people and craft, including the general public.</li> <li>• The degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design.</li> </ul> | RD              |
| 21.5.41 | <p><b>Structures and Moorings</b></p> <p>Any structure or mooring that passes across or through the surface of any lake or river or is attached to the bank of any lake and river, other than where <u>post and wire</u> fences cross lakes and rivers <u>which are permitted</u>.</p>  | D               |
| 21.5.42 | <p><b>Structures and Moorings</b></p> <p>Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying.</p>   | NC              |
| 21.5.43 | <p><b><del>Motorised Commercial Boating Activities</del></b></p> <p><del>Motorised commercial boating activities.</del></p> <p>Note: Any person wishing to commence commercial boating activities could require a concession under the QLDC Navigation Safety Bylaw. There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and</p>  | D               |

## RURAL ZONE 21

|         | <b>Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers</b>   | <b>Activity</b> |
|---------|---|-----------------|
|         | Tucker Beach until 1 April 2009 with four rights of renewal of five years each  |                 |
| 21.5.44 | <p><b><u>Motorised</u> Recreational and <u>e</u>Commercial <u>b</u>Boating <u>a</u>Activities</b></p> <p>The use of motorised craft on the following lakes and rivers is prohibited, except where the activities are for emergency search and rescue, hydrological survey, public scientific research, resource management monitoring or water weed control, or for access to adjoining land for farming activities.</p> <p>21.5.44.1 Hawea River, <u>except the following activities are permitted:-</u></p> <p style="padding-left: 40px;"><u>On six days in each year (including at least four (4) days in the months January to April, November and December) provided the following conditions are met:</u></p> <ul style="list-style-type: none"> <li><u>(i) The Jet Boat Association of New Zealand ("JBANZ") (JBANZ or one of the Otago and Southland Branches as its delegate) administers the activity on each day;</u></li> <li><u>(ii) The prior written approval of Central Otago Whitewater Inc is obtained if that organisation is satisfied that none of its member user groups are organising activities on the relevant days; and</u></li> <li><u>(iii) JBANZ gives two (2) calendar months written notice to the Council's Harbour-Master of both the proposed dates and the proposed operating schedule;</u></li> <li><u>(iv) The Council's Harbour-Master satisfies himself that none of the regular kayaking, rafting or other whitewater (non-motorised) river user groups or institutions (not members of Central Otago Whitewater Inc) were intending to use the Hawea River on that day, and issues an approved operating schedule;</u></li> <li><u>(v) JBANZ carries out, as its expense, public notification on two occasions 14 and 7 days before the proposed jet boating;</u></li> <li><u>(vi) Public notification for the purposes of (v) means a public notice with double-size font heading in both the Otago Daily Times and the Southland Times, and written notices posted at the regular entry points to the Hawea River.</u></li> </ul> <p>21.5.44.2 Commercial boating activities on Lake Hayes.</p> <p>21.5.44.3 Any tributary of the Dart and Rees rivers (except the <u>Beansburn</u>, Rockburn tributary of the Dart River) or upstream of Muddy Creek on the Rees River.</p> <p>21.5.44.4 Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.</p> <p>21.5.44.5 Dingle Burn and Timaru Creek.</p> <p>21.5.44.6 The tributaries of the Hunter River.</p> | PR              |

**Comment [CB70]:** Submitter JBNZI

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| <b>Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers</b> |   | <b>Activity</b>       |
|---|---|-----------------------|
|   | 21.5.44.7 Hunter River during the months of May to October inclusive.<br>21.5.44.8 Motatapu River.<br>21.5.44.9 Any tributary of the Matukituki River.<br>21.5.44.10 Clutha River - More than six jet boat race days per year as allowed by Rule 21.5.38.   |                       |
| <b>Standards: Surface of Lakes and Rivers</b>   |   | <b>Non-Compliance</b> |
| 21.5.45   | <b>Boating craft used for Accommodation</b><br>Boating craft on the surface of the lakes and rivers <u>may be</u> used for accommodation, <del>unless</del> <u>subject to compliance with the following:</u><br>21.5.45.1 <del>The craft is shall</del> only <u>be</u> used for overnight recreational accommodation; and<br>21.5.45.2 <del>The craft is shall</del> not <u>be</u> used as part of any commercial activity; and<br>21.5.45.3 <del>All effluent shall be is</del> contained on board the craft and removed, <u>ensuring that no effluent is discharged into the lake or river.</u>   | NC                    |
| 21.5.46   | <u><b>Jetties and Moorings in the Frankton Arm</b></u><br><u>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan Maps</u><br>No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:<br>21.5.46.1 <del>Be</del> closer than 200 metres to any existing jetty;<br>21.5.46.2 <del>Exceed</del> 20 metres in length;<br>21.5.46.3 <del>Exceed</del> four berths per jetty, of which at least one berth is available to the public at all times;<br>21.5.46.4 <del>Be</del> constructed further than 200 metres from a property in which at least one of the registered owners of the jetty resides. | NC                    |
| 21.5.47   | The following activities are subject to compliance with the following standards:<br>21.5.47.1 Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft shall only operate between the hours of 0800 to 2000. <u>Except: Public transport ferry activities.</u><br>21.5.47.2 Lake Wanaka, Lake Hawea and Lake Wakatipu - Commercial jetski operations shall only be undertaken between the hours of 0800 to 2100 on lakes Wanaka and  | NC                    |

**Comment [CB71]:** Submitters 621, 383, 766, 806.

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| <b>Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers</b> |   | <b>Activity</b> |
|---|---|-----------------|
|   | Hawea and 0800 and 2000 on Lake Wakatipu.   |                 |
| 21.5.47.3   | Dart and Rees Rivers - Commercial motorised craft shall only operate between the hours of 0800 to 1800, except that above the confluence with the Beansburn on the Dart River commercial motorised craft shall only operate between the hours of 1000 to 1700.              |                 |
| 21.5.47.4   | Dart River – The total number of commercial motorised boating activities shall not exceed 26 trips in any one day. No more than two commercial jet boat operators shall operate upstream of the confluence of the Beansburn, other than for tramper and angler access only. |                 |

| <b>Table 10 Closeburn Station: Activities</b>                    |   | <b>Activity</b>       |
|--|---|-----------------------|
| 21.5.48  | The construction of a single residential unit and any accessory building(s) within lots 1 to 6, 8 to 21 DP 26634 located at Closeburn Station.<br><br>Control is reserved to all of the following: <ul style="list-style-type: none"> <li>• External appearances and landscaping, with regard to conditions 2.2(a), (b), (e) and (f) of resource consent RM950829.</li> <li>• Associated earthworks, lighting, access and landscaping.</li> <li>• Provision of water supply, sewage treatment and disposal, electricity and telecommunications services.</li> </ul> | C                     |
| <b>Closeburn Station: Standards for Buildings and Structures</b> |   | <b>Non-compliance</b> |
| 21.5.49  | <b>Setback from Internal Boundaries</b><br><br>21.5.49.1 The minimum setback from internal boundaries for buildings within lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 2 metres.<br><br>21.5.49.2 There shall be no minimum setback from internal boundaries within lots 7 and 22 to 27 DP300573 at Closeburn Station.   | D                     |
| 21.5.50  | <b>Building Height</b><br><br>21.5.50.1 The maximum height for any building, other than accessory buildings, within Lots 1 and 6 and 8 to 21 DP 26634 at Closeburn Station shall be 7m.<br><br>21.5.50.2 The maximum height for any accessory building within Lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 5m.<br><br>21.5.50.3 The maximum height for any building within Lot 23 DP 300573 at Closeburn Station shall be 5.5m.<br><br>21.5.50.4 The maximum height for any building within Lot 24 DP   | NC                    |

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|         |   |    |
|---------|---|----|
|         | 300573 at Closeburn Station shall be 5m.  |    |
| 21.5.51 | <b>Residential Density</b><br>In the Rural Zone at Closeburn Station, there shall be no more than one residential unit per allotment (being lots 1-27 DP 26634); excluding the large rural lots (being lots 100 and 101 DP 26634) held in common ownership. | NC |
| 21.5.52 | <b>Building Coverage</b><br>In lots 1-27 at Closeburn Station, the maximum residential building coverage of all activities on any site shall be 35%.  | NC |

# RURAL ZONE 21

## 21.6 Non-Notification of Applications

Any application for resource consent for the following matters shall not require the written consent of other persons and shall not be notified or limited-notified:

- 21.6.1 **Controlled activity retail sales of farm and garden produce and handicrafts grown or produced on site (Rule 21.4.14), except where the access is onto a State highway.**
- 21.6.2 **Controlled activity mineral exploration (Rule 21.4. 31).**
- 21.6.3 **Controlled activity buildings at Closeburn Station (Rule 21.5.48).**

## 21.7 Assessment Matters (Landscapes)

- 21.7.1 **Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).**

~~These assessment matters~~ Applications shall be considered with regard to the following principles assessment matters, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the zone Wakatipu Basin, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes:

- 21.7.1.1 ~~The assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases.~~
- 21.7.1.2 Existing vegetation that:
  - a. was either planted after, or, self-seeded and less than 1 metre in height at 28 September 2002; and,
  - b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:
    - as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
    - as part of the permitted baseline.
- 21.7.1.3 Effects on landscape quality and character

In considering whether the proposed development will maintain or enhance the quality and character of Outstanding Natural Features and Landscapes, the Council shall be satisfied of the extent to which the proposed development will affect landscape quality and character, taking into account the following elements:

  - a. Physical attributes:
    - Geological, topographical, geographic elements in the context of whether these formative processes have a profound influence on landscape character;
    - Vegetation (exotic and indigenous);
    - The presence of waterbodies including lakes, rivers, streams, wetlands.
  - b. Visual attributes:
    - Legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
    - Aesthetic values including memorability and naturalness;

**Comment [CB72]:** J Brown 606 et. al.

**Comment [CB73]:** Submitters: Spark Trading NZ Ltd (191) J McQuilkin (345), Hogans Gully Farm Ltd (456), Powernet (251), Willowridge Developments Ltd (249), Darby Planning LP (608). and linkage with Council's reply to the Landscape Chapter s42A recommendations.

**Comment [CB74]:** Submitter Spark Trading NZ Ltd (191) J McQuilkin (345), Hogans Gully Farm Ltd (456), Powernet (251), Willowridge Developments Ltd (249), Darby Planning LP (608)

And linkage with Council's reply to the Landscape Chapter s42A recommendations.

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- Transient values including values at certain times of the day or year;
  - Human influence and management – settlements, land management patterns, buildings, roads.
- c. Appreciation and cultural attributes:
- Whether the elements identified in (a) and (b) are shared and recognised;
  - Cultural and spiritual values for tangata whenua;
  - Historical and heritage associations.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

- d. In the context of (a) to (c) above, the degree to which the proposed development will affect the existing landscape quality and character, including whether the proposed development accords with or degrades landscape quality and character, and to what degree.
- e. any proposed new boundaries will not give rise to artificial or unnatural lines (such as planting and fence lines) or otherwise degrade the landscape character.

### 21.7.1.4 Effects on visual amenity

In considering whether the potential visibility of the proposed development will maintain and enhance visual amenity, values the Council shall be satisfied that:

- a. the extent to which the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places. In the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, cycling, equestrian and other means of access;
- b. the proposed development will not be visually prominent such that it detracts from public or private views of and within Outstanding Natural Features and Landscapes;
- c. the proposal will be appropriately screened or hidden from view by elements that are in keeping with the character of the landscape;
- d. the proposed development will not reduce the visual amenity values of the wider landscape (not just the immediate landscape);
- e. structures will not be located where they will break the line and form of any ridges, hills and slopes;
- f. any roads, access, lighting, earthworks and landscaping will not reduce the visual amenity of the landscape.

### 21.7.1.5 Design and density of Development

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

- a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);
- b. there is merit in clustering the proposed building(s) or building platform(s) within areas that are least sensitive to change;
- c. development, including access, is located within the parts of the site where it would be least visible from public and private locations;

## RURAL ZONE 21

d. development, including access, is located in the parts of the site where it has the least impact on landscape character.

### 21.7.1.6 Cumulative effects of subdivision and development on the landscape

Taking into account whether and to what extent existing, consented or permitted development (including unimplemented but existing resource consent or zoning) may already have degraded:

- a. the landscape quality or character; or,
- b. the visual amenity values of the landscape.

The Council shall be satisfied the proposed development, in combination with these factors will not further adversely affect the landscape quality, character, or visual amenity values.

### 21.7.2 Rural Landscape Classification (RLC)

These assessment matters shall be considered with regard to the following principles because in the Rural Landscapes the applicable activities are inappropriate ~~unsuitable~~ in many locations:

21.7.2.1 ~~The assessment matters shall be stringently applied to the effect that successful applications are, on balance, consistent with the criteria.~~

21.7.2.2 Existing vegetation that:

- a. was either planted after, or, self seeded and less than 1 metre in height at 28 September 2002; and,
- b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:
  - as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
  - as part of the permitted baseline.

21.7.2.3 Effects on landscape quality and character:

The following shall be taken into account:

- a. where the site is adjacent to an Outstanding Natural Feature or Landscape, whether and the extent to which the proposed development will adversely affect the quality and character of the adjacent Outstanding Natural Feature or Landscape;
- b. whether and the extent to which the scale and nature of the proposed development will degrade the quality and character of the surrounding Rural Landscape;
- c. whether the design and any landscaping would be compatible with or would enhance the quality and character of the Rural Landscape.

21.7.2.4 Effects on visual amenity:

Whether the development will result in a loss of the visual amenity of the Rural Landscape, having regard to whether and the extent to which:

- a. the visual prominence of the proposed development from any public places will reduce the visual amenity of the Rural Landscape. In the case of proposed development which is visible from unformed legal roads, regard shall be had to the frequency and intensity of the present use and, the practicalities and likelihood of potential use of these unformed legal roads as access;

**Comment [CB75]:** Submitter: submitters Spark Trading NZ Ltd (191) J McQuilkin (345), Hogans Gully Farm Ltd (456), Powernet (251), Willowridge Developments Ltd (249), Darby Planning LP (608), 497 and linkage with Council's reply to the Landscape Chapter s42A recommendations.

**Comment [CB76]:** Linkage with Council's reply to the Landscape Chapter s42A recommendations.

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- b. the proposed development is likely to be visually prominent such that it detracts from private views;
- c. any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from or obstruct views of the Rural Landscape from both public and private locations;
- d. the proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations;
- e. any proposed roads, boundaries and associated planting, lighting, earthworks and landscaping will reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns;
- f. boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units.

### 21.7.2.5 Design and density of development:

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

- a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);
- b. there is merit in clustering the proposed building(s) or building platform(s) having regard to the overall density and intensity of the proposed development and whether this would exceed the ability of the landscape to absorb change;
- c. development, including access, is located within the parts of the site where they will be least visible from public and private locations;
- d. development, including access, is located in the parts of the site where they will have the least impact on landscape character.

### 21.7.2.6 Tangata Whenua, biodiversity and geological values:

- a. whether and to what extent the proposed development will degrade Tangata Whenua values including Tōpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features will have.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

### 21.7.2.7 Cumulative effects of development on the landscape:

Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values. The Council shall be satisfied;

- a. the proposed development will not further degrade landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of valued quality, character and openness due to the prevalence of residential or non-farming activity within the Rural Landscape.
- b. where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development, whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.

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- 21.7.3 **Other factors and positive effects, applicable in all the landscape categories (ONF, ONL and RLC)**
- 21.7.3.1 In the case of a proposed residential activity or specific development, whether a specific building design, rather than nominating a building platform, helps demonstrate whether the proposed development is appropriate.
- 21.7.3.2 Other than where the proposed development is a subdivision and/or residential activity, whether the proposed development, including any buildings and the activity itself, are consistent with rural activities or the rural resource and would maintain or enhance the quality and character of the landscape.
- 21.7.3.3 In considering whether there are any positive effects in relation to the proposed development, or remedying or mitigating the continuing adverse effects of past subdivision or development, the Council shall take the following matters into account:
- a. whether the proposed subdivision or development provides an opportunity to protect the landscape from further development and may include open space covenants or esplanade reserves;
  - b. whether the proposed subdivision or development would enhance the character of the landscape, or protects and enhances indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status;
  - c. any positive effects including environmental compensation, easements for public access such as walking, cycling or bridleways or access to lakes, rivers or conservation areas;
  - d. any opportunities to retire marginal farming land and revert it to indigenous vegetation;
  - e. where adverse effects cannot be avoided, mitigated or remedied, the merits of any compensation;
  - f. whether the proposed development assists in retaining the land use in low intensity farming where that activity maintains the valued landscape character.

# RURAL ZONE 21

## Recommended amendments to definitions relevant to the activities within Chapter 21.

### Issue 7: Ski Area Activities within the Ski Area Subzones

|                               |   |
|-------------------------------|---|
| <b>Passenger Lift Systems</b> | <p><u>Means any mechanical system used to convey or transport passengers within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers. Excludes base and terminal buildings.</u></p> |
|-------------------------------|---|

Comment [CB77]: Submitter 407

|                            |  |
|----------------------------|--|
| <b>Ski Area Activities</b> | <p><u>Means the use of natural and physical resources for the purpose of providing for establishing, operating and maintaining the following activities and structures:</u></p> <ul style="list-style-type: none"> <li>(a) recreational activities either commercial or non commercial</li> <li>(b) <del>chairlifts, t bars and rope tows to facilitate commercial recreational activities</del> <u>passenger lift systems.</u></li> <li>(c) use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities.</li> <li>(d) activities ancillary to commercial recreational activities <u>including</u> <del>avalanche safety, ski patrol, formation of snow trails and terrain.</del></li> <li>(e) <u>Installation and operation of snow making infrastructure including reservoirs, pumps and snow makers.</u></li> <li>(f) in the Waiorau Snow Farm Ski Area Sub Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.</li> </ul> |
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Comment [CB78]: Submitter 613

Comment [CB79]: Submitter 407

Comment [CB80]: Submitter 613.

Comment [CB81]: Submitter 613.

### Issue 14: Mining Activity

|                        |   |
|------------------------|---|
| <b>Mining Activity</b> | <p><del>Means the use of land and buildings for the primary purpose of the extraction, winning, quarrying, excavation, taking and associated processing of minerals and includes prospecting and exploration.</del></p> <p>(a) means operations in connection with mining, <del>exploring, or prospecting</del> <u>for any mineral; and</u></p> <p>(b) includes, when carried out at or near the site where the mining, <del>exploration, or prospecting</del> is undertaken,—</p> <ul style="list-style-type: none"> <li>(i) <u>the extraction, transport, treatment, processing, and separation of any mineral or chemical substance from the mineral; and</u></li> <li>(ii) <u>the construction, maintenance, and operation of any works, structures, and other land improvements, and of any related</u></li> </ul> |
|------------------------|---|

Comment [CB82]: Submitter 519.

Comment [CB83]: Changes to all mining definitions: Submitter 519.

## RURAL ZONE 21

|  |  |
|--|--|
|  | <p><u>machinery and equipment connected with the operations; and</u></p> <p><u>(iii) the removal of overburden by mechanical or other means, and the stacking, deposit, storage, and treatment of any substance considered to contain any mineral; and</u></p> <p><u>(iv) the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations.</u></p> <p><u>Mineral extraction, extraction or extractive activities shall have the same meaning.</u></p> |
|--|--|

|                            |  |
|----------------------------|--|
| <b>Mineral Prospecting</b> | <p>Means any activity undertaken for the purpose of identifying land likely to contain <del>exploitable</del> mineral deposits or occurrences; and includes <u>the following activities:</u></p> <ul style="list-style-type: none"> <li>• Geological, geochemical, and geophysical surveys;</li> <li>• The taking of samples by hand or hand held methods;</li> <li>• Aerial surveys.</li> </ul> |
|----------------------------|--|

Comment [CB84]: Submitter 519

|                            |  |
|----------------------------|--|
| <b>Mineral Exploration</b> | <p><u>Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning.</u></p> |
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Comment [CB85]: Submitter 519

|                         |  |
|-------------------------|--|
| <b>Residential Flat</b> | <p>Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria:</p> <ul style="list-style-type: none"> <li>• Has a total floor area not exceeding 70m<sup>2</sup>, <u>and 150m<sup>2</sup> in the Rural Zone and Rural Lifestyle Zone</u>, not including the floor area of any garage or carport;</li> <li>• contains no more than one kitchen facility;</li> <li>• is limited to one residential flat per residential unit; and</li> <li>• is situated on the same site and held in the same ownership as the residential unit, but may be leased to another party.</li> </ul> <p>Notes:</p> <ul style="list-style-type: none"> <li>• A proposal that fails to meet any of the above criteria will be considered as a residential unit.</li> <li>• Development contributions and additional rates apply.</li> </ul> |
|-------------------------|--|

Comment [CB86]: Submitter 497

**APPENDIX 2**  
**SECTION 32AA EVALUATION**

# Appendix 2

## Section 32AA Assessment

**Note:**

The relevant provisions from the Revised Chapter are set out below, showing:

- 1) Red underlined text for additions and ~~red strike through~~ text for deletions, Appendix 1 to Craig Barr's Right of Reply, dated 3 June 2016.
- 2) Purple underlined text for additions and ~~purple strike through~~ text for deletions, Working Draft in response to the Panel's Fourth Procedural Minute, dated 13 April 2016.
- 3) Black underlined text for additions and ~~black strike through~~ text for deletions, Appendix 1 to Craig Barr's s42A report, dated 7 April 2016.

The section 32AA assessment then follows in a separate table underneath each of the provisions.

## 21 Rural Zone

### 21.1 Zone Purpose

The purpose of the Rural zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, nature conservation values, the soil and water resource and rural amenity.

A wide range of productive activities occur in the Rural Zone and because the majority of the District's distinctive landscapes comprising open spaces, lakes and rivers with high visual quality and cultural value are located in the Rural Zone, there also exists ~~the desire for a wide range of~~ rural living, recreation, commercial and tourism activities and the desire for further opportunities for these activities.

Ski Area sub zones are located within the Rural Zone. These sub zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area sub zones is to enable the continued development of Ski Area Activities as year round destinations for ski area, tourism and recreational activities within the identified sub zones where the effects of the development ~~would be~~ are cumulatively minor.

In addition, the Rural Industrial Sub Zone includes established industrial activities that are based on rural resources or support farming and rural productive activities.

A substantial proportion of the Outstanding Natural Landscapes of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of ~~farm~~ rural properties that utilise the qualities that make them so valuable.

The Gibbston Valley is recognised as a Special Character Area for viticulture production and the management of this area is provided for in Chapter 23.

| Recommended updated Policy 23.2.1.7  |  |   |
|--|--|---|
| Costs  | Benefits   | Effectiveness & Efficiency  |
| <ul style="list-style-type: none"> <li>The changes could make the Rural Zone too 'open' for rural living development and create a disjoint with the Landscape</li> </ul> | <ul style="list-style-type: none"> <li>The changes reflect the reality that a broad range of activities seek to locate in the Rural Zone, and this is already</li> </ul> | <ul style="list-style-type: none"> <li>This change is effective because it is a diverse synopsis of the activities that occur and seek to establish in</li> </ul> |

|                                   |  |                 |
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| and Strategic Direction Chapters. | contemplated in the policy and rule framework. | the Rural Zone. |
|-----------------------------------|--|-----------------|

Policy 21.2.1.2 ~~Provide for Enable~~ Farm Buildings associated with ~~larger~~ landholdings of 100 hectares in area ~~and provide for Farm Buildings where while managing~~ the location, scale and colour of the buildings ~~will not adversely affect on~~ landscape values.

| Recommended changes to Policy 21.2.1.2                               |   |  |
|--|---|--|
| Costs  | Benefits  | Effectiveness & Efficiency   |
| <ul style="list-style-type: none"> <li>• None identified.</li> </ul> | <ul style="list-style-type: none"> <li>• This change makes the policy more descriptive of the two scenarios contemplated by the rule framework. The first is to permit buildings (subject to standards) on large landholdings. The second component is where a resource consent is required, the effects are managed to ensure the matters specified in the policy are not degraded.</li> </ul> | <ul style="list-style-type: none"> <li>• This change is effective because it provides clarity around the two scenarios to plan users.</li> </ul> |

Objective 21.2.4 ~~Manage s~~Situations where sensitive activities conflict with existing and anticipated activities ~~are managed to minimise conflict between incompatible land uses~~ in the Rural Zone.

| Recommended changes to Objective 21.2.4                              |   |   |
|--|---|---|
| Costs  | Benefits  | Effectiveness & Efficiency  |
| <ul style="list-style-type: none"> <li>• None identified.</li> </ul> | <ul style="list-style-type: none"> <li>• This objective provides a better description.</li> <li>• The use of the phrase 'reverse sensitivity' is purposefully not used because the objective also contemplates/seeks to address effects from established activities and the maintenance of rural amenity, whereas 'reverse sensitivity' is generally regarded as a new activity coming to the nuisance of an established activity.</li> </ul> | <ul style="list-style-type: none"> <li>• This change is effective because it improves the grammar of the objective.</li> <li>• This change also provides clarity as it qualifies what is meant by 'managed' resulting in an effective objective.</li> </ul> |

21.2.5.5 Manage through avoiding or mitigating the potential for other land uses, including development of other resources above, or in close proximity to mineral deposits, to adversely affect the extraction of known mineral deposits.

21.2.5.6 Encourage environmental compensation where mineral extraction would have significant adverse effects.

| Recommended new policies 21.2.5.5 and 21.2.5.6   |   |   |
|--|---|---|
| Costs  | Benefits  | Effectiveness & Efficiency  |
| <ul style="list-style-type: none"> <li>Potential costs to any person opposed to mining in the District.</li> </ul> | <ul style="list-style-type: none"> <li>Policy 21.2.5.5 allows consideration of the potential for activities that could impinge on a mineral resource.</li> <li>Policy 21.2.5.6 contemplates the opportunity for environmental compensation in specified circumstances.</li> </ul> | <ul style="list-style-type: none"> <li>This change is effective because it could help protect an important mineral resource (21.2.5.5), and provides opportunities for compensatory measures if the circumstances arises (21.2.5.6).</li> <li>Policy 21.2.5.6 is also effective in this location where it is separated from the Indigenous Vegetation and Biodiversity Chapter and the recommended policy on biodiversity offsetting, to ensure these two concepts are not confused with each other.</li> </ul> |

**Objective 21.2.6- ~~Encourage~~ The future growth, development and consolidation of existing Ski Areas ~~Skiing Area Activities~~ is encouraged within identified Ski Area Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.**

| Recommended change to Objective 21.2.6                             |   |  |
|--|---|--|
| Costs  | Benefits  | Effectiveness & Efficiency   |
| <ul style="list-style-type: none"> <li>None identified.</li> </ul> | <ul style="list-style-type: none"> <li>This change improves the structure and flow of the objective.</li> </ul> | <ul style="list-style-type: none"> <li>This change is effective because it improves the grammar and effectiveness of the objective.</li> </ul> |

21.2.6.4 Provide for appropriate alternative (non-road) means of transport to and within Ski Area Sub Zones, by way of passenger lift systems and ancillary structures and facilities.

21.2.6.5 Provide for visitor accommodation activities within Ski Area Sub Zones and associated with a Ski Area Activity, which are complementary to outdoor recreation activities, can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.

| Recommended new policies 21.2.6.4 and 21.2.6.5   |   |  |
|--|---|--|
| Costs  | Benefits  | Effectiveness & Efficiency   |
| <ul style="list-style-type: none"> <li>• Potential for a proliferation of visitor accommodation, and buildings and activities within remote locations, however the corresponding rule is restricted discretionary for visitor accommodation and passenger lifts outside the Ski Area Sub Zone (<b>SASZ</b>) and this provides the Council the ability to decline consents if required..</li> </ul> | <ul style="list-style-type: none"> <li>• The changes provide policy direction for the respective rules for passenger lift systems both in and out of the SASZ.</li> <li>• The changes provide for accommodation options within the SASZ and this could have positive effects both in terms of the tourism resource and worker accommodation options.</li> </ul> | <ul style="list-style-type: none"> <li>• This change is effective because it provides a policy direction for the rules for passenger lift systems and visitor accommodation associated with ski area activities.</li> <li>• The policies broaden the range of activities contemplated within commercial ski operations.</li> </ul> |

**Objective 21.2.7 - ~~Separate activities sensitive to aircraft noise from existing airports through:~~**

- ~~Wanaka: Retention of an area containing activities that are not sensitive to aircraft noise, within an airport's Outer Control Boundary, to act as a buffer between airports and activities sensitive to aircraft noise (ASAN).~~
- ~~Queenstown: Retention of an area for Airport related activities or where appropriate an area for activities not sensitive to aircraft noise within an airport's Outer Control Boundary to act as a buffer between airports and other land use activities.~~

An area ~~to contain~~ is retained ~~Retention of an area containing that excludes~~ activities that are **not** sensitive to aircraft noise, ~~is retained~~ within an airport's Outer Control Boundary, to act as a buffer between airports and Activities Sensitive to Aircraft Noise.

| Recommended changes to Objective 21.2.7                              |  |  |
|--|--|--|
| Costs  | Benefits   | Effectiveness & Efficiency   |
| <ul style="list-style-type: none"> <li>• None identified.</li> </ul> | <ul style="list-style-type: none"> <li>• This change provides better clarity.</li> </ul> | <ul style="list-style-type: none"> <li>• This change is effective because it improves the grammar of the objective.</li> </ul> |

**Objective 21.2.9 - ~~Ensure commercial~~ A range of activities are undertaken ~~that rely on a rural location~~ on the basis they do not degrade landscape values, rural amenity, or impinge on ~~farming permitted~~ and established activities.**

| Recommended changes to Objective 21.2.9                              |  |  |
|--|--|--|
| Costs  | Benefits   | Effectiveness & Efficiency   |
| <ul style="list-style-type: none"> <li>• None identified.</li> </ul> | <ul style="list-style-type: none"> <li>• This change will strengthen the location need and that other activities should have a genuine link with the rural land</li> </ul> | <ul style="list-style-type: none"> <li>• This change is effective because it improves the range of activities contemplated and effectiveness of the policy.</li> </ul> |

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|--|-----------|--|
|  | resource. |  |
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21.2.9.8 Ensure that rural living is located where rural character, amenity and landscape values can be managed to ensure that over domestication of the rural landscape is avoided.

| Recommended changes to policy 21.2.9.8  |   |  |
|---|---|--|
| Costs   | Benefits  | Effectiveness & Efficiency   |
| <ul style="list-style-type: none"> <li>The policy has the potential to create an expectation that rural living is too readily contemplated.</li> <li>Has potential to conflict with the Landscape objective 6.3.2 associated with cumulative adverse effects from residential development.</li> </ul> | <ul style="list-style-type: none"> <li>This change will provide some context to an activity that is clearly contemplated in the Rural Zone, without conflicting or duplicating from the Landscape Chapter.</li> </ul> | <ul style="list-style-type: none"> <li>This change is effective because it provides direction and acknowledgement of the rural living subject to it being located in areas with capacity to absorb development.</li> </ul> |

**Objective 21.2.11 - ~~Manage~~ The location, scale and intensity of informal airports is managed to maintain amenity values while protecting informal airports from incompatible land uses.**

| Recommended changes to Objective 21.2.11                           |  |  |
|--|--|--|
| Costs  | Benefits   | Effectiveness & Efficiency   |
| <ul style="list-style-type: none"> <li>None identified.</li> </ul> | <ul style="list-style-type: none"> <li>This change provides better direction for decision makers and provides a better description of the environmental outcome sought.</li> </ul> | <ul style="list-style-type: none"> <li>This change is effective because it improves the grammar and effectiveness of the objective by clearly stating what the environmental outcome sought is.</li> </ul> |

**Policy**

~~21.2.11.1 Recognise that informal airports are an appropriate activity within the rural environment, provided the~~ **Ensure** informal airports is are located, operated and managed ~~so as~~ to minimise adverse effects on maintain the surrounding rural amenity.

| Recommended changes to policy 21.2.11.1                            |  |   |
|--|--|---|
| Costs  | Benefits   | Effectiveness & Efficiency  |
| <ul style="list-style-type: none"> <li>None identified.</li> </ul> | <ul style="list-style-type: none"> <li>This change provides better direction for decision makers.</li> </ul> | <ul style="list-style-type: none"> <li>This change is effective because it improves the grammar and effectiveness of the policy by providing better direction.</li> </ul> |

21.2.11.3 Protect legally established and permitted informal airports from the establishment of incompatible activities.

| Recommended new policy 21.2.11.3                                     |   |  |
|--|---|--|
| Costs  | Benefits  | Effectiveness & Efficiency   |
| <ul style="list-style-type: none"> <li>• None identified.</li> </ul> | <ul style="list-style-type: none"> <li>• This change will ensure new activities that are sensitive to informal airport activities are considered.</li> <li>• The policy will bring into direct consideration that there are established activities in rural areas that create adverse effects from time to time.</li> </ul> | <ul style="list-style-type: none"> <li>• This change is effective because it provides protection for legally established informal airports.</li> </ul> |

**Objective 21.2.12 - ~~Protect, maintain or enhance~~ The surface of lakes and rivers and their margins are protected, maintained or enhanced, while providing for appropriate activities including recreational, commercial recreational and public transport.**

| Recommended changes to Objective 21.2.12                             |  |   |
|--|--|---|
| Costs  | Benefits   | Effectiveness & Efficiency  |
| <ul style="list-style-type: none"> <li>• None identified.</li> </ul> | <ul style="list-style-type: none"> <li>• This change provides a broader understanding of the resources to manage.</li> </ul> | <ul style="list-style-type: none"> <li>• This change is effective because it improves the effectiveness of the objective by including the types of activities that seek to locate by lakes and rivers that could conflict with each other and which need protecting.</li> </ul> |

21.2.12.4 ~~Recognise~~ Have regard to the whitewater values of the District's rivers and, in particular, the values of parts of the Kawarau, Nevis and Shotover Rivers as two three of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.

| Recommended changes to policy 21.2.12.4                              |   |  |
|--|---|--|
| Costs  | Benefits  | Effectiveness & Efficiency   |
| <ul style="list-style-type: none"> <li>• None identified.</li> </ul> | <ul style="list-style-type: none"> <li>• This change recognises that the water conservation order and 'whitewater' values are not across the entire river systems, particularly for the Kawarau.</li> </ul> | <ul style="list-style-type: none"> <li>• This change is effective because it is more accurate in so far that not all of the rivers have the values specified in the policy.</li> </ul> |

21.2.12.5 ~~Protect, maintain or enhance~~ Preserve the natural character and nature conservation values of lakes, rivers and their margins, from inappropriate activities with particular regard to places with nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.

| Recommended changes to Policy 21.2.12.5  |   |   |
|--|---|---|
| Costs  | Benefits  | Effectiveness & Efficiency  |
| <ul style="list-style-type: none"> <li>The policy is more conservation focused.</li> </ul> | <ul style="list-style-type: none"> <li>This change better aligns with section 6(a) of the RMA.</li> </ul> | <ul style="list-style-type: none"> <li>This change is effective because it better aligns with section 6(a) of the RMA and will be more effective for decision makers and preserve the natural character of lakes and rivers where this is an important part of the resource.</li> </ul> |

21.2.12.8 Encourage water based public transport ferry systems and associated infrastructure, the development and use of marinas, jetties and moorings in a way that avoids ~~or, where necessary,~~ remedies ~~and~~ or mitigates adverse effects on the environment.

| Recommended changes to Policy 21.2.12.8   |   |  |
|---|---|--|
| Costs   | Benefits  | Effectiveness & Efficiency   |
| <ul style="list-style-type: none"> <li>Has potential to be too enabling and result in adverse effects.</li> </ul> | <ul style="list-style-type: none"> <li>This change recognises a potentially important use of the water resource for transport.</li> </ul> | <ul style="list-style-type: none"> <li>This change is effective because it provides direction that transport could be appropriate subject to design, location, scale and intensity.</li> </ul> |

**Rule 21.4.19**

|  |   |    |
|--|---|----|
|  | <p>Ski Area Activities not located within a Ski Area Sub Zone, with the exception of <u>the following</u>:</p> <p><del>Passenger Lift Systems, heli-skiing and non-commercial skiing.</del></p> <p><u>a. Commercial heli skiing not located within a Ski Area Sub Zone is a commercial recreation activity Rule 21.4.16 applies.</u></p> <p><u>b. Passenger Lift Systems not located within a Ski Area Sub Zone shall be a restricted discretionary activity.</u></p> <p><u>Discretion is reserved to all of the following:</u></p> <ul style="list-style-type: none"> <li>• <u>The route of the passenger lift system and the extent to which the passenger lift system breaks the line and form of the landscapes with special regard to skylines, ridges, hills and prominent slopes.</u></li> <li>• <u>Whether the materials and colours to be used are consistent with the rural landscape of which the passenger lift system will form a part.</u></li> <li>• <u>Whether the geotechnical conditions are suitable for the passenger lift system and the extent to which they are relevant to the route.</u></li> <li>• <u>Lighting.</u></li> <li>• <u>The ecological values of the land affected by structures and activities.</u></li> <li>• <u>Balancing environmental considerations with operational requirements.</u></li> <li>• <u>The positive effects arising from directly linking settlements with ski area sub zones and providing alternative non-vehicular access</u></li> </ul> | NC |
|--|---|----|

| <b>Recommended changes to Rule 21.4.19</b>  |   |   |
|---|---|---|
| <b>Costs</b>  | <b>Benefits</b>   | <b>Effectiveness &amp; Efficiency</b>   |
| <ul style="list-style-type: none"> <li>• Making these a restricted discretionary activity means that the landscape assessment matters in part 21.7 would not apply.</li> <li>• There is the potential for adverse effects that are not addressed in the matters of discretion.</li> </ul> | <ul style="list-style-type: none"> <li>• This change will provide a better rule framework and policy connection between the different regulatory regime of what will potentially be the same structures where they pass through the Ski Area Sub Zone and then through land that is zoned Rural.</li> </ul> | <ul style="list-style-type: none"> <li>• This change is effective because it improves the policy direction of the PDP with respect to 'cross-zoning' regulatory differences.</li> </ul> |

**Rule 21.5.6**

**Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)**

All milking sheds or buildings used to house or feed milking stock shall be located at least 300 metres from ~~any formed road, lake, river or~~ adjoining property ~~or formed road.~~

| Recommended changes to Rule 21.5.6   |  |   |
|--|--|---|
| Costs  | Benefits   | Effectiveness & Efficiency  |
| <ul style="list-style-type: none"> <li>The change would restrict the ability for these buildings to be located near formed road, lake or river.</li> </ul> | <ul style="list-style-type: none"> <li>This change will ensure the landscape, amenity and preservation of natural character of lakes and rivers is protected.</li> </ul> | <ul style="list-style-type: none"> <li>This change is effective because it improves environmental protection associated with amenity from formed roads, and the preservation of the natural character of lakes and rivers.</li> </ul> |

| Table 4 - Standards for Farm Buildings   |  | Non-compliance |
|--|--|----------------|
| The following standards apply to Farm Buildings.   |  |                |
| Discretion is restricted to all of the following: <ul style="list-style-type: none"> <li><u>The extent to which the scale and location of the Farm Building is appropriate in terms of:</u> <ul style="list-style-type: none"> <li>Rural Amenity values.</li> <li>Landscape character.</li> <li>Privacy, outlook and rural amenity from adjoining properties.</li> <li>Visibility, including lighting.</li> <li><del>Scale.</del></li> <li><del>Location.</del></li> </ul> </li> </ul> |  | RD             |

| Recommended changes to the assessment matters in Rule 21.4.18      |   |  |
|--|---|--|
| Costs  | Benefits  | Effectiveness & Efficiency   |
| <ul style="list-style-type: none"> <li>None identified.</li> </ul> | <ul style="list-style-type: none"> <li>This change appropriately orders the assessment matters so that:               <ul style="list-style-type: none"> <li>Rural Amenity values.</li> <li>Landscape character.</li> <li>Privacy, outlook and rural amenity from adjoining properties.</li> <li>Visibility, including lighting.</li> </ul>               are matters that influence the fundamental attributes being scale and location.             </li> </ul> | <ul style="list-style-type: none"> <li>This change will improve the effectiveness of the assessment matters by clarifying how the matters of discretion relate to the assessment of Farm Buildings.</li> </ul> |

|        |  |           |
|--------|--|-----------|
| 21.5.X | <p><u>Visitor Accommodation</u></p> <p><u>Of a duration of stay from 0 to 6 months and includes worker accommodation.</u></p> <p><u>Discretion is restricted to all of the following:</u></p> <ul style="list-style-type: none"> <li>• <u>Scale and intensity and whether these would have adverse effects on amenity, including loss of remoteness or isolation.</u></li> <li>• <u>Location, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any).</u></li> <li>• <u>Parking.</u></li> <li>• <u>Provision of water supply, sewage treatment and disposal.</u></li> <li>• <u>Cumulative effects.</u></li> <li>• <u>Natural Hazards.</u></li> </ul> | <u>RD</u> |
|--------|--|-----------|

**Recommended changes to Rule 21.5.x relating to visitor accommodation in the Ski Area Sub Zones**

| <b>Costs</b>   | <b>Benefits</b>   | <b>Effectiveness &amp; Efficiency</b>  |
|--|---|--|
| <ul style="list-style-type: none"> <li>• Cost to the proponent for natural hazard investigation but this is outweighed by the assurance to the Council when approving activities involving habitable buildings.</li> </ul> | <ul style="list-style-type: none"> <li>• The change to visitor accommodation provides clarity, ensures alignment with the definition and now specifies worker accommodation to remove doubt.</li> </ul> | <ul style="list-style-type: none"> <li>• This change is effective because it improves the certainty with the rule and provides certainty of the nature of the activities covered by this provision.</li> </ul> |

|         |  |    |
|---------|--|----|
| 21.5.44 | <p><b><u>Motorised</u> Recreational and <u>e</u>Commercial <u>b</u>Boating <u>a</u>Activities</b></p> <p>The use of motorised craft on the following lakes and rivers is prohibited, except where the activities are for emergency search and rescue, hydrological survey, public scientific research, resource management monitoring or water weed control, or for access to adjoining land for farming activities.</p> <p>Hawea River, <u>except the following activities are permitted:-</u></p> <p><u>On six days in each year (including at least four (4) days in the months January to April, November and December) provided the following conditions are met:</u></p> <ul style="list-style-type: none"> <li>(i) <u>The Jet Boat Association of New Zealand (“JBANZ”) (JBANZ or one of the Otago and Southland Branches as its delegate) administers the activity on each day;</u></li> <li>(ii) <u>The prior written approval of Central Otago Whitewater Inc is obtained if that organisation is satisfied that none of its member user groups are organising activities on the relevant days; and</u></li> <li>(iii) <u>JBANZ gives two (2) calendar months written notice to the Council’s Harbour-Master of both the proposed dates and the proposed operating schedule;</u></li> <li>(iv) <u>The Council’s Harbour-Master satisfies himself that none of the regular kayaking, rafting or other whitewater (non-motorised) river user groups or institutions (not members of Central Otago Whitewater Inc) were intending to use the Hawea River on that day, and issues an approved operating schedule;</u></li> <li>(v) <u>JBANZ carries out, as its expense, public notification on two occasions 14 and 7 days before the proposed jet boating;</u></li> <li>(vi) <u>Public notification for the purposes of (v) means a public notice with double-size font heading in both the Otago Daily Times and the Southland Times, and written notices posted at the regular entry points to the Hawea River.</u></li> </ul> | PR |
|---------|--|----|

| Recommended change to Rule 21.5.44  |   |  |
|---|---|--|
| Costs   | Benefits  | Effectiveness & Efficiency   |
| <ul style="list-style-type: none"> <li>• Costs in terms of idle rules in the PDP if the activity is not undertaken, which is likely.</li> <li>• Potential costs to other users of the Hawea River but this would be mitigated by the low intensity of use and controls set out in the standards.</li> </ul> | <ul style="list-style-type: none"> <li>• Positive recreational benefit for jet boat enthusiasts.</li> </ul> | <ul style="list-style-type: none"> <li>• This change is effective because it provides recreational activities within the controls set out in the standards.</li> </ul> |

21.5.44.3 Any tributary of the Dart and Rees rivers (except the Beansburn, Rockburn tributary of the Dart River) or upstream of Muddy Creek on the Rees River.

| Recommended amendments to Rule 21.5.44.3   |  |   |
|--|--|---|
| Costs  | Benefits   | Effectiveness & Efficiency  |
| <ul style="list-style-type: none"> <li>• Potential loss of amenity and preservation of natural character if the jet boats or commercial boating trips do not operate responsibly.</li> </ul> | <ul style="list-style-type: none"> <li>• Allows operator to enter the Beansburn for a short amenity break as set out in the evidence of Mr Edmonds.</li> </ul> | <ul style="list-style-type: none"> <li>• This change is effective because it enables commercial recreation opportunities onto a short stretch of the Beansburn at a low intensity and scale.</li> </ul> |

|                        |   |
|------------------------|---|
| <b>Mining Activity</b> | <p><del>Means the use of land and buildings for the primary purpose of the extraction, winning, quarrying, excavation, taking and associated processing of minerals and includes prospecting and exploration.</del></p> <p>(a) means operations in connection with mining, <del>exploring, or prospecting</del> for any mineral; and</p> <p>(b) includes, when carried out at or near the site where the mining, <del>exploration, or prospecting</del> is undertaken, —</p> <p><u>(i) the extraction, transport, treatment, processing, and separation of any mineral or chemical substance from the mineral; and</u></p> <p><u>(ii) the construction, maintenance, and operation of any works, structures, and other land improvements, and of any related machinery and equipment connected with the operations; and</u></p> <p><u>(iii) the removal of overburden by mechanical or other means, and the stacking, deposit, storage, and treatment of any substance considered to contain any mineral; and</u></p> <p><u>(iv) the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations.</u></p> <p><u>Mineral extraction, extraction or extractive activities shall have the same meaning.</u></p> |
|------------------------|---|

|                                   |  |
|-----------------------------------|--|
| <b><u>Mineral</u> Prospecting</b> | <p>Means any activity undertaken for the purpose of identifying land likely to contain <del>exploitable</del> mineral deposits or occurrences; and includes <u>the following activities:</u></p> <ul style="list-style-type: none"> <li>• Geological, geochemical, and geophysical surveys;</li> <li>• The taking of samples by hand or hand held methods;</li> <li>• Aerial surveys.</li> </ul> |
|-----------------------------------|--|

|                            |  |
|----------------------------|--|
| <b>Mineral Exploration</b> | Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning. |
|----------------------------|--|

| Recommended amendments to the definitions of mining activity, mineral prospecting and mineral exploration |  |  |
|---|--|--|
| Costs   | Benefits   | Effectiveness & Efficiency   |
| <ul style="list-style-type: none"> <li>• None identified.</li> </ul>                                      | <ul style="list-style-type: none"> <li>• The changes provide greater clarity.</li> </ul> | <ul style="list-style-type: none"> <li>• This changes provide greater clarity and will be more efficient in terms of understanding the different mining activities.</li> </ul> |

|                         |  |
|-------------------------|--|
| <b>Residential Flat</b> | <p>Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria:</p> <ul style="list-style-type: none"> <li>• Has a total floor area not exceeding 70m<sup>2</sup>, <u>and 150m<sup>2</sup> in the Rural Zone and Rural Lifestyle Zone</u>, not including the floor area of any garage or carport;</li> <li>• contains no more than one kitchen facility;</li> <li>• is limited to one residential flat per residential unit; and</li> <li>• is situated on the same site and held in the same ownership as the residential unit, but may be leased to another party.</li> </ul> <p>Notes:</p> <ul style="list-style-type: none"> <li>• A proposal that fails to meet any of the above criteria will be considered as a residential unit.</li> <li>• Development contributions and additional rates apply.</li> </ul> |
|-------------------------|--|

| Recommended amendments to Residential Flat Definition   |  |  |
|---|--|--|
| Costs   | Benefits   | Effectiveness & Efficiency   |
| <ul style="list-style-type: none"> <li>• The changes would allow a relatively large residential flat, however in the context of the ODP definition of Residential Flat where there is no size limit the costs are considered to be of minor consequence.</li> </ul> | <ul style="list-style-type: none"> <li>• This change will enable a broader range of accommodation options in the Rural Zone (and Rural Lifestyle Zone).</li> </ul> | <ul style="list-style-type: none"> <li>• This change is effective because it broadens the range of accommodation options in the Rural and Rural Lifestyle Zones.</li> <li>• The change is efficient because it is a better option that allowing two or multiple</li> </ul> |

|  |  |  |
|--|--|--|
|  |  | <p>residential units within a building platform.</p> <ul style="list-style-type: none"><li>• The change will be more efficient for the landowner because the development contribution for a Residential Flat is only 50% that of a Residential Unit.</li></ul> |
|--|--|--|

**APPENDIX 3**  
**COMPARISON BETWEEN THE ODP AND PDP LANDSCAPE ASSESSMENT WITH EXTRA COLUMN**

| PROVISION NO.           | PDP METHOD/ASSESSMENT MATTER   | CROSS REFERENCE TO PDP OBJECTIVE AND POLICY  | RELATED ODP PROVISION  | COMMENT/ANALYSIS OF SUBMISSIONS  |
|-------------------------|--|--|--|--|
| Glossary abbreviations: | of Proposed District Plan (PDP)<br>Operative District Plan (ODP)<br>Outstanding Natural Landscape Wakatipu Basin (ONL WB)<br>Outstanding Natural Feature District Wide (ONF DW)<br>Outstanding Natural Landscape District Wide (ONL DW)<br>Visual Amenity Landscape (VAL)<br>Other Rural Landscape (ORL)   | Obj = objective<br><br>Pol = Policy<br><br>Objectives and policies are derived from the Council's Reply on the Strategic Hearing dated 7 April 2016.                           |  |  |
| 21.7.1                  | <b>Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).</b><br><br>These assessment matters shall be considered with regard to the following principles because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost locations within the <del>zone</del> <u>Wakatipu Basin</u> , and inappropriate in many locations throughout the District wide <u>Outstanding Natural Landscapes</u> : | Obj 3.2.5.1<br>Obj 3.2.5.1.1<br>Obj 6.3.1<br>Pol 6.3.1.1<br>Pol 6.3.1.2<br>Pol 6.3.1.4 – 6.3.1.10<br>Obj 21.2.12 (Surface of Water and Margins)<br>Pols 21.2.12.1 – 21.2.12.7. | 5.4.2.2(1) and (2)<br><br><br><br>1.5.3.iii(iii) which states:<br><i>because, in or on outstanding natural features and landscapes, the relevant activities are inappropriate in almost all locations within the zone, particularly within the Wakatipu Basin or in the Inner Upper Clutha area.</i> | Numerous submitters <sup>32</sup> seek that the provisions in 21.7.1 and .1 for ONF/ONL and 21.7.2 and 21.7.2.1 for the RL are deleted. Reasons include because: <ul style="list-style-type: none"> <li>• They are too onerous;</li> <li>• They do not relate to assessing an effect on the environment;</li> <li>• They predetermine the outcome;</li> <li>• They should only be applicable to the ONL WB and ONF's as set out in ODP.</li> </ul>             |
| 21.7.1.1                | <del>The assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases.</del>  |  | 5.4.2.2(1) (ONL WB and ONF DW)   | These provisions are considered important to ensure that development proposals are of a high quality and that the assessment matters set a high bar for successful applications.<br><br>As stated in provision 1.5.3.iii(iii) of the ODP, the statement relating to 'activities are inappropriate in almost all locations' applies district wide.<br><br>I consider the phrase containing 'exceptional' should be removed for the reasons set out in the s42A. |

32 Including submitters Spark Trading NZ Ltd (191) J McQuilkin (345), Hogans Gully Farm Ltd (456), Powernet (251), Willowridge Developments Ltd (249), Darby Planning LP (608).

| PROVISION NO. | PDP METHOD/ASSESSMENT MATTER   | CROSS REFERENCE TO PDP OBJECTIVE AND POLICY   | RELATED ODP PROVISION   | COMMENT/ANALYSIS OF SUBMISSIONS   |
|---------------|--|---|---|---|
| 21.7.1.2      | <p>(i) Existing vegetation that:</p> <p>a. was either planted after, or, self-seeded and less than 1 metre in height at 28 September 2002; and,</p> <p>b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:</p> <ul style="list-style-type: none"> <li>as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and</li> </ul> <p>as part of the permitted baseline.</p> | <p>Obj 3.2.5.1</p> <p>Obj 3.2.5.1.1</p> <p>Obj 6.3.1</p> <p>Pol 6.3.1.1</p> <p>6.3.1.2</p> <p>6.3.1.4</p> <p>6.3.1.5</p> <p>6.3.1.6</p> <p>6.3.1.7</p> <p>6.3.1.8</p> <p>6.3.1.9</p> <p>6.3.1.10</p>  | 5.4.2.2(2)(a) and (b)   | <p>Submitter 249 (Willowridge Developments Ltd) consider this provision should be deleted because 'planting is permitted and screening is often used as mitigation for new development'.</p> <p>I consider that this provision is important because it removes the potential for mitigation planting to be established as a precursor to applications for development. These premeditated activities can change landscape character and impact on visual amenity values and landscape quality. I recommend this submission is rejected.</p> |
| 21.7.1.3      | <p>(ii) Effects on landscape quality and character</p> <p>In considering whether the proposed development will maintain or enhance the quality and character of Outstanding Natural Features and Landscapes, the Council shall be satisfied of the extent to which the proposed development will affect landscape quality and character, taking into account the following elements:</p>   | <p>Obj 3.2.5.1</p> <p>Obj 3.2.5.1</p> <p>Obj 3.2.5.1.1</p> <p>Obj 6.3.1</p> <p>Pol 6.3.1.1</p> <p>6.3.1.2</p> <p>6.3.1.4 – 6.3.1.10</p> <p>6.3.3 and Pols 6.3.3.1 – 6.3.3.6</p> <p>6.3.5 and Pol 6.3.5.1</p> <p>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2</p> <p>Obj 21.2.12 (Surface of Water and Margins)</p> <p>Pols 21.2.12.1 – 21.2.12.7.</p> | <p>No direct reference.</p> <p>Related to and derived from: 5.4.2.1 Step 1 Analysis of the site and surrounding landscape.</p> <p>5.4.2.2(1) (ONL WB and ONF DW)</p> <p>(a) Effects on Openness of landscape;</p> <p>(b) visibility of development;</p> <p>(c) visual coherence and integrity of landscape).</p> <p>5.4.2.2(2) (ONL DW)</p> <p>(a) Potential of the landscape to absorb development;</p> <p>(b) effects on openness of landscape;</p> | <p>No specific comment. I recommend the assessment matter is retained.</p>  |
| 21.7.1.3 a.   | <p><b>Physical attributes:</b></p> <ul style="list-style-type: none"> <li>Geological, topographical, geographic elements in the context of whether these formative processes have a profound influence on landscape character;</li> <li>Vegetation (exotic and indigenous);</li> </ul>   | <p>Obj 3.2.5.1</p> <p>Obj 3.2.5.1</p> <p>Obj 3.2.5.1.1</p> <p>Obj 6.3.1</p> <p>Pol 6.3.1.1</p>  | Refer to statement above (21.7.1.3)   | <p>No specific comment. I recommend the assessment matter is retained.</p>  |

| PROVISION NO. | PDP METHOD/ASSESSMENT MATTER   | CROSS REFERENCE TO PDP OBJECTIVE AND POLICY   | RELATED ODP PROVISION  | COMMENT/ANALYSIS OF SUBMISSIONS                                     |
|---------------|--|---|--|---|
|               | <ul style="list-style-type: none"> <li>The presence of waterbodies including lakes, rivers, streams, wetlands.</li> </ul>  | 6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2  |  |   |
| 21.7.1.3 b.   | <b>Visual attributes:</b> <ul style="list-style-type: none"> <li>Legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;</li> <li>Aesthetic values including memorability and naturalness;</li> <li>Transient values including values at certain times of the day or year;</li> <li>Human influence and management – settlements, land management patterns, buildings, roads.</li> </ul> | Obj 3.2.5.1<br>Obj 3.2.5.1<br>Obj 3.2.5.1.1<br>Obj 6.3.1<br>Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2 | Refer to statement above (21.7.1.3)  | No specific comment. I recommend the assessment matter is retained. |
| 21.7.1.3 c.   | <b>Appreciation and cultural attributes:</b> <ul style="list-style-type: none"> <li>Whether the elements identified in (a) and (b) are shared and recognised;</li> <li>Cultural and spiritual values for tangata whenua;</li> <li>Historical and heritage associations.</li> </ul> <p>The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.</p>                   | Obj 3.2.5.1<br>Obj 3.2.5.1<br>Obj 3.2.5.1.1<br>Obj 6.3.1<br>Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2 | Refer to statement above (21.7.1.3)  | No specific comment. I recommend the assessment matter is retained. |
| 21.7.1.3 d.   | In the context of (a) to (c) above, the degree to which the proposed development will affect the existing landscape quality and character, including whether the proposed development accords with or degrades landscape quality and character, and  | Obj 3.2.5.1<br>Obj 3.2.5.1<br>Obj 3.2.5.1.1<br>Obj 6.3.1  | Refer to statement above (21.7.1.3) and specifically;<br>5.4.2.2(2) (ONL DW) (a) (i) – (iii) | No specific comment. I recommend the assessment matter is retained. |

| PROVISION NO. | PDP METHOD/ASSESSMENT MATTER  | CROSS REFERENCE TO PDP OBJECTIVE AND POLICY   | RELATED ODP PROVISION  | COMMENT/ANALYSIS OF SUBMISSIONS                                     |
|---------------|---|---|--|---|
|               | to what degree.   | Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2   |  |   |
| 21.7.1.3 e.   | any proposed new boundaries will not give rise to artificial or unnatural lines (such as planting and fence lines) or otherwise degrade the landscape character.                                      | Obj 3.2.5.1<br>Obj 3.2.5.1<br>Obj 3.2.5.1.1<br>Obj 6.3.1<br>Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2 | Refer to statement above (21.7.1.3) and;<br>5.4.2.2(1) (ONL WB and ONF DW) (c) (iii).<br><br>5.4.2.2(2) (ONL DW) (iii) and (iv).               | No specific comment. I recommend the assessment matter is retained. |
| 21.7.1.4      | <b>Effects on visual amenity</b><br>In considering whether the potential visibility of the proposed development will maintain and enhance visual amenity, values the Council shall be satisfied that: | Obj 3.2.5.1<br>Obj 3.2.5.1<br>Obj 3.2.5.1.1<br>Obj 6.3.1<br>Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(1) (ONL WB and ONF DW) - (b) Visibility of development.<br>5.4.2.2(2) (ONL DW) - (a) Potential of the landscape to absorb development. | No specific comment. I recommend the assessment matter is retained. |
| 21.7.1.4 a.   | the extent to which the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places. In the case of proposed                | Obj 3.2.5.1<br>Obj 3.2.5.1<br>Obj 3.2.5.1.1   | 5.4.2.2(1) (ONL WB and ONF DW) (b) (i) – Visibility of development.  | No specific comment. I recommend the assessment matter is retained. |

| PROVISION NO. | PDP METHOD/ASSESSMENT MATTER  | CROSS REFERENCE TO PDP OBJECTIVE AND POLICY   | RELATED ODP PROVISION   | COMMENT/ANALYSIS OF SUBMISSIONS                                     |
|---------------|---|---|---|---|
|               | development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, cycling, equestrian and other means of access; | Obj 6.3.1<br>Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2  |   |   |
| 21.7.1.4 b.   | the proposed development will not be visually prominent such that it detracts from public or private views of and within Outstanding Natural Features and Landscapes;   | Obj 3.2.5.1<br>Obj 3.2.5.1<br>Obj 3.2.5.1.1<br>Obj 6.3.1<br>Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(1) (ONL WB and ONF DW) (b) (ii) – Visibility of development.  | No specific comment. I recommend the assessment matter is retained. |
| 21.7.1.4 c.   | the proposal will be appropriately screened or hidden from view by elements that are in keeping with the character of the landscape;  | Obj 3.2.5.1<br>Obj 3.2.5.1<br>Obj 3.2.5.1.1<br>Obj 6.3.1<br>Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(1) (ONL WB and ONF DW) (b) (iii) – Visibility of development. | No specific comment. I recommend the assessment matter is retained. |
| 21.7.1.4 d.   | the proposed development will not reduce the visual amenity values of the wider landscape (not just the immediate   | Obj 3.2.5.1<br>Obj 3.2.5.1  | 5.4.2.2(1) (ONL WB and ONF DW) (b) (v) – Visibility of development.   | No specific comment. I recommend the assessment matter is retained. |

| PROVISION NO. | PDP METHOD/ASSESSMENT MATTER   | CROSS REFERENCE TO PDP OBJECTIVE AND POLICY   | RELATED ODP PROVISION   | COMMENT/ANALYSIS OF SUBMISSIONS                                     |
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|               | landscape);  | Obj 3.2.5.1.1<br>Obj 6.3.1<br>Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2                               |   |   |
| 21.7.1.4 e.   | structures will not be located where they will break the line and form of any ridges, hills and slopes;      | Obj 3.2.5.1<br>Obj 3.2.5.1<br>Obj 3.2.5.1.1<br>Obj 6.3.1<br>Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(1) (ONL WB and ONF DW) (c) (i) – Visual coherence and integrity of landscape  | No specific comment. I recommend the assessment matter is retained. |
| 21.7.1.4 f.   | any roads, access, lighting, earthworks and landscaping will not reduce the visual amenity of the landscape. | Obj 3.2.5.1<br>Obj 3.2.5.1<br>Obj 3.2.5.1.1<br>Obj 6.3.1<br>Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(1) (ONL WB and ONF DW) (c) (ii) – Visual coherence and integrity of landscape | No specific comment. I recommend the assessment matter is retained. |
| 21.7.1.5      | (iii) Design and density of Development  | Obj 3.2.5.1   | 5.4.2.2(3) (VAL) (c) Form and Density of  | No specific comment. I recommend the                                |

| PROVISION NO. | PDP METHOD/ASSESSMENT MATTER   | CROSS REFERENCE TO PDP OBJECTIVE AND POLICY   | RELATED ODP PROVISION                                      | COMMENT/ANALYSIS OF SUBMISSIONS                                     |
|---------------|--|---|--|---|
|               | In considering the appropriateness of the design and density of the proposed development, whether and to what extent:  | Obj 3.2.5.1<br>Obj 3.2.5.1.1<br>Obj 6.3.1<br>Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2                | Development  | assessment matter is retained.                                      |
| 21.7.1.5 a.   | opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise); | Obj 3.2.5.1<br>Obj 3.2.5.1<br>Obj 3.2.5.1.1<br>Obj 6.3.1<br>Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(3) (VAL) (c) (ii) Form and Density of Development  | No specific comment. I recommend the assessment matter is retained. |
| 21.7.1.5 b.   | there is merit in clustering the proposed building(s) or building platform(s) within areas that are least sensitive to change;   | Obj 3.2.5.1<br>Obj 3.2.5.1<br>Obj 3.2.5.1.1<br>Obj 6.3.1<br>Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(3) (VAL) (c) (iii) Form and Density of Development | No specific comment. I recommend the assessment matter is retained. |

| PROVISION NO. | PDP METHOD/ASSESSMENT MATTER  | CROSS REFERENCE TO PDP OBJECTIVE AND POLICY   | RELATED ODP PROVISION  | COMMENT/ANALYSIS OF SUBMISSIONS  |
|---------------|---|---|--|--|
| 21.7.1.5 c.   | development, including access, is located within the parts of the site where it would be least visible from public and private locations;   | Obj 3.2.5.1<br>Obj 3.2.5.1<br>Obj 3.2.5.1.1<br>Obj 6.3.1<br>Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2 | No direct reference.   | No specific comment. I recommend the assessment matter is retained.  |
| 21.7.1.5 d.   | development, including access, is located in the parts of the site where it has the least impact on landscape character.  | Obj 3.2.5.1<br>Obj 3.2.5.1<br>Obj 3.2.5.1.1<br>Obj 6.3.1<br>Pol 6.3.1.1<br>6.3.1.2<br>6.3.1.4 – 6.3.1.10<br>6.3.3 and Pols 6.3.3.1 – 6.3.3.6<br>6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and Pols 6.3.6.1 – 6.3.6.2 | No direct reference.   | No specific comment. I recommend the assessment matter is retained.  |
| 21.7.1.6      | <p><b>Cumulative effects of subdivision and development on the landscape</b></p> <p>Taking into account whether and to what extent existing, consented or permitted development (including unimplemented but existing resource consent or zoning) may already have degraded:</p> <p>a. the landscape quality or character; or,<br/>b. the visual amenity values of the landscape.</p> | Obj 3.2.5.1<br>Obj 3.2.5.4<br>Pol 3.2.5.4.1<br>Pol 3.2.5.4.2<br>6.3.2<br>6.3.2.1<br>6.3.2.2<br>6.3.2.3<br>6.3.2.4<br>6.3.2.5  | <p>5.4.2.2 (1) (ONL WB and ONF DW) (e) - cumulative effects of development on the landscape.</p> <p>5.4.2.2(2) (ONL DW) (c) (iii) and (iv) - cumulative effects of development on the landscape.</p> | Provisions 5.4.2.2(2) (ONL DW) (c) (i) and (ii) are not directly related to cumulative effects. These have not been carried over into the PDP. |

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|               | The Council shall be satisfied the proposed development, in combination with these factors will not further adversely affect the landscape quality, character, or visual amenity values.  |   |   |   |
| 21.7.2        | (b) Rural Landscape Classification (RLC)<br><br>These assessment matters shall be considered with regard to the following principles because in the Rural Landscapes the applicable activities are <del>inappropriate</del> <u>unsuitable</u> in many locations:  | Obj 6.3.1<br>Pol 6.3.1.1<br>POL 6.3.1.3 – 6.3.1.11<br>Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2<br>Obj 21.2.12 (Surface of Water and Margins)<br>Pols 21.2.12.1, 21.2.12.2, 21.2.12.6 and 21.2.12.7. | Derived from 1.5.3(3)(iv) that states: ' <i>because in other visual amenity landscapes the relevant activities are inappropriate in many locations</i> '. | Refer commentary at 21.7.1 above.<br>Refer to the commentary in s42A report and the Council's reply on the Landscape Chapter.   |
| 21.7.2.1      | <del>(i) The assessment matters shall be stringently applied to the effect that successful applications are, on balance, consistent with the criteria.</del>  |   | No direct reference.  |   |
| 21.7.2.2      | (ii) Existing vegetation that:<br><br>a. was either planted after, or, self seeded and less than 1 metre in height at 28 September 2002; and,<br><br>b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:<br><br>• as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of | Obj 6.3.1<br>Pol 6.3.1.1<br>POL 6.3.1.3 – 6.3.1.11<br>Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2  | 5.4.2.2(3) (VAL) (a) and (b).   | Submitter 249 (Willowridge Developments Ltd) consider this provision should be deleted because 'planting is permitted and screening is often used as mitigation for new development'.<br><br>I consider that this provision is important because it removes the potential for mitigation planting to be established as a precursor to applications for development. These premeditated activities can change landscape character and impact on visual amenity values and landscape quality. I |

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|---------------|---|---|--|---|
|               | <p>the proposed development; and</p> <ul style="list-style-type: none"> <li>as part of the permitted baseline.</li> </ul>   |   |  | recommend this submission is rejected.                              |
| 21.7.2.3      | <p>(iii) Effects on landscape quality and character:</p> <p>The following shall be taken into account:</p>  | <p>Obj 6.3.1<br/>Pol 6.3.1.1<br/>POL 6.3.1.3 – 6.3.1.11<br/>Obj 6.3.4<br/>Pols 6.3.4.1 – 6.3.4.6<br/>Obj 6.3.5 and Pol 6.3.5.1<br/>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2</p> | 5.4.2.2 (3) (VAL) (a) – effects on natural and pastoral character. | No specific comment. I recommend the assessment matter is retained. |
| 21.7.2.3 a.   | where the site is adjacent to an Outstanding Natural Feature or Landscape, whether and the extent to which the proposed development will adversely affect the quality and character of the adjacent Outstanding Natural Feature or Landscape; | <p>Obj 6.3.1<br/>Pol 6.3.1.1<br/>POL 6.3.1.3 – 6.3.1.11<br/>Obj 6.3.4<br/>Pols 6.3.4.1 – 6.3.4.6<br/>Obj 6.3.5 and Pol 6.3.5.1<br/>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2</p> | 5.4.2.2 (3) (VAL) (a) (i)  | No specific comment. I recommend the assessment matter is retained. |
| 21.7.2.3 b.   | whether and the extent to which the scale and nature of the proposed development will degrade the quality and character of the surrounding Rural Landscape;   | <p>Obj 6.3.1<br/>Pol 6.3.1.1<br/>POL 6.3.1.3 – 6.3.1.11<br/>Obj 6.3.4<br/>Pols 6.3.4.1 – 6.3.4.6<br/>Obj 6.3.5 and Pol 6.3.5.1<br/>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2</p> | 5.4.2.2 (3) (VAL) (a) (ii)   | No specific comment. I recommend the assessment matter is retained. |
| 21.7.2.3 c.   | whether the design and any landscaping would be compatible with or would enhance the quality and character of the Rural Landscape.  | <p>Obj 6.3.1<br/>Pol 6.3.1.1<br/>POL 6.3.1.3 – 6.3.1.11</p>   | No direct reference.   | No specific comment. I recommend the assessment matter is retained. |

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|---------------|--|--|--|---|
|               |  | Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2   |  |   |
| 21.7.2.4      | (iv) Effects on visual amenity:<br>Whether the development will result in a loss of the visual amenity of the Rural Landscape, having regard to whether and the extent to which:   | Obj 6.3.1<br>Pol 6.3.1.1<br>POL 6.3.1.3 – 6.3.1.11<br>Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2 (3) (VAL) (b) – Visibility of development. | No specific comment. I recommend the assessment matter is retained.   |
| 21.7.2.4 a.   | the visual prominence of the proposed development from any public places will reduce the visual amenity of the Rural Landscape. In the case of proposed development which is visible from unformed legal roads, regard shall be had to the frequency and intensity of the present use and, the practicalities and likelihood of potential use of these unformed legal roads as access; | Obj 6.3.1<br>Pol 6.3.1.1<br>POL 6.3.1.3 – 6.3.1.11<br>Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(3) (VAL) (b)(i)                            | Simplified. Relates to visibility from public places.<br>No specific comment. I recommend the assessment matter is retained.  |
| 21.7.2.4 b.   | the proposed development is likely to be visually prominent such that it detracts from private views;  | Obj 6.3.1<br>Pol 6.3.1.1<br>POL 6.3.1.3 – 6.3.1.11<br>Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(3) (VAL) (b)(ii) and (v)                   | The reference to 'public views' is removed because this is addressed in the previous assessment matter.<br>Submitters 567 (Slopehill Joint Venture), 535 (Stalker Family Trust et. al) and 522 (Kristie Brustad and James Inch) seek that this provision is deleted. I consider the provision is appropriate in that it takes into account views from private property. The submissions are recommended to be rejected. |

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|---------------|---|--|----------------------------|---|
| 21.7.2.4 c.   | any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from or obstruct views of the Rural Landscape from both public and private locations;                                    | Obj 6.3.1<br>Pol 6.3.1.1<br>POL 6.3.1.3 – 6.3.1.11<br>Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(3) (VAL) (b)(iii)  | No specific comment. I recommend the assessment matter is retained. |
| 21.7.2.4 d.   | the proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations;  | Obj 6.3.1<br>Pol 6.3.1.1<br>POL 6.3.1.3 – 6.3.1.11<br>Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(3) (VAL) (b)(iv)   | No specific comment. I recommend the assessment matter is retained. |
| 21.7.2.4 e.   | any proposed roads, boundaries and associated planting, lighting, earthworks and landscaping will reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns; | Obj 6.3.1<br>Pol 6.3.1.1<br>POL 6.3.1.3 – 6.3.1.11<br>Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(3) (VAL) (b)(vii)  | No specific comment. I recommend the assessment matter is retained. |
| 21.7.2.4 f.   | boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units.   | Obj 6.3.1<br>Pol 6.3.1.1<br>POL 6.3.1.3 – 6.3.1.11<br>Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(3) (VAL) (b)(viii) | No specific comment. I recommend the assessment matter is retained. |

| PROVISION NO. | PDP METHOD/ASSESSMENT MATTER  | CROSS REFERENCE TO PDP OBJECTIVE AND POLICY  | RELATED ODP PROVISION                                       | COMMENT/ANALYSIS OF SUBMISSIONS   |
|---------------|---|--|---|---|
| 21.7.2.5      | (v) Design and density of development:<br>In considering the appropriateness of the design and density of the proposed development, whether and to what extent:   | Obj 6.3.1<br>Pol 6.3.1.1<br>POL 6.3.1.3 – 6.3.1.11<br>Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(3) (VAL) (c) VAL – Form and Density of Development. | No specific comment. I recommend the assessment matter is retained.   |
| 21.7.2.5 a.   | opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);                    | Obj 6.3.1<br>Pol 6.3.1.1<br>POL 6.3.1.3 – 6.3.1.11<br>Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(3) (VAL) (c)(ii)                                    | No specific comment. I recommend the assessment matter is retained.   |
| 21.7.2.5 b.   | there is merit in clustering the proposed building(s) or building platform(s) having regard to the overall density and intensity of the proposed development and whether this would exceed the ability of the landscape to absorb change; | Obj 6.3.1<br>Pol 6.3.1.1<br>POL 6.3.1.3 – 6.3.1.11<br>Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2 | 5.4.2.2(3) (VAL) (c)(ii)                                    | <p>Submitter 145 (UCES) supports the proposed clustering assessment matter and seeks that the assessment matter 21.7.2.5(b) is incorporated into the assessment matters in the Operative District Plan between the assessment matters 5.4.2.2.3 (c) (iv) and (v) with the addition of the sentence: "Where clustering is merited the balance of the subject site shall be covenanted against further subdivision and development in perpetuity."</p> <p>UCES seeks the inclusion in part 5.4.2.2.3. [c] of the Operative District Plan a spatial development tool assessment matter based on the existing 500m and 1.1km assessment matter where the desired spatial patterns of development, meaning the distances between nodes of development are clearly set out.</p> |

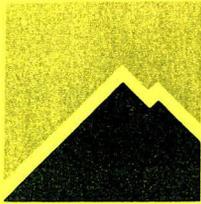
| PROVISION NO. | PDP METHOD/ASSESSMENT MATTER   | CROSS REFERENCE TO PDP OBJECTIVE AND POLICY   | RELATED ODP PROVISION   | COMMENT/ANALYSIS OF SUBMISSIONS  |
|---------------|--|---|---|--|
| 21.7.2.5 c.   | development, including access, is located within the parts of the site where they will be least visible from public and private locations;   | Obj 6.3.1<br>Pol 6.3.1.1<br>POL 6.3.1.3 – 6.3.1.11<br>Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2                                | 5.4.2.2(3) (VAL) (c)(i)   | I recommend that the PDP wording is retained, and I also reiterate that the 'spatial development tool' requested by the UCES is inappropriate because it is arbitrary and could send a wrong message that if activities comply with this, then it meets all requirements. I recommend this submission is rejected.   |
| 21.7.2.5 d.   | development, including access, is located in the parts of the site where they will have the least impact on landscape character.   | Obj 6.3.1<br>Pol 6.3.1.1<br>POL 6.3.1.3 – 6.3.1.11<br>Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2                                | No direct reference.  | Encourages development to locate where it would have the least impact on landscape character.  |
| 21.7.2.6      | <b>Tangata Whenua, biodiversity and geological values:</b>   |   |   |  |
| 21.7.2.6 a.   | whether and to what extent the proposed development will degrade Tangata Whenua values including Tōpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features will have.<br><br>The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi. | Obj 3.2.7.1<br>Pol 6.3.1.11<br>Obj 6.3.1<br>Pol 6.3.1.1<br>POL 6.3.1.3 – 6.3.1.11<br>Obj 6.3.4<br>Pols 6.3.4.1 – 6.3.4.6<br>Obj 6.3.5 and Pol 6.3.5.1<br>Obj 6.3.6 and pols 6.3.6.1 – 6.3.6.2 | 5.4.2.1 – Landscape Assessment Criteria Process.  | Encourages an analysis of whether there is value of the landscape to Tangata Whenua. This process is part of the assessment under 21.7.1.3(c) for ONF/ONL. Because this evaluation is not required for Rural Landscapes, the matter and other appreciative elements (biodiversity and geological values) that are not directly related to a landscape assessment are included. |
| 21.7.2.7      | (vi) Cumulative effects of development on the landscape:<br><br>Taking into account whether and to what extent any existing,   | Obj 3.2.5.4<br>Pol 3.2.5.4.1<br>Pol 3.2.5.4.2   | 5.4.2.2 (1) (ONL WB and ONF DW) (e) - cumulative effects of development on the landscape. | Although this is derived from ONL WB and ONF in the ODP, the statement is useful in that it requires consideration of consented yet unbuilt  |

| PROVISION NO. | PDP METHOD/ASSESSMENT MATTER  | CROSS REFERENCE TO PDP OBJECTIVE AND POLICY                  | RELATED ODP PROVISION                    | COMMENT/ANALYSIS OF SUBMISSIONS  |
|---------------|---|--|--|--|
|               | consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values. The Council shall be satisfied;  | 6.3.2<br>6.3.2.1<br>6.3.2.2<br>6.3.2.3<br>6.3.2.4<br>6.3.2.5 |  | development.<br><br>Submitters 513 (J. Barb) and 519 (Crosshill Farms) seeks that the provision is removed because it creates inconsistencies with case law and applying the permitted baseline. I disagree, the provision adequately describes the permitted baseline and this is appropriate.  |
|               | the proposed development will not further degrade landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of valued quality, character and openness due to the prevalence of residential or non-farming activity within the Rural Landscape.                               | As above   | 5.4.2.2(3) (VAL) (d) (i) – (v).          | No specific comment. I recommend the assessment matter is retained.  |
|               | where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development, whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space. | As above   | 5.4.2.2(3) (VAL) (d) (vii).              | No specific comment. I recommend the assessment matter is retained.  |
| 21.7.3        | <b>Other factors and positive effects, applicable in all the landscape categories (ONF, ONL and RLC)</b>  |  | Combination of all landscape categories. | Submitter 251 (Pownet Ltd) seek that this is amended to allow for recognition of utilities. it is my preference that this submission is rejected because the landscape can be affected by all development and ant utilities developments that would require assessment of these applications (e.g. discretionary or non-complying activities in the Rural Zone, or notice's of requirement) are assessed against these provisions. |

| PROVISION NO. | PDP METHOD/ASSESSMENT MATTER  | CROSS REFERENCE TO PDP OBJECTIVE AND POLICY  | RELATED ODP PROVISION                        | COMMENT/ANALYSIS OF SUBMISSIONS  |
|---------------|---|--|--|--|
| 21.7.3.1      | In the case of a proposed residential activity or specific development, whether a specific building design, rather than nominating a building platform, helps demonstrate whether the proposed development is appropriate.  | Relevant to all policies in the context of assisting with quantifying the effects of a proposal. | No direct reference.                         | No specific comment. I recommend the assessment matter is retained.                  |
| 21.7.3.2      | Other than where the proposed development is a subdivision and/or residential activity, whether the proposed development, including any buildings and the activity itself, are consistent with rural activities or the rural resource and would maintain or enhance the quality and character of the landscape. | Pol 6.3.3.4 (ONL)<br>Pol 6.3.4.6 (RLC)   | No direct reference.                         | Includes activities that rely on the rural resource and whether they are compatible. |
| 21.7.3.3      | In considering whether there are any positive effects in relation to the proposed development, or remedying or mitigating the continuing adverse effects of past subdivision or development, the Council shall take the following matters into account:   |  | 5.4.2.2(2) (ONL DW) (d) Positive Effects     | No specific comment. I recommend the assessment matter is retained.                  |
| 21.7.3.3 a.   | whether the proposed subdivision or development provides an opportunity to protect the landscape from further development and may include open space covenants or esplanade reserves;   | 3.2.4.6 and pol 3.2.4.6.1<br>3.2.4.7 and Pol 3.2.4.7.1   | 5.4.2.2(2) (ONL DW) (d) Positive Effects     | No specific comment. I recommend the assessment matter is retained.                  |
| 21.7.3.3 b.   | whether the proposed subdivision or development would enhance the character of the landscape, or protects and enhances indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land                     | Obj 3.2.4.1<br>Obj 3.2.4.3<br>Obj 3.2.4.5<br>Obj 6.3.6<br>Pol 33.2.1.6                           | 5.4.2.2(2) (ONL DW) (d) (i) Positive Effects | No specific comment. I recommend the assessment matter is retained.                  |

| PROVISION NO. | PDP METHOD/ASSESSMENT MATTER  | CROSS REFERENCE TO PDP OBJECTIVE AND POLICY               | RELATED ODP PROVISION                         | COMMENT/ANALYSIS OF SUBMISSIONS  |
|---------------|---|---|---|--|
|               | Environments New Zealand (LENZ) threatened environment status;  | Pol 33.2.3.3  |   |  |
| 21.7.3.3 c.   | any positive effects including environmental compensation, easements for public access such as walking, cycling or bridleways or access to lakes, rivers or conservation areas; | Obj 3.2.4.1<br>Obj 3.2.4.3<br>Obj 3.2.4.5<br>Pol 33.2.1.6 | 5.4.2.2(2) (ONL DW) (d) Positive Effects (vi) | No specific comment. I recommend the assessment matter is retained.                        |
| 21.7.3.3 d.   | any opportunities to retire marginal farming land and revert it to indigenous vegetation;   | Obj 33.2.1 and pol 33.2.1.11<br>6.3.6                     | No direct reference.                          | The merits of any opportunities to remedy past adverse effects on indigenous biodiversity. |
| 21.7.3.3 e.   | where adverse effects cannot be avoided, mitigated or remedied, the merits of any compensation;   | Obj 3.2.4.1<br>Obj 3.2.4.3<br>Obj 3.2.4.5<br>Pol 6.3.6    | No direct reference.                          | Whether there are other compensatory measures.   |
| 21.7.3.3 f.   | whether the proposed development assists in retaining the land use in low intensity farming where that activity maintains the valued landscape character.                       | Obj 3.2.5.5<br>Pol 6.3.3.4                                | No direct reference.                          | No specific comment. I recommend the assessment matter is retained.                        |

**APPENDIX 4**  
**RM990706 DECISION – JET SPRINT ACTIVITY**



# QUEENSTOWN LAKES DISTRICT COUNCIL

PRIVATE BAG 50072 QUEENSTOWN, NEW ZEALAND

File: RM990706  
Compliance  
PF18a

14 December 1999

P J Swinney  
40 Leet Street  
INVERCARGILL

Dear Sir/Madam

## DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

### RESOURCE MANAGEMENT ACT 1991

#### SWINNEY – RM990706

I refer to your application for land use consent under Section 88 of the Resource Management Act 1991 to operate a jet boat sprint event on the 3<sup>rd</sup> of January 2000. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 10 December 1999. The subject site is located on the Hawea River adjacent to the Lake Hawea-Albert Town Road and is legally described as Sec 52 Blk V Lower Wanaka Survey District.

The site is zoned Public Open Space in the Vincent Section of the Transitional District Plan and the proposal requires a non-complying activity consent as this District Plan does not expressly provide for this activity in accordance with Section 374(4) of the Resource Management Act 1991.

Between 31 August and 14 September 1998 the decisions on submissions to the Proposed District Plan were progressively released. Section 88A of the Resource Management Act 1991 requires all applications received after notification of decisions to be assessed in terms of these decisions and any amendment thereto. Under the Proposed District Plan the subject site is zoned Rural General. The proposed activity is provided for as a lawfully established jet-sprint course pursuant to Rule 5.3.3.5.(i)(a) and shown on District Planning Map 18. However, this is currently subject to appeal and the proposal must be considered as a non-complying activity pursuant to Rule 5.3.5.2.(v) in respect of noise standards. Also, the provisions of Chapter 19 (Temporary activities) cannot be applied to events.

The application was considered on a non-notified basis in terms of Section 94 of the Act because the written approval of all those persons who may be adversely affected by the granting of the resource consent was obtained, and because the adverse effect on the environment of the activity for which consent is sought was considered to be minor.

## Decision

Consent is granted to operate a jet boat sprint event on the 3<sup>rd</sup> of January 2000, pursuant to Sections 104 and 105 of the Act, subject to the following conditions imposed pursuant to Section 108 of the Act:

- 1 That the activity be undertaken in accordance with the plans and specifications submitted with the application date-stamped and Approved as dated 10 December 1999, with the exception of the amendments required by the following conditions of consent.
- 2 That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at the consent holder's own expense.
- 3 That the consent holder shall pay to Civic Corporation Limited all required administrative charges fixed by the Council pursuant to Section 36 of the Act in relation to:
  - i) the administration, monitoring and supervision of this consent; and
  - ii) charges authorised by regulations.
- 4 The consent holder shall pay to CivicCorp Ltd an initial fee of \$75 for the costs associated with the monitoring of this resource in accordance with Section 35 of the Act.
- 5 That the racing of jet boats shall be limited to the times between the hours of midday until 7pm on the 3<sup>rd</sup> of January 2000.
- 6 That a minimum of 16 toilets and 9 hand washing facilities shall be supplied on site for use of spectators of which a minimum of 1 shall be accessible by wheelchair.  
  
The consent holder shall supply additional toilets and hand washing facilities for use by staff required for the event in accordance with the following:  
1 toilet 1-15 workers/staff  
2 toilets 15-20 workers/staff  
1 toilet for every additional 20 workers (or part thereof)
- 7 That the consent holder be responsible for ensuring that these toilets are monitored throughout the event and emptied by the contractor when and if needed during the event.
- 8 That any drinking water made available to the public shall comply with the NZ drinking water standards.
- 9 All rubbish is to be removed from the site and disposed of at the Wanaka Transfer Station within 24 hours after the event.
- 10 That a copy of the audited safety plan is forwarded to CivicCorp, prior to the event taking place. The plan is to include provision for minimising the risk of spillage from refuelling the jet boats.

- 11 That a copy of the report requested by the Department of Conservation as condition 9 of their consent, be forwarded to CivicCorp. This information can be used to assess the activity, should a similar request be received to host the event the following year.
- 12 Upon receipt of any information identifying a problem, the Council may, in accordance with Section 129 of the Resource Management Act 1991, serve notice on the consent holder of it's intention to review the conditions of this resource consent for any of the following purposes:
- To deal with any adverse effect on the environment which may arise from the exercise of the consent.
  - To ensure that any conditions relating to noise and public health and safety are adequate to prevent any adverse effects on the environment.
  - To ensure that the conditions of this consent are adequate and appropriate taking into account:
    - (i) any change in circumstances arising since this consent was granted;
    - (ii) the manner in which this consent has been exercised.

Note: Any signage associated with the advertising the event shall be limited to those provisions pursuant to Section 18 of the Proposed District Plan regarding event signs.

### **Reasons for the Decision**

The proposal is to operate a jet boat sprint event on the 3<sup>rd</sup> of January 2000, on the Hawea River, adjacent to Lake Hawea Albert Town Road.

Approvals have been obtained for the event from the following parties:

- Kai tahu ki Otago Ltd,
- Otago Fish and Game,
- Albert Town Community Association.
- The Harbourmaster, Marty Black has also given his approval and to that of the uplifting of the Council Bylaw (Lakes Authority 1989) in terms of noise and speed limit for the event.

The Otago Regional Council and the Department of Conservation have also given approval for the event subject to conditions.

The principal effects of the proposal are considered to be noise and public safety. In terms of noise, the boats will operate at a dBA level of 95, exceeding the Proposed District Plan levels of L<sub>10</sub> 50 dBA. Therefore, the hours the jet boats can operate on the day has been limited in order to mitigate potentially adverse effects on Albert Town properties approximately 1 kilometre away. Event organisers anticipate racing to finish at 6pm although an extra hour has been allowed should there be any delays.

In terms of public safety, it is considered that appropriate measures are in place. Spectators will be restricted to a fenced off area on the north side of the track and will be separated by a protective bank built up should a boat or any debris leave the track. The organisers advise they will adhere to the New Zealand Jet Sprint Association Code of Responsibility, which covers safety issues.

The number of toilet facilities to be provided has been assessed according to the NZ Building Code 1991 for places of public assembly, and is based around the anticipated maximum of 2000 spectators which requires 20 WC equivalents to be provided. Of these, at least 5 units with hand washing facilities (WHB's) must be available.

It is accepted that carparking will be located on site in accordance with the site plan submitted with the application and that an adequate entranceway exists to enable traffic to enter and exit the site safely. The applicant has liaised with Transit New Zealand in respect of the above and regarding the Marshalls and temporary signage required at the entrance to the site, on the day of the event.

The effects of the proposal are considered to be no more than minor given the temporary nature of the activity, attached conditions and the approvals sought from the parties as noted above. Overall, it is considered that the proposal is consistent with the relevant objectives and policies of both the Transitional and Proposed District Plans.

### **Other Matters**

The sale of liquor at the event will require a separate resource consent application. Approvals for the sale of liquor and food will also be required from the Environmental Health Department of CivicCorp.

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further money is required or whether a refund is owing to you.

Should you not be satisfied with the decision of the Council and objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the Resource Management Act 1991 not later than 15 working days from the date this decision is received.

*The conditions of this consent include the payment of an initial fee of \$75 to cover the cost of CivicCorp's statutory requirement to monitor the conditions of your resource consent. The initial \$75 is for the first hour of monitoring. Should your consent require more than one hour of monitoring you will be charged for the additional time.*

*To minimise your monitoring costs it is strongly recommended that you contact the Compliance section of CivicCorp when the conditions have been met or with any changes you may have to the programmed completion of your consent.*

This resource consent must be exercised within two years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

If you have any enquiries please contact Claire Macdonald on phone (03) 442 4777.

Yours faithfully  
**CIVICCORP**

  
J Edmonds  
PRINCIPAL: RESOURCE MANAGEMENT

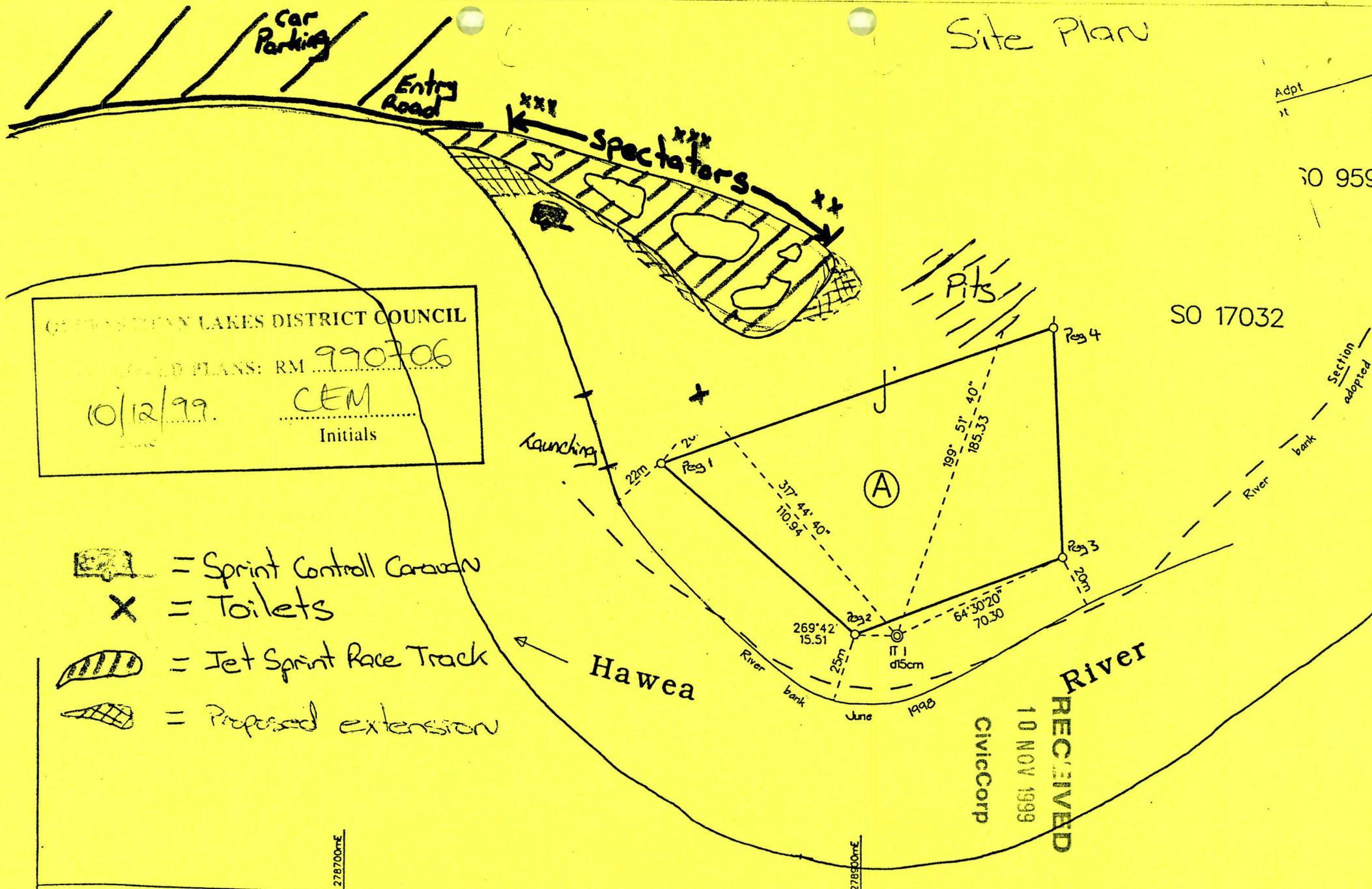
# Site Plan

Adpt  
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SO 959

SO 17032

Section  
adopted



OTAGO LAKES DISTRICT COUNCIL  
 PLANS: RM 990706  
 10/12/99.  
 CEM  
 Initials

- = Sprint Control Caravan
- = Toilets
- = Jet Sprint Race Track
- = Proposed extension

RECEIVED  
 10 NOV 1999  
 CivicCorp

LAND DISTRICT OTAGO  
 Survey Blk. & Dist. Blk V Lower Wanaka S.D.  
 NZMS 261 Sheet F40

## NOHOANGA ENTITLEMENT

TERRITORIAL AUTHORITY Que  
 Surveyed by Terralink N.  
 Scale 1 : 1250 Date