

**QUEENSTOWN-LAKES DISTRICT COUNCIL  
PROPOSED DISTRICT PLAN HEARING – STREAM 13**

**IN THE MATTER**

of a hearing on submissions to the Proposed District Plan (Queenstown Mapping) pursuant to clause 8B of the First Schedule to the Resource Management Act 1991

**M and K Scott – Loch Linnhe Station**

Submitter (#447)

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**EVIDENCE OF CAREY VIVIAN**

**(PLANNER)**

**9 June 2017**

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# 1. Introduction

**1.1** My name is Carey Vivian. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I have been a full member of the New Zealand Planning Institute since 2000. I am a director of Vivian and Espie Limited, a resource management, urban design and landscape planning consultancy based in Queenstown. I have been practicing as a resource management planner for twenty-two years, having held previous positions with Davie Lovell-Smith in Christchurch; and the Queenstown Lakes District Council (QLDC or the Council), Civic Corporation Limited, Clark Fortune McDonald and Associates and Woodlot Properties Limited in Queenstown.

**1.2** I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014 and agree to comply with it. This evidence is within my area of expertise, except where I state that I am relying on information I have been given by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.

**1.3** I have read the evidence of Mr. Buxton, Dr. Read, Mr. Glasner, Ms. Banks and Mr. Mander for the Council, and Mr. Espie for the submitter. I comment on this material through my evidence. I have also been involved in the District Plan hearings since their commencement, and of most relevance to this submission, I was involved with the hearings relating to the Strategic Directions and Rural Chapters.

**1.4** I use the following abbreviations in my evidence:

**PDP** – The Queenstown-Lakes Proposed District Plan.

**ODP** – The Queenstown-Lakes Operative District Plan.

**RVZ** – the Rural Visitor Zone under the PDP.

**RLZ** – the Rural Lifestyle Zone under the PDP.

**RZ** - the Rural Zone under the PDP.

**QLDC** – Queenstown-Lakes District Council.

**ONL** – Outstanding Natural Landscape.

**RMA** – Resource Management Act.

**NPS** – National Policy Statement.

**OORPS** - Operative Otago Regional Policy Statement dated 1 October 1998.

**PORPS** - Proposed Otago Regional Policy Statement as amended by Council decisions.

**LLS** – Loch Linnhe Station Limited.

**FBA** – Farm Base Area.

**1.5** The remainder of my evidence is structured as follows:

2. Submissions
3. Specific Changes to the PDP
4. Issues and Objective
5. Assessment
6. Mandatory Assessment Criteria
7. Section 32 evaluation
8. Part II of the RMA.
9. Conclusion

## 2. Submissions

- 2.1** The purpose of this evidence is to assist the Hearings Panel on making a decision on the submission by Loch Linnhe Station Limited (submitter number #447). As notified, the PDP zoned all of LLS, which is a large pastoral leasehold station over 3700ha in size, as RZ. All of the Station is located within the ONL. The PDP also identified four areas of Significant Natural Values within the Station.
- 2.2** LLSs submission identified that the PDP as notified is disenabling of the establishment of activities such as a homestead and farm buildings, and the submission requested that the PDP should provide for areas within large farms (say over 1000ha) where the erection of homesteads, staff accommodation and farm buildings are a permitted or controlled activity. The submitter made reference to FBA's as a means of providing a mechanism to enable development within large stations. FBA's have been adopted in the Mackenzie District for the purposes of encouraging clustering of homesteads and farm buildings (as well as tourism activities) in recognition of the property's contribution to retaining the openness of the outstanding natural landscape. The submission identified that the closest alternative to FBA's in the structure of the QLDC planning instruments is RVZ. While the submitter recognized that the RVZ is not ideal as they do not wish to subdivide and develop to the extent that the RVZ is designed to enable, they identified that two small areas of RVZ would be a preferable alternative to all of the Station remaining within the RZ.
- 2.3** No one, other than Loch Linnhe, has supported or opposed the concept of FBA's. In fact, there have been no further submissions lodged in either support or opposition of LLS submission. Despite this, I still believe that the concept of a FBA has merit in protecting the wider ONL. Accordingly, I

recommend below provisions that could be inserted in the RZ should the concept of a FBA be included in the PDP. And in the alternative to this, I recommend the approval of two small RVZs on the property subject to the operative RVZ provisions with the specific additions as detailed below. I do not have a preference on which option. They are both, in my opinion, more appropriate than RZ in these locations.

- 2.4** I have reviewed the Section 42A reports prepared for the Council. Those reports are based on the information available to the reporting officers at the time. In my opinion, it is because of a lack of detailed evidence for the submitter rather than lack of merit that the reporting officers have recommended that the LLS submission is rejected.
- 2.5** I have also read the minute of the Chair (dated 29 May 2017). In paragraph 4 of that minute the Chair states that *“if a submitter seeks to zone the land using a set of provisions that are not of Stage 1 zones, that submitter would need to show how those provisions fit within the overall strategic directions chapters of the PDP. If the provisions do not give effect to and implement the strategic directions chapters, it would likely be difficult to conclude that they were the most appropriate way to achieve the objectives in those chapters.”* I confirm my evidence provides an analysis of the RVZ and FBA options against the Strategic Directions Chapter and District Wide Matters of the PDP and therefore I demonstrate in this evidence how those provisions fit within the overall strategic directions chapter of the PDP.
- 2.6** My evidence finds that there is no policy impediment to zoning the subject site in accordance with LLSs submission as it relates to the requested FBAs or RVZs. I reach this conclusion having undertaken a section 32 evaluation, which concludes that the most appropriate District Plan zone for the subject sites is the either FBAs or RVZ, subject to some specific amendments applicable only to LLS. This evidence does not seek changes to operative rules, that are not subject to Stage 1 of the review, but rather *add* to the proposed RZ provisions of the PDP or the operative provisions specific to RVZs on LLS.

### 3. The specific changes to the PDP

- 3.1** LLSs submission requests consideration of two options. The first is introducing the concept of FBAs into the RZ provisions of the PDP. The second is identifying two small RVZs on the property and making specific amendment to the operative provisions specific to RVZs on LLS.

#### **Mapping**

- 3.2 In terms of mapping, the areas sought to be zoned FBAs or RVZs are the same. Mr. Espie attaches as Appendix 1 and 3 to his evidence amended FBA/RVZ boundaries.

### **FBA Option**

- 3.3 The concept of a FBA arises from the Mackenzie Basin Sub-Zone of the Operative Mackenzie District Plan. It recognises areas where built development (both farm and non-farm Buildings) are generally anticipated so as to maintain a nodal pattern of development over the Mackenzie Basin. This pattern of development continues the pattern that traditionally comprised of farm homesteads and vast open grazed areas. The FBAs have generally been located around traditional homestead nodes but also often include the more cultivated homestead paddock blocks and additional space to allow for some expansion of built development and farm management.

- 3.4 The main policy with respect to FBAs reads:

#### **Policy 3B3 – Development in Farm Base Areas**

(1) Within Farm Base Areas of high visual vulnerability subdivision and development (other than farm buildings) shall maintain or enhance the significant and outstanding natural landscape and other natural values of the Mackenzie Basin by:

- (a) Integrating built form and earthworks so that it nestles within the landform and vegetation.
- (b) Planting local native species and/or non-wilding exotic species and managing wilding tree spread
- (c) Maintaining a sense of isolation from other development.
- (d) Built development, earthworks and access having a low key rural character in terms of location, layout and development, with particular regard to construction style, materials and detailing
- (e) Mitigating the adverse effects of light spill on the night sky.
- (f) Avoiding adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance.
- (g) Installing sustainable systems for water supply, sewage treatment and disposal, stormwater services and access.

(2) Subdivision and development (Other than Farm Buildings) in Farm Base Areas which are in low or medium visual vulnerability to development shall:

- (a) Restrict planting to local native species and/or non-wilding exotic species
- (b) Manage exotic wilding tree spread.
- (c) Maintain a sense of isolation from other development.
- (d) Mitigate the adverse effects of light spill on the night sky.
- (e) Avoid adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance.
- (f) Install sustainable systems for water supply, sewage treatment and disposal, stormwater, services and access.

3.5 In my opinion a policy similar to 3B3(1), but excluding reference to high visual vulnerability areas, is appropriate if the concept of FBAs is introduced into the PDP through acceptance of the LLS submission. This policy, in my opinion, comfortably sits under Objective 21.2.10 of the PDP as follows:

**“21.2.10 Objective - Recognise the potential for diversification of farms that utilises the natural or physical resources of farms and supports the sustainability of farming activities.**

...

**21.2.10.4** Within approved Farm Base Areas enable development for residential, worker accommodation, farm buildings or visitor accommodation shall maintain or enhance the significant and outstanding natural landscape and other natural values of the relevant high-country station by:

- (a) Integrating built form and earthworks so that it nestles within the landform and vegetation.
- (b) Planting local native species and/or non-wilding exotic species and managing wilding tree spread
- (c) Maintaining a sense of isolation from other development.
- (d) Built development, earthworks and access having a low key rural character in terms of location, layout and development, with particular regard to construction style, materials and detailing
- (e) Mitigating the adverse effects of light spill on the night sky.
- (f) Avoiding adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance.
- (g) Installing sustainable systems for water supply, sewage treatment and disposal, stormwater services and access.”

3.6 The rules in the Mackenzie Basin Sub-Zone to implement 3B3(1) policy set up a framework as follows:

|                    | Within FBA |                          |                          |
|--------------------|------------|--------------------------|--------------------------|
|                    | Within LVV | Within MVV               | Within HVV               |
| Farm Buildings     | Permitted  | Controlled Rule          | Restricted Discretionary |
| Non-Farm Buildings | Controlled | Restricted Discretionary | Discretionary            |

3.7 The FBA’s are depicted on the planning maps as an overlay. The RZ provisions apply except where a specific provision applies to the FBA on Loch Linnhe Station (and possibly others via Plan Change in the future).

3.8 In my opinion, in the QLDC context, FBAs should only be identified in areas where there is some potential for that area to absorb change within very large landholdings (i.e. high-country stations), such as the two areas identified at Loch Linnhe station. To that extent, I consider the differentiation

of rules based on low, medium and high visual vulnerability as has been done in the Mackenzie Basin Sub-Zone is unnecessary. Instead and in light of Mr Espie’s evidence I prefer a regime where all buildings within FBAs (irrespective of whether they are for farming or non-farming purposes) to be a controlled activity.

**3.9** I therefore recommend that if the concept of FBAs is introduced into the PDP through acceptance of the LLS submission then the RZ rules should be amended to provide for the following:

| <b>Table 11</b> | <b>Activities and Standards for approved Farm Base Areas</b>  | <b>Activity Status</b>       |
|-----------------|---|------------------------------|
| 21.5.53         | <p>Buildings<br/>Any building for the purpose of residential, farm worker accommodation or visitor accommodation within an approved Farm Base Area.</p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> <li>(a) Integrating built form and earthworks so that it nestles within the landform and vegetation.</li> <li>(b) Planting local native species and/or non-wilding exotic species and managing wilding tree spread</li> <li>(c) Built development, earthworks and access having a low key rural character in terms of location, layout and development, with particular regard to construction style, materials and detailing</li> <li>(d) Mitigating the adverse effects of light spill on the night sky.</li> <li>(e) Avoiding adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance.</li> <li>(f) Installing sustainable systems for water supply, sewage treatment and disposal, stormwater services and access.</li> </ul> | C                            |
|                 | <b>Standards: Loch Linnhe Station approved Farm Base Areas</b>  | <b>Non-Compliance Status</b> |
| 21.5.54         | <ul style="list-style-type: none"> <li>(a) No building shall exceed 6 metres in height.</li> <li>(b) No building within the approved Wye Creek Farm Base Area shall be visible from any State Highway.</li> <li>(c) Built form shall not exceed a footprint of 1800m<sup>2</sup> total within the approved Wye Creek Farm Base Area.</li> <li>(d) Built form shall not exceed a footprint of 4700m<sup>2</sup> total within the approved Homestead Farm Base Area.</li> </ul>   | NC                           |

**RVZ Option**

**3.10** The closest alternative to the “FBA concept” in the ODP is small areas of RVZs identified at various high-country stations in the Wakatipu basin. These small “spot zones” occur at Walter Peak Station,

Arcadia Station, Cecil Peak Station and on land formerly part of Wyuna Station (now Blanket Bay). Larger RVZ occur at Arthurs Point and Cardrona, the former having very little rural character remaining, being more akin to business zone.

**3.11** The purpose of the RVZ is detailed in Page 12-33 of the ODP:

*“The purpose of the Rural Visitor Zone is to complement the existing range of visitor accommodation opportunities in the District and provide for increased opportunity for people to experience the rural character, heritage and amenity of the rural area. The Zone provides for a range of accommodation, entertainment, cultural and recreational activities.*

*The Rural Visitor Zone applies to areas of land which are recognised as having visitor interest, are isolated from town centres and can make a significant contribution to the range of accommodation and activities available within the District.”*

**3.12** My understanding is the RVZ provisions are to be considered at a later stage of the District Plan review. When the PDP was publicly notified I contacted the then manager of planning Mr. Paetz and asked him when was the most appropriate time to make a submission seeking new or extended RVZ in the PDP. His response was that Stage 1 of the Review was the appropriate time, as there may not be another opportunity to request new areas for RVZ's. Despite my unease about this, I proceeded to draft a submission on behalf of LLS requested that they have two small RVZs identified on their property (as an alternative to the concept of a FBA) similar to what other high-country stations in the basin have.

**3.13** The difficulty with this approach is we have no way of knowing exactly what provisions will apply to RVZs when they are reviewed or possibly if they will survive the District Plan review at all. This is made particularly difficult by the fact that some of the RVZs in the ODP are now within UGB's and have taken on a commercial character, others are proposed to be developed into dense villages and the remainder still relatively undeveloped. Many of the RVZs don't bear any resemblance to the intended purpose of the zone.

**3.14** I understand there is nothing to stop LLS asking for land that is subject to Stage 1 of the review to have any particular zoning – whether that is a proposed zone, an operative zone or a new bespoke one. In this case, LLS are asking for RVZ over land proposed to be RZ and in response to the Council's section 42A report, also seeks policies and rules that are specific to that zone. LLS are not asking for operative rules, not subject to Stage 1 to be amended, but rather *added to* with specific reference to the LLS RVZs. I understand from LLS counsel Ms. Macdonald that this approach is within scope, and does not affect any other party or landowner whose land might be unaffected by the review because of an operative zoning – the extent of which is not sought to be changed, nor

the rules applying to the same.

- 3.15** Accordingly, if the LLS submission is accepted and two small RVZs are identified on the property (spatially in accordance with Mr. Espie's recommendation) then I recommend the following additions to the operative provisions of the RVZ specific to LLS:

- (i) Insert additional Policy 7:

*Recognise the potential at Loch Linnhe Station to provide farm related activities, visitor accommodation and associated tourist activities that support the functioning of the Station, and that retain rural character and landscape values.*

- (ii) Insert additional explanation:

*Loch Linnhe Station provides the opportunity to develop two discrete areas for Rural Visitor purposes in a manner that is consistent with the open space rural environment and complement the management of the wider Station for farming purposes.*

- (iii) Amend Rule 12.4.2.4 Non-Complying activities (i) as follows:

*Farming Activities, except at Loch Linnhe Station*

- (iv) Amend Site Standard 12.4.5.1 (iii)(b) Servicing

*Effluent disposal shall be reticulated to a Council approved system except at Loch Linnhe Station*

- (v) Amend Zone Standard 12.4.5.2(i) Building Height

*(d) Except at Loch Linnhe Station where maximum height shall be 6m from existing ground.  
(e) At the Wye Creek RVZ within Loch Linnhe Station no building shall be visible from the State Highway.*

- (vi) Insert additional Zone Standard 12.5.4.2(viii) Site Coverage

*(viii) Site Coverage at Loch Linnhe Station*

*Within Loch Linnhe built form shall not exceed a footprint of*

- (a) 1800m<sup>2</sup> at the Wye Creek Site  
(b) 4700m<sup>2</sup> at the homestead site*

## 4. Issues and Objective

- 4.1** In order to determine the most appropriate option the first step is to establish the resource management issue, and then the objective of the rezoning request.
- 4.2** As expressed in the submission, Loch Linnhe station is pastoral lease of some 3766ha in area. The PDP zones the whole station RZ, with an ONL classification. Obtaining approvals for any development beyond farm buildings is difficult, uncertain and potentially very costly.
- 4.3** While there are objectives and policies within the PDP that support the use of the station for farming activities, and rules that enable farm buildings, the policy framework as proposed does not support the addition of residential, staff accommodation or visitor accommodation buildings. Enabling diversification within large landholdings can help achieve improved environmental quality through the ability to generate alternative sources of income. This can reduce pressure on vulnerable habitats by diversifying revenue and in this way, can better achieve sustainable management. This is the rationale for the adoption of FBAs within the Mackenzie Basin ONL as referred to in the submission. Further, enabling some diversification in small pockets within such large landholdings recognises the expansive nature of these sites, and the relatively small areas within which development is proposed to occur.
- 4.4** The resource management issue for LLS can be summarised as follows:

*Loch Linnhe Station is a large landholding within the RZ within an ONL classification. The policy framework of the proposed RZ aims to avoid adverse effects on landscape values and the rules framework requires discretionary or non-complying consent with detailed assessment for any future buildings. There is no certainty that any additional built form could be achieved within the Station. There is a need to enable some level of development within the areas of the Station where it can be absorbed, and where some diversification will benefit the wider Station.*

*The submitters acknowledge that any future development must respect the landscape qualities of the site, and are seeking a planning regime that better enables some development within the station, recognising the scale of the landholding and the potential limited development within it.*

- 4.5** The submission requested that two areas within the Station (Wye Creek and Homestead) either be identified as FBAs within the RZ provisions or rezoned RVZ.
- 4.6** The objective of the request can be identified as follows:

*To identify two areas within Loch Linnhe Station within which homesteads, staff accommodation, visitor accommodation and farm buildings are enabled.*

## 5. Assessment

- 5.1** At the time of writing this evidence I have had the benefit of reading Mr. Buxton's section 42A report and accompanying evidence, as well as Mr. Espie's evidence. As a result, my evidence has been condensed to the issues of concern raised in those reports. Mr. Buxton's recommendation is to reject LLSs submission for the following reason:

*"The use of Farm Based Areas is as yet untested and the existing management regime in Queenstown District of providing case by case assessments is a more efficient and effective method of managing development in the rural area. The requested alternative Rural Visitor zone is not part of the Stage 1 review and is not considered an appropriate method for either site particularly the smaller site which would result in a spot zone."*

- 5.2** In short, Mr. Buxton dismisses both points of submission, the FBAs because it is not yet tested as a method and Mr. Buxton's opinion that there is greater pressure on the rural land with the QLDC than in Mackenzie, and the RVZ because it is not part of Stage 1. Mr. Buxton states:

*"Although both Dr Read and I consider the FBA concept has merit, the identification of each area would be resource hungry and the method as yet is untested. Its appropriateness in the high growth, high demand for rural settlement environment of Queenstown is uncertain. I consider it is more efficient to address the matter of landscape issues on a case by case basis so that landscape effects can be assessed against a known specific proposal."*

- 5.3** With respect I disagree with Mr. Buxton's opinion. Firstly, the concept of FBAs in the Mackenzie Basin ONL has been around since Plan Change 13 was publicly notified in 2007. FBAs have been the subject of at least 14 Environment Court decisions and three High Court decisions. The FBA concept is therefore well tested. In my opinion, there is no reason why a similar concept (relevant to the QLDC plan context) could not be included in the PDP for high country stations with the mapping of the FBAs being inserted as a private plan change (with the exception of Loch Linnhe – which can be inserted through this process) or a later stage of the District Plan review, in other appropriate cases, or as an alternative to some or all of the operative RVZ's
- 5.4** I disagree with Mr. Buxton that there is any less pressure on large rural landholdings in Mackenzie Basin, particularly high country stations the FBA concept is aimed at. From my experience, there is actually more development occurring in Mackenzie Basin high country stations than Queenstown's, primarily due the recent freeholding of land, tourism pressure and most significantly pastoral

intensification. That is exactly why the Mackenzie District Council initiated Plan Change 13 which included the concept of FBAs and why the Courts have endorsed the approach. Just because this method represents a new planning regime within the Queenstown planning framework, this does not make it a high risk or unacceptable method. In my opinion, the resource management issues are very similar between the Mackenzie District and the high-country stations within the Queenstown Lakes District and I do not share Mr. Buxton’s concerns regarding risk of applying this new regime to Queenstown.

**5.5** I also disagree with Mr. Buxton that it is more efficient to address the matter of landscape issues on a case by case basis so that landscape effects can be assessed against a known specific proposal. The spatial extent of the requested FBAs or RVZs have been identified and their location and scale is supported by the evidence of Mr. Espie who has undertaken a landscape assessment of the sites. Deferring consideration of the ability of these sites to absorb development to a future date is not, in my opinion, efficient nor consistent with the analysis to be undertaken pursuant to Section 32, to determine the most appropriate zone for the land

**5.6** Deferring assessment to a case by case basis is also, in my opinion, disabling as any application for accommodation would be assessed against a suite of restrictive objectives and policies, with very little certainty to the applicant as to whether an application may be accepted, and giving no recognition to the extensive nature of the LLS. There is also a significant cost to applying for resource consents under the RZ provisions, including likely public notification due to ONL status.

**5.7** With respect to the accompanying reports, Mr. Buxton notes the following:

| Summary of Council Assessments and recommendations |   |
|--|---|
| Landscape  | Opposed   |
| Ecology  | Not Opposed   |
| Infrastructure (wastewater and water supply)       | Opposed to the Rural Visitor Zone. Not opposed to the <b>FBA</b> areas. |
| Traffic  | Opposed.  |

**Landscape**

**5.8** At paragraph 22.4 of his report, Mr. Buxton states that Dr. Read opposes the rezoning from a landscape perspective. Mr. Buxton states:

*“For both areas (the Wye Creek and homestead blocks) whilst the sites could absorb some development, the requested zoning and potential level of development would not be appropriate”.*

**5.9** With respect to statement, it appears from paragraphs 12.45 and 12.53 of her report that Dr. Read has incorrectly assessed the two zoning requests as seeking Rural Residential Zoning. I take some responsibility for that, as the plans attached to the submission incorrectly labelled the two areas as rural-residential. However, the decision requested in the submission reads:

- (i) The concept of a FBA's be included in the Queenstown-Lakes PDP;*
- (ii) That FBA's be identified on large rural property in excess of 1000 hectares in area;*
- (iii) That within FBA's, homesteads, staff accommodation and farm buildings be a permitted or controlled activity;*
- (iv) That two FBA's be identified on our property as shown on the plans attached to this submission;*
- (v) If (i) to (iv) above is not accepted, then we seek Rural Visitor zoning over the two areas we identify as being suitable FBA's consistent with other stations in the district.*
- (vi) Any other consequential amendments required to give effect to this submission."*

**5.10** There is no relief seeking rural-residential zoning. This is important in respect of Dr. Reads paragraphs 12.49 in respect to the Wye Creek site as she assesses development under rural residential zoning which *"could entail the establishment of approximately 4 dwellings."* Dr. Read states in respect to the Wye Creek block:

*"While control would still be imposed on the construction of these dwellings there is no control over landscaping and this could result in a node of domestication within an ONL."*

**5.11** And in relation to the homestead site Dr. Read states that under the proposed Rural Residential Zoning the proposed area could produce approximately 18 dwellings. Dr. Read considers this would alter the character of the landscape in this vicinity significantly, creating a node of nearly urban development.

**5.12** What is important, in my view, is Dr. Reads acknowledgement that both these areas could absorb some level development.

**5.13** Mr. Espie has further assessed the landscape and visual effects in his evidence. Mr. Espie concludes that the proposed clusters of activities would be discrete and would be located on small fans that accommodate improved pasture. Mr. Espie notes that such fans are traditional locations of homestead farm base activities for stations that abut Lake Wakatipu's edge and as such he considers there is considerable logic in relation to the requested situation in terms of landscape character.

**5.14** In relation to visual effects, Mr. Espie considers the Wye Creek FBA/RVZ will only have limited effects on the users of a certain part of the lake surface. Mr. Espie states that these lake users will

visually experience more human modification to the landscape than currently exists but the modification will appear in a logical location adjacent to other development on the same small fan (the Drift Bay rural living area) and will be dwarfed by the surrounding mountain slopes and lake surface. I concur with those findings.

- 5.15** In relation to visual effects, Mr. Espie considers the Homestead FBA/RVZ will be visible from the lake and also some terrestrial viewpoints. Mr. Espie considers in visual terms, enabled development will take the form of expansion of an existing farm base area. To that extent, he considers a lake viewer must be reasonably distant in order to get a view of the relevant area. In this respect, Mr. Espie considers the expanded cluster will have visual logic in that it will be on a modified and improved fan landform which is distinct from the rugged mountain slopes. Mr. Espie considers that visual amenity will not be significantly reduced. I concur and rely on these findings.
- 5.16** From the state highway Mr. Espie considers a user could gain some views into the area as they travel between Devil's Staircase and Kingston. Mr. Espie considers views from this stretch of highway are overwhelmingly dominated by the lake surface and the surrounding mountains and development that would result from the requested FBA/RVZ would be inconspicuous and would only slightly detract from the quality of current views. I concur with and rely on these findings.

### **Infrastructure**

- 5.17** Mr. Buxton discussed Mr. Glasner's recommendation at paragraph 22.6 of the section 42A report. Mr. Buxton records Mr. Glasner as being opposed to the RVZ, but not the FBA concept. Mr. Glasner is opposed to the RVZ because *"it potentially allows a high density development in a rural area and it is unclear how servicing of this site is planned, and whether it is feasible given the site constraints."* With respect to FBA's Mr. Buxton states *"he does not oppose [the FBA] rezoning because from an infrastructure perspective there is no increase in the QLDC infrastructure requirements, as the site will continue to be serviced privately at the owners' cost."*
- 5.18** In Part 3 of my evidence I place some further restrictions on the development potential of the requested FBAs. Mr. Glasner did not oppose the FBAs prior to recommendation of these development restrictions. I also place the same restrictions on any RVZ if that is the preferred option. As a consequence, I anticipate that Mr. Glasner no longer opposes the requested RVZ from an infrastructure point of view.

### **Ecology**

- 5.19 At paragraph 22.5 of his section 42A report Mr. Buxton states that Mr. Davis does not oppose the rezoning from an ecological perspective because both sites have a lack of indigenous vegetation cover. I concur with Mr. Davis's view, and further add that there is significant opportunity to further enhance the ecology under a FBA concept (I refer to my paragraph 3.4) and potentially under the provisions of the RVZ as well.

### Traffic

- 5.20 At paragraph 22.7 of his section 42A report Mr. Buxton refers to Mr. Mander's opinion that the proposed rezoning has the potential to generate large amounts of traffic accessing the state highway. Mr. Buxton notes Mr. Mander's assessment that the requested rezoning does not match the intent of the submitter and due to a lack of information on how access is to be provided he opposes the rezoning from a traffic perspective.
- 5.21 Again I anticipate that the further restrictions on development potential I have recommended in this report (in addition to the spatial reduction recommended by Mr. Espie) alleviate Mr. Mander's concerns that the requested FBA/RVZ match the submitters intent. Any future access to development within the FBAs or RVZs will need to comply with Council's standards and obtain approval from the New Zealand Transport Agency.

### Overall

- 5.22 Overall, I consider there is no resource management impediment to the identification of a FBA or RVZ restricted in nature as I have detailed in Part 3 of my evidence above.

## 6. Mandatory Assessment Criteria

- 6.1 In preparing this evidence I am mindful of the amended mandatory legal criteria the Hearings Panel must consider as set out in *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55. This includes:
- (a) Accords with section 75(1) and assists the Council to carry out its functions (s 31) so as to achieve the purpose of the Act (s 72).
  - (b) Gives effect to National Policy Statements that are relevant (section 73(3)(a));
  - (c) Gives effect to the Otago Regional Policy Statement (section 75(3)(c));

- (d) Has had regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register (section 74(2)(b));
- (e) Takes into account any relevant planning document recognised by an iwi authority;
- (f) Does not have regard to trade competition (section 74(3)).

6.2 I discuss each of these criteria below.

**(a) Whether the proposal accords with section 75(1) and assists the Council to carry out its functions to achieve the purpose of the RMA.**

6.3 Section 75(1) of the RMA requires a District Plan to state the objectives for the district; state the policies to implement the objectives; and state the rules (if any) to implement the policies. The submission seeks to zone two areas within the Station RVZ. The RVZ will contain objectives, policies and rules which assist the Council to carry out its functions (Section 31) in achieving the purpose of the RMA in a later stage of the review. This criterion, in my opinion, is therefore satisfied in the consideration of the submissions.

**(b) Whether the proposal gives effect to any relevant National Policy Statements (NPSs).**

6.4 At the time of writing this evidence the following NPSs were in place:

- Urban Development Capacity
- Freshwater Management
- Renewable Electricity Generation
- Electricity Transmission
- New Zealand Coastal Policy Statement

6.5 I understand that work has been undertaken on a proposed NPS for Indigenous Biodiversity but this is not yet complete.

6.6 None of these NPS's are of particular relevance to the site or the submission.

**(c) Whether the proposal gives effect to any relevant Regional Policy Statements and Plans.**

6.7 The relevant RPS's are the OORPS (dated 1 October 1998) and the PORPS as amended by ORC's decisions on submissions (dated 1 October 2016). I note the PORPS is subject to appeals and is due to be heard by the Environment Court this year.

**(i) Operative Otago Regional Policy Statement**

- 6.8** The OORPS provides an overview of the resource management issues of the Otago Region and the ways of achieving integrated management of its natural and physical resources. The relevant chapters of the OORPS to the consideration of the submissions are:
- Chapter 4 Mana whenua Perspective
  - Chapter 5 Land
  - Chapter 6 Water
  - Chapter 7 Air
  - Chapter 11 Natural hazards
- 6.9** I discuss each of the relevant objectives and policies from these chapters in relation to the specific changes detailed above. I have attached a list of the relevant objectives and policies to my evidence as **Attachment CV1** to assist the panel.
- 6.10** The relevant Chapter 4 Mana whenua objectives and policies are Objective 4, and policies 4.4.3 Wai and 4.5.5 Kaitiakitanga. The requested FBA/RVZs is unlikely to adversely affect any waterbodies. While the proposed Wye Creek FBA/RVZs is within close proximity to Lake Wakatipu, the proposed area to be rezoned is physically separated from the Lake. Any future development would be required to obtain resource consent, and that resource consent process retains control over servicing. This would ensure that any future development would not result in discharges to the Lake.
- 6.11** The requested FBA/RVZs does not affect the concept of guardianship of the land. The proposed rezoning is located in two discrete pockets within a large pastoral farm. Enabling some development where it can be absorbed, and in a manner, that supports the wider farming activity represents appropriate guardianship of the land.
- 6.12** The relevant Chapter 5 Land objectives include Objective 5.4.1, 5.4.2 and 5.4.3 and 5.4.4.
- 6.13** With respect to Objectives 5.4.1 and 5.4.2 the requested FBA/RVZs promotes sustainable management by maintaining and enhancing the primary productive capacity and life-supporting capacity of the property by retaining the majority of the Station in rural activities and enabling some development within two small areas. In total Loch Linnhe is 3766ha in size. It is proposed to rezone 12ha at the southern site, and 2.44ha at the Wye Creek site and impose controls on the potential building footprint. When considered in the context of the scale of the wider site these areas within which some development including the addition of buildings could be located is very small. The primary production values associated with the wider Station will be maintained.

- 6.14** With respect to Objective 5.4.3 this rezoning does provide for a greater level of development within the ONL. However, the areas within which the FBA/RVZs are proposed have been chosen carefully such that they are not extensive, and are within locations where development can be absorbed. This has been achieved by working closely with Mr. Espie to refine the areas to be rezoned, and to develop appropriate methods. The proposed controls will avoid potential impacts of future built form. They include a standard requiring that buildings within the Wye Creek RVZ are not visible from the State Highway. This will ensure that landscape effects are kept to a minimum. Further, controls are suggested that retain a small footprint for future buildings, and this means that while the requested FBA/RVZs is relatively generous in size, the area within the new zone that could be developed is very small.
- 6.15** With respect to Policy 5.4.4 the proposed rezoning does not alter the level of public access.
- 6.16** The relevant Chapter 5 Land policies include policies 5.5.1, 5.5.2, 5.5.3, 5.5.4, 5.5.5, 5.5.6 and 5.5.7. With respect to Policy 5.5.1 the requested FBA/RVZs sites do not contain any known archaeological, wahi tapu or heritage value.
- 6.17** With respect to Policies 5.5.2 and 5.5.3 the requested FBA/RVZs enable the retention of the primary productive capacity of the wider station. The areas proposed for rezoning do not contain high class soils, and the extent of development that is enabled by the proposed rezoning will not impact adversely on the carrying capacity of the Station. The requested FBA/RVZs will not reduce the soils carrying capacity, healthy vegetative cover or cause soil loss, contaminate soils, reduce productivity or compact soils or reduce soil moisture holding capacity. This is because of the small scale of the requested FBA/RVZs within the wider 3766ha station and the proposed controls which limit building footprint and retain control over servicing and earthworks.
- 6.18** With respect to Policy 5.5.4 the requested FBA/RVZs, in my opinion, promote diversification by better enabling development opportunities within a rural setting that respond to their location. The requested FBA/RVZs, including the proposed design controls and rules is therefore consistent with this policy.
- 6.19** With respect to policy 5.5.5 the requested FBA/RVZs minimise the adverse effects on the quality and quantity of Otago's water resource by requiring consents for future subdivision and/or land use and retaining control over servicing the development in the future. Both of the proposed areas of requested FBA/RVZs are physically separated from the Lake, and the proposed footprint allowed within the requested FBA/RVZs is appropriately small. The requested FBA/RVZs and controls ensure that future development can be absorbed into the site without adversely impacting on ground water or surface water resources.

- 6.20** With respect to 5.5.6 the ONL values of the property will be maintained through the requested FBA/RVZs. The sites are located within the ONL and their landscape values are recognized and provided for. Firstly, this is achieved by careful selection of the areas to which the requested FBA/RVZs would apply. Secondly, through imposing additional controls on future built form that ensures that future development will be small in scale and will not adversely impact on the landscape values of the ONL. I rely on the evidence of Mr. Espie in this regard.
- 6.21** With respect to Policy 5.5.7 the proposal does not promote the provision of public access; there is currently no public access provided through the Station and it is not proposed to change that situation, given that the Station will continue to be managed as a pastoral farm and public access is not always compatible with that use.
- 6.22** The relevant Chapter 6 Water objectives include objectives 6.4.2, 6.4.3, 6.4.4, 6.4.7 and 6.4.8.
- 6.23** With respect to Objectives 6.4.2, 6.4.3 and 6.4.4 the proposed areas of rezoning are of a small scale, and control will be retained over future servicing. This will ensure that any future development will not impact upon on Otago's water resources, consistent with these objectives.
- 6.24** With respect to Objective 6.4.7 the margins of the Lake are Crown land and the requested FBA/RVZs does not alter that fact. No public access is currently available, and given that the Station will continue to operate as a farm no public access is proposed by this zone change.
- 6.25** With respect to Objective 6.4.8 the areas within which the requested FBA/RVZs are located is ONL. The areas of requested FBA/RVZs have been selected, and appropriate controls proposed, that ensure the natural character and landscape values are protected.
- 6.26** Policies 6.5.1 – 6.5.7 are relevant to the extent that the proposed rezoning will retain control over future land use and subdivision and the level of development is relatively small in scale. Techniques can be adopted to ensure that water use is minimized and any future development will be required to address servicing in detail at the time of resource consent. As discussed above, both requested FBA/RVZs are physically separated from nearby water bodies. In terms of public access to the margins of the lake the existing situation will not be altered by the requested FBA/RVZs. Section 7 relates to Air and Section 8 to the Coast. The objectives and policies of those sections are not relevant to this submission.
- 6.27** Section 9 relates to the built environment. With respect to Objective 9.4.1 the requested FBA/RVZs promote the sustainable management of the built environment in order to meet present and reasonably foreseeable needs and provides for amenity values. It does this by locating the zoning

where it can be absorbed and adopting controls that ensure potential effects are effectively managed. By maintaining control over scale and character of built form and in regards to the Wye Creek site imposing controls that ensure no buildings will be visible from the State Highway, the proposal conserves and enhances environmental and landscape quality.

- 6.28** With respect to Objectives 9.4.2 and 9.4.3 and associated policies the proposal does not impact on the Region's infrastructure. Both sites will be accessed off the State Highway, and have adequate frontage to ensure that this access can be achieved without adversely impacting upon the functioning of the State Highway. Given their remote location both sites will be self-sufficient in terms of servicing. Adequate servicing will be ensured through resource consent requirements, which retain control over access and services. Policy 9.5.4 is not relevant given that the level of development enabled by the rezoning is rural in character and is not urban in scale.
- 6.29** The relevant Chapter 10 Biota objectives and policies include Objective 10.4.3 and Policy 10.5.2. The requested FBA/RVZs contains no areas of vegetation identified as being a significant habitat of indigenous vegetation. The Proposed District Plan as notified identified five Significant Natural Areas within the Loch Linnhe Station. None of those areas are within or in proximity to the requested FBA/RVZs.
- 6.30** The relevant Chapter 11 Natural Hazards objectives and policies are Objectives 11.4.1 and 11.4.2 and Policies 11.5.2 and 11.5.3. Natural Hazards have been addressed at a broad level with respect to the proposed rezone sites. Both sites are identified in the QLDC hazard maps as being subject to alluvial fan hazard. These potential hazards can be managed effectively through future resource consents at which time more detailed analysis of potential risk would be assessed. It is noted that the notations in the QLDC GIS maps are at a broad level, and need refinement through more detailed site-specific analysis.
- 6.31** The requested FBA/RVZs provisions retain control over hazards, with the controlled activity rule for buildings that are for the purposes of residential, visitor accommodation, commercial or recreation activity retaining control over

*In respect of the avoidance or mitigation of danger or damage from natural hazards, including earthworks, slope instability, erosion and deposition.*

- 6.32** The Wye Creek requested FBA/RVZ is located away from the Wye Creek alluvial fan, and the southern requested FBA/RVZ is extensive and with control retained over hazards, any potential natural hazards issues can be addressed at the time of future land use consents.

**6.33** In summary, the proposed plan change is consistent with, and gives effect to, the relevant provisions of the OORPS.

**(ii) Proposed Otago Regional Policy Statement (PORPS)**

**6.34** The PORPS has advanced to the stage of the issue of a decision (which is now subject to appeals to the Environment Court). I have attached a list of the most relevant objectives and policies from PORPS (decisions version) to my evidence as Attachment CV2. The relevant section of the PORPS to the consideration of LLSs submission are:

- Chapter 1 Resource Management in Otago is Integrated
- Chapter 2 Kai Tahu Values and Interests
- Chapter 3 Otago has high quality natural resources and ecosystems
- Chapter 4 Communities in Otago are resilient, safe and healthy
- Chapter 5 People are able to use and enjoy Otago's natural and built environment

**6.35** Policy 1.1.2 Economic Wellbeing is relevant at a broad level, and recognises the importance of enabling the use and development of natural and physical resources if the adverse effects of those activities on the environment can be managed to give effect to the objectives and policies of the PORPS. The requested FBA/RVZs achieve this policy by enabling some development where additional built form and activities can be absorbed.

**6.36** The relevant Chapter 2 objectives and policies are 2.1 to 2.2 (Kai Tahu values and interests). The PORPS requires that Kai Tahu values and interests are recognised and kaitiakitaka is expressed. The requested FBA/RVZs, in my opinion, does not affect this from occurring. The requested FBA/RVZs achieves sustainable management of resources and future development will be managed to ensure that the life supporting capacity of natural resources will not be adversely affected.

**6.37** The relevant Chapter 3 objectives and policies are Objective 3.1 and Policy 3.1.1 Fresh Water, 3.1.3 Water and 3.1.10 Natural Features, Landscapes and Seascapes and Objective 3.2 Identifying highly values natural features, landscape and seascapes, Policies 3.2.5 and 3.2.6.

**6.38** The requested FBA/RVZs are, in my opinion, consistent with Objective 3.1 to the extent that the proposed controls enable only a small building footprint in two small isolated sites.

- 6.39** With respect to Policies 3.1.1 and 3.1.3 specific evidence has not been called with respect to infrastructure feasibility. That evidence is not necessary at this stage given the discrete nature of the two areas proposed for rezoning and their location within such an extensive site. This is further supported by imposing a restriction on the footprint of any proposed development and retaining control over servicing at time of land use consent for future buildings. In my opinion, the requested FBA/RVZs is consistent with these policies.
- 6.40** With respect to Policy 3.1.7 Soil Values the life supporting capacity of the soils will be maintained. The proposed requested FBA/RVZs are small in scale and the controls on the extent of footprint and on servicing ensures that the pastoral management of the wider station will not be affected by the requested FBA/RVZs.
- 6.41** With respect to Policy 3.1.9 the requested FBA/RVZs will not impact upon ecological and indigenous biological diversity. Both areas proposed to be rezoned do not contain significant indigenous vegetation or habitats of indigenous fauna. It is noted that the Wye Creek site does contain regenerating indigenous vegetation, and future development will recognise and provide for the associated values. The controlled activity rule for future buildings retains control over nature conservation values and natural character and therefore these values will be taken into account at the time of future resource consents.
- 6.42** With respect to Policy 3.2.1, as identified above there are five areas within Loch Linnhe that have been identified in the PDP as containing significant indigenous vegetation and habitats. The areas requested FBA/RVZs do not contain significant indigenous vegetation or habitat and do not impact upon those areas.
- 6.43** With respect to Policies 3.2.3 and 3.2.4 the requested FBA/RVZs sites are located within ONL. As identified above, the requested FBA/RVZs the policies through careful selection of the sites to be rezoned and limiting their extent. Further controls are imposed to ensure the rezoning does not impact adversely on landscape values. Specifically, in addition to the provisions requested FBA/RVZs, height and controls on the extent of building footprint, and at the Wye Creek site the inclusion of a zone standard to ensure that no built form will be visible from the State Highway. This restrictive provision recognises the importance of retaining views across the site.
- 6.44** Overall, I consider the specific changes sought, and therefore the request for two FBA/RVZs on the subject site, is consistent with Objective 3.1 and 3.2 and associated relevant policies.

- 6.45** The relevant Chapter 4 objectives and policies include Objective 4.1 and Policies 4.1.1 to 4.1.6 in respect of natural hazards; Objective 4.3 and Policy 4.3.1 in respect of infrastructure; and Objective 4.4 in respect of energy supply. These issues can be resolved through future resource consents. Specifically, the controlled activity rules that apply to all buildings within the requested FBA/RVZs retain control over natural hazards. While both sites are identified on the QLDC GIS as being susceptible to alluvial fan hazard, that notation is at a very broad level, and there is capacity within both sites to locate future built form where it does not exacerbate natural hazards, or place future residents at risk. Control is retained over natural hazards and this is a matter that can be addressed at the time of resource consents.
- 6.46** Policy 4.3.4 relates to protecting regionally significant infrastructure. As identified above, given the extent of road frontage at each site appropriately safe access can be achieved that enables the development while avoiding adverse effects on the functioning of the State Highway. With respect to Policy 4.5.7 infrastructure will be integrated with land use, and this is achieved by retaining control over services so that these matters are addressed at resource consent stage.
- 6.47** With respect to Policy 4.6.5 the requested FBA/RVZs have been used for pastoral farming for many years. It is appropriate that at the time of resource consent further investigation is undertaken pursuant to the NES for Contaminants in Soils to Protect Human Health.
- 6.48** Objective 5.3 and Policy 5.3.1 are achieved. The requested FBA/RVZs are for two discrete areas for the purposes of enabling some small-scale development that supports the wider station maintains primary production of the Station, minimises loss of significant soils, does not enable activities that could increase reverse sensitivity effects. The proposed rezoning does not enable subdivision. The rezoning accords with 5.3.1(e) by providing for activities that have a functional need to locate in the rural area, at a nature and scale that is compatible with the rural activities undertaken on the station.
- 6.49** The requested FBA/RVZs are, in my opinion, consistent with, and give effect to, the relevant objectives and policies of the PORPS.

**(iii) Regional Plan: Air and Water**

- 6.50** The Regional Plan: Water may be of relevance if the RVZ is approved to the extent that at the time of future building there may be requirements for water takes. This matter is best dealt with at the time of resource consents. The Regional Plan: Air is unlikely to be relevant. This is because it is unlikely that there would be discharges to air as a result of the requested FBA/RVZs.

**(iv) Proposed District Plan- Strategic Directions**

- 6.51** I have undertaken a thorough assessment of the proposed provisions in accordance with Section 32AA of the Act, and attach this assessment at Appendix CV3 to my evidence.
- 6.52** Goal 3.2.1 is to develop a prosperous, resilient and equitable economy. Enabling development within two discrete areas of the large Loch Linnhe landholding achieves this goal. The requested zone change recognizes the potential for landholdings such as Loch Linnhe to diversify and through the adoption of the provisions ensures that a sensitive approach to rural amenity, landscape character, healthy ecosystems and Ngai Tahu values is taken. In my opinion adopting the RVZ/FBA zoning and associated provisions better achieves Goal 3.2.1 and its associated objective than the RZ.
- 6.53** Goal 3.2.4 is *“The protection of our natural environment and ecosystems”*. Objective 3.2.4.1 is to Promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems. As addressed above when considering the zoning request in light of the RPS and PORPS the rezoning of the two areas within Loch Linnhe sustains and enhances the life-supporting capacity of air, water, soil and ecosystems.
- 6.54** Goal 3.2.5 is that *“Our distinctive landscapes are protected from inappropriate development”*. Objective 3.2.5.1 and associated policies 3.2.5.1.1, 3.2.5.3 are to protect the natural character of ONL and to direct new subdivision, use or development to those areas which have potential to absorb without detracting from landscape or visual amenity values.
- 6.55** The two discrete areas to be rezoned RVZ / FBA are within the ONL. I rely on the evidence of Mr Espie which identifies that these areas can absorb development, subject to the proposed additions to the RVZ which control the extent of development. The selection of the areas to be rezoned and the proposed provisions ensure that development will be undertaken in a location and in a manner, that protects the natural character of the ONL in which it is located. In my opinion, the RVZ/FBA achieves Goal 3.2.5 and associated policies.
- 6.56** Objective 3.2.5.4 is to Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained and Policy 3.2.5.4.1 is to give careful consideration to cumulative effects. Providing for additional development within two discrete locations within Loch Linnhe Station, with controls over the extent of that development recognises and provides for this objective and policy.

- 6.57** The proposed rezoning achieves Policy 3.2.5.4.2 by providing for rural living opportunities in appropriate locations. Mr Espie identifies that the areas to which the FBA/RVZ is to apply are appropriate for future development for residential or visitor accommodation development
- 6.58** The proposed rezoning applies to two discrete areas within a 3766ha landholding, better enabling some diversification within those two areas which will support the continued farming of the wider Station. The rezone therefore achieves Objective 3.2.5.5 and associated policy 3.2.5.5.1. Policy 3.2.5.5.2 is to recognise that the retention of the character of rural areas is often dependent on the ongoing viability of farming. The proposed rezoning achieves Policy 3.2.5.5.2 by enabling diversification where it can be absorbed. The diversification contributes to retention of the rural character by ensuring the ongoing viability of the pastoral farming across the wider Station.
- 6.59** I address each of the relevant objectives and policies of the Strategic Directions Section of the PDP in the attachment CV3 to my evidence. In my opinion, the rezoning better achieves the strategic objectives and policies than the RZ provisions. The Strategic Directions Section recognizes the important contribution that large stations such as Loch Linnhe make to the rural character of the District. Enabling some development within discrete areas that contributes to the continuation of the pastoral management of the wider station, and which contributes to maintaining the rural character of the District is consistent with the Strategic Directions objectives and policies.

**(d) Whether the proposal has had regard to any relevant management plans or strategies under other acts.**

- 6.60** In my opinion there are no other management plans or strategies prepared under other acts relevant to the consideration of the submission.

**(e) Takes into account any relevant planning document recognised by an iwi authority.**

**(i) Kai Tahu ki Otago Iwi Management Plan (KTKP RMP)**

- 6.61** The Kai Tahu ki Otago Resource Management Plan (the KTKO RMP) was prepared in 2005 and is the principal planning document for Kāi Tahu ki Otago. It was developed over a 2-year period through extensive consultation with the four Papatipu Rūnaka of Otago as well as consultation with, and input from, the Otago whānau and rōpū groups and Southland and South Canterbury Rūnaka.
- 6.62** At Section 2.5.6 the KTKO RMP states that '*Kāi Tahu ki Otago values have been incorporated, to varying extents, in the following Regional and District Plans and Policy Statements*'. Key issues identified in the KTKO RMP relate to wai maori, wahi tapu, mahika kai and biodiversity, cultural landscapes, air and atmosphere, coastal environment.

- 6.63** Loch Linnhe is located within the Clutha-Mata-au Catchment, and this is described at Section 10.1 as:  
*“The Clutha/Mata-au Catchment centres on the Clutha/Mata-au River and includes all sub-catchments within this main Catchment.*
- 6.64** Further, the Wye Creek site is located adjacent to Lake Wakatipu which is a Statutory Acknowledgment area, and a Nohoanga site is located to the north (on the northern side of Wye Creek). There is adequate separation between the requested FBA/RVZ sites and the Nohoanga to ensure that there will be no effect of the rezone on the Nohoanga site.
- 6.65** There is no known wahi tapu associated with the site. The Accidental Discovery Protocol can be imposed by consent conditions on any future resource consents if deemed necessary.
- 6.66** The requested FBA/RVZ sites at Loch Linnhe can be developed in such a way that the provisions of the NRMP can be achieved.

**(f) Does not have regard to trade competition.**

- 6.67** There are no trade competition issues relevant to the consideration of this submission.

## 7. Section 32AA evaluation.

- 7.1** Section 32AA aims to ensure that any changes to plan provisions during the hearing process are subject to a similarly high level of analytical rigour and transparency as the original evaluation. A further evaluation under section 32AA must include all the matters in section 32, but only in relation to the changes that have been made to the proposal since the evaluation report for which it was completed.
- 7.2** The Council's Section 32 evaluation applicable to the Loch Linnhe sites is applicable to the entire Rural Zone. Of relevance, the Council's Section 32 analysis identified the following resource management issue:

***Issue 2: The management of Farming Activities***

*Existing and anticipated farming activities (Reverse Sensitivity)*

*A range of activities are expected to occur in the rural areas that create odour, noise and dust, traffic generation and heavy vehicle traffic. Provided these effects do not constitute a genuine nuisance or health risk, they shall be accepted as anticipated components of rural activities.*

*It is acknowledged the Rural Zone is considered by many a desirable place to live and to also undertake commercial activities. It is important to recognise the importance of farming and established activities to the District and protect the viability of farming.*

- 7.3 A further evaluation is for the changes sought are attached to my evidence as **Attachment CV3**. This further evaluation examines the extent to which the proposed objectives and policies of the plan are, or are not, the most appropriate way to achieve the purpose of the Act.
- 7.4 I conclude from this evaluation that request FBA or RVZ is the most appropriate zoning for the two areas identified at LLS.

## 8. Part II of the RMA.

### Section 7

- 8.1 The following other matters to which particular regard must be given are relevant to the consideration of **LLS** submission:
- (b) the efficient use and development of natural and physical resources;
  - (c) The maintenance and enhancement of amenity values;
  - (f) the maintenance and enhancement of the quality of the environment.
- 8.2 The approval of requested FBA/RVZs would lead to efficient use and development of natural and physical resources given their intended purpose and ability to allow some small diversification. The approval of requested FBA/RVZs provisions would also ensure the amenity values of the requested FBA/RVZ are maintained and enhanced. The approval of the requested FBA/RVZs would also assist greatly in maintaining and enhancing the quality of this significant rural environment by enabling diversification in two small areas of the property.

### Section 6

- 8.3 The following matters of national importance shall be recognised and provided for and are relevant to the consideration of LLS submission:
- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
  - (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

- 8.4** The requested Wye Creek FBA/RVZ will slightly reduce the natural character of this area by introducing new human elements. The requested FBA/RVZ is therefore not inappropriate use or development in relation to 6(a).
- 8.5** The requested FBA/RVZs are located within an ONL. However, all experts agree that the sites requested for the FBA/RVZs have some capacity to absorb change. The requested FBA/RVZs are therefore not inappropriate use or development in relation to 6(b).

### **Section 5**

- 8.6** I consider the requested FBA/RVZs enables well-being of a significant high-country station in a way that enables some diversification in land use. Any potential adverse effects that have been identified in the section 42A report have been taken into account in the formulation of the maps and zone provisions.
- 8.7** I therefore consider the requested FBA/RVZs achieve the purpose and principles of the RMA.

## **9. Conclusion.**

- 9.1** The two areas within Loch Linnhe are, in my opinion, two areas that can absorb additional development in the form of a FBA concept or RVZ for the following reasons:
- (a) Within the broad context of the Loch Linnhe Station the two areas are very small in scale and provisions can be imposed that reduce any potential effect on landscape values.
  - (b) The proposed provisions recognize the ability to absorb some change while retaining control over matters such as external appearance, servicing and natural hazards. These controls ensure that at the time of resource consent a greater level of support is given to enabling development while retaining control that ensures the development is appropriate to its context.
  - (e) The location of the requested FBA/RVZs are not as sensitive to change as many locations within the RZ; the landscape and visual effects will be well mitigated; and there is considerable logic to the proposal in terms of landscape planning (relying on the evidence of Mr. Espie).
  - (f) Retaining the existing Rural Zone is not appropriate; it imposes significant costs and provides no certainty as to whether any development can occur. It is important that some

diversification is enabled, otherwise the provisions risk imposing a landscape reserve over Stations such as Loch Linnhe.

- 9.2** The requested FBA/RVZs provide for, in my opinion, a comprehensive approach to the future management of Loch Linnhe. Similar management occurs in other high-country stations in the Wakatipu Basin such as Cecil Peak and Walter Peak, where small areas are zoned RVZ, while the remainder of the Station is managed as a farm.
- 9.3** I consider the requested FBA/RVZs are the most appropriate method to manage the resource management issues for this particular site.

# Attachment CV1 – Relevant RPS Objectives and Policies

## **4. Mana Whenua**

4.4.3 Wai (Water) To recognise the principle of wairua and mauri in the management of Otago's water bodies.

4.4.5 Kaitiakitanga (Guardianship) To incorporate the concept and spirit of kaitiakitanga in the management of Otago's natural and physical resources in a way consistent with the values of Kai Tahu.

## **5.4 Land – Objectives**

5.4.1 To promote the sustainable management of Otago's land resources in order: (a) To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and (b) To meet the present and reasonably foreseeable needs of Otago's people and communities.

5.4.2 To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.

5.4.3 To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.

## **5.5 Land - Policies**

5.5.4 To promote the diversification and use of Otago's land resource to achieve sustainable landuse and management systems for future generations.

5.5.6 To recognise and provide for the protection of Otago's outstanding natural features and landscapes which:

(a) Are unique to or characteristic of the region; or

(b) Are representative of a particular landform or land cover occurring in the Otago region or of the collective characteristics which give Otago its particular character; or

(c) Represent areas of cultural or historic significance in Otago; or

(d) Contain visually or scientifically significant geological features; or

(e) Have characteristics of cultural, historical and spiritual value that are regionally significant for Tangata Whenua and have been identified in accordance with Tikanga Maori.

## **6.4 Water - Objectives**

6.4.2 To maintain and enhance the quality of Otago's water resources in order to meet the present and reasonably foreseeable needs of Otago's communities.

## **6.5 Water - Policies**

6.5.1 To recognise and provide for the relationship Kai Tahu have with the water resource in Otago through:

(a) Working toward eliminating human waste and other pollutants from entering all water bodies; and

(b) Consulting with Kai Tahu over any application that would result in the mixing of waters from different water bodies and the setting of water flows and levels.

## **9. 4 Built Environment – Objectives**

9.4.1 To promote the sustainable management of Otago's built environment in order to:

(a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and

(b) Provide for amenity values, and

(c) Conserve and enhance environmental and landscape quality; and

(d) Recognise and protect heritage values.

9.4.2 To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.

9.4.3 To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.

## **9.5 Built Environment - Policies**

9.5.2 To promote and encourage efficiency in the development and use of Otago's infrastructure through:

(a) Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology; and

(b) Promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure; and

(c) Encouraging a reduction in the use of nonrenewable resources while promoting the use of renewable resources in the construction, development and use of infrastructure; and

(d) Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.

9.5.4 To minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating:

(a) Discharges of contaminants to Otago's air, water or land; and

(b) The creation of noise, vibration and dust; and

(c) Visual intrusion and a reduction in landscape qualities; and

(d) Significant irreversible effects on:

(i) Otago community values; or

(ii) Kai Tahu cultural and spiritual values; or

(iii) The natural character of water bodies and the coastal environment; or

(iv) Habitats of indigenous fauna; or

(v) Heritage values; or

(vi) Amenity values; or

(vii) Intrinsic values of ecosystems;

9.5.5 To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:

(a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and

(b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and

(c) Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.

#### **10.4 Biota – Objectives**

10.4.1 To maintain and enhance the life-supporting capacity and diversity of Otago's biota.

10.4.2 To protect Otago's natural ecosystems and primary production from significant biological and natural threats.

10.4.3 To maintain and enhance the natural character of areas with significant indigenous vegetation and significant habitats of indigenous fauna.

#### **10.5 Biota - Policies**

10.5.3 To reduce and where practicable eliminate the adverse effects of plant and animal pests on Otago's communities and natural and physical resources through:

(a) Developing strategies to effectively manage Otago's plant and animal pests; and

(b) Educating about the responsibilities of all parties in the management of Otago's plant and animal pests; and

(c) Adopting the most practicable method of pest control while safeguarding the environment.

#### **11.4 Natural Hazards – Objectives**

11.4.1 To recognise and understand the significant natural hazards that threaten Otago's communities and features.

11.4.2 To avoid or mitigate the adverse effects of natural hazards within Otago to acceptable levels.

#### **11.5 – Natural Hazards – Policies**

11.5.2 To take action necessary to avoid or mitigate the unacceptable adverse effect of natural hazards and the responses to natural hazards on:

(a) Human life; and

(b) Infrastructure and property; and

(c) Otago's natural environment; and (d) Otago's heritage sites.

11.5.3 To restrict development on sites or areas recognised as being prone to significant hazards, unless adequate mitigation can be provided.

#### **13.4 Wastes & Hazardous Substances – Objectives**

13.4.1 To protect Otago's communities, environment and natural resources from the adverse effects of the waste stream.

13.4.2 To encourage a reduction in the amount, range and type of waste generated in Otago.

13.4.4 To minimise the risks to people and the wider environment arising from existing contaminated sites, and the storage, use, transportation and disposal of hazardous substances.

13.5.1 To recognise and provide for the relationship Kai Tahu have with natural and physical resources when managing Otago's waste stream through: (a) Providing for the management and disposal of Otago's waste stream in a manner that takes into account Kai Tahu cultural values; and (b) Working towards eliminating human wastes and other pollutants from entering Otago's waterways

13.5.7 To address the adverse effects of past waste disposal practices through:

(a) Identifying sites of old landfills, hazardous substance dumps or contamination within Otago; and

(b) Determining any adverse effects arising from those sites and requiring the remedying or mitigation of any adverse effects..

# Attachment CV2 – Relevant RPSDV

## Objectives and Policies

**Objective 2.1** *The principles of Te Tiriti o Waitangi are taken into account in resource management processes and*

**Policy 2.1.2** *Treaty principles Ensure that local authorities exercise their functions and powers, by:*

- a) *Recognising Kāi Tahu's status as a Treaty partner; and*
- b) *Involving Kāi Tahu in resource management processes implementation;*
- c) *Taking into account Kāi Tahu values in resource management decision-making processes and implementation;*
- d) *Recognising and providing for the relationship of Kāi Tahu's culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka;*
- e) *Ensuring Kāi Tahu have the ability to: i. Identify their relationship with their ancestral lands, water, sites, wāhi tapu, and other taoka; ii. Determine how best to express that relationship;*
- f) *Having particular regard to the exercise of kaitiakitaka; g) Ensuring that district and regional plans:*
  - i. *Give effect to the Ngāi Tahu Claims Settlement Act 1998;*
  - ii. *Recognise and provide for statutory acknowledgement areas in Schedule 2;*
  - iii. *Provide for other areas in Otago that are recognised as significant to Kāi Tahu;*
- h) *Taking into account iwi management plans.*

**Objective 2.2** *Kāi Tahu values, interests and customary resources are recognised and provided for*

**Policy 2.2.1** *Kāi Tahu wellbeing Manage the natural environment to support Kāi Tahu wellbeing by all of the following:*

- a) *Ensuring the sustainable management of resources supports their customary uses and cultural values in Schedules 1A and B;*
- b) *Safeguarding the life-supporting capacity of natural resources.*

**Objective 3.1** *The values of Otago's natural resources are recognised, maintained and enhanced decisions*

**Policy 3.1.1** *Fresh water Manage fresh water to achieve all of the following:*

- a) *Maintain or enhance ecosystem health in all Otago aquifers, and rivers, lakes, wetlands, and their margins;*
- b) *Maintain or enhance the range and extent of habitats provided by fresh water, including the habitat of trout and salmon;*
- c) *Recognise and provide for the migratory patterns of freshwater species, unless detrimental to indigenous biological diversity;*
- d) *Avoid aquifer compaction and seawater intrusion in aquifers;*
- e) *Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded;*
- f) *Maintain or enhance coastal values;*
- g) *Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;*
- h) *Maintain or enhance the quality and reliability of existing drinking and stock water supplies;*
- i) *Recognise and provide for important recreation values;*
- j) *Maintain or enhance the amenity and landscape values of rivers, lakes, and wetlands;*
- k) *Control the adverse effects of pest species, prevent their introduction and reduce their spread;*
- l) *Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;*
- m) *Avoid, remedy, or mitigate adverse effects on existing infrastructure that is reliant on fresh water.*

**Policy 3.1.3** *Water allocation and use Ensure the efficient allocation and use of water by undertaking all of the following:*

- a) *Requiring that the volume of water allocated does not exceed what is necessary for its efficient use;*
- b) *Encouraging the development or upgrade of infrastructure that increases use efficiency.*

**Policy 3.1.10** *Natural features, landscapes, and seascapes Recognise the values of natural features, landscapes and seascapes are derived from the biophysical, sensory and associative attributes in Schedule 3.*

**Objective 3.2** *Otago's significant and highly-valued natural resources are identified, and protected or enhanced*

**Policy 3.2.5** *Identifying highly valued natural features, landscapes and seascapes Identify natural features, landscapes and seascapes, which are highly valued for their contribution to the amenity or quality of the environment but which are not outstanding, using the attributes in Schedule 3.*

**Policy 3.2.6** *Managing highly valued natural features, landscapes and seascapes Protect or enhance highly valued natural features, landscapes and seascapes by all of the following:*

- a) Avoiding significant adverse effects on those values which contribute to the high value of the natural feature, landscape or seascape;
- b) Avoiding, remedying or mitigating other adverse effects;
- c) Recognising and providing for positive contributions of existing introduced species to those values;
- d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;
- e) Encouraging enhancement of those values which contribute to the high value of the natural feature, landscape or seascape.

**Objective 4.1** Risk that natural hazards pose to Otago's communities are minimized

**Policy 4.1.1** Identifying natural hazards Identify natural hazards that may adversely affect Otago's communities, including hazards of low likelihood and high consequence by considering all of the following:

- a) Hazard type and characteristics;
- b) Multiple and cascading hazards;
- c) Cumulative effects, including from multiple hazards with different risks;
- d) Effects of climate change;
- e) Using the best available information for calculating likelihood;
- f) Exacerbating factors.

**Policy 4.1.2** Natural hazard likelihood Using the best available information, assess the likelihood of natural hazard events occurring, over no less than 100 years. :

**Policy 4.1.3** Natural hazard consequence Assess the consequences of natural hazard events, by considering all of the following:

- a) The nature of activities in the area;
- b) Individual and community vulnerability;
- c) Impacts on individual and community health and safety; d) Impacts on social, cultural and economic wellbeing;
- e) Impacts on infrastructure and property, including access and services; f) Risk reduction and hazard mitigation measures;
- g) Lifeline utilities, essential and emergency services, and their co-dependence; h) Implications for civil defence agencies and emergency services;
- i) Cumulative effects;
- j) Factors that may exacerbate a hazard event.

**Policy 4.1.4** Assessing activities for natural hazard risk Assess activities for natural hazard risk to people and communities, by considering all of the following:

- a) The natural hazard risk identified, including residual risk;
- b) Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods;
- c) The long term viability and affordability of those measures;
- d) Flow on effects of the risk to other activities, individuals and communities;
- e) The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event.

**Policy 4.1.5** Natural hazard risk Manage natural hazard risk to people and communities, with particular regard to all of the following:

- a) The risk posed, considering the likelihood and consequences of natural hazard events;
- b) The implications of residual risk, including the risk remaining after implementing or undertaking risk reduction and hazard mitigation measures;
- c) The community's tolerance of that risk, now and in the future, including the community's ability and willingness to prepare for and adapt to that risk, and respond to an event;
- d) The changing nature of tolerance to risk;
- e) Sensitivity of activities to risk.

**Policy 4.1.6** Avoiding increased natural hazard risk Manage natural hazard risk to people and communities by both:

- a) Avoiding activities that significantly increase risk including displacement of risk off-site; and
- b) Avoiding activities that increase risk in areas potentially affected by coastal hazards over at least the next 100 years.

**Objective 4.3** Infrastructure is managed and developed in a sustainable way

**Policy 4.3.1** Managing infrastructure activities Manage infrastructure activities, to achieve all of the following:

- a) Maintaining or enhancing the health and safety of the community;
- b) Avoiding, remedying or mitigating adverse effects of those activities on existing land uses, including cumulative adverse effects on natural and physical resources;
- c) Supporting economic, social and community activities;
- d) Improving efficiency of use of natural resources;
- e) Protecting infrastructure corridors for infrastructure needs, now and for the future;
- f) Increasing the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events;

g) *Protecting the functional and operational requirements of lifeline utilities and essential or emergency services.*

**Objective 4.4** *Energy supplies to Otago's communities are secure and sustainable*

**Objective 5.3** *Sufficient land is managed and protected for economic production*

**Policy 5.3.1** *Rural activities Manage activities in rural areas, to support the region's economy and communities, by all of the following:*

- a) *Enabling primary production and other rural activities that support the rural economy;*
- b) *Minimising the loss of significant soils;*
- c) *Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects;*
- d) *Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities;*
- e) *Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature and scale compatible with rural activities.*

# Attachment CV3 – S32AA Evaluation

## Chapter 3 – Strategic Direction

The purpose of the strategic directions chapter of the PDP is to set out the over-arching strategic direction for the management of growth, land-use and development in a manner that ensures sustainable management of the District’s special qualities:

- Dramatic alpine landscapes free of inappropriate development
- Clean air and pristine water
- Vibrant and compact town centres
- Compact and connected settlements that encourage public transport, biking and walking
- Diverse, resilient, inclusive and connected communities
- A district providing a variety of lifestyle choices
- An innovative and diversifying economy based around a strong visitor industry
- A unique and distinctive heritage
- Distinctive Ngai Tahu values, rights and interests

This direction is provided through a set of Strategic Goals, Objectives and Policies which provide the direction for the more detailed provisions related to zones and specific topics contained elsewhere in the District Plan. The following Objectives and Policies are relevant to the submissions and are addressed in the following table:

These tables provide an analysis of the proposed RVZ and FBA against the relevant provisions of the PDP.

| <b>3.2.1 Goal - Develop a prosperous, resilient and equitable economy.</b>   |   |  |  |
|--|---|--|--|
| <b>Policy 3.2.1.4</b> Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests.   |   |  |  |
| <i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>   | <i>Benefits</i> <sup>(b)</sup>  | <i>Costs</i> <sup>(b)</sup>  | <i>Risk Acting/Not Acting</i> <sup>(c)</sup>   |
| Providing two discrete areas within which additional built form can establish is an effective means of achieving diversification. The proposed areas identified, and the associated provisions ensure that the increased ability to diversify is undertaken sensitively, retaining rural amenity, landscape character, healthy | <p>The requested FBA/RVZs enables additional development within discrete areas and in this way, enables diversification.</p> <p>The requested FBA/RVZs retains the wider station as a pastoral farm, enabling the location of small scale development where it can be</p> | There is potential for additional built form to be visible and change the existing character within the areas requested FBA/RVZ. | The risk of not acting is that the policy encouraging diversification would not be achieved. Loch Linnhe would not be prosperous, and the lessees would continue to be confronted with uncertainty and cost associated with attempting to obtain approvals for additional buildings. |

|  |   |  |   |
|--|---|--|---|
| <p>ecosystems and Ngai Tahu values, rights and interests.</p> <p>The consent processes available to provide additional built form would be more efficient than retaining the existing Rural Zone provisions.</p> | <p>absorbed, and where it can support the wider farming activities.</p> |  | <p>The risk of acting is that a change in character will occur. That risk is reduced by imposing additional controls within the requested FBA/RVZ that are specific to the Loch Linnhe sites.</p> |
|--|---|--|---|

**3.2.4 Goal - The protection of our natural environment and ecosystems**  
Objective  
**3.2.4.1** Promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems.  
**3.2.4.2** Protect areas with significant Nature Conservation Values.

Policies  
**3.2.4.2.1** Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, referred to as Significant Natural Areas on the District Plan maps and ensure their protection.  
**3.2.4.2.2** Where adverse effects on nature conservation values cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative

| <i>Efficiency &amp; Effectiveness <sup>(a)</sup></i>   | <i>Benefits <sup>(b)</sup></i>   | <i>Costs <sup>(b)</sup></i>   | <i>Risk Acting/Not Acting <sup>(c)</sup></i>  |
|--|--|---|---|
| <p>The requested FBA/RVZs do not contain areas of significant indigenous vegetation or habitats of significant fauna.</p> <p>The requested FBA/RVZs have been designed in such a way that development will be managed such that the life supporting capacity of air, water, soil and ecosystems is maintained.</p> | <p>The requested FBA/RVZs do not impact on areas of significant nature conservation value.</p> | <p>Better enabling development will increase the density of built form and this will affect the life-supporting capacity of soil, water and air to an extent.</p> | <p>There is little risk of acting or not acting in regards to the objectives and policies; the areas within Loch Linnhe that have significant nature conservation values are not located within or near the requested FBA/RVZs.</p> |

| <b>3.2.4.5</b> Preserve or enhance the natural character of the beds and margins of the District's lakes, rivers and wetlands.   |                                |                             |  |
|--|--------------------------------|-----------------------------|--|
| 3.2.4.5.1 That subdivision and / or development which may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins be carefully managed so that life-supporting capacity and natural character is maintained or enhanced. |                                |                             |  |
| <i>Efficiency &amp; Effectiveness <sup>(a)</sup></i>   | <i>Benefits <sup>(b)</sup></i> | <i>Costs <sup>(b)</sup></i> | <i>Risk Acting/Not Acting <sup>(c)</sup></i> |

|   |   |   |  |
|---|---|---|--|
| The requested FBA/RVZs are limited in extent and the restriction on extent of building footprint, with control retained over servicing ensures that any future development will be undertaken such that adverse effects on natural character and nature conservation values are carefully managed, and that life-supporting capacity is maintained. | The requested FBA/RVZs enable increased development potential in two discrete locations and retains control over building design, servicing and visibility. This enables development while maintaining natural character and life supporting capacity | Enabling development does result in a level of change to the natural environment. | The risk of acting is that additional development is enabled. The risk of not acting is that the Station cannot diversify. |
|---|---|---|--|

| 3.2.5.1 Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.   |  |   |   |
|---|--|---|---|
| Policies 3.2.5.1.1 Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps, and protect them from the adverse effects of subdivision and development.   |  |   |   |
| <i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>  | <i>Benefits</i> <sup>(b)</sup>   | <i>Costs</i> <sup>(b)</sup>                                 | <i>Risk Acting/Not Acting</i> <sup>(c)</sup>  |
| The requested FBA/RVZs and associated amendments enables additional development within two discrete locations while limiting adverse effects on landscape values. Mr. Espie has confirmed that development can be absorbed in the two locations, subject to controls that ensure that at Wye Creek no built form will be visible from the State Highway, and controlling the overall building footprint. Control is retained over external appearance. These methods help to ensure that the qualities of the landscape are maintained. | The requested FBA/RVZs enable additional development in a manner that can be absorbed within the landscape. To this extent, as far as possible adverse effects on the ONL will be minimal. | The ONL will be changed as a result of enabling development | <p>The risk of the requested FBA/RVZs is that additional development is allowed that would alter the ONL. This risk is limited by imposing controls on the requested FBA/RVZs as it applies to the two sites.</p> <p>The entire station is ONL and the risk of not acting is that no development can occur, and that the landowner must manage the Station as a 'Landscape Reserve'. Allowing some development is important for the future sustainable management of the landholding.</p> |

| 3.2.5.3 Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. |   |  |  |
|---|---|--|--|
| Policies 3.2.5.3.1 Direct urban development to be within Urban Growth Boundaries (UGB's) where these apply, or within the existing rural townships.                           |   |  |  |
| <i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>  | <i>Benefits</i> <sup>(b)</sup>  | <i>Costs</i> <sup>(b)</sup>  | <i>Risk Acting/Not Acting</i> <sup>(c)</sup>   |
| The requested FBA/RVZs will not enable urban development and therefore this policy is not relevant.   | The requested FBA/RVZs are located and amendments are proposed that ensure that additional development will only occur in a manner and location where it can be absorbed. | The development enabled by the rezoning will enable some change to the existing character. | The risk of not acting is that development cannot occur within the Station, even in the locations where it has been established that there is an ability to absorb change. |

|  |  |  |  |
|--|--|--|--|
| The requested FBA/RVZs are effective in achieving the objective by identifying two locations within the Station where development can be absorbed. |  |  |  |
|--|--|--|--|

|  |   |   |   |
|--|---|---|---|
| 3.2.5.4 Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.   |   |   |   |
| Policies 3.2.5.4.1 Give careful consideration to cumulative effects in terms of character and environmental impact when considering residential activity in rural areas.   |   |   |   |
| 3.2.5.4.2 Provide for rural living opportunities in appropriate locations.   |   |   |   |
| <i>Efficiency &amp; Effectiveness (a)</i>  | <i>Benefits (b)</i>   | <i>Costs (b)</i>  | <i>Risk Acting/Not Acting (c)</i>   |
| The requested FBA/RVZs recognise the potential for cumulative effects, and in response propose the limit on building footprint. The rezone areas are discrete and are very small in scale when considered in light of the scale of the wider station. The requested FBA/RVZs enables rural living opportunities in locations that are appropriate. | Cumulative effects have been considered carefully and the requested FBA/RVZs enables residential and rural living opportunities in appropriate locations. | There will be impacts on character and an environmental impact. | The risk of not acting is that no residential or rural living opportunities will be enabled in appropriate locations. |

### Chapter 5 – Tangata Whenua

The purpose of Chapter 6 Tangata Whenua is to recognise and provide for Ngāi Tahu as a partner in the management of the District's natural and physical resources through the implementation of this District Plan. The Council will actively foster this partnership through meaningful collaboration, seeking formal and informal advice, providing for Ngāi Tahu's role as kaitiaki, and protecting its values, rights and interests.

The following Objectives and Policies are relevant to the Loch Linnhe submission:

|  |  |                                    |  |
|--|--|------------------------------------|--|
| 5.4.1 Objective - Promote consultation with tangata whenua through the implementation of the Queenstown Lakes District Plan.   |  |                                    |  |
| 5.4.1.1 Ensure that Ngāi Tahu Papatipu Rūnanga are engaged in resource management decision-making and implementation on matters that affect Ngāi Tahu values, rights and interests, in accordance with the principles of the Treaty of Waitangi. |  |                                    |  |
| 5.4.1.2 Actively foster effective partnerships and relationships between the Queenstown Lakes District Council and Ngāi Tahu Papatipu Rūnanga.   |  |                                    |  |
| 5.4.1.3 When making resource management decisions, ensure that functions and powers are exercised in a manner that takes into account iwi management plans.  |  |                                    |  |
| 5.4.1.4 Recognise that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water sites, wāhi tapu, tōpuni and other taonga.   |  |                                    |  |
| <i>Efficiency &amp; Effectiveness (a)</i>  | <i>Benefits (b)</i>  | <i>Costs (b)</i>                   | <i>Risk Acting/Not Acting (c)</i>  |
| No specific consultation has been undertaken as part of this submission.   | Consultation can occur as part of the subdivision process if that is considered necessary. | There is no cost to the community. | There is no uncertainty or insufficient information regarding this objective and policy. |

| 5.4.3 Objective - Protect Ngāi Tahu taonga species and related habitats.  |   |                                    |  |
|---|---|------------------------------------|--|
| 5.4.3.1 Where adverse effects on taonga species and habitats of significance to Ngāi Tahu cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative.  |   |                                    |  |
| <i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>  | <i>Benefits</i> <sup>(b)</sup>  | <i>Costs</i> <sup>(b)</sup>        | <i>Risk Acting/Not Acting</i> <sup>(c)</sup>   |
| As far as I am aware, and based on my review of the KTKP and Te Ao Marama Natural Resource Management Plans, there is no taonga species and habitats of significance to Ngāi Tahu within the requested FBA/RVZs. I recognise that there is a Nohoanga site to the north, and Lake Wakatipu is a Statutory Acknowledgement area. The requested FBA/RVZs do not adversely impact on these values. | If such values exist then they can be considered in accordance with the RVZ provisions, if necessary an accidental discovery protocol can be adopted at the time of resource consent. | There is no cost to the community. | There is no uncertainty or insufficient information regarding this objective and policy. |

| 5.4.5 Objective - Wāhi tūpuna and all their components are appropriately managed and protected.   |  |                                    |   |
|---|--|------------------------------------|---|
| 5.4.5.1 Identify wāhi tūpuna and all their components on the District Plan maps and protect them from the adverse effects of subdivision, use and development.                  |  |                                    |   |
| 5.4.5.2 Identify threats to wāhi tūpuna and their components in this District Plan.   |  |                                    |   |
| 5.4.5.3 Enable Ngai Tahu to provide for its contemporary uses and associations with wāhi tūpuna.  |  |                                    |   |
| 5.4.5.4 Avoid where practicable, adverse effects on the relationship between Ngāi Tahu and the wāhi tūpuna.   |  |                                    |   |
| <i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>  | <i>Benefits</i> <sup>(b)</sup>   | <i>Costs</i> <sup>(b)</sup>        | <i>Risk Acting/Not Acting</i> <sup>(c)</sup>  |
| As far as I am aware, and based on my review of the KTKP and Te Ao Marama Natural Resource Management Plans, there is no wahi tūpuna within the area of the requested FBA/RVZs. | Development under the requested FBA/RVZs is designed to identify such areas if they exist. | There is no cost to the community. | Because resource consents will be required for any future development and these can have regard to wahi tupuna, there is no risk imposed by the requested FBA/RVZs. |

## Chapter 6 – Landscapes

The purpose of Chapter 6 – Landscapes is to recognise the landscape as a significant resource to the district and region which requires protection from inappropriate activities that could degrade its qualities, character and values. The relevant Objectives and Policies are as follows:

|   |  |  |  |
|---|--|--|--|
| 6.3.1 Objective - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development. |  |  |  |
| 6.3.1.1 Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the Planning Maps.   |  |  |  |

6.1.1.3 That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations, meaning successful applications will be exceptional cases.

6.3.1.5 Avoid urban subdivision and development in the Rural Zones.

6.3.1.7 When locating urban growth boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise disruption to the values derived from open rural landscapes.

6.3.1.8 Ensure that the location and direction of lights does not cause glare to other properties, roads, and public places or the night sky.

6.3.1.9 Ensure the District's distinctive landscapes are not degraded by forestry and timber harvesting activities.

6.3.1.11 Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.

6.3.1.12 Recognise and provide for the protection of Outstanding Natural Features and Landscapes with particular regard to values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua, including Tōpuni.

| <i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>   | <i>Benefits</i> <sup>(b)</sup>  | <i>Costs</i> <sup>(b)</sup>   | <i>Risk Acting/Not Acting</i> <sup>(c)</sup>  |
|--|---|---|---|
| <p>6.3.1.1 – The requested FBA/RVZs are within an ONL or ONF.</p> <p>6.3.1.3 The two locations identified for the requested FBA/RVZs are discrete and have been identified based on landscape assessment that confirms they can absorb development. Controls are proposed that recognise the importance of retaining values associated with the ONL</p> <p>6.3.1.5 – Urban development is not permitted under the requested FBA/RVZs provisions.</p> <p>6.3.1.6 – The requested FBA/RVZs would enable rural living opportunities in an area that can accommodate change.</p> <p>6.3.1.7 - Urban development is not permitted under the requested FBA/RVZs provisions.</p> <p>6.3.1.8 – This detail can be addressed at the time of development.</p> <p>6.3.1.10 – The proposed changes do not alter assessment of forestry activities.</p> <p>6.3.1.11 – The requested FBA/RVZs effectively and efficiently achieves this by proposing a zone standard that ensures that any building at Wye creek does not impact on public views from the State Highway. The southern FBA/RVZ is located where a cluster of farm</p> | <p>The requested FBA/RVZs would enable rural living opportunities in an area that can accommodate change.</p> <p>The limited size of the requested FBA/RVZ retains pastoral character of the balance (and majority) of the property.</p> <p>The landscape and visual amenity effects of development within the requested FBA/RVZ can be mitigated in this location.</p> | <p>The requested FBA/RVZs will impact upon the ONL to a certain degree, however the level of that impact is managed by restricting the areas to be rezoned and imposing restrictions on extent of built form.</p> | <p>The risk associated with acting is that development will have effects on the ONL. The risk of not acting is that the Station cannot obtain approval for any additional buildings, limiting its viability and sustainable management.</p> |

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| <p>buildings and residences already exist, and the FBA/RVZ has been located to avoid highly prominent slopes.</p> <p>6.3.1.12 – The requested FBA/RVZs have been located and provisions proposed that recognise and provide for values associated with the sites.</p> |  |  |  |
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| <p><b>6.3.2 Objective - Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.</b></p>   |  |  |  |
| <p>6.3.2.1 Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained.</p> <p>6.3.2.2 Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.</p> <p>6.3.2.3 Recognise that proposals for residential subdivision or development in the Rural Zone that seek support from existing and consented subdivision or development have potential for adverse cumulative effects. Particularly where the subdivision and development would constitute sprawl along roads.</p> <p>6.3.2.4 Have particular regard to the potential adverse effects on landscape character and visual amenity values from infill within areas with existing rural lifestyle development or where further subdivision and development would constitute sprawl along roads.</p> <p>6.3.2.5 Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with mitigation of the visual effects of proposed development such as screening planting, mounding and earthworks.</p> |  |  |  |

| <i>Efficiency &amp; Effectiveness <sup>(a)</sup></i>   | <i>Benefits <sup>(b)</sup></i>   | <i>Costs <sup>(b)</sup></i>   | <i>Risk Acting/Not Acting <sup>(c)</sup></i>  |
|--|--|---|---|
| <p>6.3.2.1 – The requested FBA/RVZs represents a location where some additional development can be absorbed. The finite nature of the landscape resource has been recognised in the identification of two discrete areas</p> <p>6.3.2.2 – The requested FBA/RVZs are in a location where landscape character and visual amenity would not be degraded, and controls will be imposed to ensure that adverse effects are effectively managed.</p> <p>6.3.2.3 – The requested FBA/RVZs do not represent sprawl along roads.</p> <p>6.3.2.4 – Not relevant, this is not infill development.</p> <p>6.3.2.5 – The requested FBA/RVZs are unlikely to degrade the landscape quality, character and openness on an incremental basis.</p> | <p>The requested FBA/RVZs represent comprehensive management of the site and the zone change is more effective and efficient method in managing cumulative effects than through resource consent process which is costly and uncertain in terms of outcome.</p> <p>The requested FBA/RVZs provide a zone change informed by landscape advice that has confirmed it can absorb development, and the proposed controls ensure the rezoning does not result in sprawl along roads.</p> <p>Avoids incremental changes.</p> | <p>A cost will be there will be more development in this area than what is currently permitted.</p> | <p>There is no uncertainty or insufficient information regarding this objective and policy.</p> |

| 6.3.4 Objective - Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).   |   |   |  |
|---|---|---|--|
| 6.3.4.1 Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.  |   |   |  |
| 6.3.4.2 Recognise that large parts of the District's Outstanding Natural Landscapes include working farms and accept that viable farming involves activities which may modify the landscape, providing the quality and character of the Outstanding Natural Landscape is not adversely affected.  |   |   |  |
| 6.3.4.3 Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.  |   |   |  |
| 6.3.4.4 The landscape character and amenity values of the Outstanding Natural Landscape are a significant intrinsic, economic and recreational resource, such that large scale renewable electricity generation or new large scale mineral extraction development proposals including windfarm or hydro energy generation are not likely to be compatible with the Outstanding Natural Landscapes of the District.  |   |   |  |
| <i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>  | <i>Benefits</i> <sup>(b)</sup>  | <i>Costs</i> <sup>(b)</sup>   | <i>Risk Acting/Not Acting</i> <sup>(c)</sup>   |
| 6.3.4.1 – The requested FBA/RVZs will avoid development that would degrade important qualities of landscape character. It does by carefully selecting the rezone areas and proposing controls on visibility, height and footprint.<br>6.3.4.2- The requested FBA/RVZs achieves this policy, recognising the importance of enabling some development and that it will modify the landscape while ensuring that the character of the ONL is no adversely affected.<br><br>6.3.4.3- The effects on views from the public road will be effectively managed by imposing controls on height and visibility. | The requested FBA/RVZs have been sought where additional development can be supported while retaining the landscape values associated with the ONL. The entire station is within the ONL and the proposed rezoning identifies two areas and applies appropriate provisions that recognise the need to allow some diversification. | There will be some effects on the ONL as a result of enabling development. These can be managed, but there will be some change to the landscape values associated with the sites. | There is no uncertainty or insufficient information regarding this objective and policy. |

**Part 2.13 Rural Visitor Zones of the ODP (Relevant to requested RVZ only)**

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| Objectives<br>Provision for the ongoing operation of the existing visitor areas recognising their operational needs and avoiding, remedying or mitigating adverse effects on landscape, water quality and natural values. Scope for extension of activities in the Rural Visitor Zones.   |
| 1 To recognise the existing and proposed visitor and recreation facilities in the rural visitor areas and to provide for their continued operation and expansion.<br>2 To ensure development, existing and new, has regard to the landscape values which surround all the rural visitor areas.<br>3 To ensure expansion of activities occur at a scale, or at a rate, consistent with maintaining the surrounding rural resources and amenities.<br>4 To recognise the heritage values of the Rural Visitor Zones and in particular the buildings at Walter Peak, Cardrona and Arcadia Station. |

| 5 To ensure sewage disposal, water supply and refuse disposal services are provided which avoid, remedy or mitigate adverse effects on the water or other environmental qualities, on and off the site. |  |                             |  |
|---|--|-----------------------------|--|
| <i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>  | <i>Benefits</i> <sup>(b)</sup>   | <i>Costs</i> <sup>(b)</sup> | <i>Risk Acting/Not Acting</i> <sup>(c)</sup>   |
| The requested addition to the ODP RVZ provisions are efficient in avoiding remedying or mitigating adverse effects on landscape, water quality and natural values.                                      | The requested RVZs enable diversification without having significant adverse effects on the environment. | Nil.                        | There is no uncertainty or insufficient information regarding this objective and policy. |

**Part 21 Rural Zone (Relevant to FBA only)**

| 21.2.1 Objective - Enable farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values. |  |                             |  |
|--|--|-----------------------------|--|
| 21.2.1.2 Provide for Farm Buildings associated with larger landholdings where the location, scale and colour of the buildings will not adversely affect landscape values.                        |  |                             |  |
| 21.2.1.5 Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or the night sky.  |  |                             |  |
| <i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>   | <i>Benefits</i> <sup>(b)</sup>                                       | <i>Costs</i> <sup>(b)</sup> | <i>Risk Acting/Not Acting</i> <sup>(c)</sup>   |
| The FBA concept is efficient in enabling farming and some diversification to continue, without adversely affecting the environment.  | Large stations are not treated the same as small rural landholdings. | Nil.                        | There is no uncertainty or insufficient information regarding this objective and policy. |

| 21.2.8 Objective - Avoid subdivision and development in areas that are identified as being unsuitable for development.   |  |                             |  |
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| 21.2.8.1 Assess subdivision and development proposals against the applicable District Wide chapters, in particular, the objectives and policies of the Natural Hazards and Landscape chapters. |  |                             |  |
| <i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>   | <i>Benefits</i> <sup>(b)</sup>   | <i>Costs</i> <sup>(b)</sup> | <i>Risk Acting/Not Acting</i> <sup>(c)</sup>   |
| FBA's are an efficient method in defining areas where development can be absorbed.   | FBA's cluster development around existing development or areas where future development can be absorbed. | Nil.                        | There is no uncertainty or insufficient information regarding this objective and policy. |

| Objective - Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.   |  |                             |  |
|--|--|-----------------------------|--|
| 21.2.9.1 Commercial activities in the Rural Zone should have a genuine link with the rural land resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone. |  |                             |  |
| 21.2.9.2 Avoid the establishment of commercial, retail and industrial activities where they would degrade rural quality or character, amenity values and landscape values.   |  |                             |  |
| 21.2.9.6 Ensure traffic from commercial activities does not diminish rural amenity or affect the safe and efficient operation of the roading and trail network, or access to public places.  |  |                             |  |
| <i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>   | <i>Benefits</i> <sup>(b)</sup>   | <i>Costs</i> <sup>(b)</sup> | <i>Risk Acting/Not Acting</i> <sup>(c)</sup>   |
| FBA's are an efficient method in defining areas where development can be absorbed.   | FBA's cluster development around existing development or areas where future development can be absorbed. | Nil.                        | There is no uncertainty or insufficient information regarding this objective and policy. |

| 21.2.10 Objective - Recognise the potential for diversification of farms that utilises the natural or physical resources of farms and supports the sustainability of farming activities.  |  |                  |  |
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| 21.2.10.1 Encourage revenue producing activities that can support the long term sustainability of farms in the district.  |  |                  |  |
| 21.2.10.2 Ensure that revenue producing activities utilise natural and physical resources (including buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural values.   |  |                  |  |
| 21.2.10.3 Recognise that the establishment of complementary activities such as commercial recreation or visitor accommodation located within farms may enable landscape values to be sustained in the longer term. Such positive effects should be taken into account in the assessment of any resource consent applications. |  |                  |  |
| <i>Efficiency &amp; Effectiveness (a)</i>   | <i>Benefits (b)</i>  | <i>Costs (b)</i> | <i>Risk Acting/Not Acting (c)</i>  |
| FBA's are an efficient method enabling a small amount of diversification on large high-country stations.  | FBA's cluster development around existing development or areas where future development can be absorbed. | Nil.             | There is no uncertainty or insufficient information regarding this objective and policy. |