

ANNEXURE B - RELEVANT DECISION

Notice of Decisions on QLDC Proposed District Plan - Stage 1

Pursuant to clause 10 and 11 of the Schedule 1 of the Resource Management Act 1991, public notice is hereby given as of 7 May 2018 that the Queenstown Lakes District Council (**Council**) made decisions on the submissions and further submissions to Stage 1 of the District Plan review at its meeting on 3 May 2018.

The effect of the decisions is to adopt the recommendations of the Independent Hearings Panel to confirm amended provisions for the following chapters and associated planning maps:

Chapter 1 - Introduction	Chapter 21 - Rural Zone
Chapter 2 - Definitions	Chapter 22 - Rural Residential-Rural Lifestyle Zones
Chapter 3 - Strategic Direction	Chapter 23 - Gibbston Character Zone
Chapter 4 - Urban Development	Chapter 26 - Historic Heritage
Chapter 5 - Tangata Whenua	Chapter 27 - Subdivision and Development
Chapter 6 - Landscapes and Rural Character	Chapter 28 - Natural Hazards
Chapter 7 - Lower Density Suburban Residential	Chapter 30 - Energy and Utilities
Chapter 8 - Medium Density Residential Zone	Chapter 32 - Protected Trees
Chapter 9 - High Density Residential Zone	Chapter 33 - Indigenous Vegetation
Chapter 10 - Arrowsmith Residential Historic Management Zone	Chapter 34 - Wilding Exotic Trees
Chapter 11 - Large Lot Residential	Chapter 35 - Temporary Activities and Relocated Buildings
Chapter 12 - Queenstown Town Centre	Chapter 36 - Noise
Chapter 13 - Wanaka Town Centre Zone	Chapter 37 - Designations
Chapter 14 - Arrowsmith Town Centre Zone	Chapter 41 - Jacks Point
Chapter 15 - Local Shopping Centre Zone	Chapter 42 - Waterfall Park
Chapter 16 - Business Mixed Use Zone	Chapter 44 - Coneburn Industrial Zone
Chapter 17 - Airport Mixed Use	

Planning Maps 1 - 39 and 41

The Stage 1 chapters of the Proposed District Plan are amended in accordance with the Council's decisions from the date of this public notice.

The decision reports and decisions versions of the chapters and maps together with the reasons for the decisions are available for inspection for free at the following locations:

- QLDC website: www.qldc.govt.nz Go to: Planning & Consents > District Plan Review - Proposed District Plan > Proposed District Plan Stage 1 > Decisions - Stage 1
- Online access to the decisions is available at QLDC Libraries and offices

A person who made a submission on Stage 1 of the review may appeal this decision to the Environment Court within 30 working days of the service of the notice of the decisions.

For further information on the plan changes please contact Queenstown Lakes District Council on (03) 441 0499 or email DP.Hearings@qldc.govt.nz.

**Notice of Queenstown Lakes District Council
Special procedural arrangements in relation to service of appeals
and section 274 notices on Stage 1 of the PDP**

[1] The Queenstown Lakes District Council (Council's decisions) on Stage 1 of its Proposed District Plan (PDP) were publicly notified on 4 May 2018. The Council's public notice of its decisions can be viewed on the Council's website here:

<https://www.qldc.govt.nz/planning/district-plan/proposed-district-plan-stage-1/decisions-stage-1/>

[2] The Environment Court has by Minutes dated 26 April 2018 and 30 April 2018 in *re Queenstown Lakes District Council* [ENV-2018-CHC-24] put in place special procedural arrangements for dealing with service of any appeals lodged on the Council's decisions on the Stage 1 provisions and the Council's designations (note that the special arrangements do not apply for appeals on any notices of requirement of any other requiring authorities).

[3] The special procedural arrangements are set out in the following paragraphs.

Notices of appeal:

1. Notices of appeal must be lodged with the Environment Court both:
 - (a) electronically by email to: Christine.McKee@justice.govt.nz; and
 - (b) by posting a hard copy to: PO Box 2069, 20 Lichfield Street, Christchurch in accordance with the standard requirements set out in the Resource Management Act 1991 and the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

2. The requirements relating to the service of notices of appeal have been altered under section 281 of the RMA with the effect that:



- (a) notices of appeal must be served on:
- (i) the Council at its dedicated email address: dpappeals@qldc.govt.nz; and
 - (ii) where your appeal is based on an original submission that you made, on every person that made a further submission on the relevant original submission point;
 - (iii) where your appeal is based on a further submission that you made, on the person who made the related original submission and every other person who made a further submission on that same original submission.
- (b) service on every other person who made a submission on a provision requirement or matter to which your appeal relates will be deemed to be effected by the Council uploading copies of all notices of appeal onto its website.

Section 274 notices:

3. Section 274 notices must be lodged with the court electronically by email to Christine.McKee@justice.govt.nz in accordance with the standard requirements set out in the Resource Management Act 1991 and the Resource Management (Forms, Fees, and Procedure) Regulations 2003.
4. The requirements relating to the service of section 274 notices have been altered to the effect that:
 - (a) section 274 notices must be served on the Council electronically by email to: dpappeals@qldc.govt.nz and on the appellant; and
 - (b) service of section 274 notices on “all other parties” will be deemed to be effected by the Council uploading copies of section 274 notices received onto its website.



Other waivers and directions

[4] The full set of waivers and directions granted by the Environment Court in its Minutes can be viewed on the Council's website here:

<https://www.qldc.govt.nz/planning/district-plan/proposed-district-plan-stage-1/appeals/>

[5] What does this mean for you? In summary two things:

- (1) in order to determine whether you are affected by someone else's appeal or section 274 notice you must review the notices of appeal and section 274 notices on the Council's website;
- (2) the lodging and service of documents should be as stated in [3] above; and
- (3) an email will be sent to all submitters who provided an email address when a new notice of appeal or section 274 notice is uploaded onto the Council's website.

[6] If you have any queries about the process to be followed please contact the Environment Court's Hearing Manager Ms Christine McKee at:

- telephone: (03) 365 0905; or
- email: Christine.McKee@justice.govt.nz.



QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report and Recommendations of Independent Commissioners Regarding the Visitor Accommodation Subzone in Chapter 22: Rural Residential & Lifestyle

Report 4B

Commissioners

Denis Nugent (Chair)

Brad Coombs

TABLE OF CONTENTS

1.	PRELIMINARY.....	2
1.1	Terminology in this Report.....	2
1.2	Topics Considered.....	2
1.3	Hearing Arrangements.....	2
1.4	Procedural Steps and Issues.....	3
1.5	Visitor Accommodation Subzone - Overview.....	3
1.6	Extent of Our Consideration of the Issue.....	7
1.7	Policy 22.2.2.4	7
1.8	Rule 22.4.10.....	8
1.9	Rule 22.5.13.....	9
2.	Stage 2 Variations	10
3.	OVERALL RECOMMENDATION	10

Appendix 1: Recommendations on Submissions and Further Submissions

1. PRELIMINARY

1.1 Terminology in this Report

1. Throughout this report, we use the following abbreviations:

Council	Queenstown Lakes District Council
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
RBP	Registered building platform
Stage 2 Variations	the variations, including changes to the existing text of the PDP, notified by the Council on 23 November 2017.
VASZ	Visitor Accommodation Subzone

1.2 Topics Considered

2. The subject matter of the Stream 2 hearing was Chapters 21, 22, 23, 33 and 34 of the PDP. A separate Hearing Report is provided for Stream 2 overall, but this report was necessitated by Commissioner St Clair, one of the Stream 2 commissioners, discovering during the hearing that he had a conflict of interest in relation to this subtopic: Visitor Accommodation Subzone in Chapter 22 – Rural Residential & Lifestyle.

1.3 Hearing Arrangements

3. Hearing of Stream 2 commenced in Hawea on 2nd May 2016 and continued in that location until and including 6th May 2016. The hearing recommenced in Queenstown on 17th May 2016 and continued in that venue on 18th, 23rd, 24th, 25th, 26th and 27th May 2016.

4. Parties heard from in respect of the VASZ topic were:

Council

- James Winchester and Sarah Scott (Counsel)
- Craig Barr

Marc Scaife¹

Christine Byrch²

Matakauri Lodge Limited³

- Mike Holm (Counsel)

¹ Submission 811

² Submission 243

³ Submission 595 and FS1224

- Tim Williams

1.4 Procedural Steps and Issues

5. The substantive report relating to Chapter 22 sets out the procedural steps taken in respect of that chapter.
6. Specific to this report, we record that Commissioner St Clair identified that his firm was preparing a resource consent application for another business in another part of New Zealand which was owned by the individual who was the ultimate owner of Matakauri Lodge Limited. He disclosed this during the hearing prior to each of the submitters presenting their respective cases, and left the hearing for the duration of each presentation.
7. We also record that Commissioner St Clair was not present when we deliberated on this matter and at no time did he discuss the matters at issue with we remaining commissioners.
8. We note that Ms Byrch and Mr Scaife each lodged a number of submissions on other matters in Chapter 22, and that Matakauri Lodge Limited lodged further submissions opposing each of those submissions also. We heard no submissions or evidence from Matakauri Lodge Limited in respect of those other submissions. We do record that while those other submissions and further submissions are dealt with in Report 4A, being the main report for Stream 2, Mr St Clair did not participate in the deliberations on, or report preparation of, the relevant provisions in Chapter 22.
9. When we heard the submitters and deliberated on this matter, Commissioner Lawton was part of the Hearing Panel. In February 2017 Commissioner Lawton resigned from the Council and her role as a commissioner. She has taken no further part in the process following that resignation.

1.5 Visitor Accommodation Subzone - Overview

10. As notified, Chapter 22 contained objectives, policies and rules providing for two zones: Rural Residential and Rural Lifestyle. Relevant to this topic, the notified PDP set out Objective 22.2.2 as follows:

“Ensure the predominant land uses are rural, residential and where appropriate, visitor and community activities.”

11. Three policies set out under this objective are relevant: 22.2.2.3, 22.2.2.4 and 22.2.2.5. They read as follows:

“Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, so that the amenity, quality and character of the Rural Residential and Rural Lifestyle zones are not diminished and the vitality of the District’s commercial zones is not undermined.”

“Encourage visitor accommodation only within the specified visitor accommodation subzone areas and control the scale and intensity of these activities.”

“The bulk, scale and intensity of buildings used for visitor accommodation activities are to be commensurate with the anticipated development of the zone and surrounding residential activities”.

12. Consequent upon those policies, Rule 22.4.10 provided for visitor accommodation within a VASZ as a controlled activity, with control reserved to eight matters including:

“The bulk and scale of buildings in the context of the scale of residential buildings in the surrounding area.”

“Landscaping to mitigate effects associated with buildings, infrastructure and car parking areas.”

13. Four submissions were received on this rule:
- One sought that it be retained⁴;
 - One sought more stringent standards⁵;
 - One sought it be classified as a non-complying activity⁶; and
 - One opposed the sub-zone⁷.
14. Rule 22.6.2 provided that applications under Rule 22.4.10 would not require the written approval of any other persons and would not be notified or limited notified.
15. The submissions on this rule:
- opposed it generally⁸;
 - sought an exception where the site adjoined a state highway⁹.
16. Rule 22.5.13 set out a specific building coverage provision for visitor accommodation in the Rural Lifestyle Zone Visitor Accommodation Subzone. This limited building coverage to 10%, or on sites larger than 1 ha the maximum building coverage would be 10% or 2,500 m², whichever was the lesser. To exceed these limits required a restricted discretionary activity consent.
17. Submissions on this rule sought:
- delete or set the maximum coverage at 2000 square metres¹⁰;
 - make non-compliance a non-complying activity¹¹.

⁴ Submission 719

⁵ Submission 674, supported by FS1050, FS1082, FS1089, FS1146, opposed by FS1255

⁶ Submission 243, opposed by FS1224

⁷ Submission 811, opposed by FS1224

⁸ Submission 243, opposed by FS1224

⁹ Submission 719

¹⁰ Submission 243, opposed by FS1224

¹¹ Submission 811, opposed by FS1224

18. Rule 22.4.11 provided that all other visitor accommodation in both zones was a non-complying activity.
19. Three VASZs were shown on the Planning Maps:
 - a. A rear site zoned Rural Lifestyle off School Road, Makarora, on Map 16;
 - b. A site zoned Rural Residential in Speargrass Flat Road, Wakatipu Basin, on Map 26; and
 - c. A site zoned Rural Lifestyle on Farrycroft Row, Closeburn, on Map 38.
20. In his Section 42A Report, Mr Barr discussed the VASZs in paragraph 4.6. It appears he was not aware of the subzone in Makarora. He suggested the requests by Ms Byrch and Mr Scaife that the subzone be deleted be deferred to the hearings in relation to maps. He addressed those parts of Mr Scaife's submission dealing with provisions of the VASZ in his Appendix 2, recommending that they be rejected.
21. In answer to our questions, Mr Barr confirmed that the only section 32 report relevant to the VASZ in these two zones is the Council report entitled *Section 32 Evaluation Report Matakauri Lodge* (undated). We note that this report is indeed solely directed to the circumstances of Matakauri Lodge and the resource management issue it addresses is the administrative cost to Matakauri Lodge Limited of altering or expanding the operations on the lodge site. As we understand it there has been no evaluation in terms of section 32 of the Act in respect of the application of the VASZ provisions on the other two sites, nor, in our view, has any proper evaluation been made of the effects of applying the proposed rules on the environment surrounding the three VASZs.
22. Mr Barr recommended changes to the wording of Objective 22.2.2 in accordance with our directions that objectives should aspire to achieve an environmental outcome. He also recommended that visitor accommodation outside of a visitor accommodation subzone should be a discretionary activity, and consequently recommended Policies 22.2.2.3 and 22.2.2.4 be reworded as follows:

“Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, that would diminish amenity, rural living quality and character.”

“Encourage intensive¹² visitor accommodation only within the specified visitor accommodation subzone areas and control the scale and intensity of these activities.”
23. The essence of Mr Scaife's evidence was that:
 - a. the provisions specific to the VASZ represented a substantial increase in density in the zone;
 - b. any reduction in administrative burdens should apply across the entire zone; and
 - c. the standards of the zone should be for the collective interests of those in the zone, not for a single landowner.

¹² The underlining identifies the addition proposed by Mr Barr.

24. Ms Byrch highlighted the inconsistency between the provisions for residential buildings in the Rural Lifestyle Zone and the provisions for visitor accommodation in the VASZ. She noted that while construction of a residential building outside of a residential building platform (“RBP”) was a non-complying activity, visitor accommodation in the VASZ could be built anywhere on site as a controlled activity. She submitted that all buildings located outside a RBP, whether for residential activities or visitor accommodation, should be non-complying. She also submitted that if the VASZ were to be retained, Rule 22.5.13 (relating to building coverage in the VASZ) should include views from public places in the matters of discretion if coverage were to be exceeded. Notwithstanding that submission, she sought the deletion of the VASZ on the basis that visitor accommodation should be compatible with the underlying provisions of the relevant zone.
25. We note that Ms Byrch and Mr Scaife live on a property adjoining Matakauri Lodge and while we understood their concerns to be primarily directed toward Matakauri Lodge, their submissions each had a broader focus.
26. Mr Williams supported the provisions of the VASZ. He acknowledged that he was largely responsible for initially preparing the *Section 32 Evaluation Report Matakauri Lodge*. It was his opinion that as the Rural Lifestyle and Rural Residential zones were applied in rural areas identified as able to absorb change, it was logical that the zones are appropriate for activities such as visitor accommodation. He considered the VASZ provided certainty for operators and neighbouring residents by identifying where visitor accommodation was considered appropriate in the rural environment, and was more efficient than a case by case assessment through a discretionary activity regime.¹³
27. Mr Williams discussed how the various bulk and location controls in the zones would operate in conjunction with the specific building coverage rule for VASZs. His conclusion in relation to this consideration was *“the individual characteristics of each visitor accommodation sub-zone will contribute to the appropriateness of this provision. However, given the process to identify individual sub-zones provides the opportunity for a more detail [sic] analysis of these potential effects greater certainty can be provided from the outset.”*¹⁴
28. Mr Williams suggested that the building coverage limits for VASZs needed to be considered in the context of the apparent lack of cap on the size of RBPs in the Rural Lifestyle Zone. We understood him to be referring to Rule 22.4.3.3 when making this comment.
29. While Mr Williams was able to advise us of the location of the other two VASZs in these zones, his evidence was directed to the situation at Matakauri Lodge and in answering the Panel’s questions he stated that he had not looked at the wider area.
30. In his evidence in support of the Council’s reply, Mr Barr recommended that Rule 22.4.3.3 be amended by specifying that the size of a RBP was limited to between 70m² and 1,000m², consistent with the provision in Rule 27.5.1.1 which applies when a RBP is identified in conjunction with subdivision. We leave any recommendation on this to the main report on

¹³ T Williams, EIC at 11 ff

¹⁴ ibid at 14

Chapter 22, but note the clearly expressed intention of the Council that RBPs in the Rural Lifestyle Zone not exceed 1,000m² in area.

31. In this same evidence, Mr Barr resiled from his recommendation in the Section 42A Report that Policy 22.2.2.4 be amended. He stated:

“Although these areas [the VASZs] contemplate visitor accommodation, the scale and intensity should be commensurate with the zone it is located in.”¹⁵

32. Mr Barr made no other comment on the submissions relating to the VASZs.
33. We note that we received no evidence at all in relation to the VASZs located in Speargrass Flat Road or at Makarora. We do not know whether they contain visitor accommodation, or indeed, buildings. Nor do we know the size of the sites or the nature of the surrounding environment in each case.
34. We undertook a visit to Matakauri Lodge on the morning of 18 May 2016 to enable us to understand the nature of that environment and the scale, location and design of the existing development. We note from the list of consents attached to the Section 32 Evaluation¹⁶ that activities additional to visitor accommodation are authorised on the site: specifically, a public restaurant and a public health care (spa) facility, albeit of limited scale in each case.

1.6 Extent of Our Consideration of the Issue

35. The question as to whether VASZs should be identified on the Planning Maps in the Rural Residential and Rural Lifestyle Zones has been deferred to hearings on the Planning Maps. We will limit our consideration of the issue before us to:
- a. Policy 22.2.2.4;
 - b. Rule 22.4.10; and
 - c. Rule 22.5.13.
36. If the result of our consideration impacts on the mapping question we will make a recommendation to the relevant Hearing Panels hearing the submissions on the Planning Maps.

1.7 Policy 22.2.2.4

37. This policy is one of four policies under Objective 22.2.2¹⁷ which deals with visitor accommodation in the Rural Residential and Rural Lifestyle zones. Policy 22.2.2.1 is to enable visitor accommodation (among other activities) which, in terms of location, scale and type, is compatible with and would enhance the predominant activities of the zone ((rural and residential activities see Objective 22.2.2). Policy 22.2.2.3 seeks to discourage visitor accommodation (among other activities) that would diminish amenity values and the quality and character of rural living environment. Policy 22.2.2.5 suggests that buildings used for visitor accommodation should be of a bulk, scale and intensity commensurate with anticipated development in the zone and surrounding residential activities.

¹⁵ C Barr, Reply Evidence on Chapter 22 at 5.1

¹⁶ Section 32 Evaluation Report Matakauri Lodge, Appendix [B] – Resource Consents History

¹⁷ We refer here to the wording of the objective and policies as recommended by the Stream 2 Hearing Panel.

38. We find Policy 22.2.2.4, as notified and supported by Mr Barr, to be inconsistent with Policies 22.2.2.1, 22.2.2.3 and 22.2.2.5 as recommended. Each of those policies provide that visitor accommodation should be able to occur in the two zones where the overall qualities of the relevant zone are retained and the scale and intensity of development is consistent with that anticipated by the zone outside of any VASZ.
39. We understand the purpose of the policies under Objective 22.2.2 are, in part, to establish those circumstances where visitor activities are appropriate. Policies 22.2.2.1, 22.2.2.3 and 22.2.2.5 clearly do that. Policy 22.2.2.4 is contrary to those policies by suggesting visitor accommodation should only occur in “*specified visitor accommodation subzone areas*”. To the extent that Policy 22.2.2.4 requires the control of the scale and intensity of visitor activities, it is superfluous as Policy 22.2.2.5 provides more direct guidance on this point.
40. For those reasons we recommend that Policy 22.2.2.4 be deleted.

1.8 Rule 22.4.10

41. This rule provides that visitor accommodation within a VASZ, including the construction or use of buildings for visitor accommodation, is a controlled activity. The matters of control do not enable consideration of all matters which the policies in Chapter 22 suggest would be relevant. For example, Policies 22.2.2.4 and 22.2.2.5 raise issues regarding the *intensity* of visitor accommodation development, but control is limited to the bulk and scale of buildings. Further, Policy 22.2.3.1 seeks to discourage new development that requires servicing and infrastructure at a cost to the community. This is not a matter able to be considered under this rule. Similarly, Policies 22.2.1.1 and 22.2.1.4 seek to ensure the location and form of buildings do not affect specified landscape qualities. The only aspect that can be controlled under this rule is in respect of water bodies by ensuring buildings are compatible with the scenic and amenity values of any waterbodies.
42. In a practical sense, the application of this rule in conjunction with Rule 22.5.13 in relation to Matakauri Lodge would enable a further 576m² of building coverage subject only to conditions that would appear to enable some control on the size and shape of individual buildings and require landscaping.¹⁸ We have no information to enable a similar assessment of the other two VASZ sites.
43. Looking at the Strategic Policies (in Chapters 3 and 6), it is clear that the provision for visitor accommodation outside the urban areas is contemplated only where they would protect, maintain or enhance landscape quality, character and visual amenity values.¹⁹ This rule does not enable consideration of any of those characteristics, other than in respect of those scenic and amenity values relating to water bodies.
44. We have considered whether this rule could be amended by extending the matters control is reserved over so as to include the deficiencies noted above. However, when one considers the range of matters control would need to be reserved over and the policy direction set by the PDP, we are satisfied that a controlled activity status for such visitor accommodation

¹⁸ Based on Mr Williams’ Evidence in Chief at paragraph 7

¹⁹ Policies 3.3.25 and 6.3.3

would be inappropriate. In our view, only by having the ability to refuse consent would the Council be able to achieve the policies of the PDP when considering applications for visitor accommodation in a VASZ.

45. Having reached that conclusion, we have then examined whether provision should be made for visitor accommodation in VASZs as a restricted discretionary activity. However, we are confronted with two difficulties. First, we have no evidence concerning the environment within or surrounding the two VASZs in Speargrass Flat or Makarora. Thus, we are unable to be satisfied that we would be able to create an adequate set of discretions for those two sites.
46. Second, as it stands, the range of matters discretion would need to be restricted to at a minimum so as to give effect to the objectives and policies of the PDP, as discussed above, would be so extensive as to be tantamount to an unrestricted discretionary activity. Consequently, we conclude that provision for visitor accommodation in the VASZs should be a discretionary activity.
47. As Rule 22.4.11, as recommended in the Recommendation Report on Chapter 22, provides for visitor accommodation outside of a VASZ as a discretionary activity, we recommend that Rule 22.4.10 be deleted and Rule 22.4.11 be amended to apply to all visitor accommodation in the zones not otherwise provided for. As a consequential amendment, we recommend that Rule 22.6.2 be deleted.

1.9 Rule 22.5.13

48. This rule sets a building coverage limit in VASZs in the Rural Lifestyle Zone of 10% with a maximum of 2,500m². Building coverage is only otherwise controlled in the Rural Lifestyle Zone by the requirement that buildings are to be located within a RBP (Rule 22.4.3.1) and a maximum permitted size of any individual building of 500m² (Rule 22.5.3).
49. These rules are to give effect to Policy 22.2.1.2²⁰:

“Set density and building coverage standards in order to maintain rural living character and amenity values, and the open space and rural qualities of the District’s landscapes.”
50. This rule applies whether the buildings to be erected in the relevant VASZ are for visitor accommodation or any other purpose. The rule creates an inconsistency with other provisions in the Rural Lifestyle Zone by suggesting that development outside of a RBP in a VASZ is allowable, notwithstanding Rules 22.4.2.1, 22.4.2.2, 22.4.2.3 and 27.7.10.
51. No evidence has been provided, either in the Section 32 Evaluation Report or at the hearing, to justify the differentiation between allowable coverage in the VASZ versus that allowable elsewhere in the Rural Lifestyle Zone. Given that all such rules are giving effect to the same policy we would have expected some cogent reasons to be provided for such a differentiation. In this respect, we consider Mr Williams’ evidence did not satisfactorily show how this rule dealt with the individual characteristics of each site as he claimed in the paragraph we quoted above (paragraph 26).

²⁰ As recommended by Stream 2 Hearing Panel

52. If the rationale was purely related to the construction of visitor accommodation, then the rule is unnecessary now that we have concluded such activities are to be discretionary activities. The standards in Table 2 only apply to permitted activities²¹. The only permitted activities involving buildings are required by Rule 22.4.2.1 to be located within a RBP of 1,000m² or less, or where there is no RBP, required by Rule 22.4.2.2 to be limited as to scale.
53. For all of those reasons we recommend that Rule 22.5.13 be deleted.

2. Stage 2 Variations

54. Since preparing this report, the Stage 2 Variations were notified by the Council on 23 November 2017. In accordance with Clause 16B of the First Schedule, the provisions of the variations merged with the PDP at that date. One result of that is the deletion of the notified VASZ at Speargrass Flat Road from Map 26.

3. OVERALL RECOMMENDATION

55. Throughout this report, reference is made to recommended changes. The changes recommended by the Panel have been incorporated into the version of Chapter 22 recommended by the Hearing Panel on Stream 2.
56. We recommend to the Council for the reasons set out above, that the deletions and amendments we have recommended above be adopted, and the submissions and further submissions be accepted, accepted in part or rejected accordingly, as listed in Appendix 1.
57. As a consequence of our recommendation that the provisions specific to the Visitor Accommodation Sub-Zone from Chapter 22 be removed, we recommend that the Hearing Panels hearing the submissions on the maps delete the VASZ notation as being unsupported by any provision.

For the Hearing Panel



Denis Nugent, Chair

Date: 30 March 2018

²¹ See Rule 22.3.2.1

Appendix 1: Recommendations on Submissions and Further Submissions

Part A: Recommendations on Submissions

Submission Point Number	Submitter	Commissioners' Recommendation
OS243.19	Byrch, Christine	Accept
OS243.25	Byrch, Christine	Accept
OS243.26	Byrch, Christine	Reject
OS243.33	Byrch, Christine	Accept
OS595.2	Matakauri Lodge Limited	Reject
OS674.10	Hadley, J & R	Accept in part
OS719.115	NZ Transport Agency	Reject
OS719.118	NZ Transport Agency	Reject
OS811.12	Scaife, Marc	Accept

Part B: Recommendations on Further Submissions

Further Submission	Original Submission Reference	Further Submitter	Commissioners' Recommendation
FS1050.11	674.10	Jan Andersson	Accept in part
FS1082.10	674.10	Hadley, J and R	Accept in part
FS1089.11	674.10	McGuinness, Mark	Accept in part
FS1146.10	674.10	Nicolson, Lee	Accept in part
FS1224.19	243.19	Matakauri Lodge Limited	Reject
FS1224.25	243.25	Matakauri Lodge Limited	Reject
FS1224.26	243.26	Matakauri Lodge Limited	Accept in part
FS1224.33	243.33	Matakauri Lodge Limited	Reject
FS1224.59	811.12	Matakauri Lodge Limited	Reject
FS1255.4	674.10	Arcadian Triangle Limited	Reject

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 17-11

Report and Recommendations of Independent Commissioners Regarding
Mapping of Queenstown-Glenorchy Road, Glenorchy and Environs, Dart and
Rees Valleys

Commissioners

Denis Nugent (Chair)

Jan Crawford

David Mountfort

CONTENTS

PART A: TEMPLE PEAK LTD	2
PART B: CABO LIMITED	3
PART C: NEW ZEALAND TUNGSTEN MINING LIMITED	5
PART D: AMRTA LAND LTD	7
PART E: MOUNT CHRISTINA LIMITED	11
PART F: GARRY STRANGE AND NICK CLARK	14
PART G: BOB'S COVE	17
PART H: MATAKAURI LODGE VISITOR ACCOMMODATION SUB-ZONE	23
PART I: SUMMARY OF RECOMMENDATIONS	25

Appendix 1: Amendments to Chapters 22 and 27 in Relation to Submission 764.18 for Mt Christina

PART A: TEMPLE PEAK LTD

Submitter **Temple Peak Ltd (Submission 486)**

1.

1.1. Subject of Submissions

1. This submitter supported the Rural Lifestyle Zone on their land on the Rees Valley Road and sought adoption of the Rural Lifestyle zoning.

2. There were no further submissions therefore the notified zoning was not challenged.

3. The site is shown in Figure 11-1 below



Figure 11-1 - Submission site near Glenorchy – Extract from Planning Map 9

1.2. Recommendation

4. Therefore we recommend to the Council that Submission 486 be accepted.

PART B: CABO LIMITED

Submitter Cabo Limited (Submission 481)

2.

2.1. Subject of Submissions

5. The submitter sought adoption of the Rural Lifestyle Zone provisions (inclusive of the Building Restriction Area) and Rural Lifestyle zoning as it related to the Wyuna Station Rural Lifestyle Zone.
6. There were no further submissions therefore the notified zoning was not challenged.
7. The sites are shown on Figures 11-2 and 11-3 below.

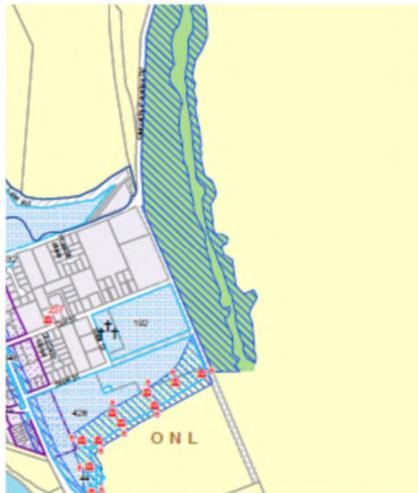


Figure 11-2 – Submission site at Glenorchy - see Planning Map 25b



Figure 11-3 – Submission site south of Glenorchy – see Planning Map 25a

2.2. Recommendation

8. Therefore we recommend to the Council that Submission 481 be accepted.

PART C: NEW ZEALAND TUNGSTEN MINING LIMITED

Submitter New Zealand Tungsten Mining Limited (Submission 519.64)

Further Submissions

FS1015.100 – Straterra – support

FS1356.64 - Cabo Limited - oppose

3. PRELIMINARY MATTERS

3.1. Outline of Relief Sought

9. The submitter sought that the boundary of the ONF which, as notified, followed the edge of the Dart River, be realigned. It stated that the ONF boundary did not follow the most appropriate boundary on the western side (alongside the Dart River). The request would move the ONF boundary to the toe of Mt Alfred.
10. Further submitter FS1015.100 (Straterra) supported the submission on the basis that moving the ONF boundary would provide for mineral and mining activities.
11. FS1356.64 (Cabo Limited) opposed the submission on the basis that it did not result in sound resource management planning.

3.2. Description of the Site and Environs

12. The site of the submission is the eastern side of the Dart River flats north of Glenorchy, as identified on the Planning Map extract below.



Figure 11-4 – NZ Tungsten Mining submission Dart Valley – Extract from Planning Map 9

3.3. The Case for Rezoning

13. Dr Read, the landscape expert witness for the Council, considered that the strip of land between the Dart River and Mt Alfred could be removed from the ONF. The land would remain within the ONL which could absorb activities such as farm buildings and non-intrusive prospecting and mining at the levels permitted in the Rural Zone. The proposal is illustrated in the attached diagram taken from Dr Read's evidence.¹

¹ Dr M Read, EIC, 24 May 2017, paragraphs 15.3 – 15.5 and Figure 25

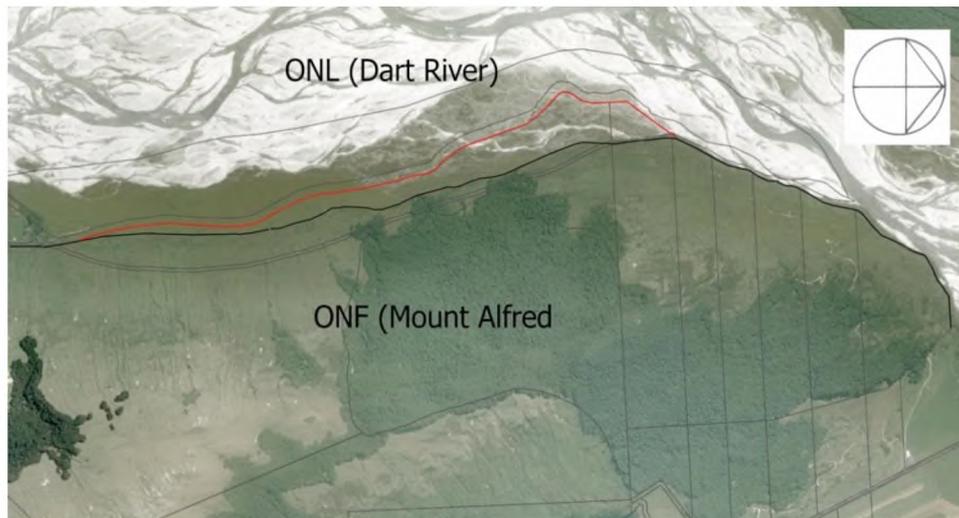


Figure 11-5: Amended ONF/ONL boundary along the north western edge of Mount Alfred. The red line is the notified boundary, the black line is the boundary requested in Submission 519.

3.4. Discussion of Planning Framework

14. The land adjoins the Dart River and is part of the ONF. Strategic objectives and policies in Chapter 3 require the identification of ONL's and ONF's and their protection from more than minor or temporary adverse effects.² Rules in the Rural Zone give effect to these provisions and ensure that activities and buildings, in this case for mining activities, with the potential for more than minor effects would require assessment under resource consent applications.

4. ISSUES

- a. The correct location of the Outstanding Natural Feature (ONF) Boundary

5. DISCUSSION OF ISSUES AND CONCLUSION

15. We are satisfied that the identification of Mt Alfred as an ONF and the Dart River Flats as ONL together with the Rural Zone rules relating to ONF's and ONL's will ensure no more than minor or temporary adverse effects can occur from activities permitted in the zone.
16. We conclude that the ONF line in this vicinity can be shifted to the toe of Mt Alfred.

6. RECOMMENDATION

17. For those reasons we recommend that:
- a. Submission 519.64 be accepted; and
 - b. FS1015.100 be accepted; and
 - c. FS1356.64 be rejected; and
 - d. That the ONF line be shifted to the toe of Mt Alfred as shown on Planning Map 9.

² See Objective 3.2.5 and Policies 3.3.29 3.3.30 and 6.3.12

PART D: AMRTA LAND LTD

Submitter Amrta Land Ltd (Submission 677)

Further Submissions

FS1035.8 and FS1035.9 - Mark Crook - oppose
FS10748 and FS1074.9 - Alistair Angus - oppose
FS1290.1 and FS1290.2 - Robert Andrew Singleton - oppose
FS1312.8 and FS1312.9 - AG Angus - oppose
FS1319.1 and FS1319.2 - John Glover - oppose
FS1323.1 and FS1323.2 – Kinloch Residents Association - oppose
FS1364.8 and FS1364.9 – John & Kay Richards - oppose

7. PRELIMINARY MATTERS

7.1. Subject of Submissions

18. These submissions related to an area of approximately 800 ha being Woodbine Station at the head of Lake Wakatipu near Kinloch.

7.2. Outline of Relief Sought

19. The submitter sought that Planning Maps 9 and 25 be amended to include Woodbine Station within the (ODP) Rural Visitor Zone. Alternatively, a zone that would provide for tourism development such as the Rural Lifestyle Zone with a Visitor Accommodation overlay or some other specific tourism related zoning was sought.

7.3. Description of the Site and Environs

20. The site, shown on Figure 11-6 below, consists of river flats on the west bank of the Dart River and indigenous forest regenerating slopes at the foot of the mountains on the west side of Lake Wakatipu.



Figure 11-6 – Approximate extent of Woodbine Station subject to the submission outlined in red.

7.4. The Case for Rezoning

21. The submission stated that the subject land was suitable for tourism development including visitor accommodation and related recreational amenities; and that such development could contribute significantly to the local community and wider District's economic wellbeing.
22. The further submissions in opposition were concerned with the potential for adverse effects on the ONL, the rural and other amenities, and the lack of detail provided. Some of them accepted the possibility of some development on the site but not to the extent possible under the proposed zoning.
23. For the Council, Dr Read opposed the rezoning from a landscape perspective because while there may be some potential to apply the zoning sought to small, discrete areas of the property, adjacent to Kinloch for example, the risks to the wider landscape of rezoning the entire station, effectively removing it from the ONL protections provided by the PDP, would be too great.³
24. Mr Davis opposed the rezoning from an ecological perspective because the site encompassed land on the valley flats on the true right of the Dart River and the lower hillslopes of the Humboldt Mountains overlooking Lake Wakatipu. The hillslopes are regenerating and are dominated by early succession bracken fern community that will be providing a good nursery crop for progressing the development of the vegetation, should the station choose not to undertake clearing activities. The valley flats immediately to the north of Lake Wakatipu have been developed and are dominated by introduced pasture communities but are also likely to contain some areas of wetland. The submission provided little information regarding the scope of tourism activities on the property. It was, he said, therefore not possible to consider the effects the zone may have on the ecology of the area without a clearer understanding of the activities that may occur under the proposed zone.⁴
25. Mr Glasner opposed the rezoning from an infrastructure perspective because it would potentially allow a large high density development in a rural area and it was unclear how servicing of this site was planned, and whether it was feasible given site constraints.⁵
26. Mr Mander considered that the increased use of the road might require upgrades to Kinloch Road. As the submitter had not provided information on traffic effects he therefore opposed the rezoning from a traffic perspective.⁶

7.5. Discussion of Planning Framework

27. The land is zoned Rural within an ONL. Strategic Objectives and Policies in Chapters 3 and 6 of the PDP require the identification of ONL's and avoidance of adverse effects on them that would be more than minor and or not temporary. Subdivision and development are discouraged in ONL's unless the landscape can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site.⁷

³ Dr M Read, EIC, 24 May 2017, paragraphs 15.6 – 15.7

⁴ G Davis, EIC, 24 May 2017

⁵ U Glasner, EIC, 24 May 2017, paragraphs 8.71 – 8.74

⁶ D Mander, EIC, 24 May 2017, paragraphs 11.12 – 11.17

⁷ See Objective 3.2.5, policies 3.3.29 and 3.3.30, and Policy 6.3.12

28. The Zone Purpose for the Rural Zone states that the purpose of the zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity. The Zone Purpose also recognises that a substantial proportion of the ONLs of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long-term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of farm rural properties that utilise the qualities that make them so valuable.⁸
29. Objectives and policies of Chapter 21 provide for a range of land uses including farming to be enabled, while protecting landscape, and other natural and amenity values, and recognising economic diversification and sustainable commercial recreation activities.⁹ Rules in the plan provide for residential and larger scale commercial recreation as discretionary activities.
30. The alternative Rural Residential zoning suggested would take the site out of the ONL, and would enable very extensive rural residential development at a scale far beyond anything else at the head of the lake. Although landscape would be a relevant matter for consideration on any consent applications to develop the site, this would not be in the context of the objectives and policies relating to the ONL.

8. ISSUES

- a. Landscape
- b. Ecology
- c. Traffic
- d. Infrastructure
- e. How to best accommodate increases in visitor activity.

9. DISCUSSION OF ISSUES AND CONCLUSIONS

31. Firstly we observe that we are entirely sympathetic to the submitter's wish to diversify the economic base of the station by developing visitor accommodation and activities there. This is specifically recognised and provided for in the PDP provided that it is carried out in an appropriate way.¹⁰ The question to be resolved is the most appropriate way to enable this.
32. We do not assume that the submitter intends to develop the entire station for visitor accommodation and activities. However we have no information at all about how much development is envisaged and the rezoning requested does not include any limits. We are simply unable to assess the potential effects of this proposal because of this. We agree with Dr Read that there may be some potential for visitor activities on some small discrete areas of the property, adjacent to Kinloch for example, but that the risks to the wider landscape of

⁸ Chapter 21, Section 21.1

⁹ See Objectives 21.2.1, 22.1.8, 21.1.9, 21.1.10 and their related policies.

¹⁰ See Objective 3.2.1, and Policies 3.2.1.8 and Policy 3.3.1

rezoning the entire station, effectively removing it from the ONL protections provided by the PDP, are far too great.

33. The same applied to concerns about traffic, ecology and infrastructure. As we have no information about the scale of development proposed we cannot assess potential effects.
34. In addition to that, as we have stated when discussing a number of other similar submissions, we are not prepared to import the Rural Visitor Zone from the ODP into the PDP, even in modified form. In brief, we consider that zone allows too great a density of development without sufficient safeguards. Its objectives and policies do not properly reflect the requirements of Part 2 of the RMA regarding ONL's and areas of significant indigenous vegetation for example.¹¹ It would not sit comfortably with the relevant objectives and policies of this PDP without significant modification.
35. We also note that the Stream 2 Panel is recommending the deletion of the Visitor Accommodation Sub-Zone from the Rural Lifestyle Zone. Without evidence as to its appropriate application, including objectives, policies and rules, along with a section 32 analysis, we are not prepared to re-instate it for this site.
36. At a later stage in the plan review process the Council will be reviewing the ODP Rural Visitor Zone provisions. Until then, if the submitter wishes to pursue any development projects then there is the opportunity to do so through the resource consent process in the Rural Zone.

10. RECOMMENDATION

37. For the reasons set out above, we recommend that:
 - a. Submissions 677.8 and 677.9 be rejected; and
 - b. The Further Submissions FS1035.8, FS1035.9, FS10748, FS1074.9, FS1290.1, FS1290.2, FS1312.8, FS1312.9, FS1319.1 and FS1319.2, FS1323.1, FS1323.2, FS1364.8 and FS1364.9 be accepted; and
 - c. The Council reconsider the zoning of this site when it reviews the ODP Rural Visitor Zone.

¹¹ Sections 6(b) and (c) of the RMA.

PART E: MOUNT CHRISTINA LIMITED

Submitter Mount Christina Limited (Submission 764)

Further Submissions:

None

11. PRELIMINARY MATTERS

11.1. Subject of Submissions

38. The land to which the submission relates is Lot 1 – 2 DP 395145 and Section 2 SO Plan 404113, being 28.86 hectares in area and contained within Computer Freehold Register 455423.

12. Outline of Relief Sought

39. The submission sought the rezoning of the site, as shown on Planning Map 9 from part Rural Residential and Rural to all Rural Residential.

13. Description of the Site and Environs

40. The submission site is on the Glenorchy Paradise Rd, 12 kilometres north of Glenorchy, adjacent to Camp Hill, identified on the aerial photograph below (Figure 11-7).

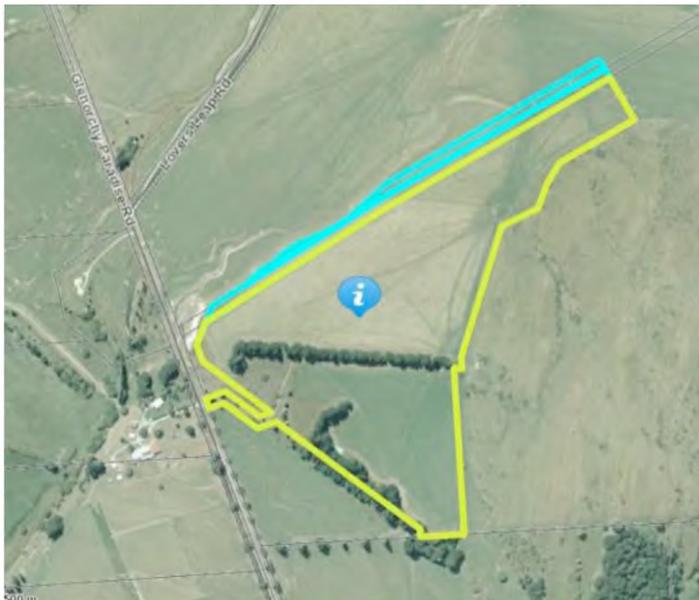


Figure 11-7: location of Submission site

14. The Case for Rezoning

41. The land adjoins Camp Hill and is within the ONL. The land proposed for rezoning is situated on a terrace separated from the road and other land owned by the submitter by a steep escarpment. Much of the site is screened from the road by the escarpment although any housing built close to the edge of the escarpment would be visible from below and would appear in views of Camp Hill

42. Mr Skelton,¹² the landscape expert witness for the submitter, considered the notified Rural Residential zoning for the site to be illogical as it included the highly visible southern face of

¹² S Skelton, EIC, 12 June 2017; Summary Statement, 1 September 2017

the escarpment and lower land that would be highly visible from the surrounding area. He noted that there have already been two rural residential subdivisions of 36 and 26 allotments approved for the site including the existing zoning. He considered it would be much more appropriate to confine development to the upper terrace which has much greater ability to absorb the development without adverse effect on the environment. He considered that the whole upper terrace could be rezoned, but with a 20m setback from the edge of the escarpment, a limit of 36 allotments and a building height limit of 5.5m. At 30 ha, this would be twice the size of the existing rural residential zone but, he said, the site had the capacity to absorb the development.

43. Dr Read, for the Council, had a similar view of the existing zoning but considered that the extent of the Rural Residential zoning should be no greater than the 15 hectares zoned as notified, and that it should be limited to the part of the terrace near the base of Camp Hill limited to 26 allotments, as provided for by the existing resource consent, so as to reduce the impact on the landscape. She estimated the upper terrace would have the capacity for up to 48 allotments.¹³

15. ISSUES

- a. The capacity of the site to absorb development without adverse effects on the ONL.
- b. The extent and scale of the area to be rezoned Rural Residential.
- c. Any rules required to implement this rezoning.

15.1. Other Constraints on Development:

44. The zone boundary sought by the submitter follows the cadastral boundaries. If this is adopted, there would be several small areas of escarpment face included within the Rural Residential Zone. We discussed with the submitter and Mr Buxton at the hearing the best way to exclude development on this face, including Building Restriction Areas, setbacks to a contour or setbacks from the edge of the escarpment edge.

15.2. Discussion of Planning Framework

45. Strategic Objectives and Policies in Chapters 3 and 6 of the PDP require the identification of ONL's and avoidance of adverse effects on them that would be more than minor and or not temporary. Subdivision and development are discouraged in ONL's unless the landscape can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site.¹⁴ Rules in Chapters 22 (Rural Residential) and 27 (Subdivision) are used to create site specific rules for Rural Residential zoned sites that have particular sensitivities.

16. DISCUSSION OF ISSUES AND CONCLUSION

46. The experts for the submitter and the Council both agree that some Rural Residential zoning would be appropriate on the site, and that the existing location of the zone could be improved upon by confining it fully to the upper terrace, except for an access road. They disagree on the amount of land to be rezoned, its location on the upper terrace and by how much the yield should be limited.

¹³ Dr M Read, EIC, 24 May 2017, paragraphs 15.1 – 15.6; Rebuttal Evidence, 7 July 2017, paragraphs 8.13 – 8.17

¹⁴ See Objective 3.2.5, Policies 3.3.29 and 3.3.30, and Policy 6.3.12

47. We consider some location specific rules, as recommended by the submitter's witnesses would be appropriate in this case.¹⁵ We accept the evidence of Mr Skelton that the upper terrace has the capacity to absorb 36 dwellings with generous setbacks from the terrace edge and a single storey height limit, because such development would be largely out of sight from surrounding areas. For this reason, we do not see the need to confine the zoning to a similar size as the ODP, or confine its location to the base of Camp Hill or restrict it to 26 allotments as recommended by Dr Read and Mr Buxton because we do not consider these additional restrictions would actually achieve any better outcome. We consider this amended package we are recommending will best achieve the objectives and policies of the PDP.
48. While we accept Mr Ferguson's proposed rules in principle, we consider that they can be better accommodated in Chapter 22 as a separate table, consistent with the approach taken for the Rural Residential Zone as applied at Forest Hill and Bobs Cove, with minor wording adjustments to make the rules consistent with similar rules in the PDP. We also recommend adjusting the setback control proposed by Mr Ferguson to require the set back from either the zone boundary or the top of the escarpment where that is located within the zone.

17. RECOMMENDATION

49. For the reasons set out above, we recommend that:
- a. Submission 764.18 be accepted in part by the rezoning of Lot 1 – 2 DP 395145 and Section 2 SO Plan 404113 as Rural Residential as shown on Planning Map 9; and
 - b. The amendments to Chapters 22 and 27 set out in Appendix 1 to this report be adopted.

¹⁵ C Ferguson, EIC, 12 June 2017, Appendix 6

PART F: GARRY STRANGE and NICK CLARK

Submitter **Garry Strange (Submission 168) and Nick Clark (Submission 298)**

18. PRELIMINARY MATTERS

18.1. Subject of Submission

50. These submissions relate to all of the lands zoned Rural Residential, Rural Lifestyle, Visitor Accommodation Subzone and Rural at Wilsons Bay.

18.2. Outline of Relief Sought

51. Mr Strange sought that the Council address the four different zonings at Wilson Bay (Rural, Rural Residential, Rural Lifestyle and Visitor Accommodation Subzone) and remove the ONL, allowing development to be managed by the zoning only. He did not state how he wanted the zonings to be altered.

52. Mr Clark (298) sought that Lots 20 – 28 DP 12816 be rezoned from Rural Lifestyle to Rural Residential and that the building restriction be removed.

53. Mr Clark also requested that the density restrictions of one residential unit per hectare with an overall density of one residential unit per 2 ha be removed. Presumably this is for the Rural Lifestyle zone. This point was not included in the summary of submissions. This issue was raised by other submitters and we recommend the issue be rejected.¹⁶

18.3. Description of the Site and Environs

54. The location of the land to which Mr Strange's submission relates is not entirely clear but includes at least the Rural Residential and Rural Lifestyle Zones identified on the aerial photograph below (Figure 11-8). The submission is unclear about the extent to which it applies to the Rural Zone.



Figure 11-8 - Excerpt from PDP Planning Map 38 Wilsons Bay. Dark Green is Rural Lifestyle zone, Light Green is Rural Residential, yellow is Rural and blue cross-hatch is the Building Restricted Area.

¹⁶ See Report 17-8 on Submission 328 (Gutzewitz & Boyd)

18.4. The Case for Rezoning

55. Mr Strange requested that the Council remove Wilson Bay and surrounding highly developed areas from the ONL and let development take place within the rules of the district plan without the ONL as this would use land that is useless and over grown with wilding pines.
56. Mr Clark stated that the zoning of Rural Lifestyle of Lot 24 DP 12816 was inconsistent with surrounding developments and that a zoning change to Rural Residential would better reflect the patterns that already exist. He proposed that the policy of one residential unit per hectare with an overall density of one residential unit per two hectares be removed. He considered that the land at Closeburn is useless for anything but building on, as it was covered in pines and for that reason it had very few natural landscape values that were visible. He considered that the BRA to be unnecessary and that it served no discernible purpose and that it was applied to steep land covered in pines.
57. For the Council, Dr Read opposed the rezoning and removal of the ONL from a landscape perspective because the land within the ONL had high natural character that was part of the backdrop to Lake Wakatipu. Her evidence was also that although the requested rezoning from Rural Lifestyle to Rural Residential could result in the removal of the wilding conifers, the resultant large number of dwellings would reduce the natural character and rural qualities of the area.¹⁷
58. Mr Buxton stated that the PDP zoning in Wilson Bay provided greater residential density close to the bay on the flatter portions, and less density further away on the steeper sloping land. The Building Restriction Area (BRA) and the ONL on the Rural Zone beyond applied to the higher areas to reduce the prominence of buildings (and earthworks for access ways) on the backdrop to the bay or when approaching the bay from Queenstown. Viewed from the bay itself, removal of the BRA could result in a number of additional dwellings in an elevated and highly visible part of the bay.
59. Mr Mander, the traffic expert for the Council, noted the absence of any assessment of potential traffic effects from the greater number of houses that could eventuate and therefore opposed the rezoning.¹⁸
60. The submitters provided no expert landscape evidence in their submissions and did not appear at the hearing.

19. ISSUES

- a. Appropriateness of the ONL at Wilsons Bay.
- b. Appropriateness of the zonings at Wilsons Bay
- c. Appropriateness of the Building Restricted Area
- d. Appropriateness of averaging provisions of the Rural Lifestyle zone

19.1. Discussion of Planning Framework

61. Under Chapter 6 of the PDP, the ONL provisions do not apply to the land zoned Rural Lifestyle and Rural Residential.¹⁹ Removing the ONL from these lands would therefore achieve nothing.

¹⁷ Dr M Read, EIC, 24 May 2017, paragraphs 14.1 – 14.9

¹⁸ D Mander, EIC, 24 May 2017, paragraphs 6.6 – 6.9

¹⁹ See Policy 6.3.2

The appropriate location of the ONL would only be an appropriate consideration if we were of a mind to rezone any of the rural land at Wilsons Bay.

62. Perhaps the reason for the submission is that the Planning Map, as notified, did not identify that the ONL in the Rural Zone ended where that zone adjoined the Rural Lifestyle or Rural Residential zones. The inclusion of the Landscape Classification Line at such zone intersections would, in our view, assist users' understanding of the District Plan. We have discussed this more in the Introductory Report for Stream 13.
63. Strategic Objectives and policies in Chapters 3 and 6 of the PDP require the identification of ONL's and avoidance of adverse effects on them that would be more than minor and or not temporary. Subdivision and development are discouraged in ONL's unless the landscape can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site²⁰. These provisions need to be considered in any proposal to relocate the ONL line at Wilsons Bay or rezone any rural land there.

20. DISCUSSION OF ISSUES AND CONCLUSION

64. In the absence of any expert evidence about landscape values or traffic effects at Wilsons Bay from the submitters we accept the advice of the Council experts, Dr Read, Mr Mander and Mr Buxton.²¹
65. Although the Rural Residential Zone requested does contain objectives, policies and rules that give some protection to landscape values,²² these do not offer the same level of protection as the ONL, and therefore are more appropriate in rural areas that do not meet the outstanding threshold. It is our understanding of the RMA and the relevant caselaw²³ that if there is an ONL, then this should be identified first and decisions on zoning then follow. If the land qualifies as an ONL, then it should not be zoned Rural Residential.
66. We conclude that the ONL, the Building Restricted Area and the Rural Lifestyle and Rural Residential zonings at Wilsons Bay are appropriate and should remain in place.
67. With regard to minimum and average densities within the Rural Lifestyle zone, we heard no evidence on the matter and, therefore, do not recommend any change.

21. RECOMMENDATION

68. For the reasons set out above, we recommend that Submissions 168 and 298 be rejected.

²⁰ See Objective 3.2.5, policies 3.3.29 and 3.3.30, and Policy 6.3.12

²¹ R Buxton, Section 42A Report, 24 May 2017, paragraphs 12.9 – 12.14

²² Chapter 22, Section 22.2

²³ *Man o' War Station Limited v Auckland Council* [2017] NZRMA 121

PART G: BOB'S COVE

Submitter **Glentui Heights Limited (Submission 694), Bob's Cove Development Limited (Submission 712)**

22. PRELIMINARY MATTERS

22.1. Outline of Relief Sought

69. The submitters essentially sought that the notified provisions in the Rural Residential Zone specific to the Bob's Cove Rural Residential Zone (except for Objective 22.2.7) and the Bob's Cove Rural Residential Subzone be removed so that only the Rural Residential provisions apply.
70. Submissions 694.20 and 712.10 sought the deletion of "Table 5: Rural Residential Bob's Cove and subzone" from Chapter 22 on the basis that:
- a. these rules have been largely carried over from the ODP;
 - b. the principles have been reflected in the theme and consent conditions of subdivisions approved and implemented in Bob's Cove;
 - c. the proposed rules are excessive and inefficient regulations that promote focus on compliance at the expense of design innovation and case-by-case assessments; and
 - d. the general objectives and policies under 27.2.7 should set the outcomes sought for this area.
71. Submissions 694.4 and 712.6, 712.7, 712.8 sought deletion of Objective 22.2.6 and Policies 22.2.6.1 and 22.2.6.2. The reasons were that these policies are unusually prescriptive and in some instances are more reminiscent of methods. It was submitted that now that Bob's Cove has been established and the developer has shown that they are developing in accordance with the general philosophy promoted by the operative plan, deletion of this objective and related policies will encourage a move from a focus on compliance to assessing how a proposal complies with the overall principles set out in the Bob's Cove subzone via Objective 22.2.6 and subsequent policies.
72. Submissions 694.6 and 712.9 sought adoption of Objective 22.2.7 and Policies 22.2.7.1 and 22.2.7.2 on the basis that they provide an appropriate level of guidance for assessing applications for resource consents.
73. Submission 712.3 sought rezoning of the land identified below, from Rural to Rural Residential. This land is 0.34ha in area and is located on the south west corner of the Bob's Cove Subzone. The submitter stated that the subject land was being exchanged for private residential use with other land of greater conservation value, and Rural Residential zoning was considered to be the most appropriate zoning.
- #### 22.2. Description of the Site and Environs
74. The site covered by the submissions is the whole of the Rural Residential Bob's Cove Zone and Subzone, as shown in Figure 11-9 below, and an additional area of 0.34ha on the southern edge of the subzone, which is proposed to be exchanged with the Department of Conservation, as shown in Figure 11-10.



Figure 11-9 - Excerpt from PDP Planning Map 38. Light Green is Rural Residential, yellow is Rural and green cross-hatch is a Significant Natural Area.



Figure 11-10 - Approximate position of the land requested to be rezoned Rural Residential

22.3. Description of site and environs

75. The site is a partially developed Rural Residential Zone at Bobs Cove on the Glenorchy Road, together with the small portion of Rural Zone land shown in Figure 11-10. We were told by Mr Donald Reid, a director of the submitter, that most of the Figure 11-9 site was farmed up until about 1973, when it was acquired for rural residential development, and that it was cleared of vegetation in the 1980s. Exchanges of land have been made with adjoining reserve land now held by the Department of Conservation (DOC) so that the land of most conservation value has been included in reserves containing mature indigenous forest. A further exchange is now proposed, under which a small portion of land on the western edge of the Rural Residential Zone containing mature forest would be exchanged for former farmland on the south-eastern edge of the zone, now covered in regenerating vegetation and zoned Rural (as shown on Figure 11-10).²⁴

²⁴

D Reid, EIC, 9 June 2017

22.4. The Case for Rezoning

76. The case for deleting the zone provisions specific to Bobs Cove was that the area is largely developed and the special provisions were no longer required. However, no evidence about this was presented at the hearing.
77. The land proposed to be passed to DOC contains mature indigenous forest that should be protected. The area proposed for inclusion in the Rural Residential Zone contains regenerating indigenous vegetation and wilding species. Public access to the land with the best conservation values was being promoted.

23. ISSUES

78. We have identified the following key issues raised by this submission:
- a. Relevance of the Bobs Cove subzone provisions
 - b. Ecological values
 - c. Landscape values

23.1. Discussion of Planning Framework

79. The sites to be exchanged are currently within the ONL on Planning Map 38. Relevant objectives and policies include;

Objective 3.2.5.1

The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.

Policy 3.3.30

Avoid adverse effects on the landscape and visual amenity values and natural character of the District's Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor and or not temporary in duration.

80. With regard to the request to delete the specific provisions that relate to Bob's Cove, the zone purpose acknowledges that some Rural Residential areas are located within visually sensitive landscapes. Additional provisions apply to development in some areas to enhance landscape values, indigenous vegetation, the quality of living environments within the zone and to manage the visual effects of the anticipated development from outside the zone. The potential adverse effects of buildings are to be controlled by bulk and location, colour and lighting standards and, where required, design and landscaping controls imposed at the time of subdivision.
81. The relevant objectives and policies state:
- 22.2.1 *Objective - The District's landscape quality, character and visual amenity values are maintained and enhanced while enabling rural living opportunities in areas that can absorb development.*
- 22.2.2 *Objective -The predominant land uses within the Rural Residential and Rural Lifestyle Zones are rural, and residential*

22.2.5 *Objective - Bob's Cove Rural Residential sub-zone –Residential development is comprehensively- planned with ample open space and a predominance of indigenous vegetation throughout the zone.*

22.2.5.1 *Ensure at least 75% of the zone is retained as undomesticated area and at least 50% of this area is established and maintained in indigenous species such that total indigenous vegetation cover is maintained over that area.*

22.2.5.2 *Ensure there is open space in front of buildings that remains generally free of vegetation to avoid disrupting the open pastoral character of the area and the lake and mountain views*

22.2.6 *Objective - Bob's Cove Rural Residential Zone - The ecological and amenity values of the Bob's Cove Rural Residential zone are maintained and enhanced.*

22.2.6.1 *To ensure views of Lake Wakatipu and the surrounding landforms from the Glenorchy-Queenstown Road are retained through appropriate landscaping and the retention of view shafts.*

22.2.7.2 *To ensure the ecological and amenity values of Bob's Cove are retained and, where possible, enhanced through:*

- *appropriate landscaping using native plants;*
- *restricting the use of exotic plants;*
- *removing wilding species;*
- *providing guidance on the design and colour of buildings;*
- *maintaining view shafts from the Queenstown Glenorchy Road.*

82. The rules for the Bob's Cove Subzone give effect to these provisions.

24. DISCUSSION OF ISSUES AND CONCLUSION

24.1. Bobs Cove Subzone

83. Although the submission sought the removal of the Bob's Cove Rural Residential Subzone as well as the rezoning of the land to be exchanged, only the latter was pursued at the hearing and the subzone issue was not pursued. In his Section 42A Report for the Council, Mr Robert Buxton considered that the zone provisions should stay to ensure that any future developments or amendments to existing development are also assessed under those same provisions.²⁵ As we heard no evidence to the contrary, we accept that advice.

24.2. Ecology

84. In his evidence for the Council, Mr Glenn Davis opposed the rezoning of the Rural-zoned block because it contains maturing indigenous regeneration and there would be a loss of ecological values. He pointed out that the subzone seeks to retain significant amounts of indigenous vegetation.²⁶

85. For the submitter, Mr Reid pointed out that the land was farmed until the 1970s, and while it contains some regenerating species there are also weed species present. The land to be passed to DOC contains mature indigenous forest with significantly greater conservation

²⁵ R Buxton, Section 42A Report, 24 May 2017, paragraph 13.14

²⁶ G Davis, EIC, 24 May 2017, paragraphs 5.15 – 5.17

processes. The arrangement has been through DOC internal processes and has received Ministerial approval.

86. The land held by the submitter could presumably be clear-felled and incorporated into the rural residential development in some way. We accept that the exchange proposal between the submitter and DOC would provide a net conservation gain over the status quo. It therefore better meets the purpose of the RMA, and the relevant objectives and policies of the PDP than the status quo.

24.3. Landscape values

87. For the Council, Dr Marion Read considered that any adverse effect on landscape character and quality on visual amenity would be insignificant in extent.²⁷
88. Mr Steven Skelton, the landscape expert witness for the submitter, considered that the site is visible from parts of the Queenstown – Glenorchy Road, the Bobs Cove Track and the surface of Lake Wakatipu). The proposed extension to the RRZ would not increase the threshold of visual development as seen from any public place. The site is visible only in tandem with other existing development and future development will not increase the prominence of built form within the landscape. He said that the small increase in the RRZ would not adversely affect the visual amenity and that the overall visual dominance of the natural landscape will be maintained.²⁸
89. We accept this evidence and consider that any adverse landscape effects would be very small and are acceptable.

24.4. Legal Road

90. Mr Reid told us that the position of the formed legal road is incorrectly marked on Planning Map 38 at the western edge of the site. A subdivision application for the lands to be exchanged is being made concurrently with this submission and the surveyor's plan²⁹ confirms that the formed road is not in the position shown on Map 8. We expect that this subdivision will result in the correct location of the road being established and this will flow automatically through to the planning maps in due course with no further action required through this process.

Zone Provisions

91. We note that submissions lodged by these submitters seeking amendment to, or deletion of, the separate provisions applying to the Bobs Cove Rural-Residential Zone and the Bobs Cove Sub-Zone³⁰ were deferred to be heard as part of the mapping hearings. No evidence was presented supporting such amendments or deletion so we do not recommend any change to the provisions as recommended by the Stream 2 Hearing Panel.

Conclusion

92. We conclude that the site proposed to be acquired by the submitter from DOC as shown on Figure 11-10 above should be included in the Rural Residential Zone, and that the bespoke provisions in Chapter 22 relating to Bob's Cove should remain unchanged.

Recommendation

93. For the reasons set out above, we recommend that:

²⁷ Dr M Read, EIC, 24 May 2017, paragraph 14.16

²⁸ S Skelton, EIC, 9 June 2017

²⁹ Paterson Pitts Group plan Q6007-14, Revision D, dated 23/6/17

³⁰ Notified Rules 22.5.21 to 22.5.32 inclusive in Table 4

- a. Submission 712 be accepted in part by changing the zoning of the land proposed to be acquired from the Department of Conservation to Rural Residential; and
- b. Submissions 694 and 712, to the extent that they request deletion of provisions in the Rural Residential Zone specific to Bob's Cove, be rejected.

PART H: MATAKAURI LODGE VISITOR ACCOMMODATION SUB-ZONE

Submitter Christine Byrch (Submission 243), Matakauri Lodge Limited (Submission 595) and Mark Scaife (Submission 811)

Further Submissions

FS1224 - Matakauri Lodge Limited – oppose 243

25. PRELIMINARY MATTERS

25.1. Subject of Submission

94. These submissions related to Lot 2 DP 27037, a 3.59 hectare site located on the Glenorchy-Queenstown Road near Wilsons Bay. Submissions 243 and 811 sought deletion of the Rural Lifestyle Visitor Accommodation Sub-Zone on Planning Map 38 for the Matakauri Lodge, as shown on Figure 11-11 below. Submission 595 supported its retention.



Figure 11-11 – Visitor Accommodation Subzone at Matakauri lodge

95. The Stream 2 Panel heard evidence from the submitters and recommended deletion of all the objectives, policies and rules relating to this Visitor Accommodation Sub-Zone, and also recommended to this panel deletion of the Sub-Zone from the planning maps based on the evidence before it.
96. We accept that the deletion of all the relevant provisions would mean the subzone would no longer exist. It would be redundant and misleading for it to be left on the planning maps. We also note that we heard no evidence on this matter that would lead us to a different conclusion from that reached by the Stream 2 Panel.

26. RECOMMENDATION

97. For those reasons, we recommend to the Council that:
 - a. Submissions 243.29, 243.33, and 811.15 be accepted; and
 - b. Submission 595.1 be rejected; and
 - c. The Visitor Accommodation Subzone on Planning Map 38 be deleted.

PART I: SUMMARY OF RECOMMENDATIONS

98. For the reasons set out above we recommend that:
- a. Submission 486 be accepted;
 - b. Submission 481 be accepted;
 - c. Submission 519.64 and Further Submission 1015.100 be accepted, and that Further Submission 1356.64 be rejected;
 - d. Submissions 677.8 and 677.9 be rejected and the further submissions in opposition be accepted;
 - e. Submission 764.18 is accepted in part;
 - f. Submissions 168 and 298 be rejected;
 - g. Submission 712; and
 - h. Submissions 694 and 712, to the extent that they requested deletion of provisions in Chapter 22 specific to Bob's Cove, be rejected.
 - i. Submissions 243 and 811 be accepted and Submission 595 and Further Submission 1224 be rejected.
99. As a consequence of those recommendations, we recommend that:
- a. The Landscape Classification line defining the Mt Alfred ONF adjacent to the Dart River be moved to the position shown on Map 9;
 - b. Lot 1-2 DP 395145 and Section 2 SO Plan 404113 be zoned Rural Residential Camp Hill;
 - c. That the Rural Residential Zone at Bob's Cove be extended southward as shown on Map 38;
 - d. The notified Rural Lifestyle Visitor Accommodation Sub-Zone on Map 38 be deleted; and
 - e. The amendments to Chapters 22 and 27 as set out in Appendix 1 be adopted.

For the Hearing Panel



Denis Nugent, Chair

Date: 4 April 2018

APPENDIX 1

AMENDMENTS TO CHAPTER 22 AND 27 IN RELATION TO SUBMISSION 764.18 FOR MT CHRISTINA

a) Amend rule 22.5 as follows:

	Table 5: Rural Residential Camp Hill	
22.5.33	Zone Boundary Setback The minimum setback of any building from the zone boundary, or the top of the escarpment where this is located within the zone boundary, shall be 20m.	NC
22.5.34	Building Height The maximum height of any building shall be 5.5m.	<u>NC</u>
22.5.35	Maximum Number of Residential Units There shall be no more than 36 residential units within the Rural Residential Zone Camp Hill	<u>NC</u>

Change Chapter 27: Subdivision and Development as follows:

b) Amend rule 27.5.1 as follows:

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

Zone		Minimum Lot Area
Rural Residential	Rural Residential	4000m ²
	<u>Rural Residential Camp Hill</u>	<u>4000m² with no more than 36 lots created for residential activity</u>

22

RURAL
RESIDENTIAL &
RURAL LIFESTYLE

22.1

Zone Purpose

There are four rural zones in the District. The Rural Zone is the most extensive of these. The Gibbston Valley is recognised as a special character area for viticulture production and the management of this area is provided for in Chapter 23: Gibbston Character Zone. Opportunities for rural living activities are provided for in the Rural-Residential and Rural Lifestyle Zones.

The Rural Residential and Rural Lifestyle zones provide residential living opportunities on the periphery of urban areas and within specific locations amidst the Rural Zone. In both zones a minimum allotment size is necessary to maintain the character and quality of the zones and the open space, rural and natural landscape values of the surrounding Rural Zone.

While development is anticipated in the Rural Residential and Rural Lifestyle zones, the district is subject to natural hazards and, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards at the time of subdivision or the identification of building platforms.

Rural Residential Zone

The Rural Residential zone generally provides for development at a density of up to one residence every 4000m². Some Rural Residential areas are located within visually sensitive landscapes. Additional provisions apply to development in some areas to enhance landscape values, indigenous vegetation, the quality of living environments within the zone and to manage the visual effects of the anticipated development from outside the zone, particularly from surrounding rural areas, lakes and rivers. The potential adverse effects of buildings are controlled by bulk and location, colour and lighting standards and, where required, design and landscaping controls imposed at the time of subdivision.

Rural Lifestyle Zone

The Rural Lifestyle zone provides for rural living opportunities with an overall density of one residential unit per two hectares across a subdivision. Building platforms are identified at the time of subdivision to manage the sprawl of buildings, manage adverse effects on landscape values and to manage other identified constraints such as natural hazards and servicing. The potential adverse effects of buildings are controlled by height, colour and lighting standards.

Many of the Rural Lifestyle zones are located within sensitive parts of the district's distinctive landscapes. While residential development is anticipated within these zones, provisions are included to manage the visual prominence of buildings, control residential density and generally discourage commercial activities. Building location is controlled by the identification of building platforms, bulk and location standards and, where required, design and landscaping controls imposed at the time of subdivision.

The Deferred Rural Lifestyle (Buffer) zone east of Dalefield Road places limits on the expansion of rural lifestyle development at that location.

The 'Hawthorn Triangle' Rural Lifestyle Zone bordered by Speargrass Flat, Lower Shotover and Domain Roads defines an existing settlement of properties. The adjoining Rural Lifestyle zoned areas within the Wakatipu Basin identify the potential for further limited residential development, within the density limits set out in the provisions¹.

¹ Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

Objectives and Policies

22.2.1	Objective - The District's landscape quality, character and amenity values are maintained and enhanced while enabling rural living opportunities in areas that can absorb development.
Policies	<p data-bbox="730 384 1968 440">22.2.1.1 Ensure the visual prominence of buildings is avoided, remedied or mitigated particularly development and associated earthworks on prominent slopes, ridges and skylines.</p> <p data-bbox="730 472 1968 528">22.2.1.2 Set density and building coverage standards in order to maintain rural living character and amenity values and the open space and rural qualities of the District's landscapes.</p> <p data-bbox="730 560 1968 639">22.2.1.3 Allow for flexibility of the density provisions, where design-led and innovative patterns of subdivision and residential development, roading and planting would enhance the character and amenity values of the zone and the District's landscapes.</p> <p data-bbox="730 671 1968 751">22.2.1.4 Manage anticipated activities that are located near Outstanding Natural Features and Outstanding Natural Landscapes so that they do not diminish the qualities of these landscapes and their importance as part of the District's landscapes.</p> <p data-bbox="730 783 1968 863">22.2.1.5 Maintain and enhance landscape values and amenity values within the zones by controlling the colour, scale, location and height of permitted buildings and in certain locations or circumstances require landscaping and vegetation controls.</p> <p data-bbox="730 895 1968 951">22.2.1.6 Lights be located and directed so as to avoid glare to other properties, roads, and other public places and to avoid degradation of views of the night sky.</p> <p data-bbox="730 983 1968 1038">22.2.1.7 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping.</p> <p data-bbox="730 1070 1968 1126">22.2.1.8 Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.</p>
22.2.2	Objective - The predominant land uses within the Rural Residential and Rural Lifestyle Zones are rural and residential activities.
Policies	<p data-bbox="730 1302 1968 1385">22.2.2.1 Enable residential and farming activities in both zones, and provide for community and visitor accommodation activities which, in terms of location, scale and type, community are compatible with and enhance the predominant activities of the relevant zone.</p>

- 22.2.2.2 Any development, including subdivision located on the periphery of residential and township areas, shall avoid undermining the integrity of the urban rural edge and where applicable, the urban growth boundaries.
- 22.2.2.3 Discourage commercial, community and other non-residential activities, including restaurants, visitor accommodation and industrial activities, that would diminish amenity values and the quality and character of the rural living environment.
- 22.2.2.4 The bulk, scale and intensity of buildings used for visitor accommodation activities are to be commensurate with the anticipated development of the zone and surrounding residential activities.

22.2.3 Objective - New development does not exceed available capacities for servicing and infrastructure.

- Policies
- 22.2.3.1 Discourage new development that requires servicing and infrastructure at a cost to the community.
 - 22.2.3.2 Ensure traffic generated by new development does not compromise road safety or efficiency.

22.2.4 Objective - Sensitive activities conflicting with existing and anticipated rural activities are managed.

- Policies
- 22.2.4.1 Recognise existing and permitted activities, including activities within the surrounding Rural Zone might result in effects such as odour, noise, dust and traffic generation that are established, or reasonably expected to occur and will be noticeable to residents and visitors in rural areas.

22.2.5 Objective - Bob's Cove Rural Residential Sub-Zone - Residential Development is comprehensively-planned with ample open space and a predominance of indigenous vegetation throughout the zone.

- 22.2.5.1 Ensure at least 75% of the zone is retained as undomesticated area and at least 50% of this area is established and maintained in indigenous species such that total indigenous vegetation cover is maintained over that area.
- 22.2.5.2 Ensure there is open space in front of buildings that remains generally free of vegetation to avoid disrupting the open pastoral character of the area and the lake and mountain views.

22.2.6 Objective - Bob's Cove Rural Residential Zone - The ecological and amenity values of the Bob's Cove Rural Residential zone are maintained and enhanced.

- 22.2.6.1 To ensure views of Lake Wakatipu and the surrounding landforms from the Glenorchy-Queenstown Road are retained through appropriate landscaping and the retention of view shafts.
- 22.2.6.2 To ensure the ecological and amenity values of Bob's Cove are retained and, where possible, enhanced through:
 - a. appropriate landscaping using native plants;
 - b. restricting the use of exotic plants;
 - c. removing wilding species;
 - d. providing guidance on the design and colour of buildings;
 - e. maintaining view shafts from the Queenstown-Glenorchy Road.

22.3

Other Provisions and Rules

22.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	Planning Maps	

22.3.2 Interpreting and Applying the Rules

- 22.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.

- 22.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 22.3.2.3 Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant land use consent, consent notice or covenant registered on the site's computer freehold register.
- 22.3.2.4 Development and building activities are to be undertaken in accordance with the conditions of resource and subdivision consent and may be subject to monitoring by the Council.
- 22.3.2.5 Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent or subdivision.
- 22.3.2.6 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control and discretion to the matters listed in the rule.
- 22.3.2.7 Building platforms identified on a site's computer freehold register must have been registered as part of a resource consent approval by the Council.
- 22.3.2.8 Sub-Zones, being a subset of the respective Rural Residential and Rural Lifestyle zones require that all rules applicable to the respective zone apply, unless specifically stated to the contrary.
- 22.3.2.9 In addition to Tables 1 and 2, the following standards apply to the areas specified:
 - Table 3: Rural Residential Zone at Forest Hill.
 - Table 4: Rural Residential Bob's Cove and Sub Zone.
 - Table 5: Rural Residential Zone at Camp Hill.
 - Table 6: Wyuna Station Rural Lifestyle Zone.
- 22.3.2.10 These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

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

22.3.3 Exemptions

- 22.3.3.1 The standards pertaining to the colours and materials of buildings in Table 2 do not apply to soffits or, doors that are less than 1.8m wide.
- 22.3.3.2 Internal alterations to buildings including the replacement of joinery is permitted.

22.4

Rules - Activities

Table 1: Activities - Rural Residential and Rural Lifestyle Zones		Activity Status
22.4.1	Rural Residential Zone The construction and exterior alteration of buildings.	P
22.4.2	Rural Lifestyle Zone	
22.4.2.1	The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register.	P
22.4.2.2	Where there is not an approved building platform on the site the exterior alteration of existing buildings located outside of a building platform not exceeding 30% of the ground floor area of the existing building in any ten year period.	P
22.4.2.3	Where there is not an approved building platform on the site the exterior alteration of existing buildings located outside of a building platform that do not comply with Rule 22.4.2.2. Discretion is restricted to: a. external appearance; b. visibility from public places; c. landscape character; d. visual amenity.	RD
22.4.2.4	The identification of a building platform not less than 70m ² and not greater than 1000m ² for the purposes of a residential unit except where identified by Rule 27.7.10.	D
	Rural Residential and Rural Lifestyle Zones	
22.4.3	Residential Activity	P
22.4.4	Residential Flat (activity only, the specific rules for the construction of any buildings apply).	P
22.4.5	Farming Activity	P
22.4.6	Home Occupation that complies with the standards in Table 2.	P
22.4.7		
22.4.8	Informal Airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.	P

Table 1: Activities - Rural Residential and Rural Lifestyle Zones		Activity Status
22.4.9	Home Occupation activity involving retail sales limited to handicrafts or items grown or produced on the site. Control is reserved to: a. privacy on neighbouring properties; b. scale and intensity of the activity; c. traffic generation, parking, access; d. noise; e. signs and Lighting.	C
22.4.10	Visitor accommodation including the construction or use of buildings for visitor accommodation.	D
22.4.11	Informal airports in the Rural Lifestyle Zone, except as provided for by Rule 22.4.8.	D
22.4.12	Any building within a Building Restriction Area that is identified on the planning maps.	NC
22.4.13	Any other activity not listed in Table 1.	NC
22.4.14	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or any activity requiring an Offensive Trade Licence under the Health Act 1956 except where such activities are undertaken as part of a Farming Activity, Residential Activity or a permitted Home Occupation.	PR

22.5

Rules - Standards

Table 2: Standards - Rural Residential and Rural Lifestyle Zones		Non- compliance Status
22.5.1	<p>Building Materials and Colours</p> <p>All buildings, including any structure larger than 5m², new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape.</p> <p>All exterior surfaces* must be coloured in the range of browns, greens or greys including:</p> <p>25.5.1.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and</p> <p>25.5.1.2 All other surface** finishes except for schist, must have a light reflectance value of not greater than 30%.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties;</p> <p>b. whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building;</p> <p>c. the size and height of the building where the subject colours would be applied.</p>

	Table 2: Standards - Rural Residential and Rural Lifestyle Zones	Non- compliance Status
22.5.2	<p>Building Coverage (Rural Residential Zone only)</p> <p>The maximum ground floor area of any building must not exceed 15% of the net site area.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the effect on open space, character and amenity; effects on views and outlook from neighbouring properties; ability of stormwater and effluent to be disposed of on-site.
22.5.3	<p>Building Size</p> <p>The maximum ground floor area of any individual building must not exceed 500m².</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> visual dominance; the effect on open space, rural living character and amenity; effects on views and outlook from neighbouring properties; building design.
22.5.4	<p>Setback from internal boundaries</p> <p>The minimum setback of any building from internal boundaries shall be:</p> <p>22.5.4.1 Rural Residential zone: 6m</p> <p>22.5.4.2 Rural Lifestyle zone: 10m</p> <p>22.5.4.3 Rural Residential zone at the north of Lake Hayes - 15m ²</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> visual dominance; The effect on open space, rural living character and amenity; effects on privacy, views and outlook from neighbouring properties; reverse sensitivity effects on adjacent properties; landscaping.
22.5.5	<p>Setback from roads</p> <p>The minimum setback of any building from a road boundary shall be:</p> <p>22.5.5.1 Rural Lifestyle Zone: 20m</p> <p>22.5.5.2 Rural Residential Zone: 10m</p> <p>22.5.5.3 Rural Residential Zone where the road is a State Highway: 15m</p>	<p>NC</p>

² Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

	Table 2: Standards - Rural Residential and Rural Lifestyle Zones	Non- compliance Status
22.5.6	<p>Setback of buildings from water bodies</p> <p>The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. any indigenous biodiversity values; b. visual amenity values; c. landscape character; d. open space; e. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.
22.5.7	<p>Home Occupation</p> <p>Home occupation activities must comply with the following:</p> <p>22.5.7.1 No more than one full time equivalent person from outside the household may be employed in the home occupation activity.</p> <p>22.5.7.2 The maximum number of vehicle trips* shall be:</p> <ul style="list-style-type: none"> a. heavy vehicles: 2 per week; b. other vehicles: 10 per day. <p>22.5.7.3 The net floor area must not exceed:</p> <ul style="list-style-type: none"> a. Rural Residential Zone: 60m²; b. Rural Lifestyle Zone: 150m². <p>22.5.7.4 Activities and the storage of materials must be indoors.</p> <p>*A vehicle trip is two movements, generally to and from a site.</p>	D
22.5.8	<p>Building Height</p> <p>The maximum height shall be 8 metres.</p>	NC
22.5.9	<p>Lighting and Glare</p> <p>22.5.9.1 All fixed exterior lighting must be directed away from adjacent roads and sites.</p> <p>22.5.9.2 Activities on any site must not result in more than a 3 lux spill (horizontal and vertical) of light to any other site, measured at any point within the boundary of the other site.</p> <p>22.5.9.3 There must be no upward light spill.</p>	NC
22.5.10	<p>Heavy Vehicle Storage</p> <p>No more than one heavy vehicle shall be stored or parked outside, overnight on any site for any activity.</p>	NC

Table 2: Standards - Rural Residential and Rural Lifestyle Zones		Non- compliance Status
22.5.11	Residential Density: Rural Residential Zone 22.5.11.1 Not more than one residential unit per 4000m ² net site area.	NC
22.5.12	Residential Density: Rural Lifestyle Zone 22.5.12.1 One residential unit located within each building platform. 22.5.12.2 On sites less than 2ha there must be only one residential unit. 22.5.12.3 On sites equal to or greater than 2 hectares there must be no more than one residential unit per two hectares on average with a minimum of 1 residential unit per one hectare. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.	NC
22.5.13	Fire Fighting water and access New buildings where there is no reticulated water supply or it is not sufficient for fire-fighting water supply must provide the following provision for firefighting: 22.5.13.1 A water supply of 20,000 litres and any necessary couplings. 22.5.13.2 A hardstand area adjacent to the firefighting water supply capable of supporting fire service vehicles. 22.5.13.3 Firefighting water connection point within 6m of the hardstand, and 90m of the dwelling. 22.5.13.4 Access from the property boundary to the firefighting.	RD Discretion is restricted to all of the following: a. the extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply; b. the accessibility of the firefighting water connection point for fire service vehicles; c. whether and the extent to which the building is assessed as a low fire risk.

Table 3	Rural Lifestyle Deferred and Buffer zones	Non-Compliance Status
22.5.14	The erection of more than one non-residential building ³ .	NC
22.5.15	In each area of the Deferred Rural Lifestyle zones east of Dalefield Road up to two residential allotments may be created with a single residential building platform on each allotment ⁴ .	D
22.5.16	The land in the Deferred Rural Lifestyle (Buffer) zone shall be held in a single allotment containing no more than one residential building platform ⁵ .	D
22.5.17	In the Deferred Rural Lifestyle (Buffer) zone, apart from the curtilage area, the land shall be maintained substantially in pasture. Tree planting and natural revegetation shall be confined to gullies and watercourses, as specified in covenants and on landscape plans ⁶ .	D
22.5.18	In the Buffer zone, the maximum building height in the building platform shall be 6.5m ⁷ .	NC

^{3,4,5,6,7} Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

Table 3: Rural Residential Forest Hill		Non- Compliance Status
22.5.19	<p>Indigenous Vegetation</p> <p>The minimum area on any site to be retained or reinstated in indigenous vegetation shall be 70 percent of the net site area. For the purpose of this rule net area shall exclude access to the site, consideration of the risk of fire and the building restriction area.</p>	NC
22.5.20	<p>Building Restriction</p> <p>The building restriction area adjoining the Queenstown-Glenorchy Road, shall be retained and/or reinstated in indigenous vegetation.</p>	NC

Table 4: Rural Residential Bob's Cove and Sub-Zone		Non- compliance Status
22.5.21	<p>Building Height (Sub-Zone only)</p> <p>Maximum building height is 6m.</p>	RD The matters of discretion are listed in provision 22.5.32.
22.5.22	<p>Setback from roads</p> <p>Buildings shall be setback a minimum of 10m from roads, and 15m from Glenorchy – Queenstown Road.</p>	NC
22.5.23	<p>Open space (Sub-Zone only)</p> <p>Those areas that are set aside as “open space” shall not contain any vegetation of a height greater than 2 metres, such that the vegetation does not disrupt the open pastoral character or the views of the lake and mountains beyond.</p>	RD The matters of discretion are listed in provision 22.5.32.
22.5.24	<p>Residential Density</p> <p>The maximum average density of residential units shall be 1 residential unit per 4000m² calculated over the total area within the zone.</p>	D
22.5.25	<p>Boundary Planting Sub-Zone only</p> <p>22.5.25.1 Where the 15 metre Building Restriction Area adjoins a development area, it shall be planted in indigenous tree and shrub species common to the area, at a density of one plant per square metre.</p> <p>22.5.25.2 Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, such indigenous planting shall be established to a height of 2 metres and have survived for at least 18 months prior to any residential buildings being erected.</p>	RD The matters of discretion are listed in provision 22.5.32.
22.5.26	<p>Building setbacks</p> <p>Buildings shall be located a distance of 10m from internal boundaries.</p>	RD The matters of discretion are listed in provision 22.5.32.

	Table 4: Rural Residential Bob's Cove and Sub-Zone	Non- compliance Status
22.5.27	<p>Building setbacks and landscaping</p> <p>Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, all landscaping to be undertaken within this distance on the subject property shall consist of native species in accordance with the assessment criteria in provision 22.5.32, subject to the requirement below:</p> <p>22.5.27.1 All landscaping within 15 metres of the Glenorchy-Queenstown Road shall be planted prior to the commencement of the construction of the proposed building.</p> <p>22.5.27.2 All landscaping from 15 metres to 50 metres from the Glenorchy-Queenstown Road shall be established within the first planting season after the completion of the building on the site.</p>	<p>RD</p> <p>The matters of discretion are listed in provision 22.5.32.</p>
22.5.28	<p>Building setbacks: Sub-Zone only</p> <p>No building shall be erected within an area that has been identified as Undomesticated Area.</p>	NC
22.5.29	<p>Landscaping: Sub-Zone only</p> <p>Where development areas and undomesticated areas have not been identified as part of a previous subdivision, at least 75% of the total area of the zone shall be set aside as "Undomesticated Area" and the remainder as "Development Area"; and at least 50% of the 'undomesticated area' shall be retained, established, and maintained in indigenous vegetation with a closed canopy such that this area has total indigenous litter cover.</p> <p>This rule shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.</p> <p>Such areas shall be identified and given effect to by way of covenant, as part of any land use consent application.</p>	NC
22.5.30	<p>Indigenous vegetation: Sub-Zone only</p> <p>At least 50% of the undomesticated area within the zone shall be retained, established, and maintained in indigenous vegetation with a closed canopy, such that complete indigenous litter cover is maintained over the area; and</p> <p>The landscaping and maintenance of the undomesticated area shall be detailed in a landscaping plan that is provided as part of any subdivision application. This landscaping plan shall identify the proposed species and shall provide details of the proposed maintenance programme to ensure a survival rate of at least 90% within the first 5 years.</p>	NC

	Table 4: Rural Residential Bob's Cove and Sub-Zone	Non- compliance Status
22.5.31	<p>Definitions that apply within the Bob's Cove Rural-Residential Sub-Zone:</p> <p>Development Area</p> <p>Means all that land used for:</p> <ul style="list-style-type: none"> a. buildings; b. outdoor living areas; c. pathways and accessways, but excluding the main accessway leading from the Glenorchy Queenstown Road to the development areas; d. private garden; and e. mown grass surfaces, but excluding large areas of commonly-owned mown pasture or grazed areas that are to be used for recreational purposes. <p>Undomesticated Area</p> <p>Means all other land not included in the definition of "Development Area".</p>	
22.5.32	<p>Matters of discretion for restricted discretionary activities:</p> <p>22.5.32.1 The form and density of development (including buildings and associated accessways) are designed to:</p> <ul style="list-style-type: none"> a. compliment the landscape and the pattern of existing and proposed vegetation; and b. mitigate the visual impact of the development when viewed from Lake Wakatipu and the Glenorchy-Queenstown Road. <p>22.5.32.2 The vegetation is, or is likely to be, of sufficient maturity to effectively minimise the impact of the proposed building when viewed from Lake Wakatipu and the Glenorchy-Queenstown Road.</p> <p>22.5.32.3 The development provides for 75% of the zone to be established and maintained as undomesticated, such that there is a predominance of indigenous vegetation.</p> <p>22.5.32.4 The form of development mitigates the visual impact from Lake Wakatipu and the Glenorchy-Queenstown Road.</p> <p>22.5.32.5 Whether and the extent to which the proposed landscaping contains predominantly indigenous species (comprising a mix of trees, shrubs, and grasses) that are suited to the general area, such as red beech, native tussocks, hebes, pittosporum, coprosmas, cabbage trees, and lancewoods.</p>	

	Table 5: Rural Residential Camp Hill	Non-compliance Status
22.5.33	<p>Zone Boundary Setback</p> <p>The minimum setback of any building from the zone boundary, or the top of the escarpment where this is located within the zone boundary, shall be 20m.</p>	NC
22.5.34	<p>Building Height</p> <p>The maximum height of any building shall be 5.5m.</p>	NC
22.5.35	<p>Maximum Number of Residential Units</p> <p>There shall be no more than 36 residential units within the Rural Residential Zone Camp Hill.</p>	NC

Table 6	Ferry Hill Rural Residential Sub Zone - Refer to Part 22.7.2 for the concept development plan	Non-compliance Status
22.5.33	<p>Density</p> <p>There shall be no more than one residential unit per lot⁹.</p>	NC
22.5.34	<p>Building Height</p> <p>The maximum building height shall be 6.5m for lots 9-15 on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. Chimney and ventilation structures may be 7.2m high in this sub-zone¹⁰.</p>	D
22.5.35	<p>Building Location</p> <p>The location of buildings shall be in accordance with the Concept Development Plan for the Ferry Hill Rural Residential sub-zone, in rule 22.7.2¹¹.</p>	D
22.5.36	<p>Design Standards</p> <p>Within Lots 9-15 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone:</p> <p>22.5.36.1 The roof pitch shall be between 20° and 30° and roof dormers and roof lights are to be incorporated in the roof pitch;</p> <p>22.5.36.2 Roof finishes of buildings shall be within the following range: Slate shingle, cedar shingle, steel roofing (long run corrugated or tray) in the following colours, or similar, only: Coloursteel colours New Denim Blue, Grey Friars, Ironsand or Lignite;</p> <p>22.5.36.3 Wall claddings of buildings shall be within the following range: cedar shingles, natural timber (clear stain), painted plaster in the following colours or equivalent: Resene 5YO18, 5B025, 5B030, 4GR18, 1B55, 5G013, 3YO65, 3YO20; stone cladding provided the stone shall be limited to Otago schist only and all pointing/mortar shall be recessed¹².</p>	D

^{9,10,11,12} Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

Table 6	Ferry Hill Rural Residential Sub Zone - Refer to Part 22.7.2 for the concept development plan	Non-compliance Status
22.5.37	<p>Landscaping</p> <p>22.5.37.1 Any application for building consent shall be accompanied by a landscape plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme.</p> <p>22.5.37.2 The landscape plan shall ensure:</p> <ul style="list-style-type: none"> a. that the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner which enhances naturalness; and b. that residential development on sites adjoining Tucker Beach Road is subject to screening. <p>22.5.37.3 Plantings at the foot of, on, and above the escarpment within lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.</p> <p>22.5.37.4 Plantings on Lots 1 – 17 may include, willow (except Crack Willow), larch, maple as well as indigenous species.</p> <p>22.5.37.5 The erection of solid or paling fences is not permitted¹³.</p>	D

	Table 6: Wynuna Station Rural Lifestyle Zone	Non- compliance Status
22.5.38	The identification of any building platforms or construction of dwellings prior to the granting of subdivision consent that has assessed policies 27.3.5.1, 27.3.6.1 and 27.3.6.2.	PR

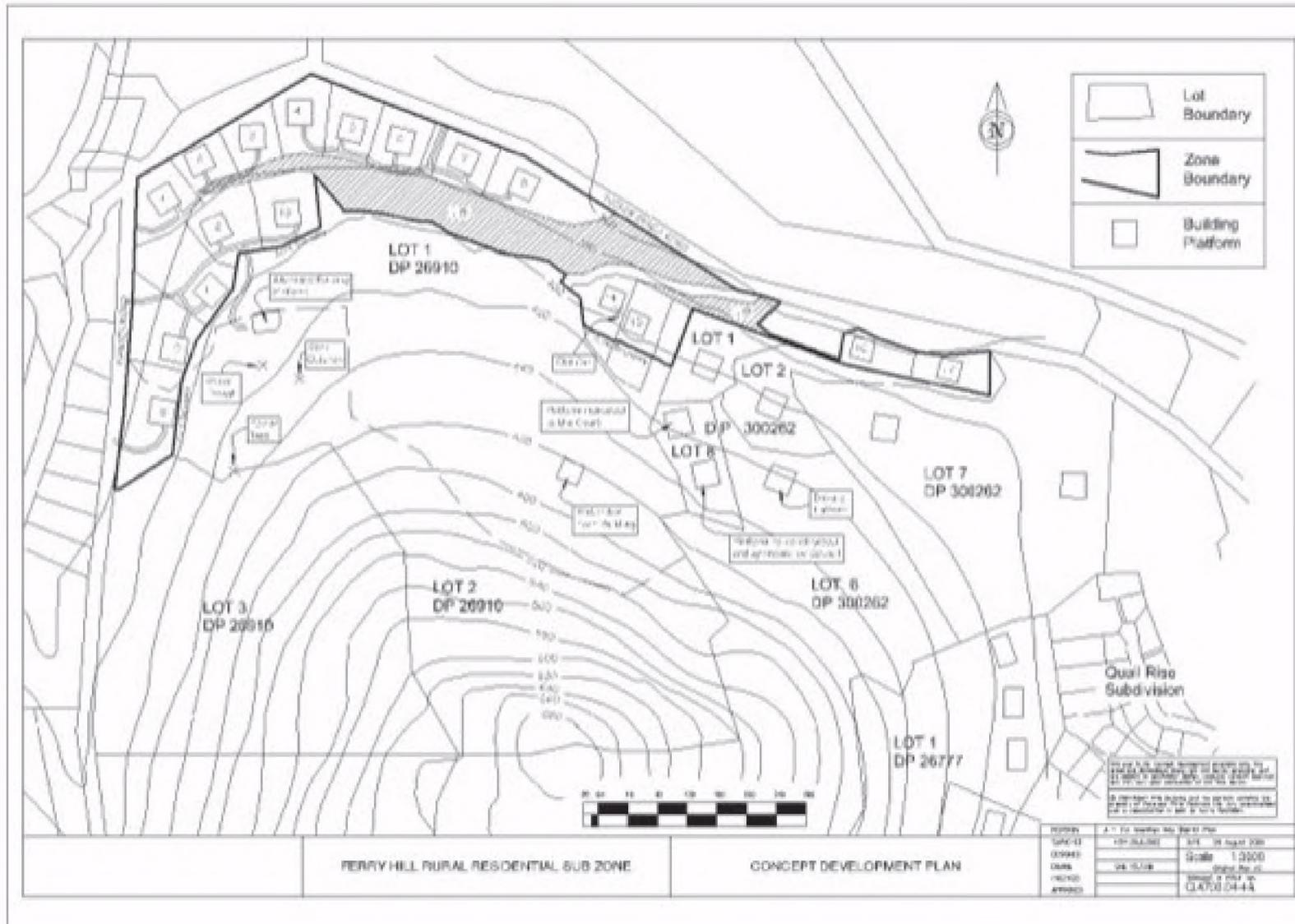
22.6 Rules - Non-Notification of Applications

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

- 22.6.1 Controlled activity Home occupation (Rule 22.4.9). Except where the access is onto a State Highway.
- 22.7.2 Rural Residential Ferry Hill Sub Zone Concept Development Plan¹⁴.

^{13,14} Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

22.7.2 Rural Residential Ferry Hill Sub-Zone Concept Development Plan¹⁵.



¹⁵ Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.