

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Stage 3 Proposed District Plan

Report and Recommendations of Independent Commissioners

Report 20.7: Chapter 46

**Rural Visitor Zone and Related Variations to Chapters 25, 27, 31 and 36
Temporary Filming Activities**

Commissioners

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PART A – PROPOSED CHAPTER 46 AND VARIATIONS AMENDING PDP TEXT

1. PRELIMINARY

1.1 Subject Matter of this Report

1. This report deals with the submissions and further submissions lodged in respect of the Council's publicly notified Chapter 46 – Rural Visitor Zone, including applying the Rural Visitor Zone on the Planning Maps, together with associated Plan Variations to Chapters 25, 27, 31 and 36 of the PDP (the Notified Plan Change). These submissions were considered by the Stream 18 Hearing Panel. This report also deals with the late submission of LJ Veint¹, relating to Chapter 35 of the PDP, which was considered by the same panel of commissioners under a separate hearing stream (Stream 20).

1.2 Terminology in this Report

2. The majority of the abbreviations used in this report are set out in Report 20.1. In this report, we use the following additional abbreviations:

| | |
|---------------|--|
| Arcadia | Arcadia Station |
| ASAN | Activities Sensitive to Aircraft Noise |
| Barnhill | Barnhill Corporate Trustee Limited, DE, ME Bunn & LA Green |
| CCCL | Cardrona Cattle Company Limited |
| CPZ-CG | Open Space Community Purposes Zone – Camping Ground |
| District | Queenstown Lakes District |
| EIC | Evidence-in-chief. Also referred to as Section 42A Report |
| Fish and Game | Otago Fish and Game Council |
| GCZ | Gibbston Character Zone |
| Glen Dene | Glen Dene Limited, Glen Dene Holdings Limited, Richard & Sarah Burdon |
| Hearing Panel | The Independent Commissioners appointed by the Council and convened to hear and recommend on Streams 18 and 20 |
| Heron | Heron Investments Limited |
| LCU | Landscape Character Unit |

¹ Submission #31074

| | |
|----------------------|---|
| LINZ | Land Information New Zealand – Toitu Te Whenua |
| Loch Linnhe | Loch Linnhe Station |
| Malaghans | Malaghans Investments Limited |
| Matakauri | Matakauri Lodge Limited |
| Notified Plan Change | The version of Chapter 46, associated changes to the planning maps, and associated Variations to other PDP Chapters, notified by the Council on 31 October 2019 |
| NZTA | New Zealand Transport Agency / Waka Kotahi |
| OCB | Wānaka Airport Outer Control Boundary |
| RCL | Rural Character Landscape |
| Reply Version | The version of Chapter 46 and associated Variations to other PDP Chapters, attached to the Reply of Emily Grace as Appendix A |
| RLZ | Rural Lifestyle Zone |
| RRZ | Rural Residential Zone |
| SDHB | Southern District Health Board |
| Section 32 Report | The Council’s Section 32 Evaluation for the Rural Visitor Zone, and consequential Variations to the PDP, made publicly available with the Notified Plan Change, including the report – “ <i>QLDC Rural Visitor Zone Review: Landscape Assessment</i> ”, dated May 2019. |
| Section 42A Report | Section 42A Report prepared by Emily Grace for the Council in relation to the Notified Plan Change, dated 18 March 2020. Also referred to as Ms Grace’s evidence-in-chief. |
| Section 42A Version | The version of Chapter 46 and associated Variations to other PDP Chapters, attached to the Section 42A Report of Emily Grace |
| SH6 | State Highway 6 |
| SH84 | State Highway 84 |
| VASZ | Visitor Accommodation Sub-Zone |

| | |
|-------|-----------------------------------|
| WBRAZ | Wakatipu Basin Rural Amenity Zone |
| WCR | Waterfall Creek Residents |

1.3 Background

3. Submissions on Chapter 46 were heard by the Stream 18 Hearing Panel as part of the broader Stage 3 hearings that commenced on 29 June 2020.
4. Report 20.1 provides background detail on:
 - a) The appointment of commissioners to this Hearing Panel;
 - b) Procedural directions made as part of the hearing process;
 - c) Site visits;
 - d) The hearings;
 - e) The statutory considerations bearing on our recommendations;
 - f) General principles applied to requests to rezone;
 - g) Our approach to issues of scope.
5. We do not therefore repeat those matters.
6. More specifically as regards the evidence we heard, Ms Emily Grace, a senior policy planner employed by the Council, prepared a Section 42A Report², two statements of Rebuttal evidence³ and a Reply statement⁴ relating to all aspects of the plan change and variations, including the mapping of RVZs. She also provided an additional Section 42A Report⁵ responding to the late submission of LJ Veint⁶ relating to temporary filming activities in the RVZ at Arcadia Station.
7. Ms Grace relied upon the planning evidence of Mr Craig Barr (Strategic Overview for all of Stage 3), dated 18 March 2020. Her evidence was supported by expert evidence-in-chief, rebuttal and reply evidence from:
 - Helen Mellsop, a landscape architect consultant;
 - Bridget Gilbert, a landscape architect consultant;
 - Mathew Jones, a landscape architect consultant;
 - James Dicey, a viticulture consultant;
 - Michael Smith, a transportation engineering consultant;
 - Christopher Rossiter, a transportation engineering consultant;
 - Andrew Edgar, Council's Asset Engineer;
 - Dr Stephen Chiles, an acoustics engineering consultant;
 - Robert Bond, a geotechnical engineering consultant;
 - Richard Powell, Council's Development Infrastructure Engineer.
8. We also had the benefit of evidence from numerous submitters and their supporting expert evidence, as detailed in Report 20.1.

² Dated 18 March 2020, also referred to as E Grace, EIC

³ Dated 12 and 19 June 2020

⁴ Dated 10 September 2020

⁵ Dated 16 July 2020

⁶ Submission #31074

2. STATUTORY CONSIDERATIONS

9. Report 20.1 outlined the general statutory framework that is relevant to our consideration of submissions and further submissions. We have applied that approach in this report.
10. When applying the general statutory framework, we need to take account of the content of the higher order documents guiding (and in some cases directing) how we proceed. Report 20.1 has set out the relevant provisions of the national policy instruments for the Stage 3 hearings and notes the relevance of the RPS.
11. The Section 32 Report⁷ considered the relevance of National Policy Statements in its evaluation of appropriate zones to replace the ODP RVZ. It stated that the most relevant is the NPSUDC⁸, although it determined that only the ODP RVZ at Arthurs Point North would fall within scope of the housing and business development capacity assessments required by the NPSUDC. As a result of the Section 32 evaluation, the Council determined to apply alternative “urban” zones at Arthurs Point North. That area is accordingly addressed separately in Report 20.9.
12. Ms Grace did not address the relevance of the NPSUD in her evidence. We did not receive any legal submissions that suggested the NPSUD was of relevance to our consideration of the RVZ. The only planning evidence⁹ we received that directly addressed the relevance of this NPS¹⁰ was from Mr Edgar¹¹ in his planning evidence for Corbridge¹². He concluded that, as rural zones are excluded from the definition of “urban environment” in the NPS and RVZ are not proposed to be located in areas identified by the Council as being “urban environment”, the NPSUDC is of little relevance to consideration of the RVZ. We have proceeded on the basis that we do not need to give further consideration to the NPSUD in relation to the provisions of the RVZ and the new zonings sought through submissions.
13. In relation to National Environmental Standards, regulations and the National Planning Standards, the Section 32 Report¹³ noted the RVZ has a relatively narrow purpose in that it seeks to provide for visitor accommodation and related activities in appropriate rural locations. The Section 32 Report did not consider the PDP RVZ would introduce provisions that would be inconsistent with any of the NESs or regulations, none in the Notified Plan Change are affected by the existing National Grid, and the Council is not required to implement the National Planning Standards immediately. We received no evidence on these documents.
14. Ms Grace briefly touched on the relevance of the RPS to Chapter 46. In her opinion, the most directly relevant provisions of the RPS are those that direct outstanding landscapes and features are maintained and protected, and that encourage enhancement of areas and values that contributes to their significance. Other than those provisions, she did not consider the RPS provisions provided particular direction on the RVZ. She considered that Chapters 3 and 6 of the PDP, which give effect to the landscape requirements of the RPS, now provide more helpful direction.

⁷ Section 32 Report, para [6.8]-[6.14]

⁸ As it was at that time

⁹ We note that Mr Vivian, in his evidence for Submitters #31008, #31013 & #31014, concluded generally that none of the NPS are particularly relevant to the RVZ.

¹⁰ At the time he was addressing the NPSUDC, rather than its replacement, the NPSUD

¹¹ S Edgar, EIC, para [28]-[29]

¹² Submitter #30121

¹³ Section 32 Report, para [6.15]-[6.19]

15. We also received planning evidence on the relevance of the RPS from Mr Vivian¹⁴, Mr Freeman¹⁵ and Mr Edgar¹⁶. Like Ms Grace, Mr Freeman and Mr Vivian emphasised the relevance of the landscape provisions in the RPS, although Mr Vivian and Mr Edgar both quoted a wide range of RPS provisions that may have some relevance. Mr Vivian also referred to the RPS provisions regarding management of natural hazards. This evidence did not, however, identify any particular provisions of the RPS that were key to our consideration of the RVZ, or that would be of more relevance than the settled provisions of the PDP that give effect to the RPS. On the basis of this evidence, and that from Ms Grace, we have not considered the provisions for the RPS further in this report.
16. Report 20.1 notes the relevant iwi management plans for the Stage 3 hearings. The Section 32 Report¹⁷ identified provisions of relevance in the iwi management plans, particularly those relating to development in the high country and foothills and to the effects of land use intensification on manawhenua values associated with water. Ms Grace did not address the relevance of the iwi management plans in her evidence. Similarly to the Section 32 Report, Mr Vivian¹⁸ quoted the provisions relating to effects on manawhenua values associated with water. No other party presented evidence regarding matters from the iwi management plans of relevance to this Notified Plan Change. We have not found any direct guidance in the iwi management plans of relevance to our consideration of submissions on the notified RVZ provisions or to the particular new zonings sought.
17. Consideration of the Notified Plan Change occurs in the context of the broader PDP process which the Council is engaged on. A series of plan changes to the ODP have been initiated, including this new Chapter 46 and the associated variations to other Chapters already introduced through earlier PDP stages.
18. The structure of the Plan Changes and Variations making up the PDP to date is that some chapters (Chapters 3-6) have been inserted into the ODP that provide strategic direction on the entire range of district planning issues. As described in Report 20.1, Chapter 3 provides strategic direction, and Chapters 4-6 elaborate on that strategic direction. Report 20.1 explains the role of Strategic Chapters 3-6, their interpretation and application, as well as their current status in terms of resolution through the Environment Court processes.
19. Although appeals on the Strategic Chapters have not all yet been finally resolved, various decisions, interim decisions and Court Orders of the Environment Court have been released. In a Memorandum of Counsel, dated 28 October 2020, Ms Scott provided us with updated versions of Chapters 3 and 6 which, although working versions, provide clear direction on the likely shape those chapters will take following final resolution of the appeals on them.
20. The Council's Opening Legal Submissions¹⁹ addressed the relevance of the Environment Court's interim decisions on Topic 2 for submissions seeking a new RVZ within the Rural Zone ONL. Ms Scott referred us to the Court's redrafting of certain Chapter 3 provisions²⁰ which emphasise that landscape values of ONLs are to be protected. It was her submission that any

¹⁴ C Vivian, EIC for Submitters #31008, #31013 & #31014

¹⁵ S Freeman, EIC for Submitter #31033, para [145]-[151]

¹⁶ S Edgar, EIC for Submitter #31021, para [30]-[34]

¹⁷ Section 32 Report, para [6.20]-[6.24]

¹⁸ C Vivian, EIC for Submitters #31008, #31013 & #31014

¹⁹ Opening Legal Submissions for Queenstown Lakes District Council from S Scott, dated 29 June 2020, para [8.6]

²⁰ In particular, SO 3.2.1.8, SO 3.2.5.xx and SP 3.3.1A & 3.3.30

new zone located within an ONL needs to achieve this standard. The RVZ is designed in a way that uses different levels of landscape sensitivity to direct development to those areas with lower landscape sensitivity. Ms Scott submitted that, when recommending whether various new RVZs should be pursued, we need to have this ethos of the RVZ in the forefront of our considerations. No party sought to persuade us differently. We have proceeded on the basis of these submissions from Ms Scott. In our view, a similar approach is required in relation to any new RVZ within an RCL for which landscape character is to be maintained and visual amenity values maintained or enhanced²¹.

21. In response to our request²², Ms Grace helpfully provided us with a schedule of relevant strategic objectives and policies for our consideration of rezoning submissions²³.
22. Consistent with the Council's legal submissions, Ms Grace²⁴ set out her understanding of the relevant approach in Strategic Chapters 3 and 6 to areas of RVZ. She also referred to the specific direction for addressing landscape values in each of ONLs/ONFs and RCLs. She noted the difference in presumptions about development in the two landscape units, with the presumption in ONLs/ONFs being that new development is inappropriate unless it protects landscape values (SO 3.2.5.xx); whereas in RCLs, the starting point is that adverse effects on landscape character and visual amenity values are anticipated, but those effects are to be effectively managed so as to maintain landscape character and maintain or enhance visual amenity values (SO 3.2.5.2).
23. Ms Grace²⁵ also referred us to the specific Strategic Policy for commercial recreation and tourism related activities in rural areas (SP 3.3.1A), which refers to both types of landscape units (ONL/ONF & RCL) and contains the same policy direction as the Strategic Objectives regarding landscape values for these units.
24. In terms of Chapter 6, Ms Grace identified Policy 6.3.1.3 as being relevant to the application of RVZ within ONLs/ONFs and RCZs in her evidence in chief²⁶. She considered Policy 6.3.1.3 provides for the RVZ²⁷ provisions to apply as a separate regulatory regime instead of the provisions of Chapter 6. In other words, Chapter 46 is essentially to be a substitute method of providing the necessary level of protection of ONLs/ONFs and RCLs as required by Chapter 3. It was Ms Grace's opinion that areas of RVZ applied to areas of ONL/ONF and RCL can be consistent with Chapters 3 and 6, provided the RVZ provisions are able to manage landscape values in accordance with the Chapter 3 requirements to protect landscape values of ONLs and maintain landscape character and maintain or enhance visual amenity values of RCLs.
25. We note that Ms Grace's interpretation of Policy 6.3.1.3 was reasonable, based on the wording of the policy as it stood when she wrote her evidence in chief. That policy refers to Special Zones, among others, having a separate regulatory regime, within which the ONLs, ONF and RCL landscape categorisations and the Chapter 6 policies related to them do not apply.
26. The ODP RVZ was listed as a Special Zone and that description is applied also to Chapter 46 in the PDP index.

²¹ We refer in particular to SO 3.2.5.2

²² Minute 35, 24 August 2020

²³ Appendix E to Ms Grace's Reply

²⁴ E Grace, EIC, para [3.6]-[3.7]

²⁵ E Grace, EIC, para [3.8]

²⁶ E Grace, EIC, para [3.9]-[3.11] & [3.13]

27. However, the Environment Court’s resolution of Stage 1 appeals is in the process of putting a further layer of policy direction over the top of Policy 6.3.1.3. More specifically, the Court’s 19 December 2019 decision²⁸ made preliminary directions for development of a framework for ‘exception zones’ that would apply to zones in respect of which the Court could be satisfied their positions would “*deliver outcomes that ensure the appropriate protection of ONF/L relative to the land within those exception zones.*”²⁹
28. In her second rebuttal statement of evidence, Ms Grace advised us that the Council’s intention was that the RVZ will be an Exception Zone³⁰.
29. The Court has now released a further interim decision³¹ rejecting the Council’s request that the PDP RVZ be listed as an Exception Zone.
30. It identified three grounds for that position. First, the Court stated that it had insufficient understanding of the zones Council proposed be added and so it could not safely conclude that Section 6(b) landscape matters are already accounted for in their provisions.
31. Second, it was not satisfied that participants in the Stage 1 review would have necessarily understood or assumed that the suggested zones would be subject to the Exception Zone framework.
32. Third, it was not satisfied it had scope to add additional zones.
33. This decision prompted Ms Scott to file a Memorandum on behalf of the Council suggesting that we should recommend that the RVZ be listed as an Exception Zone in Section 3.1B.5, as a consequential alteration arising from the submissions we have heard.
34. We sought feedback from the parties to the suggestion and received Memoranda of Counsel on behalf of Barnhill, The Station at Waitiri Limited (as successor to the submission of LJ Veint), Gibbston Valley Station and Malaghans, and Matakauri, all supporting the Council’s request. We also received feedback from Ms Christine Byrch³² opposing the Council’s request.
35. Mr Holm, for Matakauri, suggested that the course proposed by Ms Scott was pragmatic.
36. Counsel for the other parties confirmed that it was their understanding that the RVZ would be an Exception Zone. Counsel for Barnhill and for The Station at Waitiri Limited pointed to Policy 6.3.1.3 as the basis for that understanding. On the other hand, Ms Byrch stated it was not her understanding that the RVZ would be listed as an Exception Zone in Chapter 3. In her opinion, including the RVZ as an Exception Zone suggests flaws in the drafting and/or configuration of the PDP.
37. Counsel for Malaghans and Gibbston Valley Station pointed to explicit requests for consequential relief in submissions as founding jurisdiction, independently of clause 10 of the First Schedule, on which Ms Scott had relied.

²⁸ [2019] NZEnvC 205

²⁹ Ibid at [505]

³⁰ E Grace, second rebuttal at 8.1

³¹ [2020] NZEnvC 159

³² Submitter #31030

38. Whether or not the RVZ is an Exception Zone does not alter our consideration of the zone provisions and the spatial areas allocated to the zone. We need to be satisfied that RVZ areas within ONLs or ONFs meet the policy direction in Chapter 3 (as foreshadowed by the Environment Court) regardless. The significance of that fact arises once the zone is in place. Subsequent applications for resource consents under the zone provisions do not then need to have regard to those same Chapter 3 directions. The argument supporting Ms Scott's suggestion therefore turns on the certainty and efficiency of the operation of those provisions once in place.
39. Importantly, the Environment Court found that the Exception Zone framework should not be applied to RCLs. However, as Ms Grace pointed out in her Second Rebuttal Statement³³, rezoning land to a zone other than Rural automatically has the effect taking it outside the focus of those provisions, so we need to be conscious of that consequential effect.
40. We will return to the issue of Exception Zones and potential consequential changes to Chapter 3 later in our report once we have worked our way through the provisions of Chapter 46 and confirmed to our satisfaction that they do indeed appropriately implement the strategic direction in Chapter 3.
41. Other than in relation to Exception Zones, we received little in the way of legal submissions or planning evidence on behalf of the submitters that addressed the structure and direction of Strategic Chapters 3 and 6 and how this should be applied to the RVZ provisions or new zonings sought. Where we did receive submissions³⁴ or evidence³⁵, it generally supported or, at least, did not contradict the approach of the Council. Accordingly, we have proceeded on the basis of Ms Scott's legal submissions, and the evidence of Ms Grace, as to the application of Chapters 3 and 6 to our consideration of the RVZ.
42. Of relevance to Chapter 46, Report 20.1 also notes that we were provided with the Consent Order³⁶ version of Chapter 28 – Natural Hazards, which is consequently now beyond appeal.
43. Ms Grace referred us to Objectives 28.3.1A and 28.3.1B of Chapter 28³⁷ which seek that risk to people and the built environment posed by natural hazards is managed to a level tolerable to the community; and that development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed. In her opinion³⁸, an assessment of the nature of the hazards present, and the risk they pose to future visitor accommodation and commercial recreational activities, should be undertaken before the RVZ is applied to any new areas. When considering whether it is appropriate to rezone a site as RVZ, in Ms Grace's opinion, it is important to understand if the risk is significant enough that it should be avoided by not allowing RVZ development in that area, or if it is possible and necessary to mitigate risk to future development through specific plan provisions. We received no evidence or submissions to the contrary and, accordingly, have proceeded on this basis
44. Report 20.1 sets out our approach to our duties under Section 32AA of the RMA. As stated, we have adopted the approach of embedding our further evaluation in this report.

³³ E Grace, Second Rebuttal at [8.1]

³⁴ Legal Submissions from B Irving, for Submitter #31021, para [17]-[19]

³⁵ S Edgar, EIC for Submitter #31021, para [35]-[39] and S Freeman for Submitter #31033, EIC, para [139]-[144]

³⁶ Real Journeys Ltd and Others v QLDC – Environment Court Consent Order dated 11 June 2020

³⁷ E Grace, EIC, para [7.8]

³⁸ E Grace, EIC para [7.9]

3. GENERAL AND SUPPORTING SUBMISSIONS

45. As set out in Report 20.1, where a submission seeking a change to the notified Stage 3B provisions was only considered in evidence from the Council, without the benefit of evidence from the submitter or from a submitter on a related submission, we have no basis in evidence to depart from the recommendation of the Council's witness and recommend accordingly.
46. A total of 190 submission points and 83 further submissions were received on the Notified Plan Change³⁹. As stated in Report 20.1⁴⁰, it is not necessary for the Hearing Panel to address each submission individually. Rather, the Hearing Panel's report can address decisions by grouping submissions. This is the approach taken in this report, particularly where there are several submitters who made similar requests in relation to the Notified Plan Change provisions. When discussing each section and/or provision, not every aspect of the submissions, as categorised by Council staff, is mentioned. That is so the report is not unnecessarily wordy. However, in each case the Hearing Panel has considered all the submissions and further submissions on the plan change.
47. Some submissions⁴¹ supported the Notified Plan Change generally (with some specific modifications). As we are recommending changes to the provisions, we recommend these submissions be accepted in part (or accepted, where specific provisions referred to in a submission are recommended unchanged).
48. A group of submissions⁴² supported the provisions that relate to high, moderate and low landscape sensitivity. As we are recommending these provisions be retained, we recommend these submissions be accepted.
49. The Southern District Health Board⁴³ strongly supported the involvement and collaboration with tangata whenua throughout the planning process and we recommend this submission be accepted.
50. Fish and Game⁴⁴ requested that the intent of the notified RVZ - to provide more control over the type of development that may occur within the Zone, be retained as notified. We take this to mean more control than was provided through the ODP RVZ. As we are recommending this approach be generally retained, we recommend this submission be accepted.
51. Two submissions⁴⁵ asked that the entire RVZ rejected. As we recommend retaining the RVZ, albeit with substantial changes, we recommend that these submissions be rejected. A submission from Barnhill⁴⁶ requested that all the amendments sought to the ODP RVZ (for the Morven Ferry Rural Visitor Zones), set out in the submitter's submission on Stage 1 of the PDP Review, be implemented. We received no evidence on how those amendments could be implemented through Chapter 46 and recommend this submission be rejected.

³⁹ E Grace, EIC, para [2.2]

⁴⁰ Report 20.1, Section 1.7

⁴¹ Submissions #31009.2, #31022.2, #31023.3 & #31023.7, #31033.2 –#31033.15 & #31033.17-#31033.23, #31034.1–#31034.5 & #31034.12, #31037.2, #31039.2 and #31053.2

⁴² Submissions #31012.5, #31013.4, #31014.4, #31015.4 and #31016.3

⁴³ Submission #31009.6

⁴⁴ Submission #31034.12

⁴⁵ Submissions #31008.1 and #31021.1

⁴⁶ Submission #31035.3

52. Christine Byrch⁴⁷ requested a number of general changes to the Notified Plan Change, including that:
- (a) the purpose of the RVZ be written more clearly;
 - (b) the Plan stipulate restrictions on the extent of an RVZ;
 - (c) the Plan provide clear guidelines describing what areas (if any) are suitable for an RVZ.
53. We are grateful to Ms Byrch for raising these matters and discussing them with us. As we progressed through the hearing, the matters she raised became highly relevant to our consideration of submissions on this zone and the responses from the Council's witnesses. We have addressed the broad matters raised in Ms Byrch's submission in subsequent sections of this report, as we have considered the purpose and approach to RVZ across the PDP and through our recommendations on the most appropriate provisions for this chapter. As a consequence of our recommended changes and reasoning, we recommend these submissions from Ms Byrch be accepted.

4. IS THE HEARING PANEL ABLE TO DETERMINE THE MOST APPROPRIATE PLANNING OUTCOME FOR THE RVZ?

4.1 Summary of the Hearing Panel's Concerns

54. Before we considered the specific requests for amendments to the Notified Plan Change and the individual rezoning requests, we turned our minds to the appropriate planning approach to the RVZ. We considered that we needed to consider more generally the planning outcomes the RVZ seeks to achieve, and the appropriate form of the zone provisions.
55. By the time we had heard all the evidence on the RVZ, we were concerned at the breadth of the different planning outcomes and approaches to the RVZ before us. These extended from the relatively narrow approach to the zone contained in the Section 32 Report and Notified Plan Change; to the wide range of amendments to the Notified Plan Change recommended by Ms Grace in the versions attached to her EIC and Second Rebuttal evidence; and to the numerous amendments sought by submitters including the zoning of additional sites across the District and associated site-specific provisions.
56. We were concerned about the fairness and transparency of a planning process that could result in widespread changes to the outcomes and approaches for the RVZ; the potential for adverse cumulative effects into the future and across the District; and whether affected and interested residents of the District could have anticipated such substantial movement from the Notified Plan Change.

4.2 Hearing Panel's Questions for the Council's Reply

57. As a result of these concerns, the Hearing Panel put several questions to the Council regarding the general approach to the RVZ in our Minute 35⁴⁸ setting out specific issues for the Council's response in reply. These questions included:
- (a) What / where is the Council's s32 evaluation (including identification and assessment of costs and benefits) of the changes recommended by Ms Grace to the provisions of the RVZ? Have the potential cumulative costs and benefits (both now and potentially through private plan changes in the future) been identified and assessed? In particular, has the further s32 evaluation addressed her recommended changes which would enable RVZ to be located:

⁴⁷ Submission #31030.1, #31030.3 & #31030.4

⁴⁸ Dated 24 August 2020

- In RCL's within the Rural Zone, RLZ and WBRAZ, rather than only in ONLs?
 - In areas that are "generally remote", rather than "remote"?
- (b) The Council's evidence on the new RVZ sites sought by submitters goes beyond landscape-related matters and has considered matters such as traffic safety, infrastructure services, natural hazards, effects on neighbouring properties, and whether a site is remote from urban areas. How are these matters intended to be addressed in the objectives and policies guiding RVZ location choices? Have these matters been addressed in the Council's s32 evaluation of the costs and benefits of Ms Grace's recommended changes to the RVZ provisions?
- (c) Ms Grace has recommended amendments which would open potential locations across the "rural" areas of the District to a RV zoning. The submissions seek to take the RVZ provisions further with requests for multiple "bespoke" zone provisions (effectively sub-zones) that seek different activities and scales of development beyond that evaluated for the notified RVZ. Does the Council consider the resulting zone provisions continue to be "fit-for-purpose"? In other words, does the RVZ, as recommended and sought to be amended from its notified form, remain the most appropriate way to address the relevant resource management issues?
58. In her Reply evidence, Ms Grace⁴⁹ addressed these questions and responded with recommending a further version of the RVZ⁵⁰, which deleted some the changes she had recommended previously⁵¹ and contained additional changes⁵².
59. Regarding our question (a) above, Ms Grace accepted⁵³ that she had not specifically considered the method of "spot zoning" (for existing and future areas of RVZ) against the Section 32 criteria. Rather, in her evidence, she had considered text changes to the objectives and policies, followed by the merits of the individual rezoning requests. Ms Grace⁵⁴ noted the Section 32 Report had addressed the effects of activities within ODP RVZs, which were all within ONLs. She considered this assessment would apply to consideration of other RVZ within other ONL areas. In relation to extending the location for RVZs to both ONLs and RCLs, Ms Grace considered this to be consistent with the PDP Strategic objectives and policies. She considered the Reply Version provides clearer direction as to how to achieve the strategic objectives for RVZ in both ONL and RCL locations.
60. Attached to her Reply, Ms Grace provided a high level Section 32AA assessment⁵⁵ of using a "spot zone" approach to enable RVZ to be applied across the rural areas of the District. We take her reference to a "spot zone approach" to mean application of the Reply Version of the RVZ to sites sought by submitters as part of Stage 3B or through Council or private plan changes in the future.
61. In Ms Grace's opinion⁵⁶, it is very difficult to assess the costs and benefits of the application of the zone without a specific site in mind. She considered each application of the RVZ to a site

⁴⁹ Ms Scott also responded to several of our questions in her Second Reply Legal Submissions for the Council, dated 10 September 2020

⁵⁰ The Reply Version, Appendix A to E Grace, EIC

⁵¹ For example, removing detail from the Purpose; deleting her recommended policy on zone identification; and removing reference to "remoteness" as a criterion

⁵² For example, including specific reference in the policies to visibility requirements for buildings in ONL, and in other rural areas.

⁵³ E Grace, Reply, para [4.5]

⁵⁴ E Grace, Reply, para [4.6]-[4.9]

⁵⁵ Appendix F to E Grace, Reply

⁵⁶ E Grace, Reply, para [4.10]

needs to be considered case-by-case, particularly as landscape management is a key focus of the zone and landscape matters tend to be site-specific. In her opinion, this level of assessment can be undertaken at the rezoning stage for any specific site, and that the Reply Version provisions set a reasonably high threshold for proposed RVZs to pass.

62. Ms Grace’s Section 32AA assessment⁵⁷ mirrored this approach, supporting the site-specific assessment of environmental, social and cultural effects (including cumulative effects) at zoning / plan change stages. She assessed the objectives and policies of the RVZ as being appropriate for managing the number and location of zones, including their cumulative effects, through consideration of specific sites as they are proposed; and the rules as being appropriate for managing the scale and intensity of development to that which can be accommodated. The Section 32AA assessment concluded that this approach is efficient in light of the benefits from visitor activities that would be enabled by additional RVZ.
63. With regard to question (b), Ms Grace⁵⁸ considered it unnecessary for additional matters such traffic safety, infrastructure services, natural hazards, etc, to be specifically identified as part of the policies guiding RVZ location. In her opinion, the other chapters of the PDP would be relevant to consideration of these matters, and Section 32 requires assessment of effects for any new zone, which would also trigger their consideration.
64. In response to question (c), Ms Grace⁵⁹ accepted that the resource management issues being addressed through the RVZ had widened as a result of submissions and this required reframing of the notified objectives. She framed the new issue as “*How should areas of RVZ be identified*”? She stated this required consideration of the submission from Ms Byrch; whether the RVZ should apply in the RCLs; how additional RVZ within ONL should be identified; and what the key characteristics of RVZ sites should be. In her opinion, whilst the Notified Plan Change was not fit for purpose to address this issue, the Reply Version is.

4.3 Extent of the Changes to the RVZ before the Hearing Panel

65. Later in this report we will return to our evaluation of Ms Grace’s responses and, in particular, her opinion that the Reply Version is the most appropriate option to address the resource management issues identified. Suffice it to say at this stage that our initial concerns regarding the planning process, the widespread changes to planning outcomes, the potential for adverse cumulative effects, and whether people could have anticipated this, were not fully allayed. This is best exemplified by tracing the recommended changes from Ms Grace, and those sought by some submitters.
66. The starting point is the Section 32 Report, followed by the Notified Plan Change. The Section 32 Report sets out the matters considered by the Council prior to notifying the Plan Change and provides the basis for what interested people could anticipate for the RVZ. We took the following relevant points from the Section 32 Report:
- The RVZ is intended to provide for and manage visitor industry activities within the rural environment of the District, specifically the ONLs⁶⁰;
 - The RVZ is designed to provide for visitor industry facilities on sites that are too small to likely be appropriate for resort zoning⁶¹;

⁵⁷ Appendix F to E Grace, Reply

⁵⁸ E Grace, Reply, para [4.12]

⁵⁹ E Grace, Reply, para [4.16]

⁶⁰ Section 32 Report, para [1.2]

⁶¹ Ibid at [1.2]

- The principal activity is to be visitor accommodation and smaller scale commercial recreation activities, rather than a separate resort or special zone that is centred around substantial recreation activities⁶²;
- The purpose is to introduce to the PDP a suite of objectives, policies and rules that provide for visitor accommodation and related activities in specific locations within the rural areas, where the landscape can accommodate the change from visitor industry related development, primarily visitor accommodation⁶³;
- The ODP RVZ provisions were used as a baseline for the Section 32 review. The seven areas of RVZ in the ODP were evaluated, including through a landscape assessment⁶⁴;
- Consultation was undertaken with property owners in the ODP RVZ, and immediately adjacent sites⁶⁵;
- The key resource management issues identified were specific to the ODP RVZ sites and (of relevance to the PDP) included the effects of activities on landscape values, the appropriateness of the various activities enabled within the ODP RVZ and in relatively remote locations within the rural environment, continued use of Structure Plans, and effects on historic values at Arcadia⁶⁶;
- The evaluated options addressed issues at the ODP RVZ sites and whether (and how) they should be retained as RVZ in the PDP⁶⁷.

67. We could find no indication in the Section 32 Report that the Council had considered widening this approach, which was applied to a limited number of small sites already zoned as RVZ, in relatively remote locations within ONLs, and focussed primarily on visitor accommodation with small scale commercial recreation activities. If anything, we find that the Notified Plan Change tightened the provisions from those in the ODP by only applying the zone to four historically zoned RVZ sites, strengthening the protection of landscape values within ONLs, and applying greater restrictions on non-visitor related activities (such as by removing the previously open provision for residential activities).

68. Through the course of the First Schedule process, having considered the submissions, Ms Grace recommended a wide range of changes to the RVZ provisions, culminating in her Reply Version. For the purpose of our analysis, the key changes we identify between the Notified Plan Change and her Reply Version are:

- (a) RVZ may occur anywhere within the rural environment, not only within ONLs, subject to meeting specified landscape requirements for ONLs and other areas;
- (b) Remote locations are not required, nor identified as a reason for on-site staff accommodation and services;
- (c) The purpose of the RVZ is to enable people to access and appreciate the District's landscapes;
- (d) The zoned areas are to be limited in extent, and the nature, scale and intensity of development is to be limited, in order to manage effects on landscape;
- (e) Additional RVZ locations are recommended at Gibbston Valley, Maungawera and Matakauri Lodge;
- (f) Additional building controls in the new recommended locations, along with some site-specific standards arising from the Council's assessment of those locations.

⁶² Ibid at [1.2]

⁶³ Ibid at [2.2]

⁶⁴ Ibid at [2.4], [2.5] & Section 7

⁶⁵ Ibid at [5.3]

⁶⁶ Ibid at [1.3] & Section 8

⁶⁷ Ibid at Section 9

69. Alongside the evidence and iterations of the RVZ chapter from Ms Grace, we also received evidence on behalf of several submitters who sought to move the approach of the RVZ further from the Notified Plan Change assessed in the Section 32 Report. For example, submitters sought to:
- (a) Increase the scale of individual RVZ sites and the activities provided for, well beyond what could be considered limited in scale and intensity⁶⁸;
 - (b) Enable resort scale and nature of development;
 - (c) Enable residential activity, beyond that required for ancillary on-site staff accommodation;
 - (d) Zone sites immediately adjoining, or in close proximity to, townships;
 - (e) Enable a scale and nature of development in locations which could require connection to, and upgrading of, Council water supply and wastewater infrastructure, as well as upgrades to the roading network.

4.4 The Hearing Panel's Position

70. Despite Ms Grace's evidence that the effects of multiple areas of RVZ across the rural areas of the District can be adequately considered at the rezoning stage for any specific site, the Hearing Panel retains concerns regarding the appropriate planning approach to be taken to the RVZ. We can envisage broad RVZ provisions opening the door to multiple future plan changes for RVZ of different natures and scales across the rural areas of the District. We consider this could have potential for long-term cumulative effects on landscape, rural character and amenity values, as well as impacts on urban form, traffic safety and efficiency, and provision of public infrastructure services.
71. The potential costs and benefits of such outcomes had not been addressed in the Section 32 Report, nor by Ms Grace in her Section 32A assessment. Neither had the Council (nor any of the planning witnesses before us⁶⁹) undertaken any form of long-term planning appraisal of the potential for future RVZ sites across the District and the potential effects and planning implications. We also discussed this matter with Ms Irving⁷⁰, who submitted it is too difficult to try and anticipate future proposals for RVZ and their effects, and that we should focus on the RVZ sites before us at this hearing, leaving future proposals to be assessed against the relevant zone and strategic provisions in the future. In the Hearing Panel's view, this is not an appropriate approach to planning for visitor activities across the rural areas of the District, and a greater understanding of the potential costs and benefits is required when developing new zone provisions.
72. In the face of these concerns, we are not convinced that the Reply Version is "fit for purpose" to adequately and appropriately address the issue identified by Ms Grace of "*How should areas of RVZ be identified?*".
73. In our deliberations on this matter, the Hearing Panel seriously considered recommending the Council make no changes to the Notified Plan Change, reject all submissions and accept no requests for additional areas of RVZ. This was our initial response to a zone for which the approach had changed markedly through the course of the planning process, with different issues being addressed than had been considered in the Section 32 Report, and in respect of

⁶⁸ As the largest example, Corbridge sought a RVZ site over approximately 322ha, with provision for recreational and associated commercial activities, visitor accommodation and residential activity which could accommodate up to 3000 people at any one time

⁶⁹ We questioned the planners about this matter, including S Freeman appearing for Barnhill and Corbridge; C Vivian appearing for Heron

⁷⁰ B Irving, presenting legal submissions for Corbridge

which the costs and benefits had moved substantially from that starting point without adequate reconsideration.

74. On further reflection, we decided this would not assist the Council with its long term planning for the visitor industry within the rural environment.
75. In terms of fairness and transparency and whether affected and interested people could have anticipated such substantial movement from the Notified Plan Change, we accept the required planning process includes a notified step calling for further submissions. The initial submissions that sought to widen the scope of the RVZ were sufficiently clear as to the changes requested. We consider, however, that the Council failed to adequately understand the planning implications of notifying a limited Plan Change covering only four RVZ sites within ONLs⁷¹. It did not properly assess the costs and benefits of introducing this “spot zone” into the PDP and the wider potential it opened up for requests for multiple RVZ sites across the District. However, we accept that failing to address these matters fully prior to notification is not a fatal flaw, provided adequate evaluation occurs during the hearing process.
76. We had no evidence before us seeking that the whole zone be thrown out⁷², or that no changes should be made from the Notified Plan Change. The overall concept of the zone had support in the evidence from the Council and from the majority of the submitters. We had very little evidence countering the appropriateness of its provisions. We will return to the matters raised in the evidence of Ms Byrch and Mr Scaife who requested changes to the RVZ provisions that reflected some of our concerns about the approach to the zone.
77. We were also mindful of the likelihood the Council’s decisions on the RVZ will be appealed and reconsidered through the Environment Court process. In this situation, we see our role as endeavouring to assist the Council and the Court in any appeal process by providing the most appropriate framework of RVZ provisions we can, based on the evidence before us.
78. Therefore, we have determined we should carefully consider the submissions and evidence regarding the general criteria for the RVZ, before considering each of the RVZ objectives, policies and rules, and then the requests for rezoning and any associated site-specific policies or rules.

5. HOW SHOULD RVZ BE IDENTIFIED – WHAT SHOULD BE THE CRITERIA?

5.1 ONL or Wider Rural Locations?

79. Four submissions⁷³ sought change to the Purpose and/or Objectives and Policies of Chapter 46 to allow the RVZ to apply to areas outside ONLs. We had no evidence put to us that was opposed to widening this location criterion.

⁷¹ For example, in paragraph 4.9 of her EiC, Ms Grace stressed that the notified RVZ was developed in light of the ODP “legacy” RVZ and only four areas of RVZ were notified. She considered this was sufficient to send a clear message that the application of the zone in the PDP was to be restricted. Clearly, this was not the message received by the submitters.

⁷² C Byrch (Submitter #31030) stated in her evidence that Chapter 46 should be deleted from the PDP, however, this request went further than her Submission which requested amendments to the wording of Chapter 46. The Corbridge Submission (#31021.1) did request that the RVZ be rejected, but then went on to ask for substantial amendments (based on the notified provisions) to provide for its particular RVZ proposal.

⁷³ Submissions #31014.5, #31021.3, #31035.5 and #31053.4

80. Ms Grace addressed this matter in her Section 42A Report⁷⁴ as one of the key planning issues raised by submissions requesting rezonings to RVZ. She acknowledged this matter was not addressed in the Section 32 Report and went on to examine whether applying RVZ outside ONL areas implements the Strategic Objectives and Policies of the PDP.
81. Ms Grace summarised the two-tier approach to the management of rural landscapes directed by the Environment Court and set out in Chapter 3 – with landscape values to be protected in ONLs and landscape character to be maintained and visual amenity values maintained or enhanced in RCLs⁷⁵. Of particular relevance to locations for RVZ, she pointed to the Strategic Policy for Visitor Industry in rural areas – SP 3.3.1A:

In Rural areas, provide for commercial recreation and tourism related activities that enable people to access and appreciate the district's landscapes provided that those activities are located and designed and are of a nature that:

- a. *protects the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes; and*
- b. *maintains the landscape character and maintains or enhances the visual amenity values of Rural Character Landscapes.*

82. In her opinion, SP 3.3.1A foresees commercial recreation and tourism related activities in both types of rural landscapes. She considered it provides support for the RVZ being applied within both landscape types, with the critical proviso being that the RVZ would have to manage landscape values in accordance with the policy requirements for managing ONLs / RCLs in Chapter 3.
83. From Chapter 6, Ms Grace identified that Policy 6.3.1.3 requires a separate regulatory regime for Special Zones (of which RVZ is one), in order to give effect to SO 3.2.1.1 (which we note is also a relevant Strategic Objective for the visitor industry):

The significant socioeconomic benefits of well designed and appropriately located visitor industry places, facilities and services are realised across the District.

84. We agree with Ms Grace that the intent of the policies in Chapter 6 relating to the landscape categories of both ONL/ONF and RCL do not apply to the Special Zones, although she correctly noted that activity-specific, rather than location-specific policies, in Chapter 6 still apply and, of course, the strategic objectives and policies in Chapter 3 apply following the Environment Court's decision on Exception Zones referred to above. In addition, that position may change, consequential on the Environment Court's decision – the Court's reasoning would suggest that Policy 6.3.1.3 be amended to be consistent with the final form of Section 3.1B.5.
85. However, we agree with Ms Grace that the current position is that Chapters 46 is a substitute method of providing the necessary level of protection for ONLs, ONF and RCLs. It follows that we need to ensure that it does in fact do that.
86. Consistent with that view, Ms Grace concluded her examination of Chapters 3 and 6 with her opinion that the application of the RVZ to areas outside of ONL/ONF would be consistent with these strategic chapters of the PDP, provided the RVZ provisions are able to manage landscape values in accordance with the requirements of Chapter 3 for managing ONLs and RCLs.

⁷⁴ E Grace, EIC, Section 3

⁷⁵ See for example, Strategic Objectives SO 3.2.1.8, SO 3.2.5.xx & SO 3.2.5.2, and SP 3.3.1A

87. We found little other evidence addressing this matter.
88. Ms Byrch⁷⁶ discussed the weaknesses of the Notified Plan Change in terms of its lack of clarity and permissive approach to the identification of suitable sites, their extent, and the nature of development within the RVZ. However, Ms Byrch did not address the matter of extending the opportunity for RVZ into wider rural areas outside ONL.
89. Mr R Deaton, owner of Heron⁷⁷, stated that limiting RVZ to ONL (and remote) sites restricted accessibility to a few, elite tourists, and widening its applicability to RCLs made rural visitor accommodation and activities available to a much wider range of tourists.
90. Mr Carey Vivian⁷⁸ supported Ms Grace’s recommendation to provide for RVZ throughout the rural area, although he provided no analysis of this position.
91. Mr Scott Edgar⁷⁹ went further than Ms Grace in stating that limiting the RVZ to ONL is inconsistent with the higher order policy direction of the PDP that generally seeks to direct development towards the less sensitive landscape of the District. He considered that the higher order PDP provisions could better be given effect to by opening up the RVZ to wider rural areas. He agreed with Ms Grace that RVZ need not be limited to ONLs and could be appropriately located within the RCL.
92. On the basis of the evidence before us, we accept the recommendation of Ms Grace that Chapter 46 be amended to enable the RVZ to be applied to areas outside of any ONL or ONF. We accept this approach is consistent with the strategic objectives and policies in Chapters 3 and 6 of the PDP and will give effect to the relevant RPS provisions. However, we also agree with Ms Grace’s proviso that the RVZ provisions must be able to manage landscape values in accordance with the requirements of Chapter 3 for managing ONLs / RCLs. In this regard we generally accept her recommendations to reword the landscape requirements of the RVZ objectives and policies to ensure they clearly achieve this. When we examine the amendments to each of the RVZ provisions below, we will address the effectiveness of the wording in her Reply Version in this regard.

5.2 Remote Locations or Not?

93. The submission from Corbridge⁸⁰ specifically requested removal of the reference to remoteness from the RVZ provisions, so that the RVZ can apply to rural areas generally. Whilst she considered “remoteness” is a key characteristic of the notified RVZ areas, Ms Grace acknowledged in her Section 42A Report⁸¹ that “*access to the District’s landscapes may be enabled through RVZ areas that are not particularly remote*”. Consistent with her recommendation to extend the opportunity for RVZs to RCL areas, Ms Grace recommended adding the word “*generally*” in front of “*remote*” to describe RVZ areas in the Purpose and policies.
94. Through our questioning, we endeavoured to determine what Ms Grace meant by “generally remote” – did she mean that some sites could be remote and others not, or that any site could be “somewhat” remote? She stated she wanted to allow some flexibility so that all sites did

⁷⁶ Submitter #31030

⁷⁷ Submitter #31014

⁷⁸ Consultant Planner on behalf of Heron (Submitter 31014), in Attachment E to his EiC, Section 32AA Evaluation

⁷⁹ Consultant Planner on behalf of Corbridge (Submitter 31021), EiC, para [43]-[52]

⁸⁰ Submission 31021

⁸¹ At [4.22]-[4.23]

not need to be highly remote, and some sites could be less remote if they met the other locational criteria. We did not find this explanation entirely satisfactory. We consider policy directing that RVZ should be “generally remote” would not be effective in providing guidance for zone location.

95. Through the hearing, we continued to ask witnesses⁸² how they would interpret the term “remote” or “remoteness” and how effective is this concept as a criterion for determining the location of RVZs. Mr Edgar also addressed this in his written evidence⁸³. Their responses to the meaning of remoteness in the context of the District’s rural areas were expressed differently, but with similar implications. Examples of the responses we received are:
- Not a particularly helpful descriptor / somewhat vague
 - Different people have different appreciations of what is remote, such as between residents and visitors
 - Distance from towns or difficulty of access also mean different concepts to different people, such as whether they are walking, cycling or driving a car
 - Unclear as to whether it means geographical remoteness or a sense of remoteness or both
 - Alternative interpretations included:
 - Sense of remoteness
 - Seems or feels remote
 - Perception of remoteness
 - Visually remote
 - Difficult to see into, or to see out to development
 - Feels like you are miles away from anywhere
 - Separate and distinct from the nearest township, even if physically close
96. In response to our questions at the hearing and written questions for the Council’s Reply, Ms Grace responded further on the criterion of remoteness in her Reply statement⁸⁴. She agreed that “remote” is a subjective term and adding “generally” does not assist with its clarification. She noted there is no reference to “remote” in the Strategic Objectives and Policies. She considered that the descriptor “*in locations that enable access to the District’s landscapes*” is a more important component of the location of RVZ areas than the requirement that locations be ‘remote’, and provides a direct link to the wording of SP 3.3.1A. As a result, Ms Grace recommended⁸⁵ removing the requirement for RVZs to be “remote” or “generally remote” and instead including a statement in the Purpose that RVZ may be “often in remote locations”.
97. We comment below on the criterion from SP 3.3.1A that RVZs be “*in locations that enable access to the District’s landscapes*”. However, we accept the evidence that “remote” or “remoteness” is difficult to define, means different things to different people and in different contexts, and does not provide helpful or effective guidance as a criterion for RVZ locations. We agree that, having accepted RVZs need not be confined to ONLs, it follows that they need not be confined to remote locations, given that most of the RCL areas of the District are within reasonably close driving distance of an urban area⁸⁶. Accordingly, we accept Ms Grace’s recommendation to delete the requirements for “remote locations” from the Purpose and policies.

⁸² Including Mr Carey Vivian (Submitters #31013 & #31014); Mr Duncan White (Submitter #31043), Ms Rebecca Lucas (Submitter #31033), Ms Jessica McKenzie (Submitter #31014), Mr Ben Espie (Submitter #31013), Mr Tony Milne (Submitter #31037) & Ms Debbie MacColl (Submitter #31035)

⁸³ On behalf of Corbridge (Submitter #31021), EIC, para [49]-[52]

⁸⁴ At [5.8]-[5.10]

⁸⁵ In her Reply Version

⁸⁶ We refer to Mr Scott Edgar (for Submitter #31021), EIC, para [52]

98. If RVZ are to be enabled anywhere within the rural environment, not only within ONL and not necessarily in remote locations, then it follows in our view that the potential for long-term cumulative adverse effects on the District’s rural environment needs to be effectively addressed. We return to this below when we consider the effectiveness of the Reply Version to address cumulative effects.
99. Another consequence of opening the door to non-remote locations for RVZ is the potential for adverse effects on neighbours and for reverse sensitivity effects in relation to established activities in the rural environment. Mr Scaife and Ms Byrch alerted us to this in relation to the proposed Matakauri RVZ, although we do not consider the concern is confined to Matakauri or to its current zone of RRL. Mr Scaife and Ms Byrch identified the lack of focus in the RVZ on effects from RVZ development on surrounding neighbours.
100. We agree that, as RVZ were assumed to occur in remote locations with few, if any, neighbours, Chapter 46 does not have a framework for considering such effects, either at the time of zoning a site, or for consent applications once the zone is established. We agree also that there is little policy direction regarding management of effects on neighbours, and the controlled and restricted discretionary activities do not clearly provide for consideration of this matter.
101. Objective 46.2.1, which sets the criterion for RVZ locations, does not require consideration of effects on neighbours or on established rural activities. The provisions for larger scale outdoor commercial recreational activities do enable consideration of wider effects on neighbours. (Policy 46.2.1.2⁸⁷ and Rule 46.5.7). The provisions for larger-scale buildings do not, despite the subsequent visitor accommodation or commercial recreational activities being permitted.
102. There are no, or limited, matters of discretion or control for buildings that would allow consideration of effects on neighbours from activities within those buildings, such as noise, lighting and glare, hours of operation, disturbance from night-time activity, security or reverse sensitivity. Similarly, the policies that guide the rule provisions are focussed primarily on landscape outcomes, rather than on more general effects of the RVZ buildings and activities on neighbours.
103. This may not have been a matter of concern when RVZ were confined to remote locations, but we consider it is a matter of concern for an RVZ in more settled and developed locations, including in many parts of the Rural Zone, WBRAZ, RRZ or RLZ. We set out our recommended amendments to the RVZ provisions to address this concern below.

5.3 What the RVZ is to Provide for?

104. The Notified Plan Change and Reply Version both state that RVZ provides for visitor industry activities and the principal activities in the Zone are visitor accommodation and related ancillary commercial activities, commercial recreation and recreation activities. We received no evidence in opposition to this approach (although we address the matter of residential activities below).
105. Ms Byrch’s submission⁸⁸ questioned the breadth of the term “visitor industry activities” and asks what is meant by “commercial recreation”, although she did not particularly address these matters in her evidence. “Commercial recreational activities”, “commercial”, “recreational activities” and “recreation facilities” are all defined in the PDP. These definitions

⁸⁷ Reply Version

⁸⁸ Submission #31030

are not subject to appeals and have, therefore, been settled through the previous stages of the PDP process. We do not have any reason, or evidence before us relating to the RVZ, that would cause us to recommend any changes to these definitions.

106. Ms Grace's Reply evidence⁸⁹ placed emphasis on the RVZ providing locations (in rural areas) that "*enable people to access and appreciate the district's landscapes*". She considered this a direct link to SP 3.3.1A and one of the key elements of the Strategic objectives and policies that provide guidance on applying the RVZ to new locations.
107. We agree with Ms Grace that this role of the RVZ should be included in the Purpose statement. The first paragraph of the Purpose uses wording from SO 3.3.1 and SP 3.3.1A, in order to describe the rationale for the RVZ. The reference to enabling "*people to access and appreciate the District's landscapes*" is directly from SP 3.3.1A and we consider it sits appropriately here. However, as a criterion in an objective or policy for identifying appropriate locations for an RVZ, we do not agree that it would be effective.
108. The Hearing Panel's observation, from our site visits and the landscape evidence relating to multiple and diverse parts of the District, is that the District's significant landscapes are able to be appreciated from most, if not all, parts of the rural environment (and many parts of the urban environment for that matter). Most, if not all, rural areas would meet this criterion to some degree. We do not find it to be a useful distinguishing criterion for the identification of appropriate RVZ locations. In terms of giving effect to SO 3.3.1A, we are satisfied that the inclusion of Chapter 46 in the PDP is the mechanism to achieve this, but that other criteria are required to determine where, and how, each individual RVZ is to be applied.

5.4 Limited Nature, Scale and Intensity

109. The Notified Plan Change included the words "*at a limited scale and intensity*" in the RVZ Purpose to describe the RVZ itself and the visitor industry activities it provides for⁹⁰. However, there was no further clarification as to how "*limited*" this was to be. This point was raised in the submission from Ms Byrch⁹¹ which states there is no indication of the scale or the extent of this zone that is anticipated. Ms Byrch requested that there should be some stipulation that restricts the extent of this zone i.e. how much land is likely to be given over to this permissive zoning. In the Reply Version, Ms Grace recommended adding reference to "*the limited extent of the Zoned areas*" to the Purpose, as a method for managing the effects of land use and development on landscape.
110. In order to gain a clearer understanding of what is intended by "*at a limited scale and intensity*" and "*limited extent*", we turned to the Section 32 Report and the evidence provided by Ms Grace.
111. The Executive Summary⁹² of the Section 32 Report states that "*The RVZ is designed to provide for visitor industry facilities on sites that are too small to likely be appropriate for resort zoning (i.e. a stand alone special zone), and the principal activity is visitor accommodation and smaller scale commercial recreation activities*". This indicates to us that the scale of the sites for RVZ was intended to be small, as were the scale of the commercial recreation activities provided for.

⁸⁹ At para [5.6] & [5.8]

⁹⁰ This wording is retained in the Reply Version

⁹¹ Submission #31030

⁹² Section 32 Report, para [1.2]

112. In her Section 42A Report⁹³, Ms Grace stated that they “*are small zones*”. In her first Rebuttal evidence⁹⁴, in relation to the Maungawera RVZ sought by Heron⁹⁵, she stated it was difficult to say that the rezoning proposal was limited in scale and intensity as intended by the Notified Plan Change, because the area of the site was large. In her Second Rebuttal evidence⁹⁶, Ms Grace discussed the scale and intensity of the RVZ sought by Corbridge⁹⁷ which she considered would be a larger scale and more urban scale and intensity than is foreseen for the RVZ. Her Reply⁹⁸ statement stated that a critical element of the RVZ and how it achieves the strategic objectives and policies is limiting scale and intensity of development within the zone to a level that means the effects can be absorbed within the zoned area.
113. The Section 32AA assessment⁹⁹ attached to Ms Grace’s Reply statement also emphasises “*limiting the scale and intensity*” as an important means of managing impacts on the landscape. Accordingly, she recommended adding “*at a limited scale and intensity*” to Objective 46.2.1, to describe the outcome sought for activities that occur in the zone.
114. The evidence from Ms Grace does not make it totally clear what she means by “*limited scale and intensity*” or “*limited extent*” in the RVZ Purpose and Objective 46.2.1. However, we consider her evidence (and the Section 32 Report) is sufficiently clear that it means small size for the zones themselves and small size and intensity for the activities within them (which we infer to mean small scale and low density of built form and small scale and low intensity of visitor industry activity).
115. The Corbridge submission¹⁰⁰ sought amendments to the RVZ text to remove the focus on “*limiting*” the scale, intensity or extent of the zone and its activities, and to include a more general objective directing development to be at a “*scale that maintains or enhances the District’s landscape values*”. However, the amended RVZ text attached to the evidence of Mr Edgar¹⁰¹ did not support this approach, retaining references in the Purpose to “*limiting*” the scale, intensity or extent of the zone and its activities.
116. Mr Edgar’s evidence did not evaluate the planning implications of opening up the notified RVZ to larger sites with less limitation on the scale and intensity of development. We asked him how he interpreted the term “*limited*” in relation to scale and intensity of RVZ sites and development. In response, he stated his view that “*limited*” means “*there are limits*”, such as those contained in the Corbridge proposal on number of units, maximum floor areas, and areas identified on the proposed Structure Plan. He noted that the notified RVZ did not say “*small*” scale and intensity. Accordingly, provided there were “*limits*” identified as to the ultimate scale of a zone or the amount of development allowed within it, even if those limits were large in absolute terms, then it would be “*limited*” in scale and intensity.
117. With due respect to Mr Edgar, we were not convinced by his approach to interpretation of the PDP’s intention for the scale and intensity of RVZs. We do not consider it is what is intended, or appropriate, to manage the effects (including cumulative effects) of RVZ across the rural areas of the District. We greatly prefer the evidence and recommendations of Ms Grace, in

⁹³ At para [16.6]

⁹⁴ At para [3.3]

⁹⁵ Submission #31014

⁹⁶ At para [4.3] & [4.7]

⁹⁷ Submission #31021

⁹⁸ At para [5.11]

⁹⁹ E Grace, Reply, Appendix F, para [2.2]

¹⁰⁰ Submission #31021

¹⁰¹ S Edgar, EiC, Appendix A

this regard, although we consider more clarification and specification is required for the objectives she recommended to effectively implement the Strategic objectives and policies.

5.5 Limited Numbers of Locations

118. One possible approach to RVZs is to introduce limitations on the number of RVZs throughout the District. We have previously referred to our concerns regarding the potential for multiple future plan changes for RVZ across the rural areas of the District, based on criteria for zone identification that are focused predominantly on effects on landscape values of the site itself and its immediate surroundings. We consider this could have potential for long-term cumulative effects on the wider landscape, rural character and amenity values of the rural environment, as well as adverse effects on matters such as traffic safety and efficiency.
119. We asked some of the landscape architects and planners supporting additional RVZ about this matter; in particular whether there were likely to be other sites, particularly outside the ONLs, that would satisfy the landscape criteria for RVZ and what the costs and benefits would be if these sites became RVZ. As we have indicated earlier, we were surprised that none of these experts appeared to have considered this issue prior to our questions at the hearing. Most were unable to answer our questions “on-the-spot”.
120. We received some mixed responses. For example, Mr Espie¹⁰² indicated there could be other areas of the WBRAZ (but not too many) or within the Upper Clutha Basin that could meet the requirements. Mr Vivian¹⁰³ acknowledged he hadn’t considered the potential for RVZ across the whole of the RCLs, but thought there wouldn’t be many sites that would meet the low landscape sensitivity criterion. If there were, he considered this to be a positive outcome by providing more opportunities for visitor accommodation and visitor activities across the District. In contrast, Mr Edgar¹⁰⁴ considered there could be many (large) areas of lower landscape sensitivity in the Upper Clutha Basin that would meet the low landscape sensitivity criterion. Unfortunately, these mixed and “off-the-cuff” responses did not assist us greatly, although it did confirm to us that the potential for long-term cumulative effects is a genuine planning issue that needs to be addressed for each new RVZ, particularly where located outside ONLs.
121. As we have set out above, Ms Grace acknowledged the Council had not assessed the costs and benefits of introducing this RVZ “spot zone” into the PDP and of the wider potential it opened up for requests for multiple RVZ sites across the District. It was her opinion that each application of the RVZ to a site needs to be considered case-by-case at the rezoning stage for any specific site¹⁰⁵, and that the Reply Version provisions set a reasonably high threshold for proposed RVZs to pass.
122. It is not possible to prevent future plan changes (either Council or private) coming forward for additional RVZ areas and, therefore, not realistic to try to put an absolute limit on the number of RVZ in the District. Given that the broad costs and benefits of opening up wider parts of the rural environment to additional RVZ sites have not been considered prior to notifying Chapter 46, future plan change processes will need to assess each potential new RVZ in terms of the PDP provisions. As this is the evidence before us, we consider Chapter 46 needs to

¹⁰² In answer to questions, when appearing for Submitter #31035

¹⁰³ In answer to questions, when appearing for Submitter #31014

¹⁰⁴ In answer to questions, when appearing for Submitter #31021

¹⁰⁵ Ms Irving and Mr Edgar, in answer to questions when appearing for Submitter #31021, also supported the “no need to worry about this now” approach and that wider effects of additional RVZ can be considered at the time of any specific proposal to rezone.

specifically address the potential for adverse cumulative effects of RVZ across the rural areas of the District.

5.6 Provision for Residential Activity?

123. The Notified Plan Change and Council Reply Version¹⁰⁶ both state that residential activity is not anticipated in the Zone, except for onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities. Other residential activity is to be avoided and is listed as a Non-Complying Activity.
124. The previous RVZ in the ODP included highly permissive provision for residential activities – they were not specifically listed as activities in the zone, which meant they defaulted to the general permitted activity status for activities not listed, in accordance with the ODP structure. This has resulted in significant development for residential activity in areas such as Cardrona Village and Arthurs Point (North) which were zoned RVZ in the ODP.
125. The appropriateness of continuing the ODP approach was considered in the Section 32 Report¹⁰⁷ which identified potential adverse effects relating to:
- (a) limiting the availability of the land in this zone for visitor-related purposes if residential activity became dominant;
 - (b) urban-type growth occurring across the wider rural area (outside UGBs);
 - (c) degradation of landscape character as a result of permissive levels of residential development in rural areas; and
 - (d) adverse effects on residential amenity from incompatible activities nearby, as well as reverse sensitivity effects from residential activities locating near visitor-related activities.
126. The Section 32 Report also identified that removing opportunity for residential activity would reduce the amount of land available for residential activity at a time when housing affordability in the District is an issue. It would also leave existing (or consented) residential development to rely on its resource consents (where given effect to) or existing use rights. Having evaluated the costs and benefits, the Section 32 concluded that the Notified Plan Change provisions, restricting residential activity, better reflected the purpose of the zone and were more efficient and effective than continuing with the previous ODP approach.
127. Some submissions seeking new areas of RVZ¹⁰⁸, and the submission on the notified Arcadia RVZ¹⁰⁹, challenged this approach to the RVZ. They sought the ability to provide additional residential activity within their zones. J & J Blennerhassett¹¹⁰ sought general provision for residential activity in the zone alongside visitor accommodation. Corbridge¹¹¹ sought construction staff accommodation be included as a permitted activity, and residential activity in accordance with its proposed Structure Plan be restricted discretionary activity. Loch Linnhe¹¹² sought provision for a farm homestead at its Wye Creek site. Barnhill¹¹³ sought discretionary activity status for residential activity at its RVZ site. Arcadia¹¹⁴ requested residential activity in accordance with its consented Structure Plan. Other submitters raised

¹⁰⁶ In the Purpose and Policy 46.2.1.7 of the Notified Plan Change (46.2.1.4 of the Reply Version)

¹⁰⁷ Section 32 Report, para [8.9]-[8.13] & [9.7]-[9.8], Table 1 and Section 11 (pg 43-44)

¹⁰⁸ For example, Submissions #31013, #31021, #31035 & #31053

¹⁰⁹ Submission #31008

¹¹⁰ Submission #31053

¹¹¹ Submission #31021

¹¹² Submission #31013

¹¹³ Submission #31035

¹¹⁴ LJ Veint, Submission #31008

this possibility through evidence or legal submissions at the hearing and questions arose relating to the scope of their submissions¹¹⁵. Here we consider the general question of the appropriateness of providing for residential activity in the RVZ.

128. Ms Grace addressed this matter initially in her Section 42A Report¹¹⁶ where she referred to the conclusions of the Section 32 Report above. She identified the purpose of the RVZ being to give effect to the Chapter 3 directions to provide for the benefits of the visitor industry while protecting and maintaining landscape values. She noted there are separate strategic policies in Chapter 3 that seek to manage the effects, particularly cumulative effects, of rural living activities on the values of ONLs and RCLs. In her view, the PDP has a separate framework for managing the effects of rural living to that of managing the effects of rural visitor activities, consistent with the framework set out in Chapter 3.
129. Ms Grace considered residential development to be inconsistent with the intent of the RVZ to provide for the rural visitor industry and non-complying activity status to be a means to ensure the zone is set aside for this purpose and protected from residential developments. She concluded that it would be contrary to the Strategic objectives and policies in Chapter 3 to allow residential development to occur within the RVZ. If residential activity is to be pursued on any site alongside visitor accommodation, then she considered it should be specifically considered by way of a resource consent process or a change to a different type of zone (such as a resort zone).
130. In both her Rebuttal and Second Rebuttal evidence, Ms Grace discussed the planning evidence provided to support specific requests for additional residential activity. In some instances, she considered there was no scope in the original submission for the provisions being suggested in the planning evidence¹¹⁷. In relation to other requests, she essentially referred back to her opinions in the Section 42A Report. In relation to the requested Loch Linnhe RVZ, she accepted that provision for one residential unit at Wye Creek, as a homestead on a large, relatively isolated, rural property, would be appropriate in conjunction with visitor industry use, in the same way that a homestead would be provided for in the current Rural Zone.
131. Ms Grace addressed the matter of workers' accommodation in more detail in her Reply¹¹⁸ statement. We had asked¹¹⁹ what Council's position was on defining and providing for workers' accommodation in the RVZ. Ms Grace pointed out that "workers' accommodation" is not used in the Notified Plan Change. The term used is "onsite staff accommodation" which is consistent with the use of this term as part of the definition of "Visitor accommodation" in Chapter 2 Definitions of the PDP. This results in consistent use of this term through the relevant policies and rules for Chapter 46. Ms Grace emphasised that the use of the term "onsite" within the definition and rules, and the requirement in the policy that accommodation be "ancillary", means that it is intended for staff working on the site of the visitor accommodation or commercial recreation, rather than working elsewhere. In order to reinforce and clarify this requirement through the rules, she recommended adding the word "ancillary" to Rule 46.4.3.

¹¹⁵ Which we address later in this report, as required

¹¹⁶ E Grace, EIC, para [6.2]

¹¹⁷ Planning evidence on behalf of Submissions #31014, #31022 & #31037

¹¹⁸ E Grace, Reply, Section 6

¹¹⁹ Minute 35, paragraph 14

132. When discussing the provisions proposed for workers' accommodation by Corbridge¹²⁰, Ms Grace noted the complexity and enforcement difficulties of trying to differentiate worker accommodation from residential activity. Ms Bowbyes¹²¹ also addressed this in her Reply statement. In Ms Bowbyes' opinion, differentiating "workers' accommodation" from "residential activity" would add significant complexity to the provision, would result in substantial monitoring and enforcement challenges, and could result in workers' accommodation becoming a 'trojan horse' that sets up an overly enabling regime for residential activity in the future. Report 20.8 discusses that evidence in the context of potential recognition in the policies and rules applying in the Settlement Zone (Chapter 20), recommending against such recognition largely for the reasons Ms Bowbyes identified¹²²
133. It was Ms Grace' opinion that these difficulties are exacerbated as the scale of the proposal increases (such as the 100 workers' accommodation units sought by Corbridge). She commented that the difficulty the Corbridge planning experts have had in drafting a standard, which adequately manages the diverse nature of workers' accommodation, demonstrates how fraught the exercise is for a proposal of the scale of the Corbridge request. At such a scale, it is possible to contemplate a number of different types of workers that may be accommodated with the site, and a number of different drafting and interpretation complications; for example for short-term contract, seasonal, part-time and unpaid workers and associated family members.
134. Ms Grace considered these issues do not arise to nearly the same extent at the small scale of zoning and development contemplated for the RVZ. The strong controls over the scale of permitted building development mean that onsite staff accommodation would need to be small-scale, appropriate to the small-scale nature of development within the zone. Where the zone itself and the scale of development within it is kept small, Ms Grace did not consider there is any need to define onsite staff accommodation.
135. With respect to onsite accommodation for construction staff, Ms Grace pointed to Chapter 35 which addresses temporary activities related to construction. She considered there is a consenting pathway within that chapter which would allow for construction staff accommodation, and which is a more effective and efficient means of managing the specific effects of temporary activities.
136. Addressing the potential to define and enable residential use of visitor accommodation units for 180 days per year¹²³, as suggested in evidence for Malaghans and Gibbston Valley Station¹²⁴, Ms Grace continued to hold her opinion that this would be contrary to the RVZ policy to avoid residential development within the zone.
137. In terms of the general question of appropriateness of residential activity in the RVZ, we did not receive a great deal of evidence on behalf of the submitters. What evidence and legal submissions we did receive tended to be site-specific and/or refer to previous consents held for the particular sites.

¹²⁰ Appendix 3 to Submission of Counsel (for Corbridge) in Response to Questions, dated 13 August 2020, in which workers' accommodation was proposed to be defined by way of occupants of "households", occupants of bedrooms, and nature of employment of occupants.

¹²¹ Ms Amy Bowbyes, Reply, para [4.1]-[4.3]

¹²² Report 20.8 at Section 3.2

¹²³ Minute 35, paragraph 14

¹²⁴ Submissions #31022 & #31037

138. For Loch Linnhe¹²⁵, Mr Vivian supported a single owner’s residence at Wye Creek, on the basis that is necessary for the continued farming activity which the visitor and tourism activities rely upon. As stated above, Ms Grace supported such provision in her rebuttal evidence. Although Heron¹²⁶ had initially sought provision for a single owner’s residence at Maungawera, at the hearing we were informed this was no longer sought and the owners would use the provision for onsite custodial accommodation. For the Barnhill RVZ, we had no specific evidence supporting their submission seeking discretionary activity status for residential activity. No evidence was presented for the submission from J & J Blennerhassett, which sought broad provision for residential activity in RVZ.
139. Mr Edgar’s evidence¹²⁷ for Corbridge¹²⁸ referred to construction workers’ accommodation and “limited residential activity”. He supported provision for workers’ accommodation as being consistent with, but more explicit than, the notified provision for onsite staff accommodation ancillary to activities on the site. He also supported extending this to accommodation for construction staff, on the basis that the accommodation would transition from use by the construction team to onsite staff as development progressed. He considered this to be a practical and efficient use of resources. Following completion of the hearing, counsel for Corbridge submitted¹²⁹ an amended suite of planning rules, which included more detailed standards to prescribe workers’ accommodation, which Ms Grace referred to in her Reply statement and as we discussed above.
140. For more general residential activity, Mr Edgar agreed that unfettered residential activity could undermine the intent of the zone and should be avoided. However, he considered some provision could be made, provided the extent of residential development was appropriately controlled to ensure the zone remains dominated by visitor industry activities. In his opinion, appropriate management can be achieved through the use of the Structure Plan approach proposed by Corbridge. Mr Edgar’s evidence noted that the provisions sought by Corbridge for residential activity do not rely on the existing resource consents for the site but does take them into account by incorporating provision for 35 residential units. His evidence does not provide any further analysis of how provision for 35 residential units in accordance with the proposed Structure Plan would achieve the strategic objectives and policies in Chapter 3 and be consistent with the RVZ objectives and policies.
141. Having considered the evidence from Ms Grace and the limited evidence on this matter on behalf of the submitters, we accept the position of Ms Grace that the RVZ is a targeted special zone as a method for implementing SO 3.3.1A by providing for commercial recreation and tourism related activities in rural areas. The RVZ is an exception from the normal requirements of the rural zones, in order to achieve this singular purpose relating to the visitor industry, and only if the provisions of this zone continue to manage landscape values in accordance with the policy requirements for managing ONLs / RCLs in Chapter 3. We accept Ms Grace’s emphasis on this targeted purpose for the RVZ. We do not consider it is intended the RVZ should be of the nature and scale of a resort, with its mix of residential activity, visitor accommodation and visitor activities (as defined in the PDP).
142. We also accept Ms Grace’s evidence that the PDP has a separate framework for managing the effects of rural living, through the identification of zones which are appropriate for rural living

¹²⁵ Submitter #31013

¹²⁶ Submitter #31014

¹²⁷ S Edgar, EIC, para [91]-[96] & [115]

¹²⁸ Submitter #31021

¹²⁹ Submissions of Counsel in Response to Questions, Corbridge Estate Limited Partnership, dated 13 August 2020

(or in some specific situations for resort-style development). This is directed by way of separate strategic policies in Chapters 3 & 6 that seek to manage the effects, particularly cumulative effects, of rural living activities on the values of ONLs and RCLs. We agree with Ms Grace's evidence that providing for general residential development in the RVZ would be inconsistent with the purpose of the RVZ and contrary to the strategic objectives and policies in Chapters 3 & 6. We did not receive any evidence that provided a clear opposing analysis to that of Ms Grace on this matter.

143. We have discussed our position on scale and intensity for the RVZ and its activities earlier in this report. We support clear direction in the RVZ provisions that "*limited scale and intensity*" means small scale and low density of built form and small scale and low intensity of visitor industry activity. Accordingly, we agree with Ms Grace that where the zone itself and the scale of development within it is kept small, there is no need to further define ancillary onsite staff accommodation and that the Reply version provisions are appropriate. With respect to onsite accommodation for construction staff, we also agree with Ms Grace that Chapter 35 provides a consenting pathway for construction staff accommodation, which is a more effective and efficient means of managing the specific effects of temporary activities.

5.7 Wider Requirements for identifying RVZ?

144. In Minute 35¹³⁰ we asked the Council how matters such as traffic safety, infrastructure services, natural hazards, effects on neighbouring properties are intended to be addressed in the objectives and policies guiding RVZ location choices. We referred to Ms Grace's response¹³¹ earlier in this report. She considered it unnecessary for these additional matters to be specifically identified as part of the policies guiding RVZ location. In her opinion, they would be considered in terms of other chapters of the PDP and Section 32 requires assessment of effects for any new zone.
145. Earlier in this report, we discussed the matter of the potential for adverse effects from new RVZ, and from activities within RVZ, on amenity values, and for reverse sensitivity effects, for properties in the surrounding environment.
146. In relation to the other matters, we are not convinced by Ms Grace's response. The Council's evidence on the new RVZ sites sought by submitters has gone well beyond landscape-related matters. We have received evidence from the Council and submitters, including technical expert evidence, on these wider matters for most of the sites sought to be rezoned as RVZ. The Council's recommendations for rezoning sites have turned on consideration of these wider factors in several instances. We consider they form key determinants of appropriateness for RVZ, alongside the landscape-related criteria. We consider they need to be specifically included in Objective 46.2.1, which sets out the locational requirements for RVZ and their associated activities. For reasons of clarity, transparency and efficiency, we consider it is more appropriate to include these matters directly in the Chapter 46 provisions, rather than relying on other general PDP Chapters to trigger their consideration or the broader Section 32 evaluation requirements.

6. ZONE-WIDE PROVISIONS OF CHAPTER 46 AND ASSOCIATED VARIATIONS

6.1 Overview

147. In this section of this report, we consider amendments to the Zone-wide provisions of Chapter 46 and the associated Variations to Chapters 25, 27, 31 and 36 to the PDP. Many of the

¹³⁰ Dated 24 August 2020

¹³¹ E Grace, Reply, para [4.12]

submissions seeking additional RVZ sites also sought site-specific provisions for those RVZ locations. We will address these site-specific amendments at the time we address the requests for rezoning in the Part B of this report. We also address the request by Council for a consequential amendment to Chapter 3 related to Exception Zones discussed above.

148. As we referred to at the start of this report, Ms Christine Byrch¹³² requested a number of general changes to the Notified Plan Change, including that:
- (a) the purpose of the RVZ be written more clearly;
 - (b) the Plan stipulate restrictions on the extent of an RVZ;
 - (c) the Plan provide clear guidelines describing what areas (if any) are suitable for an RVZ.
149. As will be clear from our evaluation in Sections 4 and 5 of this report, the matters raised by Ms Byrch have been highly relevant. They have paralleled our concerns about the clarity, specificity, efficiency and effectiveness of the RVZ provisions being recommended by the Council and sought by some submitters. We have had regard to the matters raised in Ms Byrch's submission and in her evidence to us at the hearing, as we consider the most appropriate provisions for this chapter.

6.2 General Submissions on Zone-Wide Provisions

150. Mr Michael Clark¹³³ requested that the present noise protection regarding helicopters in the whole of the District be retained for the RVZ. Ms Grace addressed this submission¹³⁴ and her understanding of Mr Clark's concern that the notification of the variation to Chapter 36 Noise, as part of the Notified Plan Change, could mean that there has been a change to the noise standards in the PDP generally. Ms Grace explained that the variation does not affect the noise controls relating to aircraft and helicopters in Chapter 36, nor the separation distance for informal airports that exists in the rural chapters. The variation applies the same noise standard to the RVZ that applies within most rural and residential zones. Therefore, we recommend the submission be accepted in part.
151. The Ministry of Education¹³⁵ requested that educational facilities be enabled to establish as a restricted or full discretionary activity within the RVZ, with a new supporting policy. Mr Keith Frentz¹³⁶ identified the potential for "*education facilities such as community education, early childhood education, tertiary education institutions, work skills training centres, outdoor education centres and sports training establishments*" in the RVZ and that non-complying activity status is not appropriate for these facilities¹³⁷.
152. Ms Grace¹³⁸ expressed her opinion that the RVZ is not a suitable location for educational facilities as its purpose is to provide for visitor industry activities at limited scale and intensity; the zones are small; and residential activity is not anticipated, nor that permanent communities will establish. She considered there is no need for educational services in the RVZ, however, the definition of "*commercial recreation activities*" includes "*training*" and "*instruction*" such that the zone does allow for some forms of education to take place. We agree with Ms Grace, for the reasons she expressed, that the RVZ is not suitable for the wide range of educational activities included within that defined term and that some appropriate

¹³² Submission #31030

¹³³ Submission #31001.1

¹³⁴ E Grace, EIC, para [16.2]–[16.3]

¹³⁵ Submissions #31025.1 & #31025.2, with support from FS31049 Southern District Health Board

¹³⁶ Consultant planner on behalf of Ministry for Education

¹³⁷ K Frentz, EIC, para [10.3], [10.5] & [10.8]

¹³⁸ E Grace, EIC, para [16.6] and Second Rebuttal, para [7.1]–[7.2]

provision is already made within the zone. Therefore, we recommend these submissions be rejected.

153. Fire and Emergency New Zealand (FENZ)¹³⁹ requested that provisions be included in the RVZ that enable emergency services facilities to establish as a Controlled Activity, and that the maximum building height be increased to 7m for emergency services buildings. FENZ did not provide evidence to support its submission. Ms Grace¹⁴⁰ expressed her opinion, for similar reasons as she expressed for educational facilities, that the RVZ are not suitable locations for emergency services facilities; there is no expectation of communities establishing; and no need for emergency services to be located within the zone. We agree with Ms Grace, for the reasons she expressed in her evidence and, therefore, recommend these submissions be rejected.
154. Aurora¹⁴¹ requested a number of changes to the RVZ provisions to reflect agreement reached in mediation on a Stage 1 appeal. Aurora's submission was supported by evidence from Ms Joanne Dowd¹⁴² who provided us with a Draft Consent Order on Regionally Significant Infrastructure¹⁴³. She described Aurora's electricity distribution network and explained how the Consent Order provisions for the Stage 1 zone chapters could be carried over into the Stage 3 zones to achieve a similar outcome. Ms Grace¹⁴⁴ discussed this submission and explained that the Council had agreed to apply an approach consistent with the mediated agreement across the zones notified in Stage 3 and 3B of the PDP. The changes relate to:
- (a) an Advice Note on the New Zealand Electrical Code of Practice for Safe Distances;
 - (b) a matter of control relating to potential reverse sensitivity effects on electricity sub-transmission and distribution infrastructure; and
 - (c) a requirement to give consideration to Aurora as an affected party.
155. The Hearing Panels' reports on the GIZ, the Three Parks Commercial Zone and the Settlement Zone address the amendments sought by Aurora to those zones¹⁴⁵. As stated by Ms Grace¹⁴⁶, a key consideration, in relation to the RVZ, is whether any of Aurora's infrastructure is identified on the planning maps within or adjoining areas of RVZ. We agree with Ms Grace that it is inefficient to include the requested provisions if no relevant infrastructure is located in or alongside RVZ. None of the areas of RVZ in the Notified Plan Change are affected, although four of the areas requested to be zoned as RVZ through submissions have relevant electricity infrastructure on the road adjacent to the site. We agree with Ms Grace that the provisions requested by Aurora could be considered for inclusion in the RVZ chapter should any of these areas be rezoned RVZ.
156. In her Reply statement, Ms Grace recommended three sites be rezoned as RVZ. In the case of the Maungawera RVZ proposed by Heron, she noted¹⁴⁷ there are regionally significant distribution lines located in Camp Hill Road adjacent to the site. However, Ms Grace considered it was not necessary to apply the Aurora provisions to this site, on the basis that the land adjacent to the road has been identified as high and moderate-high landscape

¹³⁹ Submissions #31023.4 & # 31023.5

¹⁴⁰ E Grace, EIC, para [16.7]

¹⁴¹ Submission #31020.1-#31020.8

¹⁴² Joanne Dowd, Aurora's Resource, Property and Environment Manager, EIC, para [7]-[42]

¹⁴³ Topic 1 Subtopic 4: (Regionally Significant Infrastructure) Draft Consent Order Appendix 1. As far as we are aware, the Environment Court has not yet confirmed these suggested changes in a Consent Order.

¹⁴⁴ E Grace, EIC, para [16.10]-[16.12]

¹⁴⁵ Report 20.3, Section 4; Report 20.4, Section 4; and Report 20.8, Section 3

¹⁴⁶ E Grace, EIC, para [16.11]-[16.12]

¹⁴⁷ E Grace, Reply, para [8.9]-[8.10]

sensitivity. Any buildings within those areas would require discretionary or non-complying activity resource consent. Any areas where buildings are controlled or restricted discretionary activities would be on a terrace, at least 200m from the road, which she considered sufficient to ensure no adverse effects to the distribution lines located in the road. We agree with Ms Grace that, if the Maungawera site is rezoned as RVZ, it would not be effective or efficient to include the provisions sought by Aurora into the RVZ for this site.

6.3 46.1 Zone Purpose

157. The notified Purpose for Chapter 46 explained the RVZ's role in providing for visitor industry activities, recognising their contribution to the economic and recreational values of the District. In terms of matters raised in submissions, the notified Purpose stated that the RVZ was in "*remote locations*", "*within the ONL*" and the activities are to be "*at a limited scale and intensity*". Residential activity is stated as "*not anticipated*", except for onsite ancillary staff accommodation.
158. Ms Grace recommended various amendments to the Purpose through her iterations to Chapter 46. In her Reply¹⁴⁸ statement she reflected again on its wording. She explained that, in the PDP, the Purpose statements are intended to be a brief summary of what the zone or chapter does, rather than an explanation of the reasoning or justification of the approach taken in the provisions. She considered she had added too much explanation into the Purpose in her Section 42A Report recommendations. In light of this, she refined her recommended wording for the Purpose to be an accurate, but succinct summary of what the amended zone provisions are intended to achieve.
159. We agree with and accept Ms Grace's approach to the Purpose in the Reply Version – that the Purpose should be clear, accurate and succinct, with the direction for resource consents and future plan changes being included in the objectives and policies. We consider that there is a real danger, if such statements are too long and detailed, of introducing unintended inconsistencies with the objectives and policies (or the potential for future arguments that that has occurred).
160. The resulting Reply Version of the Purpose included the following changes from the Notified Plan Change:
- (a) Removing the requirement to be within an ONL and extending the location for RVZ to "*within the rural environment*"
 - (b) Removing the requirement for remote locations, and replacing with a statement that RVZ are "*often in remote locations*"
 - (c) Refining the explanation of landscape management by adding references to focussing development in areas of lower landscape sensitivity and to limiting the nature, scale and intensity of development
 - (d) Including reference to "*the limited extent of the Zoned area*", in addition to retaining the reference to activities being "*at a limited scale and intensity*"
- We have used the Reply Version as the basis for our consideration of the Purpose.
161. The submission from Matakauri¹⁴⁹ sought to retain the notified Purpose. Four submissions¹⁵⁰ sought to change the Purpose to allow the RVZ to apply to areas outside ONLs. The submission from Corbridge¹⁵¹ included a redrafted Purpose which sought to remove the requirements for

¹⁴⁸ E Grace, Reply, para [5.1]-[5.2]

¹⁴⁹ Submission #31033.2

¹⁵⁰ Submissions #31014.5, #31021.3, #31035.5 and #31053.4

¹⁵¹ Submission #31021.3

remote locations and to be within the ONL, as well as the requirement for limited scale and intensity of activity. The Corbridge request also sought that residential activity only be “*not anticipated in the more sensitive Outstanding Natural Landscapes within the Zone*”. As noted above, Ms Byrch¹⁵² requested that the Purpose be written more clearly.

162. We have considered these matters earlier in this report. On the basis of the evidence before us, we have accepted the recommendations of Ms Grace that Chapter 46 be amended to enable the RVZ to be applied to areas outside of ONL/ONF, and to delete the requirement for “remote locations”. We have accepted this approach is consistent with the strategic objectives and policies in Chapters 3 and 6 of the PDP and will give effect to the relevant RPS provisions.
163. We agree with the evidence and recommendations of Ms Grace regarding the emphasis on “*limiting the scale and intensity*” as an important means of managing potential adverse effects of the RVZ and its activities on the landscape. We support clear direction that “*limited scale and intensity*” means small scale and low density of built form and small scale and low intensity of visitor industry activity. However, as stated earlier, we consider more clarification and specification is required in the Purpose and objectives and policies.
164. In terms of general provision for residential activity in the RVZ, we agree with Ms Grace that providing for general residential development in the RVZ would be inconsistent with the purpose of the RVZ and contrary to the Strategic objectives and policies in Chapters 3 & 6.
165. Accordingly, we generally accept Ms Grace’s recommended wording for the Purpose in the Reply Version, subject to our amendments to:
 - (a) Clarify that “limited scale and intensity” means “small scale and low intensity” for the visitor industry activities provided for in the RVZ; and “limited extent of the Zoned areas” means “small scale”;
 - (b) Reword “often in remote locations” to “including in remote locations”, as we considered “often” overstated the remoteness of many of the RVZ;
 - (c) Add a statement that no zone shall comprise areas of only high or moderate-high landscape sensitivity, in order to emphasis the importance of areas of low landscape sensitivity in identifying appropriate RVZ;
 - (d) More accurately use the PDP defined terms for the visitor industry activities.

6.4 Objectives 46.2.1 and 46.2.2

166. Objective 46.2.1 addresses the appropriate locations for visitor accommodation, commercial recreation and ancillary commercial activities (which we have taken to mean the location for RVZ) and Objective 46.2.2 addresses how buildings and development with an RVZ would be managed in relation to effects on landscape values. In the Notified Plan Change, the objectives assumed locations for RVZ within an ONL, but the direction in the objectives was in our view not well aligned to the provisions of Chapter 3 in relation to protecting the landscape values of ONL.
167. In the Section 42A Report¹⁵³, Ms Grace recommended extending both objectives to include rural areas outside ONLs, as well as amending the wording of the objectives to better align with the specific language used in Chapters 3 and 6 for managing the different landscapes. She also recommended making more explicit the 2-tier approach in the objectives of first identifying the extent and location of the zone, and secondly managing built development

¹⁵² Submission #31030

¹⁵³ E Grace, EIC, para [4.12]-[4.13]

within it. Ms Grace generally carried these amendments over to the objectives she recommended in the Reply Version, along with an emphasis on limited scale and intensity in Objective 46.2.1.

168. As with the Purpose, the submission from Matakauri¹⁵⁴ sought to retain the notified Objectives. Four submissions¹⁵⁵ sought to change the objectives to allow the RVZ to apply to areas outside ONLs. The Corbridge submission sought more generalised rewording for the objectives. However, in his evidence for Corbridge, Mr Edgar¹⁵⁶ supported wording much closer to that recommended by Ms Grace.
169. We have considered relevant matters earlier in this report. On the basis of the evidence before us, we have accepted the recommendations of Ms Grace to amend the objectives to enable RVZ in areas outside of ONL/ONF. We also accept her recommendations for amendments to ensure the direction in the objectives regarding management of landscape values aligns accurately with the language used in Chapters 3 and 6. We do not agree that including a reference to enabling “*people to access and appreciate the District’s landscapes*” as a criterion for RVZ would be effective or useful as a distinguishing criterion for the identification of appropriate RVZ locations.
170. We support Ms Grace’s emphasis on scale and intensity in Objective 4.6.1, although, as stated previously, we consider the wording needs to be clearer and more specific. We consider reference to “small scale and low density” should also be included in Objective 46.2.2 to be consistent with our determination that the size of the zoned areas, the activities and the built development, are all intended to be small scale and low intensity. We have recommended using the words “low density” in Objective 46.2.2, rather than “low intensity” recommended for Objective 46.2.1, as we consider this is a more commonly used term for built development and is consistent with the wording of the Matters of Control / Discretion for buildings in the Zone.
171. As we stated earlier, we consider Chapter 46 needs to specifically address the potential for adverse cumulative effects of RVZ across the rural areas of the District. In our opinion, both objectives need to require consideration of cumulative effects – both for the location and scale of the zoned area and its associated activities, and for the nature and scale of built development within it. Earlier in this report we expressed our concerns regarding the potential for cumulative effects across the rural areas of the District from multiple areas of RVZ. On this basis, we consider that cumulative effects on landscape values need to be avoided and have recommended additions to both objectives accordingly.
172. As we discussed earlier, a consequence of removing the requirements for RVZ to be in ONLs and remote locations is the potential for adverse effects on neighbours and for reverse sensitivity effects in relation to established or anticipated activities in the surrounding rural environment. We consider these aspects need to be included in Objective 46.2.1 (which refers to activities) in relation to both effects on amenity values and reverse sensitivity effects and in Objective 46.2.2 (which refers to buildings) in relation to effects on amenity values.
173. As the RVZ is to be a discrete zone in rural locations, and therefore surrounded by other rural zones, we have looked to the objectives of those zones to for direction as to effects on amenity values and reverse sensitivity effects. Consistent with the general approach to managing

¹⁵⁴ Submissions #31033.3 & #31033.11

¹⁵⁵ Submissions #31014.5, #31021.4 & #31021.14, #31035.6 & #31035.8 and #31053.4

¹⁵⁶ S Edgar, EIC, Appendix A

effects of commercial activities in the Rural Zone, WBRAZ, RRZ and RLZ¹⁵⁷, we have recommended that amenity values of the surrounding environment be maintained. For the management of reverse sensitivity effects, the general direction provided through each of the rural zones is not as consistent or clear. On balance, we consider that visitor accommodation, commercial recreational activities and ancillary commercial activities should not compromise the operation of existing activities or those enabled by the zones in the surrounding environment as a result of reverse sensitivity effects. We have recommended amendments to the objectives accordingly.

174. In accordance with our earlier discussion, we consider traffic and access safety, infrastructure services and natural hazards form key determinants of appropriateness for RVZ, alongside the landscape-related criteria. We consider these need to be specifically included in Objective 46.2.1 which sets out the locational requirements for RVZ and their associated activities.
175. Regarding natural hazards, we have referred to the Consent Order version of Chapter 28 Natural Hazards¹⁵⁸. This uses concepts of both “significant risk” and “intolerable risk to people and the community”. Policies 28.3.1.1 & 28.3.1.2 set out the matters to be considered when determining risk significance and assessing risk tolerance. Policy 28.3.1.4 requires activities that result in “significant risk” from natural hazard to be avoided. The policies relating to “intolerable risk” are not so clearly worded, but Policies 28.3.1.6 & 28.3.1.7 seem to us to direct that development of land subject to natural hazards is not precluded provided it does not create or worsen intolerable risks, and otherwise needs to be restricted. In terms of creating a new RVZ where people will stay overnight or come for visitor activities, we have interpreted these provisions as requiring avoidance of significant or intolerable risks from natural hazards.
176. Accordingly, we generally accept Ms Grace’s recommended wording for Objectives 46.2.1 and 46.2.2 in the Reply Version, subject to our amendments to:
- (a) Clarify that “limited scale and intensity” means “small scale and low intensity” for the RVZs and visitor industry activities in Objective 46.2.1; and including “small scale and low density” in Objective 46.2.2 to apply to buildings and development with RVZ;
 - (b) Add “rural” to qualify locations for RVZ in Objective 46.2.1 ” consistent with the name of the Zone and the Purpose and to clarify that the zone can only be applied in rural areas;
 - (c) Delete reference to “enable access to the District’s landscapes” from Objective 46.2.1;
 - (d) Add criteria referring to avoiding cumulative effects into Objectives 46.2.1 and 46.2.2;
 - (e) Add criteria referring to effects on amenity values and reverse sensitivity effects in relation to the surrounding rural areas into Objectives 46.2.1 and 46.2.2;
 - (f) Add a criterion requiring adequate servicing and safe access into Objective 46.2.1;
 - (g) Add a criterion requiring avoidance of significant or intolerable risks from natural hazards into Objective 46.2.1,
 - (h) For consistency throughout the objectives and policies, include reference to both ONLs and ONFs when referring to protection of their landscape values;

¹⁵⁷ For example, Policy 21.2.1.10, Objective 22.2.1 and Objective 24.2.2

¹⁵⁸ Real Journeys Limited and Others v Queenstown Lakes District Council. Environment Court Consent Order on Topic 12, 11 June 2020

- (i) Amend “enabled” to “provided for” in Objective 46.2.2, on the basis that this is more consistent with provision for buildings as controlled activities rather than permitted activities;
- (j) Delete “and where necessary are restricted or avoided to” from Objective 46.2.2, as we considered this wording to be confusing and lack direction as to when avoidance or restriction would be necessary. Instead, we recommend similar wording and structure as for Objective 46.2.1 in terms of the landscape requirements;
- (k) More accurately use the PDP defined terms for the visitor industry activities.

6.5 Policies

177. The Notified Plan Change included seven policies under Objective 46.2.1 and six policies under Objective 46.2.2. Having considered the submissions, Ms Grace recommended amendments to these policies in each iteration of Chapter 46 attached to her Section 42A Report, Second Rebuttal evidence and Reply statement. For the purposes of our consideration here, we have focussed on the Reply Version.
178. The submission from Matakauri¹⁵⁹ sought to retain all the notified policies relevant to its site. Fish and Game¹⁶⁰ sought notified Policies 46.2.2.1, 46.2.2.3 and 46.2.2.4 be retained as notified. Several submissions¹⁶¹ sought the retention of the notified policy provisions that relate to the high, medium and low landscape sensitivity areas. As with the Purpose and Objectives, submissions¹⁶² sought to ensure the policies allowed RVZ outside ONLs and that the language regarding effects on landscape values reflected the Strategic PDP requirements for both ONLs and other rural areas. J & J Blennerhassett¹⁶³ sought the policies be amended to provide for residential activities. The Corbridge submission sought amended wording for several of the policies. In his evidence for Corbridge, Mr Edgar¹⁶⁴ supported wording close to that recommended by Ms Grace in her Section 42A Report, apart from deletion of references to “remote” and greater provision for residential activity (as we have discussed earlier).
179. We have considered the matters raised in the submissions earlier in this report and have stated our conclusions relating to opening up the potential for RVZs beyond ONLs and “remote” locations, and provision for residential activity.
180. In general, we accept Ms Grace’s recommended wording for the policies in the Reply Version, subject to our amendments to:
- (a) Replace “Provide an enabling framework” with “Enable” in Policy 46.2.1.1, as we considered this to be more succinct wording;
 - (b) For consistency throughout the objectives and policies, include reference to both ONLs and ONFs in Policies 46.2.1.1, 46.2.1.5 and 46.2.2.1.b.;
 - (c) Add “ancillary” before onsite staff accommodation in Policy 46.2.1.1, for consistency with the objective;
 - (d) Widen the application of Policy 42.2.1.2 to address effects on amenity values and reverse sensitivity effects for visitor accommodation, commercial recreational activities, and associated aspects such as traffic generation, access and parking, informal airports, noise and lighting;
 - (e) Amend “levels of amenity” to “amenity values” in Policies 46.2.1.2 and 46.2.1.3, for more succinct wording and to use the RMA term of “amenity values”;

¹⁵⁹ Submissions #31033.4 - #31033.10 & #31033.12 - #31033.16

¹⁶⁰ Submissions #31034.1, #31034.2 & #31034.3

¹⁶¹ Submissions #31012.5, ## 31014.4#1016.3

¹⁶² Submissions 3#1014.5, #31021 (generally), #31035.8 – #31035.10, and #31053.4

¹⁶³ Submission #31053.3

¹⁶⁴ S Edgar, EIC, Appendix A

- (f) Replace “Zoned area” with “Zone” in Policy 46.2.1.2, for consistency of wording between the policies;
- (g) Add reference to the small scale and low intensity of development” in Policy 46.2.1.4, in order to emphasise the nature of the development we consider the staff accommodation is intended to be ancillary to. We consider this policy to be relevant to consideration of larger scale proposals – either through a plan change for new RVZ, or a resource consent to exceed building coverage or size, in order that the appropriate scale of ancillary staff accommodation can be considered as part of that process;
- (h) Replace “Ensure the appropriate location of” with “Strictly manage” in Policy 46.2.2.1, as we consider “appropriate” to provide little clarity or guidance within the policy. We have recommended “Strictly manage”, as this direction is strongly qualified by the management approaches in a. to c., and the activity status for buildings which do not meet the requirements indicates a strict approach in adherence to this policy;
- (i) Amend “enabling” to “providing for” in Policy 46.2.2.1.a., on the basis that this is more consistent with provision for buildings as controlled activities rather than permitted activities;
- (j) Add “landscape character and visual amenity values” to Policy 46.2.2.2, for consistency with the requirements of Objective 46.2.1;
- (k) Add “cumulative effects” to Policy 46.2.2.3, in order to be consistent with the reference to “cumulatively minor” effects in the Purpose and our recommended addition to Objective 46.2.1 relating to cumulative effects;
- (l) Amend Policy 46.2.2.6 to refer to landscape and amenity values both within the zone and the land around it, as we considered lighting has broader effects than just on landscape values and may also reduce the sense of remoteness for the adjoining land outside the RVZ.
- (m) Use the PDP defined terms for the visitor industry activities more accurately;
- (n) Improve clarity, succinctness and consistency of wording through minor amendments.

6.6 46.4 Rules – Activities and 46.5 Rules - Standards

181. We set out our recommendations on site-specific rules at the time we address the requests for rezoning in the Part B of this report. Apart from site-specific rule recommendations associated with the three additional RVZs Ms Grace recommended be accepted, she did not recommend many general changes to the RVZ Rules. Having considered the submissions and submitter’s evidence, Ms Grace recommended the following changes to the rules in the Reply Version:

- (a) Adding reference to Chapter 29 Transport into 46.3.1 District-Wide;
- (b) Adding building density and location; and design and layout of site access, on-site parking, manoeuvring and traffic generation as matters of control in Rule 46.4.6;
- (c) Adding density of development; and design and layout of site access, on-site parking, manoeuvring and traffic generation as matters of discretion in Rule 46.5.2; and
- (d) Adding a Standard (46.5.3) for the maximum total ground floor area for all buildings in any zone (for any new RVZ recommended to be accepted).

182. In terms of the general, zone-wide rules, Fish and Game¹⁶⁵ requested that notified Rules 46.4.10 and 46.4.11 (Buildings in Moderate-High and High Landscape Sensitivity Areas) be retained. Ms Grace did not recommend amending these rules in her Reply Version and neither do we.

¹⁶⁵ Submissions #31034.4 & #31034.5

183. Matakauri¹⁶⁶ requested that notified Rules 46.4.2, 46.4.6, 46.4.12, 46.5.1, 46.5.2 and 46.5.5 be retained as notified. Ms Grace recommended some amendments to the matters of control for notified Rule 46.4.6 and the matters of discretion for notified Rule 46.5.2, which we accept, otherwise no changes have been recommended to these rules.
184. Heritage New Zealand Pouhere Taonga¹⁶⁷ sought that notified Rule 46.4.6(a) be amended to add the words "and location", so that the matter of control reads as follows: "The compatibility of the building design and location with landscape, cultural and heritage, and visual amenity values". Ms Grace included this amendment in the Reply Version of Rule 46.4.6.
185. Loch Linnhe¹⁶⁸ requested that the activity status for notified Rule 46.4.7 Farm Buildings be changed from restricted discretionary to controlled activity. However, the matter was not addressed further in the evidence of Mr Vivian¹⁶⁹ for Loch Linnhe. This was not specifically addressed by Ms Grace although she recommended the submission be rejected.
186. Fish and Game¹⁷⁰ sought that "effects on nearby recreation use and amenity values" be included as an additional matter of discretion in Rule 46.5.6.1 relating to Commercial Recreational Activity. We did not receive any evidence from Fish and Game in relation to this submission and Ms Grace did not specifically address it in her evidence although she recommended it be rejected.
187. Corbridge¹⁷¹ sought an amendment to Rule 46.5.5 to insert the word "natural" in front of "waterbodies", so that the heading to the rule would read "Setback of buildings from natural waterbodies", however, this was not pursued further in the evidence on behalf of Corbridge. Ms Grace¹⁷² did not support this amendment and recommended it be rejected.
188. Ms Byrch¹⁷³ sought that Rule 46.5.7 (Informal Airports) be amended so that the activity status for non-compliance is non-complying. Other than referring to the noise and disturbance from helicopters as a reason for opposing Matakauri's request for RVZ, Ms Byrch did not provide any evidence or reasoning to support non-complying activity status, rather than discretionary, for informal airports that do not comply with the standards in Rule 46.5.7. As a result, we have no basis on which to accept these submissions.
189. J & J Blennerhassett¹⁷⁴ requested the rule framework be amended to provide for residential activities alongside visitor accommodation activities. We have addressed the matter of residential activity within the RVZ earlier in this report and, accordingly, recommend this submission also be rejected.
190. In general, we accept Ms Grace's recommended wording for the general, zone-wide rules in the Reply Version, subject to our amendments to:

¹⁶⁶ Submissions #31033.17 – #31033.22

¹⁶⁷ Submission #31011.8

¹⁶⁸ Submission #31013.5

¹⁶⁹ C Vivian, EIC, for Loch Linnhe

¹⁷⁰ Submission #31034.7

¹⁷¹ Submission #31021.23

¹⁷² E Grace, EIC, para [16.9]

¹⁷³ Submission #31030.2

¹⁷⁴ Submission #31053.3

- (a) Add building “scale” as a matter of control for the construction of buildings in Rule 46.4.7 and as a matter of discretion relating to building size in Rule 46.5.2, consistent with our findings regarding small scale and low intensity of development in RVZ being an important means of managing potential adverse effects, including cumulative effects;
- (b) Add, or widen, reference to effects on amenity values and reverse sensitivity effects in neighbouring zones to Rules 46.5.2, 46.5.3, 46.5.6, 46.5.7 and 46.5.12, consistent with our findings regarding the consequences of removing requirements for RVZ to be in ONL and remote locations and the resulting potential for adverse effects on neighbours and for reverse sensitivity effects in relation to established or anticipated activities in the rural environment;
- (c) Add “Natural Hazards” as matter of discretion in Rule 46.5.3, relating to the total maximum ground floor area of buildings in each zone, consistent with its inclusion as a matter of control in Rule 46.4.7 and with our finding that natural hazards has been an important issue for many of the RVZ that we have evaluated through this Plan Change process. We would have recommended its inclusion in the matters of discretion for Rule 46.5.2, but we could not identify any submission seeking that outcome in respect of the notified RVZ Zones.
- (d) Use the PDP defined terms for the visitor industry activities more accurately;
- (e) Improve clarity, succinctness and consistency of wording through minor amendments.

6.7 46.4 Non-Notification Provisions

191. Rule 46.4 sets out the requirements for non-notification of applications within the RVZ. All applications for controlled or restricted discretionary activities must be non-notified except those listed in Rule 46.4. A submission from Matakauri¹⁷⁵ asked that Rule 46.4 be retained as notified, although we received no evidence on this aspect of their submission. Fish and Game¹⁷⁶ sought that applications under notified Rule 46.5.7 Informal Airports be added to the list of those that would not be automatically non-notified. We did not receive any evidence from Fish and Game on this matter. Ms Grace did not recommend any changes to the notification provisions and that the submission from Fish and Game be rejected. On this basis, we recommended rejecting the submission from Fish and Game.

192. Whilst we recommend no changes to Rule 46.6 as a result of the submissions, the numbering of the rules in the Reply Version requires amendment to be consistent with the numbering changes to the relevant Activity Rules and Standards. We recommend these corrections be made as changes of minor consequence.

6.8 Variations

193. Notified with the Chapter 46 Plan Change were Variations to PDP Chapters 25 Earthworks, 27 Subdivision and Development, 31 Signs, and 36 Noise. Only one general, zone-wide submission was received to these variations. LJ Veint¹⁷⁷ supported the variation to Chapter 25 Earthworks and requested that the rule to enable up to 500m³ of earthworks be retained. There were no submissions opposing this provision and Ms Grace recommended it be accepted. We also recommend it be accepted.

¹⁷⁵ Submission #31033.23

¹⁷⁶ Submission #31034.10

¹⁷⁷ Submission #31008.14

7. CONSEQUENTIAL AMENDMENTS

194. In Section 2 of this Report, we discussed the request of Counsel for the Council that we consider recommending an amendment to Section 3.1B.5 of the PDP to identify the RVZ as an Exception Zone following the decision of the Environment Court¹⁷⁸ declining to do that as part of resolution of the Stage 1 appeals.
195. Considering that request against the Environment Court's reasons for its decision, we have reviewed the provisions of Chapter 46 seeking to ensure that the RVZ will faithfully implement the policy direction for ONLs and ONFs progressively emerging as a result of the Environment Court's decisions on Stage 1 appeals. We have strengthened those provisions in places. We conclude that in terms of the rationale underlying the Exception Zones, as stated by the Environment Court, we are satisfied that the objectives, policies and rules of Chapter 46 capture the policy direction in Chapter 3 and remove the need for separate consideration of Chapter 3 in their implementation.
196. As regards the second reason provided by the Court, Ms Scott referred us to a reference in the Section 32 Report for the RVZ¹⁷⁹ referencing now renumbered Policy 6.3.1.3 and stating that the RVZ provides for a separate regulatory regime to manage the effects on landscape values.
197. A number of the memoranda filed by submitters referenced above indicate that those submitters similarly thought that the RVZ would operate on a stand-alone basis. We take into account the fact that these submitters would be advantaged if that were the case. As against that, we also received comment from Ms Byrch¹⁸⁰ that she did not understand this would be the case. These provided the only external comment we received in response to our open invitation for submitters to comment on Ms Scott's memorandum. We do not consider this constitutes a sufficient basis for us to make a finding on this matter.
198. We are more concerned about the Court's third reason. Just as the Court had difficulty identifying scope to add new zones to the list of Exception Zones, we also have struggled with this aspect. No submission sought amendment to the Exception Zone framework in Chapter 3. That is hardly surprising given that the Environment Court's interim decision indicating a readiness to put such a framework in place post-dated filing of submissions on Chapter 46.
199. We also think it is something of a stretch to suggest that this might be considered a consequential amendment. Ms Scott referred us to the submission of Ms Byrch, which provided the basis for Ms Grace's recommended strengthening of the RVZ framework to ensure that it achieved both Section 6(b) and the relevant objectives and policies in Chapter 3.
200. We do not read Ms Byrch's submission as providing an adequate basis for lessening the constraints on development within RVZs, given that she was seeking the opposite outcome¹⁸¹.
201. Ms Scott referred us also to the Gibbston Valley Station and Malaghans submissions, relying on the fact that the zone they sought would be consistent with both Section 6(b) of the RMA and the objectives and policies of Chapter 3. Again, we do not see such general submissions

¹⁷⁸ [2020] NZEnvC 159

¹⁷⁹ At [8.7]

¹⁸⁰ Submitter #31030 and a neighbour to Matakauri

¹⁸¹ Which she has confirmed in her response to our request to provide feedback relating the Exception Zones.

as providing a basis to remove the cross check that currently exists over development within RVZs by reason of the need to refer back to the Chapter 3 objectives and policies governing development in ONLs and ONFs.

202. In summary, like the Environment Court, we are not satisfied that we have scope to make the recommendation Ms Scott suggests.
203. We are concerned also that the Environment Court clearly did not contemplate use of the power Ms Scott suggests is available to us. It said¹⁸² that the most appropriate process for consideration of additions to the Exception Zone framework would be a Council initiated variation or plan change. We do not think that the Environment Court was contemplating a plan change that had already been initiated without containing the necessary provision.
204. Last, but certainly not least, we are not at all clear whether we have the power to recommend an amendment to Section 3.1B.5 at this point. That provision did not exist in the Decisions Version of Chapter 3. Although the Environment Court has released interim decisions indicating its intention to direct amendments to include the provision, that has not yet occurred. The Environment Court's latest (21 September 2020) decision records¹⁸³ that final directions for including the relevant provisions in the ODP will be made by a further and future decision.
205. It follows that Section 3.1B.5 has no legal status at present and is therefore not susceptible to amendment as a result of any recommendation we might make.
206. We therefore decline to make the recommendation requested by Ms Scott.
207. We observe that while the end result may be a less efficient process, we struggle with the suggestion of counsel for Gibbston Valley Station and Malaghans, Mr Gardner-Hopkins, that it results in a lack of certainty. If the requirement to consider and give effect to the objectives and policies of Chapter 3 produces a different outcome from the application of the objective and policies we have recommended in Chapter 46, that suggests that the latter are flawed and require reconsideration. The only legitimate basis for not considering the Chapter 3 objective and policies is because there is no need to do so, not because that might produce a different outcome.

8. OVERALL CONCLUSION ON THE ZONE-WIDE AMENDMENTS TO THE PDP TEXT

208. Our recommended amendments to Chapter 46 and related Variations to Chapters 25, 27, 31 and 36 are set out in Appendix 1 to this report. For the reasons set out above, we are satisfied that:
- (a) the amendments we are recommending to the objectives are the most appropriate way to achieve the purpose of the Act and the strategic objectives and policies of Chapters 3 and 6,
 - (b) the amendments we are recommending to the policies and rules are the most efficient and effective in achieving the objectives of the PDP; and
 - (c) our recommended amendments to the rules will be efficient and effective in implementing the policies of the Plan.

¹⁸² [2020] NZEnvC 159 at [42]
¹⁸³ At [60]

PART B – REZONING AND MAP CHANGE REQUESTS AND SITE-SPECIFIC AMENDMENTS TO PROVISIONS OF CHAPTER 46 AND RELATED VARIATIONS

9. GENERAL MATTERS

9.1 Zoning Principles

209. Report 20.1¹⁸⁴ has listed a set of zoning principles that previous Hearing Panels have found useful to apply to assist in answering the question as to what the most appropriate zoning is for a given area of land. We are satisfied that they remain broadly applicable and have applied them, as applicable, to the rezoning requests for RVZ.
210. We also note the discussion of scope issues in Section 3.1 of Report 20.1. For the reasons set out there, we have approached requests to rezone to RVZ on the basis that we have the ability to grant the relief sought in the relevant submission, if we are satisfied as to the merits of that relief.

9.2 Use of Structure Plan Approach

211. Before we consider the specific requests for rezoning and associated site-specific RVZ provisions, we address the appropriateness of including a Structure Plan approach in the RVZ, as requested for several of the sites sought for rezoning.
212. Submissions from LJ Veint (for Arcadia) and Corbridge specifically sought inclusion of a Structure Plan for their respective RVZs. LJ Veint¹⁸⁵ sought the notified provisions of the Arcadia RVZ be amended to incorporate the consented Structure Plan and Design Guidelines approved under Resource Consent RM110010, either as part of a revised Arcadia RVZ and/or as part of Chapter 27 (Subdivision and Development). Corbridge¹⁸⁶ sought the inclusion of a Corbridge Structure Plan¹⁸⁷ for the site it requested be rezoned as RVZ at 707 Wānaka Luggate Highway, as well as rules requiring activities and built development standards to be in accordance with the Structure Plan.
213. Although not specifically requested in their submissions, the planning evidence for Heron¹⁸⁸, Loch Linnhe¹⁸⁹, Malaghans¹⁹⁰, Gibbston Valley Station¹⁹¹ and Glen Dene¹⁹² sought some form of Structure Plan approach be included for their respective RVZs. Each of these Structure Plans was proposed to include different information relevant to the site, such as the landscape sensitivity mapping, developable areas, setback lines, access points, height and building coverage controls. For these requests, it was not completely clear whether or not they were seeking to link the proposed Structure Plans to Rule 27.7.1, which provides for subdivision consistent with a Structure Plan as a Controlled Activity.
214. Later in this report we address the particular relief sought by these submitters by way of their proposed Structure Plans. Here we address the general approach of employing Structure Plans as a method of implementation in the RVZ.

¹⁸⁴ Report 20.1, Section 2.9

¹⁸⁵ Submission #31008.2

¹⁸⁶ Submission #31021.24

¹⁸⁷ A Draft Structure Plan was included with the submission

¹⁸⁸ C Vivian, EiC, para [3.17]

¹⁸⁹ C Vivian, EiC, para [3.18]

¹⁹⁰ B Farrell, EiC, para [16] & [52] and Supplementary Legal Submissions dated 5 August 2020

¹⁹¹ B Giddens, EiC, para [32] and Supplementary Legal Submissions dated 5 August 2020

¹⁹² D White, EiC, para [4.2]

215. Ms Grace addressed the use of Structures Plans several times throughout her evidence, both generally and in relation to the specific requests. In her EIC¹⁹³, she addressed the Structure Plans sought by LJ Veint for Arcadia and by Corbridge. She understood both of these submissions to be seeking bespoke RVZ, with the Structure Plan being an alternative to the notified framework, with a set of rules that would manage development in accordance with Structure Plan.
216. Ms Grace emphasised that she considered a Structure Plan either to be unnecessary, or to allow development which would not protect the landscape values of the sites. However, if a Structure Plan identified areas of landscape sensitivity and included sufficient, detailed provisions that protect, maintain or enhance the relevant landscape values, then she considered it may be a useful process. However, she stressed that the result must support the application of the RVZ landscape management framework to the site. In relation to the provisions put forward by Corbridge, she considered supporting a Structure Plan through a specific policy within Chapter 46 would be a way of clearly demonstrating that the Structure Plan is a means of achieving the objectives and policies of that chapter.
217. In her first and second Rebuttal statements¹⁹⁴, Ms Grace addressed the Structure Plans put forward for the Maungawera (Heron), Loch Linnhe, Malaghans and Gibbston Valley Station sites. In her opinion, the implementation of the RVZ rules relies on the landscape sensitivity mapping. This requires that mapping to be shown on the Planning Maps rather than in a separate Structure Plan, as the Planning Maps are the tool used in the PDP to show where particular rules apply. She considered there is no need to complicate PDP implementation by including landscape sensitivity mapping in a different place for these RVZ. She made similar comments¹⁹⁵ in relation to a Height Plan proposed as a Structure Plan for the Glen Dene RVZ. In her opinion¹⁹⁶, it is a more efficient approach to show the landscape sensitivity mapping on the Planning Maps compared with complicating Chapter 46 with an unnecessary Structure Plan.
218. Ms Grace¹⁹⁷ also addressed the unintended consequence of including a Structure Plan in the PDP, as Rule 27.7.1 makes subdivision in accordance with a Structure Plan a controlled activity. She stated that there has been no intention through the Notified Plan Change provisions for a landscape sensitivity mapping exercise to enable subdivision as a controlled activity.
219. In her Reply statement¹⁹⁸, Ms Grace summarised her opinion in relation to Structure Plans. She continued to consider them an unnecessary method for the RVZ, particularly where the main information included is landscape sensitivity mapping, and they would add nothing more to the RVZ provisions to manage effects of activities. In her opinion, additional information to allow operation of the RVZ provisions, such as the Developable Areas for Gibbston Valley Station, can go on the Planning Maps.
220. Other than for Arcadia and Corbridge, we heard little evidence supporting the general concept of using Structure Plans for RVZ.

¹⁹³ E Grace, EIC, Section 6

¹⁹⁴ E Grace, Rebuttal evidence, para [3.7(e) & (f)] and [4.9(d)]

¹⁹⁵ E Grace, Rebuttal evidence, para [5.7(c)]

¹⁹⁶ E Grace, Second Rebuttal evidence, para [3.11] & [5.8]

¹⁹⁷ E Grace, Rebuttal evidence, para [3.7(f)]

¹⁹⁸ E Grace, Reply statement, para [7.2] & [10.4]

221. For Arcadia and Corbridge, the proposed Structure Plans were an integral means of implementing the complex outcomes for location of different activities within their sites. We discuss these further when we consider the site-specific submissions for these sites.
222. For Maungawera (Heron) and Loch Linnhe, Mr Vivian gave no reasons for supporting Structure Plans and, by the time of its hearing, a Structure Plan no longer appeared to be part of Heron's proposal. Mr White also gave no evidence as to why a Structure Plan is appropriate for the proposed height controls at Glen Dene.
223. The supplementary legal submissions and evidence for Malaghans and Gibbston Valley Station pursued the Structure Plan approach, with Mr Gardner-Hopkins stating in his verbal legal submissions that these submitters sought controlled activity subdivision in accordance with their Structure Plans. It was Mr Farrell's opinion¹⁹⁹ that Structure Plans are not uncommon in the ODP and PDP and can be an appropriate method for managing the effects of development in an integrated way. For the Malaghans site, he considered it is an effective method for enabling certain activities in appropriate locations and restricting development in other areas. Similarly, it was Mr Giddens' opinion²⁰⁰ that a Structure Plan for Gibbston Valley Station is the most efficient method of guiding land use and development within the zone, particularly through the identification of the landscape sensitivity areas. He considered including them onto a Structure Plan, that sits within the zone itself, to be the most appropriate place for this information.
224. Having heard the positions of the relevant submitters, we accept the evidence of Ms Grace that Structure Plans an unnecessary method for the RVZ, particularly where the main information included is landscape sensitivity mapping. They do not provide any enhanced management over the effects of activities, beyond the notified approach of the RVZ provisions. As sought by most submitters, the Structure Plans would complicate PDP implementation by including landscape sensitivity mapping on Structure Plans for some RVZ, and on the Planning Maps for others. We consider it is more efficient and effective, in terms of plan coherence, clarity and implementation, to have a consistent approach to mapping of landscape sensitivity and similar straight-forward features of each RVZ. We were not persuaded by the evidence or legal submissions presented to us, that the use of a Structure Plan in these circumstances would be more appropriate.
225. We are also cognisant that a Structure Plan method is employed predominantly through Chapter 27 Subdivision and Development as a tool for achieving an integrated approach to subdivision and development over time, often across large and complex zones. The RVZ is not a zone where subdivision is particularly envisaged, although a consent pathway as a discretionary activity is provided for in the Notified Plan Change. We have no evidence before us that supports an easier activity status (as a controlled activity) for subdivision in the RVZ, or that has addressed the environmental effects, costs and benefits of doing so. We do not consider it appropriate to enable such a pathway for subdivision in the RVZ through a Structure Plan approach.
226. Accordingly, we accept the position of Ms Grace and reject the general use of Structure Plans within the RVZ. We agree it is a more efficient and appropriate approach to show the landscape sensitivity mapping on the Planning Maps, as well as any additional, readily-mapped, information which will assist specific operation of the RVZ provisions.

¹⁹⁹ B Farrell, EIC, para [16]-[19]

²⁰⁰ B Giddens, EIC, para [32]-[33]

391. Turning to the Skippers Road traffic safety / transport matter. Despite Mr Bartlett’s reassurance, we were more convinced by the information from Mr Edgar. Mr Edgar’s information and opinions reinforced our views, obtained during our site visit, regarding the unsuitability of the Skippers Road for inexperienced tourist traffic travelling independently to visitor accommodation or commercial recreational activities on the site and the associated safety risks. We agree with Mr Edgar that Mr Bartlett had underestimated various factors that influence the traffic safety risks. We consider Mr Edgar presented cogent examples of the difficulties caused by tourist drivers using unsuitable hazardous roads for access to accommodation and visitor activities. We accept his position regarding the traffic safety risk of a rezoning that would increase the number of overnight visitors, unfamiliar with the road, using the already hazardous Skippers Road for access.
392. We agree with Ms Grace that it would be very difficult, if not impossible, to draft a workable and enforceable standard that required an alternative to, or prevented, private vehicle access to the site. We do not consider it possible to restrict the use of a public road through such a standard. On the basis of these considerations, we accept the evidence of Ms Grace that a permissive RVZ framework of permitted and controlled visitor-related development is not appropriate at this site for traffic safety reasons. On this matter alone, we do not recommend acceptance of RVZ rezoning for this site.
393. We addressed the matter of general residential activity previously in this report. We concluded that providing for general residential development would be inconsistent with the purpose of the RVZ and contrary to the Strategic objectives and policies in Chapters 3 & 6. Accordingly, had we recommended a Skippers RVZ be accepted, we would not have recommended including the submitter’s request for residential use of visitor accommodation units 180 days per year.
394. With regard to the outstanding difference between Mr Milne and Mr Jones on landscape sensitivity of the upper slopes of the site along the eastern boundary, we prefer the evidence of Mr Jones. Whilst Mr Milne is correct that drivers need to keep their eyes on the road (particularly this road), not all travellers on the road are drivers, especially if commercial transport is used. Passengers have time to take in the view ahead. From our own observations, we agree with Mr Jones that the upper steep slopes of the site are visually prominent and any development along those upper slopes has the potential to result in adverse effects on the ONL. Had we recommended a Skippers RVZ be accepted, we would have recommended showing the upper slopes as being of high landscape sensitivity.
395. Accordingly, for the reasons set out above, we recommend rejecting Submission #31015 from B Mills and Submission #31022 from Malaghans Investments Limited to rezone the proposed Skippers³³⁵ site as RVZ.

15. CORBRIDGE – CORBRIDGE ESTATES LIMITED PARTNERSHIP – SUBMISSION #31021

15.1 Overview

396. The proposed Corbridge RVZ, subject of a submission from Corbridge Estates Limited Partnership (Corbridge)³³⁶ is approximately 322ha in area and located on the Wānaka Luggate Highway (SH6), 3.5km east of Wānaka and 650m west of Wānaka Airport. The main access to the site is from SH6. The site lies between SH6 (along its southern boundary) and a high bank above the Clutha (Mata-Au) River (along its northern boundary). Under the PDP, the land is

³³⁵ Including the proposed Kimiākau RVZ sought by B Mills
³³⁶ Submission #31021

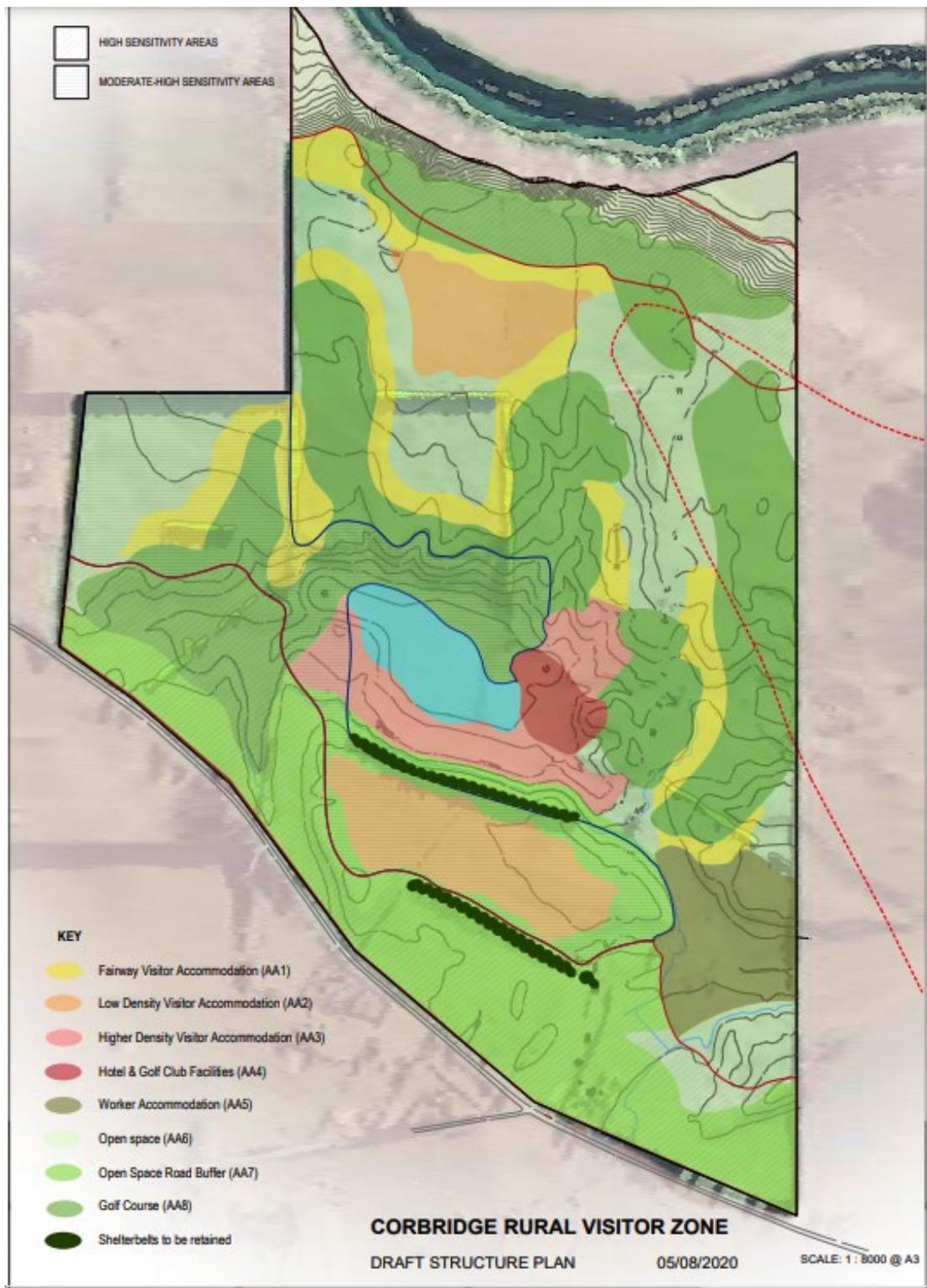
zoned Rural and is within a Rural Character Landscape (RCL). The site is partly within the Wānaka Airport Outer Control Boundary (OCB).



Aerial photo showing the proposed Corbridge RVZ site

397. The submission sought the whole of the 322ha property be zoned as RVZ. As discussed earlier in our report, the submission also requested RVZ be located within areas of RCL, rather than being confined to ONL as the Plan Change was notified. A commentary on landscape character and visual amenity issues associated with the Corbridge RVZ, prepared by Mr Ben Espie the submitter's consultant landscape architect, was attached to the submission.
398. The submission notes that while the submitter owned the land during Stage 1 of the PDP, a zoning alternative to Rural was not sought at that time, because the Council had documented its intent to address rural visitor demand and zone allocation during later stages of the PDP process. The submission goes on to state that, since then, a combination of visitor demand, regional growth, and short-falls in visitor accommodation and industry related services point toward the submitter's site as a strategic location to effectively and efficiently provide for ongoing rural visitor demand.
399. The submission sought inclusion of a Corbridge Structure Plan which would identify the locations for visitor accommodation, recreational activities, workers' accommodation, open space and shelterbelts across the site. Amendments to the Structure Plan were put forward by the submitter through the course of the hearing. The following is the final Structure Plan provided³³⁷.

³³⁷ Attached to the Submissions of Counsel in response to Questions, provided by Bridget Irving, dated 13 August 2020



400. Specific amendments to the notified RVZ provisions were sought in the submission, as follows:
- Amendments to the RVZ purpose, objectives and policies to accommodate the proposed RVZ within an RCL;
 - New objective and policies to avoid conflict between activities proposed for the site and Wānaka Airport;

- Rules to require development to be in accordance with the Structure Plan, and otherwise a non-complying activity;
 - Policy amendments and new rules to enable residential activity in accordance with the Structure Plan;
 - Extending the provision for onsite staff accommodation to include worker's accommodation associated with construction of facilities in the zone;
 - A requirement for informal airports to be a non-complying activity;
 - New rules increasing the maximum building heights in the Visitor Accommodation (12m) and Hotel (16m) areas of the Structure Plan and increasing the maximum building coverage (1000m²) in the Hotel area.
401. Throughout the course of the hearing, refinements were proposed by the submitter to the RVZ provisions it sought for the proposed site. This culminated in a revised set of proposed rules provided on 13 August 2020³³⁸, specifically for activities in the proposed Corbridge RVZ. We have taken this to be the final position of the submitter³³⁹. We note here that, in answer to our question³⁴⁰, Ms Grace's Reply³⁴¹ expressed her opinion that several of the rules and standards contained in the submitter's final provisions were not included in the original submission and go beyond the scope of the submission.
402. Further submissions in support of the Corbridge RVZ proposal were received from Golf Tourism New Zealand, Lake Wānaka Tourism and THC Group³⁴². Reasons given included:
- More golf and accommodation of a high quality will benefit not only the Wānaka region, but premium inbound tourism throughout New Zealand;
 - High-end visitor accommodation, recreation activities, worker accommodation and connection to the active travel network should deliver positive outcomes for the region;
 - Addressing the challenges of housing affordability (particularly worker accommodation);
 - Complementary to the nearby airport aviation visitor offering.
- These further submitters did not appear at the hearing.
403. A Further Submission in opposition was received from Queenstown Airport Corporation (QAC)³⁴³ for the reason that the rezoning could have long term, adverse planning implications for QAC that have not been appropriately evaluated in terms of S32 of the RMA. Ms Wolt³⁴⁴ provided written legal submissions to support QAC's further submission³⁴⁵. She advised she did not seek to appear to present her submissions in person and, accordingly, we treated her submissions as 'tabled'.
404. Ms Grace evaluated the Corbridge submission in her EIC³⁴⁶. She recommended the request be rejected, as she considered the site did not have all the key characteristics for RVZ areas and the residential development sought would be in conflict with the RVZ policies. In her opinion, the social and economic benefits of the submitter's proposal would be more appropriately achieved through a different type of zone, such as resort zone.

³³⁸ Attached as Appendix 3 to the Submissions of Counsel in response to Questions, provided by Bridget Irving, dated 13 August 2020

³³⁹ We refer to these provisions as the final Corbridge RVZ provisions

³⁴⁰ Minute 35

³⁴¹ E Grace, Reply, Appendix D

³⁴² Further Submissions #31063, #31065 and #31069 respectively

³⁴³ Further Submission #31054

³⁴⁴ Legal Submissions for QAC, Rebecca Wolt, dated 6 August 2020

³⁴⁵ Further Submission #31054

³⁴⁶ E Grace, EIC, Section 10

405. Ms Grace provided further evaluations in Section 4 of her second Rebuttal evidence and Section 9 of her Reply. In her opinion, the nature, scale and intensity of the development (which she considers is more urban in nature than rural), as well as the proposed management of landscape values, put it at odds with the RVZ. She noted that having a bespoke set of zone provisions, that operate independently from the rest of the RVZ rules and standards, did not fit comfortably with the chapter. She maintained her opinion that the Corbridge proposal was not a good fit for the RVZ and should be rejected.
406. Landscape evidence was provided for the Council by Mr Matthew Jones in his second EIC³⁴⁷, second Rebuttal³⁴⁸ evidence and Reply³⁴⁹ statement. Evidence relating to infrastructure-related effects was provided by Mr Richard Powell³⁵⁰ in his second Rebuttal³⁵¹ evidence and his Reply³⁵² statement. Dr Stephen Chiles³⁵³ provided Rebuttal³⁵⁴ evidence relating to noise implications as a result of proximity to Wānaka Airport.
407. Legal submissions³⁵⁵ and an extensive body of evidence were provided to the hearing on behalf of the submitter. The evidence addressed: the owners' vision for the property; an overall description of the proposal; golf course location and design; golf tourism benefits; workers' accommodation design; infrastructure provision; noise implications from/for the airport; landscape evaluation; economics; and planning. We refer to this evidence below as relevant to our consideration of the submission.

15.2 Issues in Contention

408. When it comes to the evidential and legal matters in contention between the Council and the submitter, we found few matters of agreement. We now outline the issues in contention that are of most relevance to our consideration of this submission.
409. We note, as an initial matter, the submitter's evidence³⁵⁶ and legal submissions referring to the resource consents obtained for the site under its Rural zoning. We were told that the site has resource consents for:
- RM100152 - An irrigation reservoir in the central depression within the site. This consent has been exercised and the reservoir established. This is proposed to be the central focus for the golf course and visitor accommodation;
 - RM120257 – Subdivision consent for 35 residential allotments (and balance farming lot) with building platforms on each of the 35 residential lots. In addition, the consent allows the establishment of communal work and social buildings, four guest accommodation units, boat shed and jetties at the location of the lake (the “community hub”), utility buildings and associated earthworks. This consent was issued in 2013 with a 10 year lapse period;
 - RM150918 – Use of the existing wool shed for up to 65 events per calendar year (weddings, receptions, corporate events, etc). This consent has been exercised.

³⁴⁷ M Jones, second EIC, Section 11
³⁴⁸ M Jones, second Rebuttal, Section 4
³⁴⁹ M Jones, Reply, Section 7
³⁵⁰ The Council's Development Infrastructure Engineer
³⁵¹ R Powell, second Rebuttal, Section 4
³⁵² R Powell, Reply, Section 2
³⁵³ Consultant acoustics engineer for the Council
³⁵⁴ S Chiles, Rebuttal, Section 4
³⁵⁵ Legal Submissions from B Irving
³⁵⁶ D Curley, EIC, para [25]-[35]

410. In her opening legal submissions for Corbridge³⁵⁷, Ms Irving submitted that scope for permitting residential activity within 35 visitor accommodation units is drawn from the fact that under the PDP Rural Zone Rule 21.4.5, a residential unit can be established as a permitted activity on any building platform identified via a resource consent (with RM120572 having consented 35 residential building platforms). Scope for the workers' accommodation village is drawn from the notified RVZ provisions which provide, as permitted activities, for onsite staff accommodation ancillary to commercial recreational activities and as part of visitor accommodation.
411. Ms Irving also submitted that the "existing environment", that provides the point of comparison when assessing the effects of the proposed RVZ, includes the implementation of the granted resource consents. However, she accepted that Corbridge was not intending to develop the rural-residential lots in accordance with its consent if the rezoning to RVZ is accepted.
412. Ms Scott³⁵⁸ responded to Ms Irving's argument regarding reliance on RM120572 for 35 residential units by noting Mr Watkins'³⁵⁹ evidence (and Ms Irving's acknowledgement) that the subdivision consent will be exercised if the RVZ zoning is not successful, rather than that the subdivision consent will be implemented, or is likely to be implemented, notwithstanding the rezoning. Ms Scott also referred to Mr Curley's³⁶⁰ evidence that there is a "better alternative" than development of the nature approved by RM120572. Ms Scott went on to set out what she considered to be the correct approach for us to take when considering the relevance of resource consents – that we have discretion to take it into account, or not, and whether a particular consent will, or is likely to be, implemented is relevant to the exercise of their discretion. She noted the position of Corbridge that the subdivision consent will not be implemented if the rezoning is successful and submitted that we should not consider the subdivision consent as part of the 'existing environment'.
413. In terms of RM120572 creating scope for 35 residential units within the Corbridge RVZ, Ms Scott concluded that the extent of the relief available for the Corbridge site is provision for one residential unit within each of the approved building platforms, and not for 35 permitted dwellings anywhere within another area of the site.
414. In relation to Ms Irving's argument regarding the scope for the workers' accommodation village, Ms Scott accepted that the notified provisions for the RVZ create scope for accommodation for staff directly engaged by the land owners or person operating the visitor-related activity on the site, but that this does not reasonably extend to contactors who are working on the construction of the site, or to people working nearby (which appeared to be the intention).

Landscape Effects

415. Mr Espie³⁶¹ provided landscape evidence on behalf of Corbridge. He provided an EiC, which he updated in his Summary Statement at the hearing. Mr Espie updated the Corbridge Structure Plan, as well as providing landscape sensitivity mapping, in response to matters raised by Mr Jones. By the time of Mr Jones' Reply statement, there was agreement between

³⁵⁷ Opening Submissions from Counsel, from B Irving, dated, 30 July 2020, para [10]-[11]

³⁵⁸ Second Reply Legal Submission for the Council, S Scott, dated 10 September 2020, Section 2

³⁵⁹ Mr Jason Watkins, management consultant, for Corbridge

³⁶⁰ Mr Dan Curley, land development planner, for Corbridge

³⁶¹ Mr Ben Espie, consultant landscape architect

Mr Espie and Mr Jones on some matters, although substantial differences of opinion remained.

416. Mr Jones³⁶² accepted the areas of landscape sensitivity shown in Mr Espie's final Landscape Sensitivity Plan³⁶³ largely reflected the areas Mr Jones had assessed as being of high and moderate-high landscape sensitivity. Mr Jones agreed³⁶⁴ the Structure Plan had located future development into the parts of the site that are, for the most part, visually contained and discrete. He agreed³⁶⁵ with Mr Espie in terms of his assessment of visual amenity from the northern, eastern and western edges of the site. However, Mr Jones retained significant concerns regarding the landscape effects of the development that would be enabled through the Corbridge RVZ and continued to oppose the rezoning for reasons we will outline further below.
417. Mr Espie had addressed some of Mr Jones' concerns through revised landscape sensitivity mapping, including the addition of an area of moderate-high landscape sensitivity in his updated plans. In his evidence summary³⁶⁶, he referred to the maximum building coverage and density standards proposed by Corbridge for each activity area³⁶⁷ and the discretionary activity consent requirements for buildings in the moderate-high landscape sensitivity areas. Based on the Structure Plan, sensitivity mapping, building standards and consent requirements, Mr Espie concluded the proposed RVZ would not significantly endanger the rural character of the landscape within which the site sits. He considered the site is more able to absorb a node of visitor activity than most settings within the rural landscapes of the District because:
- it is not within an ONL;
 - it is a large and topographically varied site;
 - it is in a location where some non-rural activity will be less incongruous than in most rural locations; and
 - development will be confined to areas where it will have the least effect on both landscape character and visual amenity.
418. When specifically asked by the Hearing Panel about maintenance of rural character on the site itself, Mr Espie stated that the developed parts of the site would not maintain their current rural character and would have a rural visitor or resort character within a rural setting.
419. In relation to visual amenity effects, it was Mr Espie's opinion that these will be very well mitigated through the Structure Plan and consenting requirements, such that development will be inconspicuous and not out-of-place or offensive in its context.
420. Despite Mr Espie's revised mapping and the planning controls he relied upon, Mr Jones³⁶⁸ remained opposed to the rezoning, based on his opinion that the scale and intensity of the development anticipated through the Structure Plan will not maintain the landscape character or maintain or enhance visual amenity values of the RCL, for the reasons set out in his Rebuttal evidence³⁶⁹, in particular:

³⁶² M Jones, Reply, para [7.2]-[7.3]

³⁶³ Attached to the Submissions of Counsel in response to Questions, provided by Bridget Irving, dated 13 August 2020

³⁶⁴ M Jones, second Rebuttal, para [4.23]

³⁶⁵ M Jones, second Rebuttal, para [4.26]

³⁶⁶ Evidence Summary of Benjamin Espie, dated 6 August 2020

³⁶⁷ As shown on the proposed Structure Plan

³⁶⁸ M Jones, Reply, para [7.3] & [7.5]

³⁶⁹ M Jones, second Rebuttal, para [4.18]-[4.29]

- The scale and density of built development anticipated in Areas AA1, AA2 and AA3³⁷⁰, which are visible from SH6, is inappropriate in this setting, would degrade the character of the RCL and would not maintain landscape character or visual amenity values of the RCL.
- Although the central portion of the site has less visibility, there will still be inherent effects on landscape character, such that the area will be perceived as a modified golf course landscape with associated buildings.
- Traffic movement, activity generated, intensity of use and night lighting will also impinge on the character of the area.
- The maximum building development enabled in each of the defined Activity Areas on the proposed Structure Plan has not been sufficiently limited, such that the scale and intensity of development would be inappropriate and incompatible with the landscape character of the site and the surrounding area.

421. Ms Grace commented in her Reply³⁷¹ regarding the tension between the Structure Plan and associated rules and standards for buildings anticipated in Areas AA1, AA2 and AA3, and the overlying mapping of moderate-high landscape sensitivity within which buildings are a discretionary activity. She agreed this was a tension, suggesting the activities anticipated through the Structure Plan might not be appropriate in that location. This suggested to her that the Structure Plan had not been driven by the identification of areas more, or less, appropriate for development, which is the basis for the notified RVZ provisions using landscape sensitivity mapping. As Ms Grace has stated elsewhere, if a Structure Plan is to be used as an alternative to landscape sensitivity mapping, the appropriate areas for development should be identified in the Structure Plan, rather than being left to consideration through a subsequent discretionary activity consent process. In this regard, Ms Grace concurred with Mr Jones' landscape point of view. Ms Grace³⁷² retained her opinion that the Corbridge rezoning proposal was not a good fit for the RVZ and should be rejected.

Location, Nature, Scale and Intensity of the Proposed Corbridge RVZ

422. There was agreement between witnesses for the Council and submitter that it is consistent with the strategic direction in Chapters 3 and 6 for a RVZ to be located within an RCL and not be confined to ONLs nor to areas that are "remote". It is the nature, scale and intensity of the activities and buildings that would be enabled by the Corbridge RVZ that caused the Council witnesses to continue to oppose this rezoning.

423. In Ms Grace's opinion³⁷³, the nature and scale of the development put it at odds with the RVZ. She considered Chapter 46 seeks to enable visitor industry activities that provide access to the District's landscapes, in pockets and at a limited scale and intensity. She considered³⁷⁴ the rezoning would result in development that is a larger scale and more urban level of development than is foreseen for the RVZ and inconsistent with its Purpose statement of activities occurring at a "limited scale and intensity". She suggested the scale of infrastructure servicing and the potential for connection to Council reticulated services to be required, points to a larger scale of development than intended for the RVZ.

³⁷⁰ We note the following built form is anticipated in the Corbridge RVZ provisions - in AA1 150 buildings @ 400m² max. ground floor area per building; AA2 100 buildings @ 300m² max. ground floor area per building; and AA3 50% max. building coverage within the Area and 1000m² max. ground floor area per building

³⁷¹ E Grace, Reply, par [9.3]-[9.4]

³⁷² E Grace, Reply, par [9.1]

³⁷³ E Grace, second Rebuttal, para [4.7]

³⁷⁴ E Grace, second Rebuttal, para [4.3]

424. As outlined earlier in this report, Ms Grace³⁷⁵ considered the provision for residential development in the Corbridge RVZ is not necessary or appropriate and in conflict with the policies of the RVZ.
425. With respect to the use of a Structure Plan and a bespoke set of policies and rules to manage the location, nature, scale and intensity of development in the Corbridge RVZ, Ms Grace³⁷⁶ considered this runs into difficulties with the provisions of Chapter 46. As outlined above, both Mr Jones and Ms Grace considered the scale and intensity of the development anticipated through the proposed Structure Plan and bespoke provisions would not maintain the landscape character or maintain or enhance visual amenity values of the RCL. In their opinions, this did not meet the test of Chapter 3 for development in RCLs and should not be included in the PDP. Ms Grace's considered the proposed Structure Plan approach and bespoke set of zone provisions, that operate independently from the rest of the RVZ provisions, did not sit comfortably within the RVZ framework. She suggested that what Corbridge was seeking would perhaps be better described as some type of special zone.
426. Neither Mr Curley nor Mr Edgar (in their EIC) directly addressed whether the nature, scale and intensity of the development enabled by the Corbridge RVZ would be consistent with the RVZ objectives and policies. Rather they both recommended changes to the notified RVZ provisions and bespoke Corbridge provisions that would provide for the scale and intensity of development sought by Corbridge. Mr Edgar noted³⁷⁷ that the existing RVZs are relatively small in scale and include limited land area that could accommodate development. Whereas RVZs in RCLs could potentially accommodate more development, with greater extent, requiring more detailed and directive provisions. We have previously referred to Mr Edgar's response to our question as to whether or not the scale and intensity of development provided for by the Corbridge RVZ was "limited". He did not consider whether a site's size is big or small to be relevant, provided there are "limits" identified to the ultimate size of the zone and to the amount of development provided for through the bespoke provisions.
427. As to whether the nature of Corbridge is that of a "resort"³⁷⁸, Ms Irving³⁷⁹ submitted that this is not determinative of the appropriateness of the RVZ in relation to the site. It was her submission that a "resort" is simply a form of delivery for commercial recreation and tourism related activities. She submitted there is a considerable overlap between what activities appear to be contemplated by the definition of "resort" and those activities sought to be enabled through the RVZ, and it is likely that many, if not all, the RVZs could equally be described as "resorts", especially as the definition of "resort" says nothing about scale.

Urban Development

428. A related matter in contention is whether the development enabled by the proposed Corbridge RVZ would constitute "urban development", and therefore needs to be considered in terms of the direction in Chapter 4 of the PDP.
429. It was Ms Grace's evidence³⁸⁰ that the scale and intensity of the Corbridge proposal is more urban in nature than rural, evidenced by a potential requirement to connect to Council's

³⁷⁵ E Grace, EIC, para [10.9] & [10.12]

³⁷⁶ E Grace, second rebuttal, para [4.5]-[4.6] and Reply, para [9.5]

³⁷⁷ S Edgar, EIC, para [83]-[84] & [105]

³⁷⁸ *"Resort" means an integrated and planned development involving low average density of residential development (as a proportion of the developed area) principally providing temporary visitor accommodation and forming part of an overall development focused on onsite visitor activities*

³⁷⁹ Opening Submissions from Counsel, from B Irving, dated, 30 July 2020, para [25]-[43]

³⁸⁰ E Grace, second Rebuttal, para [4.7]

services and the significant residential component. In her opinion, this was a larger scale and more urban level of development than is anticipated through the notified RVZ Purpose.

430. With regard to the residential component, Ms Grace³⁸¹ considered that it is not necessary or appropriate to provide for housing at this site in order to “*not exacerbate the shortage of housing supply in Wanaka*” (as requested through new policy). In her opinion, provision of housing supply is provided for in other chapters of the PDP, in particularly the urban chapters, which are supported by Chapter 4 Urban Development. She also considered³⁸² the workers’ accommodation area of the Structure Plan represented urban-type residential development, inconsistent with the strategic objectives and policies relating to urban development. These seek to contain urban development within urban growth boundaries and existing settlements and avoid urban development outside these areas³⁸³.
431. When we asked Ms Grace about whether she considered the Corbridge RVZ provided for “*urban development*” as defined in Chapter 2³⁸⁴, she stated that the scale, intensity and dominance of built structures provided for in the areas of workers’ accommodation and high density visitor accommodation were more towards the urban end of character – not rural in character –somewhere in the middle between rural and urban.
432. Neither Mr Curley nor Mr Edgar directly addressed the matter of whether the development enabled by the Corbridge RVZ would constitute “urban development”. Mr Espie stated that the landscape character of the area between the airport and Albert Town / Wānaka would remain dominated by rural character, albeit that an intense node of visitor activity would sit comfortably within it. As set out above, for the site itself, Mr Espie considered the developed parts would not maintain their current rural character and would have a rural visitor or resort character within a rural setting. Mr Jones did not consider rural character would be maintained. When asked about the character of Corbridge, once fully developed, compared with the example of Millbrook, he stated that it would be comparable to Millbrook in the past when Millbrook was smaller scale.
433. This was also addressed in Corbridge’s legal submissions³⁸⁵. Drawing on the evidence from Mr Espie and Mr Jones, Ms Irving submitted that the type of development proposed by Corbridge is of a rural character. In terms of when the scale, intensity, visual character, dominance of built structures or reliance on reticulated services / vehicle generation would “tip” Corbridge over into being urban, she submitted this needed to be considered in terms of the overall scale of the site itself and its ability to absorb the proposed development and avoid built form becoming the dominant feature. It was her submission that the evidence of Mr Espie and Mr Jones do not support a conclusion that this would be “urban development”. Ms Irving³⁸⁶ also noted the interplay between the definitions of “resort”, and “urban development’ concluding that the only clear point is that if a development is a “resort”, it is not “urban development”.

³⁸¹ E Grace, EiC, para [10.9]

³⁸² E Grace, Reply, para [9.2]

³⁸³ E Grace, Rebuttal, para 4.7]

³⁸⁴ “*Urban Development*” means development which is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development, nor does the provision of regionally significant infrastructure within rural areas (as amended by Environment Court Consent Order dated 20 August 2020).

³⁸⁵ Opening Submissions from Counsel, from B Irving, dated, 30 July 2020, para [32]-[38]

³⁸⁶ Opening Submissions from Counsel, from B Irving, dated, 30 July 2020, para [39]-[41]

Infrastructure Provision

434. Mr Botting³⁸⁷ provided evidence³⁸⁸ regarding the infrastructure servicing of the development enabled by the proposed Corbridge RVZ. In answer to our questions, Mr Botting accepted he had not done any modelling of infrastructure requirements or any initial design for private infrastructure that may be required. He was not able to tell us how many units would need to be serviced at maximum capacity of the proposed RVZ, although when we pressed Mr Curley and Mr Edgar³⁸⁹ on this, they estimated up to 3000 people could be accommodated on the site at one time in terms of the final Corbridge RVZ provisions.
435. For wastewater, Mr Botting stated that future development could include connection to the existing Council gravity main located near the south-east corner of the site (which connects to the Council's wastewater treatment and disposal facility near the airport). As an alternative, he considered a centralised, privately-managed, wastewater treatment facility could be located within the site, with treated water being used within the site or discharged. In his opinion, the detailed modelling and design required could be done at a later date, as the site development proceeded.
436. A similar approach was taken to potable water supply, with Mr Botting identifying options of connecting to a Council supply (such as the existing Corbridge Water Scheme or, in the future, to an upgraded Wānaka water supply serving Luggate and the Airport) or supplying the site from existing permitted bores within the site. He considered on-site fire-fighting capacity could be provided with tanks located around the site that can achieve the necessary pressure and volume.
437. Mr Botting considered stormwater disposal would be possible within the site, either to ground or via wetland treatment to the central lake. He saw no impediments to designing a low impact stormwater treatment and disposal solution for development across the site.
438. Mr Botting's confidence that options were available to service the development enabled by the Corbridge RVZ, was supported in legal submissions³⁹⁰ on behalf of Corbridge, which concluded that the lack of a connection to Council infrastructure is not determinative as to whether or not the rezoning should be accepted.
439. Mr Powell initially expressed his opinion³⁹¹ that a development of this scale would require connection to Council services and that an on-site private water supply or wastewater scheme would not be appropriate. However, in his Reply³⁹² statement, Mr Powell accepted that wastewater could be treated and disposed of within the site via a centralised private scheme, and potable water provided from a private network using existing bores on the site. However, Mr Powell continued to state³⁹³ this not Council's preferred option. The preference is for a development of this scale to connect to Council's infrastructure, which does not have sufficient capacity at the moment and the upgrades required are not included in the Council's planned works, nor has funding been allocated within the Long Term Plan³⁹⁴.

³⁸⁷ Mr Michael Botting, consultant surveyor for Corbridge

³⁸⁸ M Botting, EIC

³⁸⁹ Mr Dan Curley, land development planner; and Mr Scott Edgar, consultant planner, appearing for Corbridge Submissions of Legal Council in response to Questions, Bridget Irving, 13 August 2020

³⁹¹ R Powell, second Rebuttal, para [4.3]

³⁹² R Powell, Reply, para [2.4] & [2.9]

³⁹³ R Powell, Reply, para {2.5}-{2.6} & {2.10}-{2.11}

³⁹⁴ R Powell, second Rebuttal, para [4.4]-[4.6] and Reply, para [2.6] & [2.8]

440. Mr Powell's concerns³⁹⁵ regarding private provision of infrastructure stemmed from a lack of certainty that wastewater treatment and disposal can be provided in the absence of a consents from Otago Regional Council; the upcoming revision of the drinking water standards for local authorities which could force Councils to take over non-complying private water schemes; and the proximity of the site to existing Council infrastructure which could result in an expectation that the Council would take over the private infrastructure in due course. This latter concern was echoed in the Council's legal submissions³⁹⁶, which stated that it was the location of this site in the vicinity of Council infrastructure that distinguished it from the notified RVZ which are found in remote locations where no Council networks exist.

Wānaka Airport

441. Dr Chiles noted Mr Smith³⁹⁷ had stated³⁹⁸ the proposed Structure Plan would avoid any Activities Sensitive to Aircraft Noise (ASAN) being located within the OCB of Wānaka Airport. Dr Chiles agreed that ASAN should not be allowed in the OCB and noted that the activity status in the Rural Zone under the ODP was prohibited (as it is in the PDP). It was Dr Chiles' opinion that prohibited status should be retained. We note that the final Corbridge RVZ provisions do show ASAN within the OCB for Wānaka Airport as being prohibited activities. Accordingly, this is not an issue remaining in contention between the Council and the submitter.

442. In her written legal submissions supporting QAC's further submission³⁹⁹, Ms Wolt⁴⁰⁰ submitted that QAC opposed any zoning of the land that would enable ASAN to establish. QAC not only opposed the zoning of the land within the OCB, but also the zoning of the land in its entirety to the extent that it provided for ASAN development proximate to the Wānaka Airport and under its main aircraft flight path. Ms Wolt submitted QAC was taking a long-term view of planning and growth at and around the Airport, particularly where it concerns ASAN development now or in the future. In terms of QAC's concerns extending beyond the OCB, Ms Wolt submitted that noise, and potential for reverse-sensitivity effects, do not 'stop' at the OCB. She stated that QAC agreed with Ms Grace that the current Rural zoning of the Corbridge land provided greater protection for Wānaka Airport from reverse sensitivity effects.

Traffic

443. Little evidence was provided on the traffic and transportation effects of the proposed Corbridge RVZ. Mr Botting⁴⁰¹ explained the access from SH6 via the existing formed entrance. This entrance has been designed to meet highway side road intersection standards, although road marking and lighting would be required to complete formation in the future if rezoning proceeds. Neither the Council nor NZTA have raised concerns regarding the intersection arrangements. Although we enquired of the Corbridge witnesses, it appears no assessment had been undertaken of the traffic and transportation implications for SH6 and SH84 of locating residential activity and substantial visitor accommodation and recreational activity at this site.

15.3 Hearing Panel's Consideration and Recommendations

444. As regards the existing environment, we agree with Ms Scott's submission that we have a discretion whether or not to treat unimplemented resource consents as part of the 'existing

³⁹⁵ R Powell, Reply, para [2.5] & [2.10]-[2.11]

³⁹⁶ Second Reply Legal Submissions for the Council, 10 September 2020, para [2.14]-[2.16]

³⁹⁷ Mr Michael Smith, consultant acoustic engineer for Corbridge

³⁹⁸ M Smith, EiC, para [15]

³⁹⁹ Further Submission 31054

⁴⁰⁰ Legal Submissions for QAC, Rebecca Wolt, dated 6 August 2020

⁴⁰¹ M Botting, EiC, para [7]-[8]

environment'. That is made clear by the High Court's decision in *Shotover Park Limited v QLDC*⁴⁰².

445. We also struggled with Ms Irving's legal argument that the existing resource consent authorising 35 residential units on the site might form part of the existing environment when it was clear that if its request to rezone was granted, the submitter had no intention of implementing that resource consent. The resource consent restricts the location of the consented residential units in a way that does not correspond with the Structure Plan that was provided to us. Accordingly, we do not consider it appropriate to commence our consideration of what is proposed by assuming that 35 residential units are already authorised and assessing the effects of the balance of what the submitter proposes.
446. We think that Ms Irving was on rather stronger ground, however, submitting that the unimplemented resource consent is an alternative use of the land for the purposes of evaluation under Section 32 of the Act.
447. As to Ms Irving's submission that accommodation for construction workers is permitted by the existing Chapter 46 rules, we think this is something of a stretch. The definition of visitor accommodation refers to the use of land or buildings to provide visitor accommodation for paying guests, and includes onsite staff accommodation. It seems to us that land or buildings are only used to provide visitor accommodation once the accommodation actually exists, that is to say after construction has concluded. Similarly, commercial recreation activities will only occur in terms of Rule 46.4.3 after the proposed golf course, and any other recreational facilities on the site, are constructed. It also depends on the personnel fitting the description of "staff". Employees of a construction contractor would not appear to qualify.
448. In any event, it was clear to us that the submitter was not restricting itself either to staff working on construction of the proposed facility, or working at the facility after it opened (who would fall within the relevant permitted activity rules) but rather to 'workers' employed anywhere in the vicinity of the site. We do not think such workers could be said to be "on-site staff" for the purposes of the relevant rules.
449. In addition, with respect to onsite accommodation for construction staff, we have previously stated that we agree with Ms Grace that Chapter 35 provides a consenting pathway for construction staff accommodation, which is a more effective and efficient means of managing the specific effects of temporary activities.
450. As well as addressing the scope to enable residential activity in the Corbridge RVZ, Ms Grace's Reply⁴⁰³ set out her opinion that several of the other rules and standards contained in the submitter's final provisions were not included in the original submission and go beyond the scope of the submission. These related to the scale of permitted commercial recreational activity, licensed premises as controlled activities, removal of standards for glare and setback of buildings from waterbodies, and the maximum size of residential buildings in Area AA3. If we had concluded that there was a case for the relief sought, we would have needed to address how much of that relief was within scope, as we agree with Ms Grace there were definitely issues as to whether these provisions fell within the scope afforded by Corbridge's submission.

⁴⁰² [2013] NZHC 1712

⁴⁰³ E Grace, Reply, Appendix D

451. Turning to our recommended Chapter 46 objectives and policies regarding the location, scale and intensity of RVZ and the visitor activities and buildings, we have previously recommended that Objectives 46.2.1 & 46.2.2 be amended to enable RVZ to be located within RCL, removing that initial hurdle to consideration of the Corbridge site.
452. Our recommended Objective 46.2.1 requires visitor accommodation and commercial recreational activities to occur at a small scale and low intensity in rural locations where maintenance of landscape character, and maintenance or enhancement of visual amenity values, are achieved.
453. In terms of scale, the proposed Corbridge RVZ site at 322ha is not small, and neither is the scale of the visitor accommodation and commercial recreational activities proposed for the zone.
454. The recreational activities proposed include 18 and 9 hole golf courses, driving range, chipping and putting greens, and clubhouse⁴⁰⁴. The final Corbridge RVZ sought to remove the notified control on group size to manage the scale of commercial recreational activities.
455. A 5 star hotel is provided for, which is intended to include substantial conference facilities⁴⁰⁵, as well as additional hotel(s) in the future⁴⁰⁶. Additional provision for licensed premises was sought over and above that associated with visitor accommodation in the Notified Plan Change.
456. The final Corbridge RVZ provisions would allow for 250 fairway and low-density visitor accommodation units, as well as hundreds of high-density visitor accommodation units, as demonstrated in the concept plans attached to Mr Watkins' EiC. In addition, a workers' accommodation village of 100 residential units is provided for. As estimated by Mr Curley, the zone could accommodate up to 3000 people at any one time (equivalent to a small town).
457. We consider this to be a large-scale development, with areas of high intensity visitor accommodation and commercial recreational activity. The submitter itself did not attempt to claim that this would be a small development. We do not consider the scale and intensity of development enabled by the Corbridge RVZ would achieve Objective 46.2.1.
458. Our recommended Objective 46.2.2 requires buildings and development, that have a visitor industry related use, are provided for at a small scale and low density, in areas of lower landscape sensitivity. Based on the numbers of units, maximum floor areas and % building coverage standards in each Area of the final Corbridge RVZ, the overall scale of built development would be tens of thousands, if not hundreds of thousands, of square meters of building ground floor area. Significant additional building height is sought in the Higher Density Visitor Accommodation Area and Hotel / Golf Club Facilities Area, compared with the Notified Plan Change – 12m rather than the notified 6m.
459. Although the site is large and, as a percentage of site area, the total building coverage might be 5% or less, the scale and density of buildings provided for is still large, particularly in a rural area. This is not building development at a small scale and in some parts of the site, such as the Higher Density Visitor Accommodation Area and Hotel / Golf Club Facilities Area, the

⁴⁰⁴ Jason Watkins, EiC, para [12]

⁴⁰⁵ J Watkins, EiC, para [21] & [25]

⁴⁰⁶ J Watkins, EiC, para [26]

density of built development will not be low. We do not consider the scale and density of building development enabled by the Corbridge RVZ would achieve Objective 46.2.2.

460. We agree with Ms Grace that the nature and scale of the development provided for through the proposed Structure Plan and bespoke provisions put the Proposed Corbridge RVZ at odds with the RVZ objectives. We also agree that this scale leads to other aspects, such as the scale of the infrastructure servicing and potential for connection to Council reticulated services, which points to a larger scale of development than intended for the RVZ.
461. In terms of the nature of the activities sought for the Corbridge RVZ, as previously stated, we have concluded that providing for general residential development in the RVZ would be inconsistent with the purpose of the RVZ and contrary to the strategic objectives and policies in Chapters 3 & 6. Whilst ancillary on-site staff accommodation associated with small scale commercial recreational activities and visitor accommodation is provided for in the Notified Plan Change, we agree with Ms Grace that the provision Corbridge seeks for general residential development is in conflict with our recommended Policy 46.2.1.4 and contrary to Chapters 3 and 6.
462. There appeared to be agreement between the Council and Corbridge witnesses that what Corbridge actually wanted to develop was a “resort”. We accept the submissions of Ms Irving that there is a considerable overlap between what activities appear to be contemplated by the definition of “resort” and those activities sought to be enabled through the RVZ. We agree it is likely that many RVZs could equally be described as “resorts”. Similarly, we agree that a “resort” can be provided for within an RVZ, but (in accordance with our recommendations) only if its scale is small and intensity and built density low, and no general residential activity is provided for. Corbridge, however, have consistently held to their request to provide for residential activity beyond staff accommodation and a large scale of development. Although what Corbridge sought might well be termed a “resort”, in this case we do not consider it is consistent with the provisions of the RVZ. We agree with Ms Grace that what Corbridge proposed is not a good fit with the RVZ requirements.
463. When it comes to “urban development”, whilst we consider a development that provides for up to 3000 people on the site suggests this would be an urban development, a “resort” is deemed by way of its definition not be urban for the purposes of the strategic chapters. We need not, therefore consider that issue further.
464. The Strategic Objectives and Policies in Chapters 3 and 6, as well as our recommended Objectives 46.2.1 and 46.2.2 require landscape character to be maintained and visual amenity values maintained or enhanced. We agree with Mr Jones⁴⁰⁷ that that the scale and intensity of development anticipated through the Structure Plan, and the bespoke Corbridge RVZ provisions, will not maintain the landscape character or maintain or enhance visual amenity values of the RCL
465. Clearly the character of the landscape within the site will be changed and its rural character degraded, as stated by Mr Jones. Mr Espie, on behalf of the submitter, accepted the developed parts of the site would not maintain their rural character and would have a rural visitor or resort character, albeit within a rural setting. We do not accept the approach taken by Mr Espie that it is the rural character of the landscape within which the site sits (not of the RVZ itself) that is to be maintained.

⁴⁰⁷ We have set out his reasons earlier

466. We consider that revised SO 3.2.5.2 is clear that within RCLs landscape character is to be maintained and visual amenity values maintained or enhanced, with SP 3.3.1A stating the same requirements for commercial recreation and tourism activities in rural areas. Clause 3.1B.1 directs that these SO and SP provide direction for the development of the Plan's more detailed provisions, including through Plan Changes. We have recommended that these landscape requirements for RCLs are clearly articulated in the objectives and policies for the RVZ. Mr Espie did not appear to us to directly address these requirements for an RCL in his evidence. We agree with Mr Jones that the proposed Corbridge RVZ would not achieve the strategic direction of Chapters 3 and 6, nor be consistent with the objectives and policies of Chapter 46 relating to landscape values.
467. We noted earlier that Mr Powell, on behalf of the Council, moderated his position on infrastructure provision in his Reply. He accepted that wastewater treatment and disposal and potable water supply could be privately provided on-site, although this not Council's preferred option. Its preference remains for development of this scale to connect to Council's infrastructure, which currently does not have sufficient capacity and the upgrades required are not included in the Council's planned works nor long-term funding allocations.
468. In Report 20.1, we addressed the matter of infrastructure provision in relation to legal submissions made on behalf of Corbridge. We concluded that an RVZ proposal could be advanced on the basis that wastewater (for instance) would be addressed on-site by the landowner. The issue then would be whether the proponent has provided sufficient evidence to confirm this is a credible option, given the nature and scale of the development rezoning would enable, and the site. It is on this latter point that we have significant concerns regarding the adequacy of private servicing arrangements for the proposed Corbridge RVZ.
469. We consider that Mr Botting's evidence regarding the private provision of infrastructure was insufficient. It lacked sufficient detail and certainty to give us confidence that credible options were available, given the scale of the development that would be provided for. Mr Botting accepted he had not done any modelling or initial design for the private infrastructure that may be required. He was not able to tell us how many units or people would need to be serviced at maximum capacity, despite other witnesses estimating up to 3000 people. He was of a mind that detailed modelling and design could be left to a later date, when the development was more advanced. For a development potentially the size of a small town, We do not consider such an approach is adequate and is not consistent with good plan development practice. It has not given us confidence that credible private infrastructure solutions are likely to be available.
470. The Hearing Panel raised concerns at the hearing regarding the traffic/transport implications of 3000 people in living, working, visiting and recreating that location. There was no evidence provided to us regarding such matters as impacts on SH6 and SH84 from the numbers of vehicles using those roads, the implications for traffic safety and efficiency, alternative transport options and their availability, and long-term impacts on the roading network. For a development of such a significant scale, we were concerned at the lack of this information.
471. As regards QAC'S objections to the request to rezone, we find that Corbridge has designed its proposal to work around the existing PDP provisions protecting the ongoing operation of Wanaka Airport. It has agreed with Dr Chiles that ASANs should not be allowed within the OCD and prohibited activity status will ensure that to be the case.

472. The broader objections contained in the written submissions of Ms Wolt suffer from the lack of any evidential foundation to which we could have regard. In our view, if QAC expected us to provide a greater level of protection for Wanaka Airport from that currently provided by the District Plan then it was incumbent upon it to provide clear evidence as to the necessity for that additional protection. It did not do so, and while Ms Wolt made an admirable effort to construct a case in the absence of any evidence, we find that we can put little weight on her submissions of a potentially significant adverse effect on the Airport's future operations.
473. Other than the issues raised by QAC, all of the other matters we have discussed suggest that Corbridge did not make out its case to rezone its site as RVZ. We considered whether we might focus on the substance of Corbridge's case which, as above, essentially seeks recognition of what it proposes as a Millbrook-type resort. A stand alone 'Resort' zone would, we think, be in scope and would overcome the inconsistencies we have identified with the objectives and policies of Chapter 46 focussing on the scale of intensity of the proposed development. However, such a resort zone still needs to be consistent with the strategic objectives and policies. Accordingly, we find that the case for a resort zone falls down on much the same basis as that for an RVZ – it fails on landscape grounds. Similarly, our concerns about the lack of an adequate evidential basis to demonstrate that private provision of infrastructure on this scale is feasible, and potential traffic and transport implications all turn against that possibility. Accordingly, we do not take that option further.
474. The alternative use of the land put to us by Ms Irving was the landowner's unimplemented residential development. The landowner has resource consent for residential development on the land issued under the ODP's Rural Zone, which it can exercise if it chooses to do so. If it does not, we consider the PDP best provides for the maintenance of the RCLs landscape character and visual amenity values under a Rural zoning.
475. Accordingly, for the reasons set out above, we recommend rejecting Submission #31021 from Corbridge Estate Limited Partnership to rezone the proposed Corbridge site as RVZ.

16. MATAKAURI – MATAKAURI LODGE LIMITED – SUBMISSION #31033

16.1 Overview

476. Matakauri Lodge Limited (Matakauri)⁴⁰⁸ lodged a submission seeking RVZ zoning over approximately 3.6ha of land located on Farrycroft Row (a private right-of-way access) which intersects with the Glenorchy-Queenstown Road approximately 8km from central Queenstown. Located on the site is Matakauri Lodge, a luxury visitor accommodation facility first developed in the late 1990's and expanded by way of a series of resource consents since that time. Its current resource consents enable the site to accommodate 32 overnight paying guests in 26 guest rooms. Consents also enable limited public use of the dining room and health spa, as well as four functions per year. The existing buildings on the site have a building footprint of 1634m²⁴⁰⁹.
477. The site slopes down towards Lake Wakatipu below Farrycroft Row. Between the site and the lake is a strip of Recreation Reserve along the shoreline of Lake Wakatipu, which includes a public track. To the north-east of the site is another area of Recreation Reserve, containing a public car park accessed off the Glenorchy-Queenstown Road. Both areas are administered by the Department of Conservation. The 7-Mile track passes through the reserve areas. This is popular with walkers and mountain bikers, and a network of mountain bike tracks has been

⁴⁰⁸ Submitter #31033

⁴⁰⁹ S Freeman, EIC, para [36]-[40]

refine the extent of the ODP RVZ and its provisions; Rural Zone; or Airport Zone. The preferred option was found to be applying the Rural Zone, with an RCL. This was considered to be consistent with the treatment of land within the Wānaka OCB in the PDP and avoids the establishment of incompatible activities within close proximity to Wānaka Airport. The evaluation also noted this would avoid pre-empting the Wānaka Airport master-planning process.

676. Ms Grace considered this submission in her EIC⁵⁹⁷. She recommended the requested rezoning to Airport Zone be rejected, due to the current uncertainty as to the future use and development of this area for airport purposes and because the submitter had provided no evidence to support this zoning as being appropriate in terms of the strategic objectives and policies of the PDP. Ms Grace also recommended rejecting the request to retain the ODP RVZ over the Windermere land. She considered a rural visitor zoning would not be appropriate due to the proximity of Wānaka Airport, the location of the OCB over a substantial proportion of the land, and the incompatibility of activities anticipated in an RVZ with these airport-related constraints. Ms Grace also noted the absence of any evidence from the submitter to support a rural visitor zoning.
677. Ms Wolt⁵⁹⁸ provided written legal submissions to support QAC's further submission⁵⁹⁹ opposing the rezoning of the proposed Corbridge RVZ. However, these legal submissions did not touch on the QAC submission regarding the Windermere RVZ, nor its further submission opposing SDHB. Neither did QAC provide any evidence to support these submissions.
678. As we discussed in Report 20.1, as the change to the notified provisions is not supported by any evidence in this case, we have no basis for recommending its acceptance. Accordingly, we adopt the recommendation from Ms Grace for the reasons she has given, and recommend rejecting Submission #31010 from Queenstown Airport Corporation. As a consequence Submission #31009.5 from the Southern District Health Board is recommended to be accepted.

26. OVERALL RECOMMENDATION

679. Having considered the evidence before us, with the amendments we have recommended we consider the notified Plan Change for Chapter 46, including amendments to the Planning Maps, and associated Variations to Chapters 25, 27, 31, 35 and 36 are the most efficient and effective way to achieve the objectives of the PDP including the higher order strategic objectives and policies. Our reasons for the amendments we have recommended are set out above.
680. We recommend the Council:
- (a) adopt Chapter 46 and the associated Variations to other PDP Chapters, with the wording as set out in Appendix 1; and
 - (b) amend the Planning Maps as captured in the revisions to the electronic maps supplied separately to Council.
681. We also attach as Appendix 2, a summary table setting out our recommendation in relation to each submission on the Plan Change and associated Variations. We have not listed further

⁵⁹⁷ E Grace, EIC, Section 15

⁵⁹⁸ Legal Submissions for QAC, Rebecca Wolt, dated 6 August 2020

⁵⁹⁹ Further Submission #31054

submissions as the result in respect of any further submission necessarily follows the recommendation on the primary submission, whether that be supported or opposed.



Trevor Robinson
Chair
Stream 18 Hearing Panel

Dated: 12 January 2021

Attachments

Appendix 1- Recommended Chapter 46 and related Variations

Appendix 2- Table of Submitter Recommendations

Appendix 1- Recommended Chapter 46 and related Variations

46 Rural Visitor Zone

The provisions shaded in Grey (relating to Walter Peak) are not the subject of the Hearing Panel's recommendation and will be the subject of a subsequent report from the Panel.

46.1 Purpose

The Rural Visitor Zone provides for visitor industry activities that enable people to access and appreciate the District's landscapes, at a small scale and low intensity, and in a manner that recognises the particular values of those landscapes. By providing for visitor industry activities within the rural environment, including in remote locations, the Zone recognises the contribution visitor industry places, services and facilities make to the economic and recreational values of the District.

The effects of land use and development on landscape are managed by the limited extent and small scale of the Zoned areas, and directing sensitive and sympathetic development to areas of lower landscape sensitivity identified within each Zone, where the landscape can accommodate change and the adverse effects on landscape values will be cumulatively minor. No Zone comprises areas of only high or moderate-high landscape sensitivity. The Zone is not located on Outstanding Natural Features. Effects on landscape are further managed through limiting the nature, scale and intensity of development and ensuring buildings are not visually dominant and are integrated into the landscape.

The principal activities in the Zone are visitor accommodation and related ancillary commercial activities, commercial recreational activities and recreational activities. Residential activity is not anticipated in the Zone, with exceptions provided for onsite staff accommodation ancillary to commercial recreational activities and visitor accommodation, and for residential activity on building platforms at Arcadia that were consented under a prior rural visitor zoning.

46.2 Objectives and Policies

46.2.1 Objective – Visitor accommodation, commercial recreational activities and ancillary commercial activities occur at a small scale and low intensity in rural locations where:

- a. the protection of the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes is achieved;**
- b. in areas not within Outstanding Natural Features or Outstanding Natural Landscapes, the maintenance of landscape character, and the maintenance or enhancement of visual amenity values, is achieved;**
- c. adverse effects, including cumulative effects in conjunction with other activities, buildings and development, which do not protect the values specified in a. or maintain or enhance the values specified in b. are avoided;**
- d. amenity values of the surrounding environment are maintained;**
- e. they do not compromise the operation of existing activities or those enabled by the zones in the surrounding environment as a result of reverse sensitivity effects;**
- f. activities anticipated within each Zoned area can be adequately serviced with wastewater treatment and disposal, potable and firefighting water supply, and safe vehicle access or alternative water-based transport; and**

- g. **significant or intolerable risks from natural hazards to people and the community are avoided.**

Policies

- 46.2.1.1 Enable visitor accommodation and commercial recreational activities within the Zone, including ancillary onsite staff accommodation, where the landscape values of the District's Outstanding Natural Features and Outstanding Natural Landscapes are protected, and for other rural areas, the landscape character of the landscape the Zone sits within is maintained and the visual amenity values are maintained or enhanced.
- 46.2.1.2 Ensure the location, nature, scale and intensity of visitor accommodation, commercial recreational activities, and associated aspects such as traffic generation, access and parking, informal airports, noise and lighting, maintain amenity values beyond the Zone and do not compromise the operation of existing activities or those enabled by the zones in the surrounding environment as a result of reverse sensitivity effects.
- 46.2.1.3 Ensure the nature and scale of the combined activities in the Maungawera Rural Visitor Zone maintain amenity values beyond the Zone by specifically managing group size of commercial recreational activities and the capacity of visitor accommodation.
- 46.2.1.4 Avoid residential activity within the Zone, except for enabling:
 - a. onsite staff accommodation ancillary to visitor accommodation and commercial recreational activities, where this accommodation is consistent with the small scale and low intensity of the development within the Zone; and
 - b. residential activity on identified building platforms in the Arcadia Rural Visitor Zone (as approved by resource consent under a previous rural visitor zoning prior to 31 October 2019).
- 46.2.1.5 For commercial recreational activities and informal airports that exceed the standards limiting their scale and intensity, ensure the activity will protect the landscape values of the District's Outstanding Natural Features and Outstanding Natural Landscapes, and for other rural areas, ensure the landscape character of the landscape the Zone sits within is maintained and the visual amenity values are maintained or enhanced.
- 46.2.2 **Objective – Buildings and development that have a visitor industry related use are provided for at a small scale and low density within the Rural Visitor Zone in areas of lower landscape sensitivity where:**
 - a. **the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected;**
 - b. **in rural areas not within Outstanding Natural Features or Outstanding Natural Landscapes, the landscape character is maintained and the visual amenity values maintained or enhanced;**
 - c. **adverse effects, including cumulative effects in conjunction with other activities, buildings and development, which do not protect the values specified in a. or maintain or enhance the values specified in b. are avoided; and**
 - d. **amenity values of the surrounding environment are maintained.**

Policies

- 46.2.2.1 Strictly manage the location of buildings and development within the Zone by:
- a. providing for and consolidating buildings within the Zone in areas that are not identified on the District Plan web mapping application as a High Landscape Sensitivity Area or Moderate-High Landscape Sensitivity Area;
 - b. restricting buildings within areas identified on the District Plan web mapping application as Moderate-High Landscape Sensitivity unless they are located and designed, and adverse effects are mitigated, to ensure landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected, and for other rural areas, the landscape character of the landscape the Zone sits within is maintained and the visual amenity values are maintained or enhanced;
 - c. avoiding buildings within areas identified on the District Plan web mapping application as High Landscape Sensitivity Areas; and
 - d. requiring consistency with other restrictions identified on the District Plan web mapping application.
- 46.2.2.2 Manage the effects of buildings and development on landscape values, landscape character and visual amenity values by:
- a. controlling the colour, scale, design, and height of buildings and associated infrastructure, vegetation and landscape elements; and
 - b. in the immediate vicinity of the Homestead Area at Walter Peak, and the historic homestead at Arcadia, provide for a range of external building colours that are not as recessive as required generally for rural environments, but are sympathetic to existing development.
- 46.2.2.3 Provide for buildings that exceed the standards limiting their bulk and scale, only when adverse effects, including cumulative effects, are minimised, including through:
- a. In Outstanding Natural Landscapes, siting buildings so they are reasonably difficult to see from beyond the boundary of the Zone;
 - b. Outside Outstanding Natural Landscapes and Outstanding Natural Features, siting buildings so they are not highly visible from public places, and do not form the foreground of Outstanding Natural Landscapes or Outstanding Natural Features;
 - c. The design and location of buildings and opportunities for mitigating bulk, form and density;
 - d. Management of the associated aspects of the building(s) such as earthworks, car parking, fencing, and landscaping.
- 46.2.2.4 Within those areas identified on the District Plan web mapping application as High Landscape Sensitivity or Moderate-High Landscape Sensitivity, maintain open landscape character where it is open at present.
- 46.2.2.5 Enhance nature conservation values as part of the use and development of the Zone.

46.2.2.6 Manage the location and direction of lights to ensure they do not cause glare or reduce the quality of views of the night sky beyond the boundaries of the Zone, or reduce the sense of remoteness where this is an important part of the landscape character of the Zone.

46.2.2.7 Within the Walter Peak Water Transport Infrastructure overlay, provide for a jetty or wharf, weather protection features and ancillary infrastructure at Beach Bay while:

- a. maintaining as far as practicable natural character and landscape values of Beach Bay while recognising the functional need for water transport infrastructure to locate on the margin of and on Lake Wakatipu;
- b. minimising the loss of public access to the lake margin; and
- c. encouraging enhancement of nature conservation and natural character values.

46.2.2.8 Ensure development can be adequately serviced through:

- a. the method, capacity and design of wastewater treatment and disposal;
- b. adequate and potable provision of water;
- c. adequate firefighting water and regard taken in the design of development to fire risk from vegetation, both existing and proposed vegetation; and
- d. provision of safe vehicle access or alternative water-based transport and associated infrastructure.

46.3 Other Provisions and Rules

46.3.1 District Wide

Attention is drawn to the following District Wide chapters.

| | | |
|-------------------------|---|---|
| 1 Introduction | 2 Definitions | 3 Strategic Direction |
| 4 Urban Development | 5 Tangata Whenua | 6 Landscapes |
| 25 Earthworks | 26 Historic Heritage | 27 Subdivision |
| 28 Natural Hazards | 29 Transport | 30 Energy and Utilities |
| 31 Signs | 32 Protected Trees | 33 Indigenous Vegetation and Biodiversity |
| 34 Wilding Exotic Trees | 35 Temporary Activities and Relocated Buildings | 36 Noise |
| 37 Designations | 39 Wāhi Tūpuna | District Plan web mapping application |

46.3.2 Interpreting and Applying the Rules

46.3.2.1 A permitted activity must comply with all the rules (in this case Chapter 46 and any relevant district wide rules).

- 46.3.2.2 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.
- 46.3.2.3 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control or discretion to the matters listed in the rule.
- 46.3.2.4 The surface of lakes and rivers are zoned Rural, except for the area identified on the District Plan web mapping application as Walter Peak Water Transport Infrastructure overlay for the purposes of Rule 46.4.9.
- 46.3.2.5 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 |

46.3.3 Advice Notes - General

- 46.3.3.1 On-site wastewater treatment is also subject to the Otago Regional Plan: Water. In particular, Rule 12.A.1.4 of the Otago Regional Plan: Water.
- 46.3.3.2 Particular attention is drawn to the definition of Visitor Accommodation which includes related ancillary services and facilities and onsite staff accommodation.

46.4 Rules – Activities

| | Table 46.4 – Activities | Activity Status |
|--------|--|-----------------|
| 46.4.1 | Farming | P |
| 46.4.2 | Visitor accommodation | P |
| 46.4.3 | Commercial recreational activities and ancillary onsite staff accommodation | P |
| 46.4.4 | Recreation and recreational activity | P |
| 46.4.5 | Informal airports | P |
| 46.4.6 | One residential unit within a building platform identified on Lots 1 to 11 LT 530138 in the Arcadia Rural Visitor Zone. | P |
| 46.4.7 | Construction of buildings 46.4.7.1: The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.8 to 46.4.12). 46.4.7.2: In the Gibbston Valley Rural Visitor Zone, the construction, relocation or exterior alteration of buildings within the Developable Areas identified on the District Plan web mapping application. | C |

| | | |
|----------------|--|----|
| | <p>Control is reserved to:</p> <ol style="list-style-type: none"> The compatibility of the building density, scale, design and location with landscape, cultural and heritage, and visual amenity values; Landform modification, landscaping and planting; Lighting; Servicing including water supply, fire-fighting, stormwater and wastewater; Natural Hazards; and Design and layout of site access, on-site parking, manoeuvring and traffic generation. | |
| 46.4.8 | <p>Farm building</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> The relationship of the proposed farm building to farming activity; Landform modification, landscaping and planting; Lighting; Servicing including water supply, fire-fighting, stormwater and wastewater; and Natural Hazards. | RD |
| 46.4.9 | <p>At Walter Peak within the Water Transport Infrastructure Overlay as identified on the District Plan web mapping application , a jetty or wharf, weather protection features and ancillary infrastructure</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Effects on natural character; Effects on landscape values and amenity values; Lighting; Effects on public access to and along the lake margin; and External appearance, colour and materials. | RD |
| 46.4.10 | <p>At Walter Peak within the Water Transport Infrastructure Overlay as identified on the District Plan web mapping application , any building other than those identified in Rule 46.4.8</p> | D |
| 46.4.11 | <p>Construction of buildings</p> <p>46.4.11.1: The construction, relocation or exterior alteration of buildings within an area identified on the District Plan web mapping application as a Moderate-High Landscape Sensitivity Area.</p> <p>46.4.11.2: In the Gibbston Valley Rural Visitor Zone, in addition to 46.4.11.1, the construction, relocation or exterior alteration of buildings not within the Developable Areas identified on the District Plan web mapping application, and not within the area covered by Rule 46.4.12.</p> | D |
| 46.4.12 | <p>The construction, relocation or exterior alteration of buildings within an area identified on the District Plan web mapping application as a High Landscape Sensitivity Area</p> | NC |

| | | |
|----------------|---|----|
| 46.4.13 | Industrial activity | NC |
| 46.4.14 | Residential activity except as provided for in Rules 46.4.2, 46.4.3 and 46.4.6 | NC |
| 46.4.15 | Commercial activities, retail or service activities except as provided for in Rules 46.4.2 and 46.4.3 | NC |
| 46.4.16 | Mining | NC |
| 46.4.17 | Any other activity not listed in Table 46.4 | NC |

46.5 Rules - Standards

| | Table 46.5 – Standards | Non-compliance status |
|---------------|---|---|
| 46.5.1 | <p>Building Height</p> <p>46.5.1.1: The maximum height of buildings shall be 6m.</p> <p>46.5.1.2: Within the Water Transport Infrastructure overlay identified on the District Plan web mapping application the maximum height of buildings shall be 4m.</p> <p>46.5.1.3: Within Developable Areas 1 and 3 identified on the District Plan web mapping application in the Gibbston Valley Rural Visitor Zone the maximum height of buildings shall be 7m.</p> | <p>NC</p> <p>NC</p> <p>NC</p> |
| 46.5.2 | <p>Building Size</p> <p>The maximum ground floor area of any building shall be 500m².</p> | <p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Landscape; Visual amenity values; Nature, scale and external appearance; Density and scale of development; Effects on amenity values and reverse sensitivity effects from the location, nature, scale and intensity of activities undertaken in the building; and |

| | Table 46.5 – Standards | Non-compliance status |
|---------------|---|---|
| | | f. Design and layout of site access, on-site parking, manoeuvring and traffic generation. |
| 46.5.3 | <p>Total Maximum Ground Floor Area in the Zone:</p> <p>46.5.3.1 In the Gibbston Valley Rural Visitor Zone the combined total maximum ground floor area of all buildings within the Zone shall be 500m².</p> <p>46.5.3.2 In the Matakauri Rural Visitor Zone the combined total maximum ground floor area of all buildings within the Zone shall be 1650m².</p> <p>46.5.3.3 In the Maungawera Rural Visitor Zone, the combined total maximum ground floor area of all buildings shall be:</p> <ol style="list-style-type: none"> 500m² in Area A 1,800m² in Area B 1,400m² in Area C 500m² in Area D 500m² in Area E 300m² in Area F 1000m² in Area G <p>as identified on the District Plan web mapping application.</p> | <p>Rules 46.5.3.1 and 46.5.3.2: RD</p> <p>Rule 46.5.3.3: NC</p> <p>For Rules 46.5.3.1 and 46.5.3.2 discretion is restricted to:</p> <ol style="list-style-type: none"> Landscape; Visual amenity values; Nature, scale and external appearance; Density and scale of development; Effects on amenity values and reverse sensitivity effects from the location, nature, scale and intensity of activities undertaken in the building; Natural Hazards; and Design and layout of site access, on-site parking, manoeuvring and traffic generation. |
| 46.5.4 | <p>Glare</p> <p>46.5.4.1: All exterior lighting shall be directed downward and away from adjacent sites and public places including roads or waterbodies.</p> <p>46.5.4.2: 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.</p> <p>46.5.4.3: Rule 46.5.4.2 shall not apply to exterior lighting within the Walter Peak Water Transport Infrastructure overlay.</p> | NC |

| | Table 46.5 – Standards | Non-compliance status |
|----------------------|---|---|
| <p>46.5.5</p> | <p>Setback of buildings from waterbodies</p> <p>46.5.5.1: The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p> <p>46.5.5.2: Rule 46.5.5.1 shall not apply to those structures or buildings identified in Rule 46.4.8 located within the Walter Peak Water Transport Infrastructure overlay.</p> | <p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Indigenous biodiversity values; b. Visual amenity values; c. Landscape; d. Open space and the interaction of the development with the water body; e. Environmental protection measures (including landscaping and stormwater management); f. Natural hazards; and g. Effects on cultural values of manawhenua. |
| <p>46.5.6</p> | <p>Setback of Buildings</p> <p>46.5.6.1: Buildings shall be set back a minimum of 10 metres from the Zone boundary.</p> <p>46.5.6.2: Rule 46.5.6.1 shall not apply to those structures or buildings identified in Rule 46.4.8 located within the Walter Peak Water Transport Infrastructure overlay.</p> | <p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Nature and scale; b. Effects on amenity values and reverse sensitivity effects from the location, nature, scale and intensity of activities undertaken in the building; and c. Functional need for buildings to be located within the setback. |
| <p>46.5.7</p> | <p>Commercial Recreational Activity</p> | <p>Rule 46.5.7.1: RD Rule 46.5.7.3: 136 – 200 persons RD >200 persons NC For Rules 46.5.7.1 and 46.5.7.3 discretion is restricted to:</p> |

| | Table 46.5 – Standards | Non-compliance status |
|---------------|---|---|
| | <p>46.5.7.1: Commercial recreational activity that is undertaken outdoors shall not involve more than 30 persons in any one group.</p> <p>46.5.7.2: Rule 46.5.7.1 shall not apply at Walter Peak or in the Maungawera Rural Visitor Zone.</p> <p>46.5.7.3: In the Maungawera Rural Visitor Zone, commercial recreational activity that is undertaken outdoors shall not involve more than 135 persons within the Zone at any one time.</p> | <p>a. Location, nature, scale and intensity, including cumulative adverse effects and reverse sensitivity effects;</p> <p>b. Hours of operation;</p> <p>c. The extent and location of signage;</p> <p>d. Transport and access; and</p> <p>e. Noise.</p> |
| 46.5.8 | <p>Informal Airports</p> <p>Other than in the case of informal airports for emergency landings, rescues, firefighting and activities ancillary to farming activities, Informal Airports shall not exceed 15 flights per week.</p> <p>Note: For the purposes of this Rule a flight includes two aircraft movements (i.e. an arrival and departure).</p> | D |
| 46.5.9 | <p>Building Material and Colours</p> <p>In the Arcadia Rural Visitor Zone, the Gibbston Valley Rural Visitor Zone, the Maungawera Rural Visitor Zone, and the Matakauri Rural Visitor Zone, any building and its alteration, including shipping containers that remain on site for more than six months, are subject to the following:</p> <p>All exterior surfaces* shall be coloured in the range of browns, greens or greys including:</p> <p>46.5.9.1 Pre-painted steel and all roofs shall have a light reflectance value not greater than 20%; and</p> <p>46.5.9.2 All other exterior surface** finishes, except for schist, shall have a light reflectance value of not greater than 30%.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p> | <p>RD</p> <p>Discretion is restricted to:</p> <p>a. Landscape;</p> <p>b. Visual amenity values; and</p> <p>c. External appearance.</p> |

| | Table 46.5 – Standards | Non-compliance status |
|----------------|---|---|
| 46.5.10 | <p>Building separation and planting plan - Matakauri Rural Visitor Zone</p> <p>46.5.10.1 All buildings in the Matakauri Rural Visitor Zone shall be separated by a minimum of 10m from other buildings within that Zone.</p> <p>46.5.10.2 The separation space required by Rule 46.5.10.1 shall be planted and maintained with indigenous plant species in accordance with the planting plan required by Rule 46.5.10.3.</p> <p>46.5.10.3 A planting plan detailing species type, numbers, location, planting schedule and maintenance for the separation space required by Rule 46.5.10.1, for the purpose of mitigating the visual effects of the building(s) and to integrate the building(s) into the surrounding environment, shall be prepared and provided to the Council as part of the documentation supporting a resource consent application for any building.</p> | <p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Nature and scale; Functional need for the building(s) to be located within the separation setback; Landscape and visual amenity effects; and Indigenous planting plan. |
| 46.5.11 | <p>Resta Road intersection – Gibbston Valley Rural Visitor Zone</p> <p>In the Gibbston Valley Rural Visitor Zone, commercial recreational activities and commercial use of buildings, including for visitor accommodation or commercial recreational activities, shall not commence until the intersection of Resta Road and State Highway 6 meets the requirements of Figure 46.1.</p> | <p>NC</p> |
| 46.5.12 | <p>Visitor accommodation capacity in the Maungawera Rural Visitor Zone</p> <p>In the Maungawera Rural Visitor Zone, the configuration of visitor accommodation units shall be such that the maximum number of overnight guests that can be accommodated within the Zone is 50.</p> | <p>51 – 75 guests per night: RD</p> <p>>75 guests per night: NC</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Location, nature, scale and intensity, including cumulative adverse effects and reverse sensitivity effects; Hours of operation; The extent and location of signage; Transport and access; and Noise |

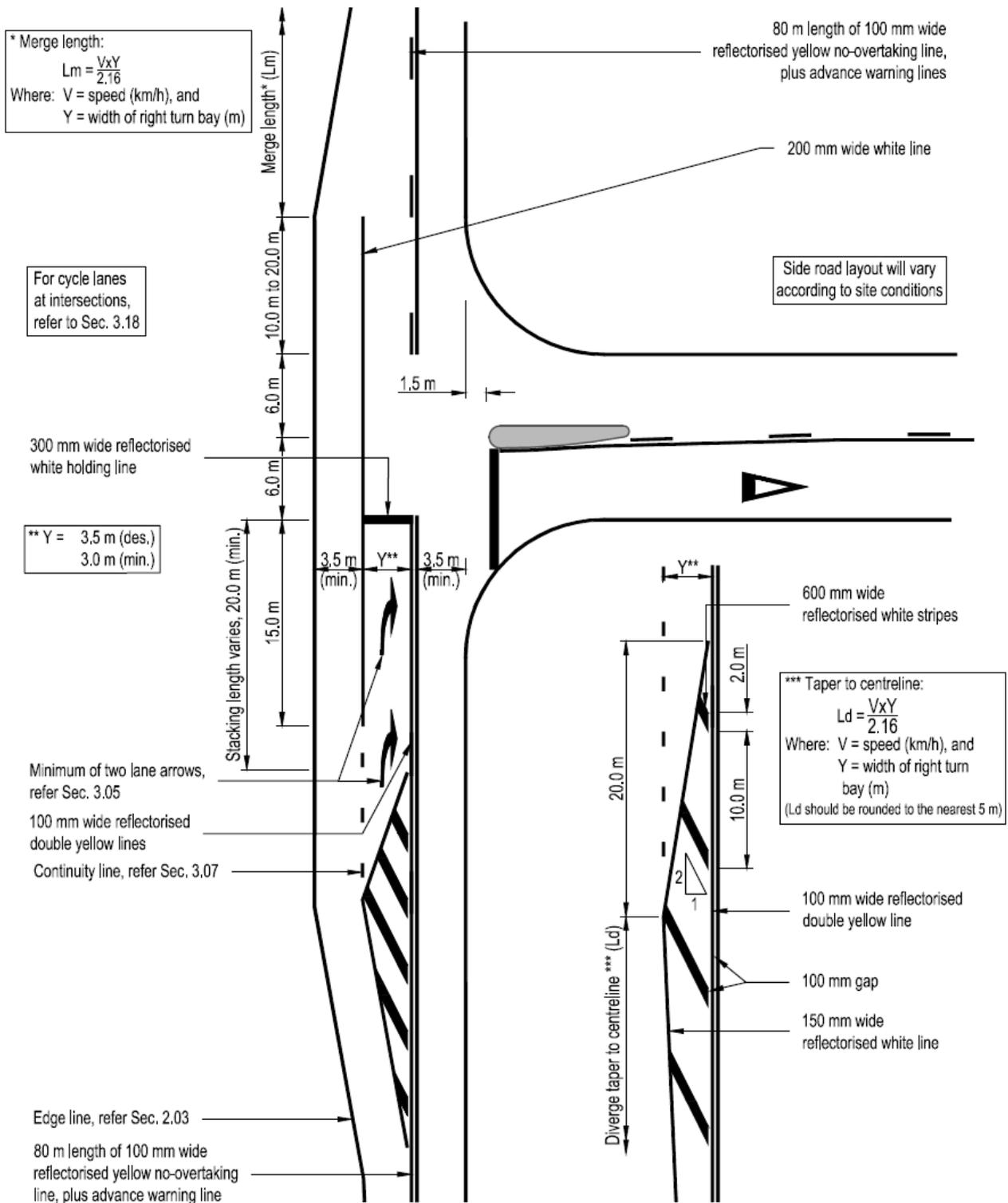
| | Table 46.5 – Standards | Non-compliance status |
|---------|--|-----------------------|
| 46.5.13 | Northern boundary shelterbelt - Maungawera Rural Visitor Zone In the Maungawera Rural Visitor Zone, no visitor accommodation or commercial recreational activities shall be undertaken, no informal airport shall operate, and no buildings shall be constructed, relocated or have exterior alterations, unless a shelterbelt is maintained along the northern boundary of the Zone. | NC |

46.6 Non-Notification of Applications

Any application for resource consent for controlled or restricted discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified, with the exception of the following:

- a. **Rule 46.4.9 Water Transport Infrastructure at Walter Peak.**
- b. **Rule 46.5.5 setback of buildings from waterbodies.**
- c. **Rule 46.5.6 setback of buildings from the Zone boundary.**
- d. **Rule 46.5.7 commercial recreational activities.**

Figure 46.1



MARKINGS FOR RIGHT TURN BAYS IN RURAL AREAS
FIGURE 3.25

Variations to the Proposed District Plan

Key:

Underlined text for additions and strike through text for deletions

Variation to Chapter 25 - Earthworks

Amend Chapter 25 by inserting the following into Rule 25.5.5 (Table 25.2 – Maximum Volume)

| | | |
|--------|--|-------------------|
| 25.5.5 | Queenstown Town Centre Zone Wanaka Town Centre Zone Local Shopping Centre Zone Business Mixed Use Zone Airport Zone (Queenstown) Millbrook Resort Zone <u>Rural Visitor Zone</u> | 500m ³ |
|--------|--|-------------------|

Variation to Chapter 27 - Subdivision and Development

Amend Chapter 27 by amending Rule 27.5.9 as follows:

| | | |
|---------|--|-----------|
| 27.5.11 | All subdivision activities in the <u>Rural Visitor Zone (excluding the Maungawera Rural Visitor Zone)</u> , Rural and Gibbston Character Zones and Airport Zone - Wanaka, unless otherwise provided for. | D |
| 27.5.x | <u>All subdivision activities in the Maungawera Rural Visitor Zone</u> | <u>NC</u> |

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified.

| Zone | Minimum Lot Area |
|---------------------------|-------------------|
| <u>Rural Visitor Zone</u> | <u>No Minimum</u> |

Variation to Chapter 31 - Signs

31.14 Rules – Activity Status of Signs in Special Zones

The rules relating to signs in this table are additional to those in Table 31.4 and are subject to the standards in Table 31.15. If there is a conflict between the rules in Table 31.4 and the rules in this table, the rules in this table apply.

| Table 31.14 – Activity Status of signs in Special Zones | | Jacks Point Zone outside of Village Activity Areas and residential Activity Areas | Waterfall Park Zone | Millbrook Resort Zone Rural Visitor Zone |
|---|---|---|---------------------|--|
| 31.14.1 | <p>Signs for commercial activities and community activities</p> <p>Control is reserved to the matters set out in Rule 31.17.</p> | C | C | C |
| 31.14.2 | <p>Identification of a signage platform for a commercial activity or community activity</p> <p>Control is reserved to the matters set out in Rule 31.17.</p> | C | C | C |
| 31.14.3 | <p>Signs for visitor accommodation</p> <p>Control is reserved to the matters set out in Rule 31.17.</p> | D | D | C |
| 31.14.4 | <p>Signs not associated with commercial activities, community activities or visitor accommodation</p> | P | P | P |
| 31.14.5 | <p>Any sign activity which is not listed in Table 31.4 or Rules 31.14.1 to 31.14.4 inclusive</p> | D | D | D |

Amendments to Chapter 35 - Temporary Activities and Relocated Buildings:

36.4 Rules – Activities

| | Temporary Activities and Relocated Buildings | Activity Status |
|--------|--|-----------------|
| 35.4.8 | <p>Temporary Filming, including the use of the land as an informal airport as part of that filming activity, provided that:</p> <ol style="list-style-type: none"> the number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone <u>and the Arcadia Rural Visitor Zone</u>, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 persons in any other zone; within the Rural Zone <u>and the Arcadia Rural Visitor Zone</u>, any temporary filming activity on a site, or in a location within a site, is limited to a total of 30 days, in any calendar year; in any other Zone, any temporary filming activity is limited to a total of 30 days (in any calendar year) with the maximum duration of film shooting not exceeding a total of 7 days in any calendar year; all building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated; the use of land as an informal airport as part of filming activity is restricted to the Rural Zone <u>and the Arcadia Rural Visitor Zone</u>; and <u>in the Arcadia Rural Visitor Zone temporary filming activity, including the use of the land as an informal airport as part of that filming activity, shall only occur during the hours of 0800 – 2000.</u> <p>For the purpose of this Rule: The relevant noise standards of the Zone do not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.</p> | P |

Variation to Chapter 36 Noise:

36.5 Rules – Standards

Table 2: General Standards

| | Standard | | | | Non-Compliance Status |
|--------|----------------------------|---------------------------|----------------|---------------------------------|-----------------------|
| | Zones sound is received in | Assessment location | Time | Noise limits | |
| 36.5.2 | Rural Visitor Zone | Any point within any site | 0800h to 2000h | 50 dB $L_{Aeq}(15 \text{ min})$ | NC |
| | | | 2000h to 0800h | 40 dB $L_{Aeq}(15 \text{ min})$ | NC |

Appendix 2- Table of Submitter Recommendations

| No. | Submitter | Submission Point No. | Submission | Recommendation | Section of where Addressed |
|-------|-------------------|----------------------|--|----------------|----------------------------|
| 31001 | Michael Clark | 31001.1 | That the noise standard for the Rural Visitor Zone is amended so that noise is measured at the side of a house or building, and the noise is averaged over a 15 minute period 50 dB Len. | Accept in Part | 6 |
| 31008 | Lloyd James Veint | 31008.1 | That notified Chapter 46 (Rural Visitor Zone) and associated variations and planning map changes be rejected until such time as the matters raised in the submission are addressed. | Reject | 3 |
| 31008 | Lloyd James Veint | 31008.2 | That the notified provisions of Chapter 46 (Rural Visitor Zone) as they relate to the Arcadia Rural Visitor Zone be amended to incorporate the consented Structure Plan and Design Guidelines approved by Queenstown Lakes District Council under Resource Consent RM110010 as part of a revised Arcadia Rural Visitor Zone, and/or as part of Chapter 27 (Subdivision and Development). | Reject | 9 & 10 |
| 31008 | Lloyd James Veint | 31008.3 | That objectives, policies and rules are created as necessary to enable subdivision in accordance with the consented Arcadia structure plan as a controlled activity, and subdivision not in accordance with the consented structure plan as a discretionary or non-complying activity. | Reject | 9 & 10 |
| 31008 | Lloyd James Veint | 31008.4 | That development as per the consented Structure Plan be provided for as a controlled activity, but no development over and above that. | Reject | 9 & 10 |
| 31008 | Lloyd James Veint | 31008.5 | That the Rural Visitor Zone purpose statement be amended to recognise the unique circumstances of the Arcadia RVZ where a Structure Plan and Design Guidelines have already been approved by Queenstown Lakes District Council and given effect to. | Reject | 10 |
| 31008 | Lloyd James Veint | 31008.6 | That a new objective be added to Chapter 46 (Rural Visitor Zone) to recognise the unique circumstances of the Arcadia Rural Visitor Zone where a Structure Plan has been approved and given effect to, and residential and commercial activity is also anticipated. | Reject | 10 |
| 31008 | Lloyd James Veint | 31008.7 | That three new policies be added to section 46.2 that together (1) enable development at Arcadia while requiring (2) development of the Arcadia Rural Visitor Zone to be in accordance with the approved Structure Plan, and (3) the approved design guidelines. | Reject | 10 |
| 31008 | Lloyd James Veint | 31008.8 | That Rule 46.4.6 be amended to provide for the construction, relocation or exterior alteration of buildings for the Arcadia Rural Visitor Zone that are in accordance with the consented Structure Plan as a controlled activity. | Reject | 10 |

| No. | Submitter | Submission Point No. | Submission | Recommendation | Section of where Addressed |
|-------|--------------------------------|----------------------|--|---|----------------------------|
| 31008 | Lloyd James Veint | 31008.9 | That the 'Moderate-High Landscape Sensitivity Area' annotation be removed from the planning maps where it appears in the Arcadia Rural Visitor Zone and instead incorporate the consented Structure Plan and require development to be in accordance with the Structure Plan, or amend Rule 46.4.10 to provide for the construction, relocation or exterior alteration of buildings in the Arcadia Rural Visitor Zone 'Moderate-High Landscape Sensitivity Area' as a controlled activity. | Reject | 10 |
| 31008 | Lloyd James Veint | 31008.10 | That the 'High Landscape Sensitivity Area' annotation be removed from the planning maps where it appears in the Arcadia Rural Visitor Zone and instead incorporate the Structure Plan and require development to be in accordance with the Structure Plan, or amend Rule 46.4.11 to provide for the construction, relocation or exterior alteration of buildings in the Arcadia Rural Visitor Zone 'High Landscape Sensitivity Area' as a controlled activity. | Reject | 10 |
| 31008 | Lloyd James Veint | 31008.11 | That Rule 46.4.13 be deleted as it relates to the Arcadia Rural Visitor Zone and replace it with a new rule that provides for residential activity in accordance with the consented Structure Plan and Design Guidelines in the Arcadia Rural Visitor Zone as a permitted activity. | Accept in part | 10 |
| 31008 | Lloyd James Veint | 31008.12 | That Rule 46.4.14 be amended to provide for commercial activity as a controlled activity within the area identified for commercial activity on the Structure Plan approved under resource consent RM110010 in the Arcadia Rural Visitor Zone. | Reject | 10 |
| 31008 | Lloyd James Veint | 31008.13 | That Rule 46.6 (non-notification) be amended to add a new provision: "Development in the Arcadia Rural Visitor Zone in accordance with the consented Structure Plan and Design Guidelines (RM110010)". | Reject | 10 |
| 31008 | Lloyd James Veint | 31008.14 | That the variation to Chapter 25 Earthworks to enable up to 500m ³ of earthworks be retained. | Accept | 6 |
| 31008 | Lloyd James Veint | 31008.15 | That any other consequential changes be made to achieve the relief sought in the submission. | Accept. Accept in part, or reject, consequential on other recommendations | 3, 6, 9 & 10 |
| 31009 | Southern District Health Board | 31009.2 | That the controls on developments in the Rural Visitor Zone be retained as notified. | Accept in part | 3 |
| 31009 | Southern District Health Board | 31009.5 | That the re-zoning of the undeveloped Windermere from Rural Visitor Zone to Rural Zone be retained as notified. | Accept | 25 |

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| 31009 | Southern District Health Board | 31009.6 | That the involvement and collaboration with tangata whenua throughout the planning process is strongly supported. | Accept | 3 |
| 31010 | Queenstown Airport Corporation (QAC) | 31010.1 | That the area zoned Rural Visitor Zone (Windermere) in the Operative District Plan on Lot 1 DP 368240 (827 Wanaka-Luggate Highway) be re-zoned Airport Zone, or the operative Rural Visitor Zone be reinstated. | Reject | 25 |
| 31010 | Queenstown Airport Corporation (QAC) | 31010.2 | That any consequential changes, amendments or decisions be made that may be required to give effect to the matters raised in the submission. | Reject | 25 |
| 31011 | Heritage New Zealand Pouhere Taonga | 31011.8 | That Rule 46.4.6(a) be amended to add the words "and location" so that the matter of control reads as follows: "The compatibility of the building design and location with landscape, cultural and heritage, and visual amenity values". | Accept | 6 |
| 31012 | Ben Hohneck | 31012.1 | That the land identified in the submission, including 1447 Skippers Road, be re-zoned from Rural Zone to Rural Visitor Zone. | Reject | 23 |
| 31012 | Ben Hohneck | 31012.2 | That the Rural Visitor Zone sought in the submission be named "Skippers Rural Visitor Zone". | Reject | 23 |
| 31012 | Ben Hohneck | 31012.3 | That low, medium and high landscape sensitivity areas be included on the planning maps for the new Rural Visitor Zone sought in the submission. | Reject | 23 |
| 31012 | Ben Hohneck | 31012.4 | That proposed Rule 46.5.6(b) be amended to also refer to the "Skippers Rural Visitor Zone" sought by the submission. | Reject | 23 |
| 31012 | Ben Hohneck | 31012.5 | That the proposed Rural Visitor Zone provisions that relate to the high, medium and low landscape sensitivity areas be retained as notified. | Accept | 3 & 6 |
| 31012 | Ben Hohneck | 31012.6 | That any other consequential amendments to give effect to the intent of the submission be made. | Accept, or Reject, consequential on other recommendations | 3, 6 & 23 |
| 31013 | Loch Linnhe Station | 31013.1 | That an area of Loch Linnhe Station (Kingston Road, between Wye Creek and past Devils Staircase in the south) of approximately 12 hectares, encompassing the homestead, the identified in the submission as the Homestead site, be re-zoned from Rural to Rural Visitor Zone. | Reject | 12 |
| 31013 | Loch Linnhe Station | 31013.2 | That an area of Loch Linnhe Station (Kingston Road, between Wye Creek and past Devils Staircase in the south) of approximately 2.5 hectares, identified in the submission as the Wye Creek site, be rezoned from Rural to Rural Visitor Zone. | Reject | 12 |
| 31013 | Loch Linnhe Station | 31013.3 | That low, medium and high landscape sensitivity areas be included on the planning maps for the new Rural Visitor Zones sought in the submission. | Reject | 12 |

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| 31013 | Loch Linnhe Station | 31013.4 | That the proposed Rural Visitor Zone provisions that relate to the high, medium and low landscape sensitivity areas be retained as notified. | Accept | 3 |
| 31013 | Loch Linnhe Station | 31013.5 | That the activity status for Rule 46.4.7 be changed from restricted discretionary to controlled. | Reject | 6 |
| 31013 | Loch Linnhe Station | 31013.6 | That a further exception is provided in Rule 46.4.13 to enable the construction of a farm homestead specific to the Wye Creek Rural Visitor Zone sought by the submission. | Reject | 12 |
| 31013 | Loch Linnhe Station | 31013.7 | That a density standard be added to Chapter 46 specific to the two Rural Visitor Zones sought by the submission at Loch Linnhe Station, as follows: "Within Loch Linnhe built form shall not exceed a footprint of (a) 1800m2 at the Wye Creek Site (b) 4700m2 at the Homestead Site." | Reject | 12 |
| 31013 | Loch Linnhe Station | 31013.8 | That a visibility standard be added to Chapter 46 specific to the Wye Creek Rural Visitor Zone at Loch Linnhe Station sought by the submission, as follows: "At the Wye Creek RVZ within Loch Linnhe Station no building shall be visible from the State Highway." | Reject | 12 |
| 31013 | Loch Linnhe Station | 31013.9 | That any other consequential amendments be made to give effect to the intent of the submission. | Accept, or Reject, consequential on other recommendations | 3, 6 & 12 |
| 31014 | Heron Investments Limited | 31014.1 | That the property at 93 Camp Hill Road, Maungawera (Lots 1-2 DP 21025, Section 1 SO 20288 Block III Lower Hawea Survey District and Lot 2 DP 21025) located between Camp Hill Road and Lake Hawea-Albert Town Road/State Highway 6, being approximately 114 hectares in area, be rezoned from Rural to Rural Visitor Zone, as shown in the submission. | Accept | 13 |
| 31014 | Heron Investments Limited | 31014.2 | That the Rural Visitor Zone sought by the submission be named "Maungawera Rural Visitor Zone". | Accept | 13 |
| 31014 | Heron Investments Limited | 31014.3 | That low, medium and high landscape sensitivity areas be included on the planning maps for the new Rural Visitor Zone sought in the submission. | Accept | 13 |
| 31014 | Heron Investments Limited | 31014.4 | That the proposed Rural Visitor Zone provisions that relate to the high, medium and low landscape sensitivity areas be retained as notified. | Accept | 3 & 6 |
| 31014 | Heron Investments Limited | 31014.5 | That Chapter 46 (Rural Visitor Zone) be amended be deleting reference to Rural Visitor Zones being only within Outstanding Natural Landscapes. | Accept | 5 & 6 |
| 31014 | Heron Investments Limited | 31014.6 | That proposed Rule 46.5.6(b) be amended to also refer to the proposed Maungawera Rural Visitor Zone sought by the submission. | Accept in part | 13 |

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| 31014 | Heron Investments Limited | 31014.7 | That any other consequential amendments be made to give effect to the intent of this submission. | Accept, or Accept in part, consequential on other recommendations | 3, 5, 6 & 13 |
| 31015 | Brett Mills | 31015.1 | That the land shown in the submission, including 1364 Skippers Road (Lot 1 DP 19171 Blk XI Shotover SD) being approximately 4 hectares in area located to the right of Skippers Road approximately 9 km from the intersection with Coronet Peak Road, be re-zoned from Rural Zone to Rural Visitor Zone, or alternatively re-zone as part of the wider area including the area sought by submitter Ben Hohneck. | Reject | 14 |
| 31015 | Brett Mills | 31015.2 | That the Rural Visitor Zone sought by the submitter be named "Kimiakau Rural Visitor Zone". | Reject | 14 |
| 31015 | Brett Mills | 31015.3 | That low, medium and high landscape sensitivity areas be included on the planning maps for the new Rural Visitor Zone sought in the submission. | Reject | 14 |
| 31015 | Brett Mills | 31015.4 | That the proposed Rural Visitor Zone provisions that relate to the high, medium and low landscape sensitivity areas be retained as notified. | Accept | 3 |
| 31015 | Brett Mills | 31015.5 | That any other consequential amendments be made to give effect to the intent of the submission. | Accept, or Reject, consequential on other recommendations | 3 & 14 |
| 31016 | Brett Mills | 31016.1 | That the property identified in the submission (Sec 82 BLK XIX Shotover SD) located off the Moonlight Track on the left side of the Shotover River approximately 2.6 km from the intersection of the Moonlight Track with Mcchesney Road, be re-zoned from Rural to Rural Visitor Zone, or alternatively re-zoned as part of a wider re-zoning including the area to the south covering the Shotover Canyon Swing site. | Reject | 24 |
| 31016 | Brett Mills | 31016.2 | That the new Rural Visitor Zone requested by the submission be called "Moonlight Rural Visitor Zone". | Reject | 24 |
| 31016 | Brett Mills | 31016.3 | That the proposed Rural Visitor Zone provisions that relate to the high, medium and low landscape sensitivity areas be retained as notified. | Accept | 3 |
| 31016 | Brett Mills | 31016.4 | That low, medium and high landscape sensitivity areas be included on the planning maps for the new Rural Visitor Zone sought in the submission. | Reject | 24 |
| 31016 | Brett Mills | 31016.5 | That any other consequential amendments be made to give effect to the intent of the submission. | Accept, or Reject, consequential on other recommendations | 3 & 24 |
| 31020 | Aurora Energy Limited | 31020.1 | That the Proposed District Plan recognises the strategic and lifeline importance of all parts of the electricity network. | Reject, as it relates to Chapter 46 | 6 |

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| 31020 | Aurora Energy Limited | 31020.2 | That further or other relief as is appropriate or desirable in order to take account of the concerns expressed in this submission be provided. | Reject, consequential on other recommendations, as it relates to Chapter 46 | 6 |
| 31020 | Aurora Energy Limited | 31020.3 | That, in the event that the amendments set out in the submission are not implemented, the Proposed District Plan be withdrawn. | Reject, as it relates to Chapter 46 | 6 |
| 31020 | Aurora Energy Limited | 31020.4 | That Rule 46.4.6 be amended as follows: Remove the word 'and' from the end of provision e. Add the word 'and' at the end of provision f. Add the following as a new matter of control as provision g. 'Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or subject site any adverse effects on that infrastructure.' | Reject | 6 |
| 31020 | Aurora Energy Limited | 31020.5 | That Rule 46.4.7 be amended as follows: Remove the word 'and' from the end of provision d. Add the word 'and' to the end of provision e. Add a new matter of control as provision f. as follows 'Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or the subject site any adverse effects on that infrastructure.' | Reject | 6 |
| 31020 | Aurora Energy Limited | 31020.6 | That Rule 46.6 be amended as follows: Add a new provision as e. as follows 'Rule 46.4.6 The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.7 to 46.4.11).' | Reject | 6 |
| 31020 | Aurora Energy Limited | 31020.7 | That 46.6 be amended to include a new rule as follows: 46.6.X For any application for resource consent where Rules 46.4.6(g) and 46.4.7(f) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991. | Reject | 6 |
| 31020 | Aurora Energy Limited | 31020.8 | That 46.3.3 be amended to add a new provision as follows: Advice Note: 46.3.3.X New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. To assist plan users in complying with NZECP 34(2001), the major | Reject | 6 |

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| | | | distribution components of the Aurora network (the Electricity sub-transmission infrastructure and Significant electricity distribution infrastructure) are shown on the Planning Maps. For the balance of Aurora's network plan users are advised to consult with Aurora's network maps at www.auroraenergy.co.nz or contact Aurora for advice. | | |
| 31021 | Corbridge Estates Limited Partnership | 31021.1 | That Chapter 46 (Rural Visitor Zone) be rejected. | Reject | 3 |
| 31021 | Corbridge Estates Limited Partnership | 31021.2 | That the submitter's land at 707 Wanaka Luggate Highway comprising approximately 322 hectares (legally identified as Sec 65 BLK IV Lower Wanaka SD, Pt Sec 64 BLK IV Lower Wanaka SD, Sec 67 BLK IV Lower Wanaka SD, Sec 66 BLK IV Lower Wanaka SD, Sec 1 BLK II Lower Wanaka SD) located between the Clutha River and Wanaka Luggate Highway/State Highway 6 be re-zoned from Rural Zone to Rural Visitor Zone. | Reject | 15 |
| 31021 | Corbridge Estates Limited Partnership | 31021.3 | That 46.1 (Rural Visitor Zone Purpose) be amended as follows: The Rural Visitor Zone provides for visitor industry activities to occur in locations that can absorb the effects of development without compromising landscape values within the District's rural land resource. By providing for visitor industry activities, the Zone recognises the contribution that the visitor industry, associated services and facilities make to the economic and recreational values of the District. The primary method of managing land use and development will be directing sensitive and sympathetic development to where the landscape can accommodate change, and the adverse effects on landscape values from land use and development will be cumulatively minor. The design and mitigation of buildings and development are secondary factors in the role of landscape management that will contribute toward ensuring buildings are not visually dominant over rural open space and are integrated into the landscape. The principal activities in the Zone are visitor accommodation and related ancillary commercial activities, commercial recreation and recreation activities. Residential activity is not anticipated in the more sensitive Outstanding Natural Landscapes within the Zone with the exception being for onsite staff accommodation (including staff related to construction of the facilities within the zone) ancillary to commercial recreation and visitor accommodation activities. | Accept in part | 5 & 6 |

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| 31021 | Corbridge Estates Limited Partnership | 31021.4 | That Objective 46.2.1 be amended as follows: Visitor accommodation, commercial recreation and ancillary commercial activities within appropriate locations to a scale that maintain or enhances the District's landscape values. | Accept in part | 6 |
| 31021 | Corbridge Estates Limited Partnership | 31021.5 | That Policy 46.2.1.1 be amended as follows: Provide for innovative and appropriately located and designed visitor accommodation, including ancillary commercial activities and onsite staff accommodation, recreation and commercial recreation activities where landscape values will be maintained or enhanced. | Accept in part | 6 |
| 31021 | Corbridge Estates Limited Partnership | 31021.6 | That Policy 46.2.1.2 be amended as follows: Provide for tourism related activities within appropriate locations in the Zone where they enable people to access and appreciate the District's attractions, provided that landscape quality, character, visual amenity values and nature conservation values are maintained or enhanced. | Reject | 6 |
| 31021 | Corbridge Estates Limited Partnership | 31021.7 | That Policy 46.2.1.3 be retained as notified. | Accept in part | 6 |
| 31021 | Corbridge Estates Limited Partnership | 31021.8 | That Policy 46.2.1.4 be amended as follows: Recognise the remote location of some of the District's Rural Visitor Zones and the need for visitor industry activities to be self-reliant by providing for services or facilities that are directly associated with, and ancillary to visitor accommodation activities, including construction of facilities themselves and onsite staff accommodation. | Reject | 6 |
| 31021 | Corbridge Estates Limited Partnership | 31021.9 | That Policy 46.2.1.5 be retained as notified. | Accept in part | 6 |
| 31021 | Corbridge Estates Limited Partnership | 31021.10 | That Policy 46.2.1.6 be amended as follows: Ensure that any land use or development not otherwise anticipated in the Zone, protects or enhance landscape values and nature conservation values relative to the landscape classification of each Rural Visitor Zone. | Accept in part | 6 |
| 31021 | Corbridge Estates Limited Partnership | 31021.11 | That Policy 46.2.1.7 be amended as follows: Avoid residential activity within Outstanding Natural Landscapes with the exception of enabling onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities and the construction of facilities. | Reject | 6 |

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| 31021 | Corbridge Estates Limited Partnership | 31021.12 | That a new objective be added as follows: 46.2.X Objective - Within the Corbridge Rural Visitor Zone, provide for rural visitor activity to be established in locations that do not conflict with Wanaka Airport Activities. | Reject | 15 |
| 31021 | Corbridge Estates Limited Partnership | 31021.13 | That a new Policy be added as follows: 46.2.X.1 Provide for rural visitor activity while: a. providing for and consolidating buildings within the Corbridge Rural Visitor Zone in locations that will not conflict with Wanaka Airport Activity, including suitably locating activities that may otherwise conflict with Wanaka Airport's Outer Control Boundary. b. encouraging activity types that will compliment activities or demands generated by Wanaka Airport activities. c. Ensuring that adequate residential activities and staff accommodation is provided so that growth associated with the development of the zone does not exacerbate the shortage of housing supply in Wanaka. | Reject | 15 |
| 31021 | Corbridge Estates Limited Partnership | 31021.14 | That Objective 46.2.2 be amended as follows: Buildings and development that have a visitor industry related use are enabled where landscape character and visual amenity values are appropriately maintained or enhanced relative to the landscape classification of each Rural Visitor Zone. | Accept in part | 6 |
| 31021 | Corbridge Estates Limited Partnership | 31021.15 | That the opening text of Policy 46.2.2.1 be amended as follows: Protect the landscape values of the Zone and the surrounding Rural Zone landscapes by: (...) | Accept in part | 6 |
| 31021 | Corbridge Estates Limited Partnership | 31021.16 | That the opening text of Policy 46.2.2.2 be amended as follows: Land use and development, in particular buildings, shall maintain or enhance the landscape character and visual amenity values of the Rural Visitor Zone and surrounding landscapes by: (...) | Accept in part | 6 |
| 31021 | Corbridge Estates Limited Partnership | 31021.17 | That a new rule be added as 46.4.X to make any activity not in accordance with the Corbridge Structure Plan a Non-Complying activity. | Reject | 9 & 15 |
| 31021 | Corbridge Estates Limited Partnership | 31021.18 | That Rule 46.4.5 be amended to make Informal Airports within the Corbridge Rural Visitor Zone a Non-Complying Activity. | Reject | 15 |
| 31021 | Corbridge Estates Limited Partnership | 31021.19 | That a new rule 46.4.X be added into Table 46.4 which makes Residential Activity not provided for by Rules 46.4.2 and 46.4.3 but located in accordance with the Corbridge Structure Plan a Restricted Discretionary | Reject | 15 |

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| | | | activity, with discretion being restricted to the relationship of the proposed residential activity with surrounding rural visitor activities. And, amend rule 46.4.13 to provide an exception to the new rule proposed above. | | |
| 31021 | Corbridge Estates Limited Partnership | 31021.20 | That a new rule be added as 46.5.1.X to 46.5.1 to provide for a maximum building height within the Hotel area of the Corbridge Structure Plan, with a non-complying activity status if breached. | Reject | 15 |
| 31021 | Corbridge Estates Limited Partnership | 31021.21 | That a new rule be added as 46.5.1.X to 46.5.1 to provide for a maximum building height within the visitor accommodation area of the Corbridge Structure Plan to be 12m, with a non-complying activity status if breached. | Reject | 15 |
| 31021 | Corbridge Estates Limited Partnership | 31021.22 | That Rule 46.5.3 be amended to provide for a maximum ground floor area within the Hotel area of the Corbridge Structure Plan to be 1000m ² , with a restricted discretionary status if breached with the same matters of discretion as currently listed by Rule 46.5.3. | Reject | 15 |
| 31021 | Corbridge Estates Limited Partnership | 31021.23 | That Rule 46.5.4 be amended as follows: Setback of buildings from natural waterbodies (...) | Reject | 6 |
| 31021 | Corbridge Estates Limited Partnership | 31021.24 | That a final Corbridge Structure Plan be inserted into Chapter 46 Rural Visitor Zone. | Reject | 9 & 15 |
| 31022 | Malaghans Investments Limited | 31022.1 | That Lot 1 DP 19171 and Lot 2 DP 19171 totaling approximately 11.9 hectares located on the right of Skippers Road approximately 9.8 km from the intersection of Skippers Road and Coronet Peak Road be included within the Rural Visitor Zone and the previous zoning and overlays be removed. | Reject | 14 |
| 31022 | Malaghans Investments Limited | 31022.2 | That Chapter 46 (Rural Visitor Zone) be adopted given that amendments sought in this submission or issues raised in this submission are made. | Accept in part | 3 |
| 31022 | Malaghans Investments Limited | 31022.3 | That a new Rule 46.5.1.3 be added to increase the permissible building height from 6 m to 8 m. | Reject | 14 |
| 31022 | Malaghans Investments Limited | 31022.4 | That any other additional or consequential relief, including but not limited to the maps, issues, objectives, policies, rules, discretion, assessment criteria and explanations that will fully give effect to the matters raised in this submission be made. | Accept in part, or Reject, consequential on other recommendations | 3 & 14 |

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| 31023 | Fire and Emergency New Zealand | 31023.3 | That rule 46.4.6 be retained as notified. | Accept in part | 3 |
| 31023 | Fire and Emergency New Zealand | 31023.4 | That a new rule be added as follows: 46.4.X Emergency Service Facilities Activity Status: Controlled Activity Control is reserved to: a. Vehicle maneuvering, parking and access, safety and efficiency; b. Location, design and external appearance of buildings; c. Locational, functional and operational requirements; d. Community safety and resilience; e. Landscaping | Reject | 6 |
| 31023 | Fire and Emergency New Zealand | 31023.5 | That Rule 46.5.1.1 be amended as follows: The maximum height of buildings shall be 6m (except for emergency services as 7m). | Reject | 6 |
| 31023 | Fire and Emergency New Zealand | 31023.6 | That rule 46.5.1.2 be amended as follows: Within the Water Transport Infrastructure Overlay identified on the District Plan maps the maximum height of buildings shall be 4m (Except for emergency services as 7m). | Reject, consequential on recommendation on #31023.5 | 6 |
| 31023 | Fire and Emergency New Zealand | 31023.7 | That Rule 46.5.7 be retained as notified. | Accept in part | 6 |
| 31023 | Fire and Emergency New Zealand | 31023.8 | That any further or consequential relief that may be necessary to address the matters raised in this submission be provided. | Accept in part, or Reject, consequential on other recommendations, as it relates to Chapter 46 | 3 & 6 |
| 31024 | Wayfare | 31024.1 | That the Operative District Plan provisions as they relate to Walter Peak Rural Visitor Zone (on the land Wayfare sought to be rezoned Rural Visitor Zone under its submissions on the Proposed District Plan Stage 1) be retained, or Amend the Rural Visitor Zone provisions as they relate to Walter Peak so that they have materially the same effect as the Operative District Plan provisions; or Withdraw Walter Peak from the propose Rural Visitor Zone provisions and engage with Wayfare to develop a bespoke regime for the area, potentially including a new zone (the "Walter Peak Tourism Zone"); Redraft the provisions applying to the Walter Peak Rural Visitor Zone, or redraft as a bespoke Walter Peak Tourism Zone to achieve outcomes which generally: i) Reinforce the appropriateness of setting aside the Walter Peak land for tourism development, including as part of the anticipated environmental outcomes for the District ii) Protect the existing tourism and transport facilities to and at Walter Peak, and enable their | Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel | |

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| | | | <p>expansion and diversification iii) Enable tourism development including any ancillary activities iv) Enable residential development v) Encourage the restoration and enhancement of indigenous vegetation vi) Promote development which supports and enables the restoration and enhancement of indigenous vegetation vii) Permit of control the location and design of buildings, with discretion restricted only to buildings located along the lakefront (excluding Beach Bay) viii) Permit the use and ongoing development of trails ix) Control earthworks above permitted activity thresholds x) Permit commercial recreation xi) Permit visitor accommodation and hospitality xii) Permit residential visitor accommodation xiii) Permit industrial activity that is ancillary to permitted activities xiv) Permit staff/worker accommodation xv) Permit residential development xvi) Permit farming, maintenance, landscaping xvii) Permit works associated with natural hazard mitigation xviii) Permit or control utilities and electricity generation activities xix) Enable water transport activities and infrastructure in Beach Bay that is integrated with land use development within the Rural Visitor Zone xx) Exclude/exempt activities within the Walter Peak Rural Visitor Zone from having to conform to the standards in the District Wide Chapters. Include appropriate bespoke provisions to the Walter Peak Rural Visitor Zone where necessary. xxi) Do not include a prohibited or non-complying activities within the Walter Peak Rural Visitor Zone xxii) Include a non-notification provision so that applications for resource consent will not be publicly notified or served on affected parties.</p> | | |
| 31024 | Wayfare | 31024.2 | <p>That the Outstanding Natural Landscape classification in Walter Peak Rural Visitor Zone be removed, or clarify that the Outstanding Natural Landscape provisions do not apply to the Rural Visitor Zone.</p> | <p>Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel</p> | |
| 31024 | Wayfare | 31024.3 | <p>That the provisions which apply to the Water Transport Infrastructure Overlay be retained as notified.</p> | <p>Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel</p> | |

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| 31024 | Wayfare | 31024.4 | That the Water Transport Infrastructure Overlay be increased so that it applies over the entire Beach Bay area. | Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel | |
| 31024 | Wayfare | 31024.5 | That the Rural Visitor Zone at Walter Peak be extended to include the adjoining legal roads, marginal strip and Beach Bay Reserves. | Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel | |
| 31024 | Wayfare | 31024.6 | That rule 46.5.6.2 relating to the number of people that can participate in commercial recreation activities, be retained as notified. | Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel | |
| 31024 | Wayfare | 31024.7 | That the strategic provisions be amended if deemed necessary or appropriate, to support the amendments which relate to this submission. | Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel | |
| 31024 | Wayfare | 31024.8 | That any similar, alternative, consequential and/or other relief as necessary to address the issues raised in this submission be made. | Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel | |
| 31025 | Ministry of Education | 31025.1 | That a new policy be added as follows: 46.2.1.X Enable educational facilities to establish throughout the Rural Visitor Zone, ensuring that the scale and effects of these activities do not adversely affect visitor accommodation, commercial recreation and ancillary commercial activities. | Reject | 6 |
| 31025 | Ministry of Education | 31025.2 | That a new activity be added to Table 46.4 be added as follows: 46.4.X | Reject | 6 |

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| | | | Educational Facilities: Restricted Discretionary Council's discretion shall be restricted to the following matters: 1. The extent to which it is necessary to locate the activity within the Rural Visitor Zone. 2. Reverse sensitivity effects of adjacent activities. 3. The extent to which the activity may adversely impact on the transport network. 4. The extent to which the activity may adversely impact on the streetscape. 5. The extent to which the activity may adversely impact on the noise environment. | | |
| 31025 | Ministry of Education | 31025.3 | That any consequential changes to provisions to give effect to the relief sought in the submission be provided. | Reject, consequential on other recommendations | 6 |
| 31030 | Christine Byrch | 31030.1 | That the purpose of the Rural Visitor Zone be written more clearly. | Accept | 3 |
| 31030 | Christine Byrch | 31030.2 | That 46.5.7 (Informal Airports) be amended so that the activity status for non compliance is non-complying. | Reject | 6 |
| 31030 | Christine Byrch | 31030.3 | That the Proposed District Plan stipulates restrictions on the extent of the Rural Visitor Zone. | Accept | 3 |
| 31030 | Christine Byrch | 31030.4 | That the Proposed District Plan provide clear guidelines describing what areas (if any) are suitable for the Rural Visitor Zone. | Accept | 3 |
| 31033 | Matakauri Lodge Limited | 31033.1 | That the Rural Visitor Zone be applied to the submitter's land at 569 Glenorchy-Queenstown Road (Lot 2 DP 27037 and Section 1-2 Survey Office Plan 434205). This site has an area of 3.6 hectares, is located on the southern side of Glenorchy-Queenstown Road and is approximately 8 km west of the centre of Queenstown. | Accept | 16 |
| 31033 | Matakauri Lodge Limited | 31033.2 | That 46.1 is retained as notified. | Accept in part | 3 |
| 31033 | Matakauri Lodge Limited | 31033.3 | That Objective 46.2.1 be retained as notified. | Accept in part | 3 |
| 31033 | Matakauri Lodge Limited | 31033.4 | That Policy 46.2.1.1 be retained as notified. | Accept in part | 3 |
| 31033 | Matakauri Lodge Limited | 31033.5 | That Policy 46.2.1.2 be retained as notified. | Accept in part | 3 |
| 31033 | Matakauri Lodge Limited | 31033.6 | That Policy 46.2.1.3 be retained as notified. | Accept in part | 3 |
| 31033 | Matakauri Lodge Limited | 31033.7 | That Policy 46.2.1.4 be retained as notified. | Accept in part | 3 |

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| 31033 | Matakauri Lodge Limited | 31033.8 | That Policy 46.2.1.5 be retained as notified. | Accept in part | 3 |
| 31033 | Matakauri Lodge Limited | 31033.9 | That Policy 46.2.1.6 be retained as notified. | Accept in part | 3 |
| 31033 | Matakauri Lodge Limited | 31033.10 | That Policy 46.2.1.7 be retained as notified. | Accept | 3 |
| 31033 | Matakauri Lodge Limited | 3133.11 | That Objective 46.2.2 be retained as notified. | Accept in part | 3 |
| 31033 | Matakauri Lodge Limited | 31033.12 | That Policy 46.2.2.1 be retained as notified. | Accept in part | 3 |
| 31033 | Matakauri Lodge Limited | 31033.13 | That Policy 46.2.2.2 be retained as notified. | Accept in part | 3 |
| 31033 | Matakauri Lodge Limited | 31033.14 | That Policy 46.2.2.3 be retained as notified. | Accept in part | 3 |
| 31033 | Matakauri Lodge Limited | 31033.15 | That Policy 46.2.2.4 be retained as notified. | Accept in part | 3 |
| 31033 | Matakauri Lodge Limited | 31033.16 | That Policy 46.2.2.5 be retained as notified. | Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel | |
| 31033 | Matakauri Lodge Limited | 31033.17 | That Rule 46.4.2 be retained as notified. | Accept | 3 |
| 31033 | Matakauri Lodge Limited | 31033.18 | That Rule 46.4.6 be retained as notified. | Accept in part | 3 |
| 31033 | Matakauri Lodge Limited | 31033.19 | That Rule 46.4.12 be retained as notified. | Accept | 3 |
| 31033 | Matakauri Lodge Limited | 31033.20 | That Rule 46.5.1 be retained as notified. | Accept in part | 3 |
| 31033 | Matakauri Lodge Limited | 31033.21 | That Rule 46.5.2 be retained as notified. | Accept in part | 3 |
| 31033 | Matakauri Lodge Limited | 31033.22 | That Rule 46.5.5 be retained as notified. | Accept | 3 |
| 31033 | Matakauri Lodge Limited | 31033.23 | That Rule 46.6 be retained as notified. | Accept | 3 |

| No. | Submitter | Submission Point No. | Submission | Recommendation | Section of where Addressed |
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| 31033 | Matakauri Lodge Limited | 31033.24 | That further or consequential or alternative amendments necessary to give effect to the submission be provided. | Accept, or accept in part, consequential on other recommendations | 3 & 16 |
| 31034 | Otago Fish and Game Council | 31034.1 | That Policy 46.2.2.1 be retained as notified. | Accept in part | 3 |
| 31034 | Otago Fish and Game Council | 31034.2 | That Policy 46.2.2.3 be retained as notified. | Accept in part | 3 |
| 31034 | Otago Fish and Game Council | 31034.3 | That Policy 46.2.2.4 be retained as notified. | Accept in part | 3 |
| 31034 | Otago Fish and Game Council | 31034.4 | That Rule 46.4.10 be retained as notified. | Accept in part | 3 |
| 31034 | Otago Fish and Game Council | 31034.5 | That Rule 46.4.11 be retained as notified. | Accept | 3 |
| 31034 | Otago Fish and Game Council | 31034.6 | That the words "Except for the Arcadia Rural Visitor Zone" are inserted at the start of Rule 46.5.6.1. | Reject | 10 |
| 31034 | Otago Fish and Game Council | 31034.7 | That Rule 46.5.6.1 be amended as follows: the word 'and' be deleted from the end of matter of discretion (d), the word 'and' be added to the end of matter of discretion (e), a new matter of discretion be added as (f) as follows 'effects on nearby recreation use and amenity values'. | Reject | 6 |
| 31034 | Otago Fish and Game Council | 31034.8 | That an additional Rule 46.5.8 be added as follows: 'Commercial Recreation Activity in the Arcadia Rural Visitor Zone must meet the standards described in Rule 21.9.1' with a Discretionary non-compliance status. | Reject | 10 |
| 31034 | Otago Fish and Game Council | 31034.9 | That Rule 46.5.7 be amended as follows: Informal Airports: Other than in the case of informal airports for emergency landings, rescues, firefighting and activities ancillary to farming Activities, Informal Airports shall not exceed 15 flights per week except for the Arcadia Rural Visitor Zone. Within the Arcadia Rural Visitor Zone, informal airports must meet the standards in Rule 21.10.2. Note: For the purposes of this Rule a flight includes two aircraft movements (i.e. an arrival and departure). Non-compliance status: Discretionary. | Reject | 10 |
| 31034 | Otago Fish and Game Council | 31034.10 | That Rule 46.6(d) is amended to read as follows: 'Rules 46.5.6 and 46.5.8 commercial recreational activities.' | Reject | 6 |
| 31034 | Otago Fish and Game Council | 31034.11 | That Rule 46.6 is amended to add an additional provision as follows 'e. Rule 46.5.7 informal airports.' | Reject | 10 |

| No. | Submitter | Submission Point No. | Submission | Recommendation | Section of where Addressed |
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| 31034 | Otago Fish and Game Council | 31034.12 | That the intent of the notified Rural Visitor Zone to provide more control over the type of development that may occur within the Zone be retained as notified. | Accept | 3 |
| 31034 | Otago Fish and Game Council | 31034.13 | That consideration be given to the impacts of development and commercial recreation activities with large groups close to the wilderness reserve near the Arcadia Rural Visitor Zone. | Reject | 10 |
| 31034 | Otago Fish and Game Council | 31034.14 | That the mapping of the Rural Visitor Zone High Landscape Sensitivity Area and Moderate-High Landscape Sensitivity Area be retained as notified. | Accept | 10 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.1 | That the Wakatipu Basin Rural Amenity Zone over the submitter's land on the south-western side of Morven Ferry Road, Arrow Junction, approximately 750m north of the Kawarau River, containing Lots 2 - 4 DP 397602 with a land area of approximately 67.9ha be rejected. | Reject | 17 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.2 | That the submitter's land at Morven Ferry Road, Arrow Junction, approximately 750m north of the Kawarau River, containing Lots 2 - 4 DP 397602 with a land area of approximately 67.9ha be rezoned Rural Visitor Zone with sub-zones 'Morven Ferry Rural Visitor Zone A' and 'Morven Ferry Rural Visitor Zone B' or that the submitter's land is rezoned to the Operative District Plan Rural Visitor Zone with the sub-zones 'Morven Ferry Rural Visitor Zone A' and 'Morven Ferry Rural Visitor Zone B'. | Reject | 17 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.3 | That all of the amendments sought to the Operative District Plan Rural Visitor Zone specific to the Morven Ferry Rural Visitor Zones set out in the submitter's submission on Stage 1 of the Proposed District Plan Review be implemented. | Reject | 17 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.4 | That alternative, consequential, or necessary additional relief to give effect to this submission be provided. | Accept or Reject, consequential on other recommendations | 5, 6 & 17 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.5 | That 46.1 be amended to make reference to Rural Visitor Zones outside of Outstanding Natural Landscapes, such as by reference to the Morven Ferry Rural Visitor Zones within the Wakatipu Basin. | Accept | 5 & 6 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.6 | That Objective 46.2.1 be amended to make reference to Rural Visitor Zones outside of Outstanding Natural Landscapes, such as by reference to the Morven Ferry Rural Visitor Zones within the Wakatipu Basin. | Accept | 6 |

| No. | Submitter | Submission Point No. | Submission | Recommendation | Section of where Addressed |
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| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.7 | That Policy 46.2.1.1 be amended to make reference to Rural Visitor Zones outside of Outstanding Natural Landscapes, such as by reference to the Morven Ferry Rural Visitor Zones within the Wakatipu Basin. | Accept | 6 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.8 | That Policy 46.2.2.1 be amended to make reference to Rural Visitor Zones outside of Outstanding Natural Landscapes, such as by reference to the Morven Ferry Rural Visitor Zones within the Wakatipu Basin. | Accept | 6 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.9 | That Policy 46.2.2.2 be amended to make reference to Rural Visitor Zones outside of Outstanding Natural Landscapes, such as by reference to the Morven Ferry Rural Visitor Zones within the Wakatipu Basin. | Accept | 6 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.10 | That Rule 46.4.7 be amended to include the following text: The rule does not apply to the Morven Ferry Rural Visitor Zones. Farm Buildings in the Morven Ferry Rural Visitor Zones are permitted. | Reject | 17 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.11 | That a new rule be inserted in Table 46.4 as 46.4.x which provides for 'Commercial activities in the Morven Ferry Rural Visitor Zones' as a restricted discretionary activity. | Reject | 17 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.12 | That a new rule be inserted in Table 46.4 as 46.4.xx that provides for 'Residential activities in the Morven Ferry Rural Visitor Zones' as a discretionary activity. | Reject | 17 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.13 | That Rule 46.4.13 be amended to read as follows: Residential activity except as provided for in Rules 46.4.2, 46.4.3 and 46.4.xx. | Reject | 17 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.14 | That Rule 46.4.14 be amended to read as follows: Commercial, retail or service activities except as provided for in Rules 46.4.2, 46.4.3 and 46.4.x. | Reject | 17 |

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| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.15 | That Rule 46.5.1 be amended to include an additional limb as follows: 45.5.1.3: The maximum height of buildings in the Morven Ferry Rural Visitor Zone shall be 8m, except for agricultural and viticultural buildings where the maximum height of buildings shall be 10m. Non compliance status: Non complying. | Reject | 17 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.16 | That Rule 46.5.2 be amended to read as follows: 46.5.2.1 The maximum ground floor area of any building shall be 500m ² . ; 46.5.2.2 The maximum ground floor area of any building in the Morven Ferry Rural Visitor Zone A shall be 1500m ² . ; 46.5.2.3 The maximum ground floor area of any building in the Morven Ferry Rural Visitor Zone B shall be 3000m ² . | Reject | 17 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.17 | That a new rule be inserted into Table 46.5 as 46.5.x to read as follows: Setback from Roads Buildings shall be setback a minimum of 35m from Morven Ferry Road. Non compliance: Restricted Discretionary with discretion restricted to: a. Nature and scale; b. Reverse Sensitivity effects; and c. Functional need for buildings to be located within the setback. | Reject | 17 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.18 | That Rule 25.5.5 be amended to provide an exception for the Morven Ferry Road Visitor Zones. | Reject | 17 |
| 31035 | Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green | 31035.19 | That Rule 25.5.6 be amended to include the Morven Ferry Rural Visitor Zones. | Reject | 17 |
| 31037 | Gibbston Valley Station Limited | 31037.1 | That part of the submitter's site (Gibbston Valley Station, Lot 4 DP 27586), having an approximate area of 160 hectares, located south of Gibbston Valley Road and accessed off Resta Road as shown in Annexure A to the submission be rezoned to Rural Visitor Zone. | Accept in part | 18 |
| 31037 | Gibbston Valley Station Limited | 31037.2 | That Chapter 46 (Rural Visitor Zone) be retained as notified. | Accept in part | 3 |
| 31037 | Gibbston Valley Station Limited | 31037.3 | That any other additional or consequential changes be made to the Proposed District Plan that will fully give effect to the matters raised in the submission. | Accept in part, consequential on other recommendations | 3 & 18 |
| 31039 | Cardona Cattle Company Limited | 31039.1 | That 3207 Gibbston Highway, being Lot 8 DP 402448, with an area of 113.4ha, located at Victoria Flats, Gibbston on the western side of the Kawarau River, is rezoned to Rural Visitor Zone. | Reject | 21 |

| No. | Submitter | Submission Point No. | Submission | Recommendation | Section of where Addressed |
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| 31039 | Cardona Cattle Company Limited | 31039.2 | That Chapter 46 is adopted subject to the amendments sought to include part of Lot 8 DP 402448 within the Rural Visitor Zone in submission 31039.1. | Accept in part | 3 & 21 |
| 31039 | Cardona Cattle Company Limited | 31039.3 | That any additional relief to give effect to the matters raised in the submission is given. | Reject, or Accept in part, consequential on other recommendations | 3 & 21 |
| 31043 | Glen Dene Limited, Glen Dene holdings ltd and Richard and Sarah Burdon | 31043.1 | That the property 1208 & 1905 Makarora - Lake Hawea Road (SH6), being the Lake Hawea Holiday Park located on the south-western shore of Lake Hawea, made up of Lots 1 DP 418972 (1.39ha), Lot 2 DP 418972 (5.56ha) and Sec 2 Block II Lower Hawea Survey District SO 13368 (15.68ha) be rezoned to Rural Visitor Zone. | Reject | 19 |
| 31043 | Glen Dene Limited, Glen Dene holdings ltd and Richard and Sarah Burdon | 31043.2 | That should Lake Hawea Holiday Park, 1208 & 1905 Makarora - Lake Hawea Road (SH6), being Lots 1 & 2 DP 418972 and Sec 2 Block II Lower Survey District SO 13368, be rezoned Rural Visitor Zone, that specific rules are sought for alternative height controls, with an 8 metre height control for land close to the hill and 5.5 metres for land closer to the lake as shown in the 'Proposed Height Areas' map attached to submission 31043. | Reject | 19 |
| 31045 | Albert Town Village Holdings Ltd | 31045.1 | That Lot 1 DP 388147, that has an area of 0.49 hectares, located on the corner of Albert Town - Lake Hawea Road and Templeton Street, is rezoned to allow for commercial/visitor accommodation activities. | Reject | 22 |
| 31053 | John & Jill Blennerhassett | 31053.1 | That the approximately 34.4 hectare site at 280 Wanaka-Mt Aspiring Road, West Wanaka, commonly referred to as 'Barn Pinch Farm' and 'The Olive Grove', legally described as Lot 1 DP 367753, be re-zoned Rural Visitor Zone. | Reject | 20 |
| 31053 | John & Jill Blennerhassett | 31053.2 | That Chapter 46 is adopted subject to the amendments sought in the submission. | Accept in part | 3 |
| 31053 | John & Jill Blennerhassett | 31053.3 | That the policy and rule framework of Chapter 46 be amended to provide for residential activity alongside visitor accommodation activities within the Rural Visitor Zone. | Reject | 6 |
| 31053 | John & Jill Blennerhassett | 31053.4 | That the provisions of Chapter 46 be amended so that rural land that is not within an Outstanding Natural Landscape is provided for within the Rural Visitor Zone. | Accept | 5 & 6 |
| 31053 | John & Jill Blennerhassett | 31053.5 | That any additional changes are made to give effect to the matters raised in the submission. | Accept, Accept in part, or Reject, consequential on other recommendations | 3, 5, 6 & 20 |
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| No. | Submitter | Submission Point No. | Submission | Recommendation | Section of where Addressed |
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| Stream 20 | | | | | |
| OS31074 | Lloyd James Veint | OS31074.1 | That the provisions of Chapter 35 be amended to be more enabling of temporary filming activities in the Arcadia RVZ, to the same extent that temporary filming activities are enabled in the Rural Zone; | Accept in part | 11 |
| OS31074 | Lloyd James Veint | OS31074.2 | That Rule 35.4.7(a) be amended so that the permitted number of persons participating in temporary filming activities at any one time is increased from 50 to 200 for the Arcadia RVZ; | Accept in part | 11 |
| OS31074 | Lloyd James Veint | OS31074.3 | That Rule 35.4.7(b) and/or (c) be amended so that the limit on the duration of temporary filming activities in the Arcadia RVZ is as permissive as for the Rural Zone | Accept in part | 11 |
| OS31074 | Lloyd James Veint | OS31074.4 | That Rule 35.4.7(e) be amended to allow for the use of land as an informal airport as part of a filming activity in the Arcadia RVZ. | Accept in part | 11 |
| OS31074 | Lloyd James Veint | OS31074.5 | For alternative, consequential, or necessary additional relief to promote and encourage temporary filming activities in the Arcadia RVZ where effects on landscape are appropriately mitigated, or to otherwise give effect to the matters raised generally in this | Accept in part, consequential on other recommendations | 11 |