

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Stage 3 Proposed District Plan

Report and Recommendations of Independent Commissioners

Report 20.7: Chapter 46

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

Commissioners

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PART A – PROPOSED CHAPTER 46 AND VARIATIONS AMENDING PDP TEXT

1. PRELIMINARY

1.1 Subject Matter of this Report

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

1.2 Terminology in this Report

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

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

¹ Submission #31074

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

WBRAZ

Wakatipu Basin Rural Amenity Zone

WCR

Waterfall Creek Residents

1.3 Background

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

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

³ Dated 12 and 19 June 2020

⁴ Dated 10 September 2020

⁵ Dated 16 July 2020

⁶ Submission #31074

2. STATUTORY CONSIDERATIONS

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

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

⁸ As it was at that time

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

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

¹¹ S Edgar, EIC, para [28]-[29]

¹² Submitter #30121

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

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

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

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

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

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

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

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

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

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

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

²¹ We refer in particular to SO 3.2.5.2

²² Minute 35, 24 August 2020

²³ Appendix E to Ms Grace's Reply

²⁴ E Grace, EIC, para [3.6]-[3.7]

²⁵ E Grace, EIC, para [3.8]

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

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

²⁸ [2019] NZEnvC 205

²⁹ Ibid at [505]

³⁰ E Grace, second rebuttal at 8.1

³¹ [2020] NZEnvC 159

³² Submitter #31030

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

³³ E Grace, Second Rebuttal at [8.1]

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

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

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

³⁷ E Grace, EIC, para [7.8]

³⁸ E Grace, EIC para [7.9]

3. GENERAL AND SUPPORTING SUBMISSIONS

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

³⁹ E Grace, EIC, para [2.2]

⁴⁰ Report 20.1, Section 1.7

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

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

⁴³ Submission #31009.6

⁴⁴ Submission #31034.12

⁴⁵ Submissions #31008.1 and #31021.1

⁴⁶ Submission #31035.3

52. Christine Byrch⁴⁷ requested a number of general changes to the Notified Plan Change, including that:
- (a) the purpose of the RVZ be written more clearly;
 - (b) the Plan stipulate restrictions on the extent of an RVZ;
 - (c) the Plan provide clear guidelines describing what areas (if any) are suitable for an RVZ.

53. We are grateful to Ms Byrch for raising these matters and discussing them with us. As we progressed through the hearing, the matters she raised became highly relevant to our consideration of submissions on this zone and the responses from the Council's witnesses. We have addressed the broad matters raised in Ms Byrch's submission in subsequent sections of this report, as we have considered the purpose and approach to RVZ across the PDP and through our recommendations on the most appropriate provisions for this chapter. As a consequence of our recommended changes and reasoning, we recommend these submissions from Ms Byrch be accepted.

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

4.1 Summary of the Hearing Panel's Concerns

54. Before we considered the specific requests for amendments to the Notified Plan Change and the individual rezoning requests, we turned our minds to the appropriate planning approach to the RVZ. We considered that we needed to consider more generally the planning outcomes the RVZ seeks to achieve, and the appropriate form of the zone provisions.

55. By the time we had heard all the evidence on the RVZ, we were concerned at the breadth of the different planning outcomes and approaches to the RVZ before us. These extended from the relatively narrow approach to the zone contained in the Section 32 Report and Notified Plan Change; to the wide range of amendments to the Notified Plan Change recommended by Ms Grace in the versions attached to her EIC and Second Rebuttal evidence; and to the numerous amendments sought by submitters including the zoning of additional sites across the District and associated site-specific provisions.

56. We were concerned about the fairness and transparency of a planning process that could result in widespread changes to the outcomes and approaches for the RVZ; the potential for adverse cumulative effects into the future and across the District; and whether affected and interested residents of the District could have anticipated such substantial movement from the Notified Plan Change.

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

57. As a result of these concerns, the Hearing Panel put several questions to the Council regarding the general approach to the RVZ in our Minute 35⁴⁸ setting out specific issues for the Council's response in reply. These questions included:

- (a) What / where is the Council's s32 evaluation (including identification and assessment of costs and benefits) of the changes recommended by Ms Grace to the provisions of the RVZ? Have the potential cumulative costs and benefits (both now and potentially through private plan changes in the future) been identified and assessed? In particular, has the further s32 evaluation addressed her recommended changes which would enable RVZ to be located:

⁴⁷ Submission #31030.1, #31030.3 & #31030.4

⁴⁸ Dated 24 August 2020

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

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

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

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

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

⁵³ E Grace, Reply, para [4.5]

⁵⁴ E Grace, Reply, para [4.6]-[4.9]

⁵⁵ Appendix F to E Grace, Reply

⁵⁶ E Grace, Reply, para [4.10]

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

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

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

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

⁵⁷ Appendix F to E Grace, Reply

⁵⁸ E Grace, Reply, para [4.12]

⁵⁹ E Grace, Reply, para [4.16]

⁶⁰ Section 32 Report, para [1.2]

⁶¹ Ibid at [1.2]

- The principal activity is to be visitor accommodation and smaller scale commercial recreation activities, rather than a separate resort or special zone that is centred around substantial recreation activities⁶²;
 - The purpose is to introduce to the PDP a suite of objectives, policies and rules that provide for visitor accommodation and related activities in specific locations within the rural areas, where the landscape can accommodate the change from visitor industry related development, primarily visitor accommodation⁶³;
 - The ODP RVZ provisions were used as a baseline for the Section 32 review. The seven areas of RVZ in the ODP were evaluated, including through a landscape assessment⁶⁴;
 - Consultation was undertaken with property owners in the ODP RVZ, and immediately adjacent sites⁶⁵;
 - The key resource management issues identified were specific to the ODP RVZ sites and (of relevance to the PDP) included the effects of activities on landscape values, the appropriateness of the various activities enabled within the ODP RVZ and in relatively remote locations within the rural environment, continued use of Structure Plans, and effects on historic values at Arcadia⁶⁶;
 - The evaluated options addressed issues at the ODP RVZ sites and whether (and how) they should be retained as RVZ in the PDP⁶⁷.
67. We could find no indication in the Section 32 Report that the Council had considered widening this approach, which was applied to a limited number of small sites already zoned as RVZ, in relatively remote locations within ONLs, and focussed primarily on visitor accommodation with small scale commercial recreation activities. If anything, we find that the Notified Plan Change tightened the provisions from those in the ODP by only applying the zone to four historically zoned RVZ sites, strengthening the protection of landscape values within ONLs, and applying greater restrictions on non-visitor related activities (such as by removing the previously open provision for residential activities).
68. Through the course of the First Schedule process, having considered the submissions, Ms Grace recommended a wide range of changes to the RVZ provisions, culminating in her Reply Version. For the purpose of our analysis, the key changes we identify between the Notified Plan Change and her Reply Version are:
- (a) RVZ may occur anywhere within the rural environment, not only within ONLs, subject to meeting specified landscape requirements for ONLs and other areas;
 - (b) Remote locations are not required, nor identified as a reason for on-site staff accommodation and services;
 - (c) The purpose of the RVZ is to enable people to access and appreciate the District's landscapes;
 - (d) The zoned areas are to be limited in extent, and the nature, scale and intensity of development is to be limited, in order to manage effects on landscape;
 - (e) Additional RVZ locations are recommended at Gibbston Valley, Maungawera and Matakauri Lodge;
 - (f) Additional building controls in the new recommended locations, along with some site-specific standards arising from the Council's assessment of those locations.

⁶² Ibid at [1.2]

⁶³ Ibid at [2.2]

⁶⁴ Ibid at [2.4], [2.5] & Section 7

⁶⁵ Ibid at [5.3]

⁶⁶ Ibid at [1.3] & Section 8

⁶⁷ Ibid at Section 9

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

4.4 The Hearing Panel's Position

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

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

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

⁷⁰ B Irving, presenting legal submissions for Corbridge

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

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

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

5.1 ONL or Wider Rural Locations?

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

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

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

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

80. Ms Grace addressed this matter in her Section 42A Report⁷⁴ as one of the key planning issues raised by submissions requesting rezonings to RVZ. She acknowledged this matter was not addressed in the Section 32 Report and went on to examine whether applying RVZ outside ONL areas implements the Strategic Objectives and Policies of the PDP.

81. Ms Grace summarised the two-tier approach to the management of rural landscapes directed by the Environment Court and set out in Chapter 3 – with landscape values to be protected in ONLs and landscape character to be maintained and visual amenity values maintained or enhanced in RCLs⁷⁵. Of particular relevance to locations for RVZ, she pointed to the Strategic Policy for Visitor Industry in rural areas – SP 3.3.1A:

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

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

82. In her opinion, SP 3.3.1A foresees commercial recreation and tourism related activities in both types of rural landscapes. She considered it provides support for the RVZ being applied within both landscape types, with the critical proviso being that the RVZ would have to manage landscape values in accordance with the policy requirements for managing ONLs / RCLs in Chapter 3.

83. From Chapter 6, Ms Grace identified that Policy 6.3.1.3 requires a separate regulatory regime for Special Zones (of which RVZ is one), in order to give effect to SO 3.2.1.1 (which we note is also a relevant Strategic Objective for the visitor industry):

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

84. We agree with Ms Grace that the intent of the policies in Chapter 6 relating to the landscape categories of both ONL/ONF and RCL do not apply to the Special Zones, although she correctly noted that activity-specific, rather than location-specific policies, in Chapter 6 still apply and, of course, the strategic objectives and policies in Chapter 3 apply following the Environment Court's decision on Exception Zones referred to above. In addition, that position may change, consequential on the Environment Court's decision – the Court's reasoning would suggest that Policy 6.3.1.3 be amended to be consistent with the final form of Section 3.1B.5.

85. However, we agree with Ms Grace that the current position is that Chapters 46 is a substitute method of providing the necessary level of protection for ONLs, ONF and RCLs. It follows that we need to ensure that it does in fact do that.

86. Consistent with that view, Ms Grace concluded her examination of Chapters 3 and 6 with her opinion that the application of the RVZ to areas outside of ONL/ONF would be consistent with these strategic chapters of the PDP, provided the RVZ provisions are able to manage landscape values in accordance with the requirements of Chapter 3 for managing ONLs and RCLs.

⁷⁴ E Grace, EIC, Section 3

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

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

5.2 Remote Locations or Not?

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

⁷⁶ Submitter #31030

⁷⁷ Submitter #31014

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

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

⁸⁰ Submission 31021

⁸¹ At [4.22]-[4.23]

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

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

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

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

⁸⁴ At [5.8]-[5.10]

⁸⁵ In her Reply Version

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

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

5.3 What the RVZ is to Provide for?

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

⁸⁷ Reply Version

⁸⁸ Submission #31030

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

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

5.4 Limited Nature, Scale and Intensity

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

⁸⁹ At para [5.6] & [5.8]

⁹⁰ This wording is retained in the Reply Version

⁹¹ Submission #31030

⁹² Section 32 Report, para [1.2]

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

⁹³ At para [16.6]

⁹⁴ At para [3.3]

⁹⁵ Submission #31014

⁹⁶ At para [4.3] & [4.7]

⁹⁷ Submission #31021

⁹⁸ At para [5.11]

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

¹⁰⁰ Submission #31021

¹⁰¹ S Edgar, EIC, Appendix A

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

5.5 Limited Numbers of Locations

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

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

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

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

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

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

5.6 Provision for Residential Activity?

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

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

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

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

¹⁰⁹ Submission #31008

¹¹⁰ Submission #31053

¹¹¹ Submission #31021

¹¹² Submission #31013

¹¹³ Submission #31035

¹¹⁴ LJ Veint, Submission #31008

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

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

¹¹⁵ Which we address later in this report, as required

¹¹⁶ E Grace, EIC, para [6.2]

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

¹¹⁸ E Grace, Reply, Section 6

¹¹⁹ Minute 35, paragraph 14

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

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

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

¹²² Report 20.8 at Section 3.2

¹²³ Minute 35, paragraph 14

¹²⁴ Submissions #31022 & #31037

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

¹²⁵ Submitter #31013

¹²⁶ Submitter #31014

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

¹²⁸ Submitter #31021

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

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

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

5.7 Wider Requirements for identifying RVZ?

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

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

6.1 Overview

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

¹³⁰ Dated 24 August 2020

¹³¹ E Grace, Reply, para [4.12]

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

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

6.2 General Submissions on Zone-Wide Provisions

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

¹³² Submission #31030

¹³³ Submission #31001.1

¹³⁴ E Grace, EIC, para [16.2]–[16.3]

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

¹³⁶ Consultant planner on behalf of Ministry for Education

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

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

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

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

¹³⁹ Submissions #31023.4 & # 31023.5

¹⁴⁰ E Grace, EIC, para [16.7]

¹⁴¹ Submission #31020.1-#31020.8

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

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

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

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

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

¹⁴⁷ E Grace, Reply, para [8.9]-[8.10]

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

6.3 46.1 Zone Purpose

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

¹⁴⁸ E Grace, Reply, para [5.1]-[5.2]

¹⁴⁹ Submission #31033.2

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

¹⁵¹ Submission #31021.3

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

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

6.4 Objectives 46.2.1 and 46.2.2

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

¹⁵² Submission #31030

¹⁵³ E Grace, EIC, para [4.12]-[4.13]

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

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

¹⁵⁴ Submissions #31033.3 & #31033.11

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

¹⁵⁶ S Edgar, EIC, Appendix A

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

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

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

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

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

6.5 Policies

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

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

¹⁶⁰ Submissions #31034.1, #31034.2 & #31034.3

¹⁶¹ Submissions #31012.5, ## 31014.4#1016.3

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

¹⁶³ Submission #31053.3

¹⁶⁴ S Edgar, EIC, Appendix A

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

6.6 46.4 Rules – Activities and 46.5 Rules - Standards

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

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

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

¹⁶⁵ Submissions #31034.4 & #31034.5

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

¹⁶⁶ Submissions #31033.17 – #31033.22

¹⁶⁷ Submission #31011.8

¹⁶⁸ Submission #31013.5

¹⁶⁹ C Vivian, EIC, for Loch Linnhe

¹⁷⁰ Submission #31034.7

¹⁷¹ Submission #31021.23

¹⁷² E Grace, EIC, para [16.9]

¹⁷³ Submission #31030.2

¹⁷⁴ Submission #31053.3

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

6.7 46.4 Non-Notification Provisions

191. Rule 46.4 sets out the requirements for non-notification of applications within the RVZ. All applications for controlled or restricted discretionary activities must be non-notified except those listed in Rule 46.4. A submission from Matakauri¹⁷⁵ asked that Rule 46.4 be retained as notified, although we received no evidence on this aspect of their submission. Fish and Game¹⁷⁶ sought that applications under notified Rule 46.5.7 Informal Airports be added to the list of those that would not be automatically non-notified. We did not receive any evidence from Fish and Game on this matter. Ms Grace did not recommend any changes to the notification provisions and that the submission from Fish and Game be rejected. On this basis, we recommended rejecting the submission from Fish and Game.
192. Whilst we recommend no changes to Rule 46.6 as a result of the submissions, the numbering of the rules in the Reply Version requires amendment to be consistent with the numbering changes to the relevant Activity Rules and Standards. We recommend these corrections be made as changes of minor consequence.

6.8 Variations

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

¹⁷⁵ Submission #31033.23

¹⁷⁶ Submission #31034.10

¹⁷⁷ Submission #31008.14

7. CONSEQUENTIAL AMENDMENTS

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

¹⁷⁸ [2020] NZEnvC 159

¹⁷⁹ At [8.7]

¹⁸⁰ Submitter #31030 and a neighbour to Matakauri

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

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

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

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

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

¹⁸² [2020] NZEnvC 159 at [42]

¹⁸³ At [60]

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

9. GENERAL MATTERS

9.1 Zoning Principles

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

9.2 Use of Structure Plan Approach

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

¹⁸⁴ Report 20.1, Section 2.9

¹⁸⁵ Submission #31008.2

¹⁸⁶ Submission #31021.24

¹⁸⁷ A Draft Structure Plan was included with the submission

¹⁸⁸ C Vivian, EIC, para [3.17]

¹⁸⁹ C Vivian, EIC, para [3.18]

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

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

¹⁹² D White, EIC, para [4.2]

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

¹⁹³ E Grace, EIC, Section 6

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

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

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

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

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

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

¹⁹⁹ B Farrell, EiC, para [16]-[19]

²⁰⁰ B Giddens, EiC, para [32]-[33]

10. ARCADIA – LJ VEINT – SUBMISSION #31008

10.1 Overview

227. The Arcadia RVZ site, subject of the submission from LJ Veint²⁰¹, is approximately 89ha in area, part of Arcadia Station (Arcadia) and located at Paradise approximately 13km north of Glenorchy. It is accessed from the Glenorchy-Paradise Road which runs along its northern boundary. The southern boundary of the site adjoins Diamond Lake and the eastern boundary adjoins Mt Aspiring National Park. The site includes the historic Arcadia homestead which is listed in the PDP as a heritage feature.

228. The site was previously zoned Rural Visitor Zone under the ODP and has been included as one of the four proposed RVZ in the Notified Plan Change. The PDP maps identify the surrounding land as being within an ONL and Diamond Lake being part of an ONF. The notified Planning Map for the Arcadia RVZ showed an area of low landscape sensitivity in the north-west quadrant of the site adjoining the Glenorchy-Paradise Road; a slightly smaller area of moderate-high landscape sensitivity in the east of the site (near to the road); and the balance of the site, including all the area in proximity to Diamond Lake, as high landscape sensitivity.

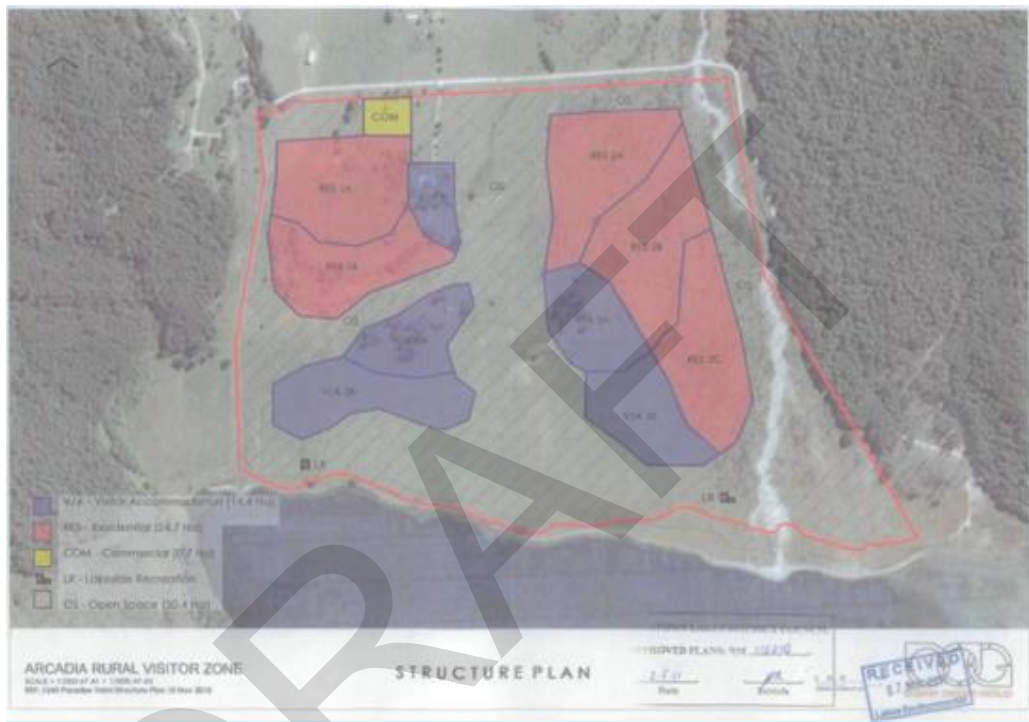


229. The submission from LJ Veint sought detailed amendments to the notified RVZ provisions. In summary, these included:

- Incorporate the consented Structure Plan and Design Guidelines for Arcadia into a revised Arcadia RVZ and/or as part of Chapter 27;
- Provide for subdivision and development in accordance with the consented Structure Plan as a controlled activity;
- Replace the areas shown as Moderate-High and High Landscape Sensitivity Areas on the notified Planning Maps with the consented Structure Plan and Design Guidelines;

²⁰¹ During the course of the hearings, the Arcadia site was sold to The Station at Waitiri Ltd, which became the successor to Submission #31008 by LJ Veint. Mr Edney attended the hearing on 13 August for the new owner.

- Add objectives, policies and rules to recognise the unique circumstances of Arcadia where a Structure Plan and Design Guidelines have been approved by the Council under the RVZ of the ODP, and given effect to;
- Provide for residential as a permitted activity in the areas identified for this activity in the consented Structure Plan (and within the lots approved by subdivision);
- Provide for commercial activity as a controlled activity in the area identified for this activity in the consented Structure Plan;
- Provide for the construction, relocation or exterior alteration of buildings in accordance with the consented Structure Plan as a controlled activity.



230. Fish and Game²⁰² opposed the entire submission from LJ Veint as it relates to the Arcadia RVZ. In particular, Fish and Game sought the notified landscape sensitivity classifications be retained and development close to the waterfront be avoided as it would disrupt the remote, backcountry characteristics of the fishery at Diamond Lake and impact on recreation amenity.
231. Fish and Game also lodged its own submission²⁰³ generally seeking to retain the notified provisions for the Arcadia RVZ with additional controls, including notification provisions, over commercial recreational activities and informal airports – such that commercial recreational activities would be limited to 12 persons in any one group, with discretionary activity status for non-compliance; and informal airports limited to 2 flights per day and located at least 500m from another zone or a residential unit. Fish and Game sought consideration be given to the impacts of development and commercial recreational activities with large groups close to the wilderness reserve near the Arcadia RVZ. Fish and Game did not provide evidence to support its submissions.

²⁰² Further Submission #31064.
²⁰³ Submission #31034

232. Ms Grace evaluated the submission from LJ Veint in her EIC²⁰⁴ recommending that the amendments sought to the notified RVZ be rejected. She provided further evaluation in Section 7 of her first Rebuttal evidence, and Section 2 of her Reply statement. She continued to recommend that the changes sought to the notified Arcadia RVZ provisions be rejected. Ms Grace also evaluated the submission from Fish and Game in her EIC²⁰⁵ recommending that the submission points relating to commercial recreational groups and informal airports be rejected.

10.2 Issues in Contention

233. The Submitter's evidence and legal submissions relied substantially on the historical situation with the ODP RVZ at Arcadia and consents obtained under that previous zoning. Extensive information was provided regarding consents already obtained for a Structure Plan and Design Guidelines in 2011 and a 12 lot residential subdivision over part of the site in 2014, for which s223 certification was issued in 2018. The Structure Plan identifies eleven Activity Areas for a variety of residential, visitor accommodation and commercial activities in different parts of the RVZ.
234. Emphasis was placed on the unique position of this site. It was Ms Robb's submission²⁰⁶ that the Arcadia RVZ can be seen as an exception to the general requirements for RVZ in the PDP, as it has a consented Structure Plan which constrains the nature and scale of development through a consent issued under the ODP RVZ. In Mr Vivian's opinion²⁰⁷, the unique situation with this site cannot be replicated anywhere else in the District. We discuss the relevance of these matters after reviewing the principal effects-based issues in contention.

Landscape Effects of Development enabled by the Structure Plan

235. The submitter called planning evidence from Mr Vivian, but did not call its own landscape evidence, relying instead on its understanding of the position of Ms Mellsop²⁰⁸ at the time the Structure Plan was approved. Mr Vivian provided us with Ms Mellsop's report and subsequent memorandum to the Council at the time of the Structure Plan application, and his EIC reproduced extracts from her report.
236. Ms Robb's legal submissions²⁰⁹ stated that the current Council's position to reject this submission is unreasonable and indefensible in light of the fact that assessments completed by Council officers, including Ms Mellsop, resulted in approval to the Structure Plan and a finding that the landscape effects of the approved development would be no more than minor. Ms Robb submitted²¹⁰ that the landscape assessment completed for the Structure Plan application in 2011 was thorough, detailed and collaborative, and the same Structure Plan with more restrictive controls is now proposed on the same land. As the proposed development and the landscape value of the site and its surroundings remain unchanged, Ms Robb submitted there are no justifiable grounds to argue from a landscape perspective that the Structure Plan is no longer appropriate, and it is illogical for the Council's assessment to now come to a different conclusion.

²⁰⁴ E Grace, EIC, para [6.2]-[6.4], [6.6]-[6.15] and [14.15]-[14.16]

²⁰⁵ E Grace, EIC, para [14.17]-[14.20]

²⁰⁶ Legal Submissions from V Robb, para [58]

²⁰⁷ Vivian, Evidence summary Statement, para [1]

²⁰⁸ Ms Helen Mellsop, a landscape architect acting for the Council at the time of the Structure Plan application; and the Council's landscape architect witness in relation to the Arcadia RVZ for Stage 3B

²⁰⁹ Legal Submissions from V Robb, para [26]

²¹⁰ Legal Submissions from V Robb, para [28], [32]-[34]

237. On the matter of landscape evidence, it was Ms Robb's submission²¹¹ that the submitter does not need to provide landscape evidence in support of its submission on Chapter 46 because detailed landscape evidence from the applicant and the Council at the time of the previous consents is already available to the Council; there is no reason why the Council cannot and should not rely on that information.
238. In answer to questions at the hearing, Mr Vivian acknowledged the landscape protection requirements of the RPS and Strategic Chapters 3 and 6 of the PDP have become more specific since the Structure Plan and residential subdivision were consented at Arcadia. He accepted it would be more difficult to argue now that the RVZ provisions sought by the submitter give effect to these higher order provisions. However, he has relied upon the special situation that has arisen at Arcadia at this "point in time", particularly the subdivision consent for residential development, to justify going beyond what is contemplated in terms of the notified RVZ.
239. Ms Mellsop evaluated the development enabled by the Structure Plan and the ODP RVZ provisions in her EiC²¹² and in her Rebuttal evidence²¹³ in response to Mr Vivian. She opposed the changes to the Arcadia RVZ requested by LJ Veint.
240. In response to the submitter's reliance on her assessment of the Structure Plan application in 2011, Ms Mellsop noted her previous assessment was undertaken in the statutory context of the ODP RVZ, a relatively enabling zone in which any activities, included structure plans, are controlled activities, with no site coverage standards and buildings able to be constructed up to 12m in height. In addition, she noted there were no assessment matters stated and, therefore, no guidance as to the appropriate landscape outcomes for a structure plan or how such a plan might achieve the objective and policies for the zone. On the matter of reliance on the previous resource consent process, Ms Grace²¹⁴ also noted the regional and district planning framework had been updated since those historic assessments were undertaken²¹⁵ and that Chapter 46 needs to be considered in the current planning context.
241. Ms Mellsop maintained her opinion that development enabled by the Structure Plan, and the bespoke provisions sought by the submitter, would exceed the capacity of the area to absorb development without compromising its landscape values. Her evidence was that the character and values of this ONL are highly sensitive to change, with large areas of the site being of high landscape sensitivity. In particular, she considered development would significantly detract from the naturalness, coherence and scenic quality of views from the Glenorchy-Paradise Road. Visible development on the lower slopes leading down to Diamond Lake would reduce the naturalness and coherence of scenic views within the landscape. Development could also have significant adverse effects on the perceived quality and aesthetic coherence of the surrounding ONL and compromise the remoteness and tranquillity of the landscape and its very high shared values.
242. Relying on Ms Mellsop's evidence, Ms Grace²¹⁶ concluded the structure plan framework, and bespoke RVZ provisions, put forward by the submitter (through Mr Vivian's evidence) will not protect the values of the ONL in which the Arcadia RVZ sits. She considered that including this approach in the PDP would be contrary to Chapter 3 and not an appropriate way to achieve the objectives of the RVZ.

²¹¹ Legal Submissions from V Robb, para [38]

²¹² H Mellsop, EiC, para [7.25]-[7.29]

²¹³ H Mellsop, Rebuttal evidence, Section 3

²¹⁴ E Grace, Rebuttal evidence, para [7.2]

²¹⁵ Including the planning framework for managing landscape values in ONL set out in Chapter 3 of the PDP

²¹⁶ E Grace, Rebuttal evidence, para [7.3]-[7.4] & [7.5(h)]

Residential Activities

243. Earlier in this report, we discussed residential activity within the RVZ. We concluded that providing for general residential development in the RVZ would be inconsistent with the purpose of the RVZ and contrary to the Strategic objectives and policies in Chapters 3 & 6.
244. For the Arcadia RVZ, we have been asked by the submitter to consider the exceptional situation of this site, where residential activity has been anticipated through an approved Structure Plan and Design Guidelines. In addition, consent has been granted²¹⁷ to a subdivision for 11 residential lots with identified residential building platforms and conditions²¹⁸ relating to building design and landscaping. A condition of the subdivision consent also requires a covenant to be registered on the subdivision lots requiring that any future development be in accordance with the Structure Plan and Design Guidelines. As we noted earlier, residential activity is permitted in the ODP RVZ, and the construction of the residential buildings is a controlled activity, with matters of control including coverage, location, external appearance, earthworks and landscaping.
245. The submitter's legal submission was that the notified RVZ provisions (with residential activities being a non-complying activity under Rule 46.4.13) would not allow for reasonable use of the submitter's land, particularly in light of the consents for residential subdivision already obtained for the site, associated conditions and covenant. Mr Vivian's evidence²¹⁹ was that the residential development authorised by both the Structure Plan and the subdivision resource consent is a reasonable use of the land. In his view, changing the status of residential dwellings from controlled activity in the ODP to non-complying activity in the Notified Plan Change places an unfair burden on the current owner of the land or the new owners of the subdivided lots. He considered residential development in accordance with the Structure Plan can co-locate with visitor accommodation, benefitting the visitor industry while protecting and maintaining landscape values.
246. Ms Grace's response²²⁰ to the particular consented situation at Arcadia is that an approved subdivision intended to provide for 11 residential dwellings suggests that the submitter's aspirations for the Arcadia RVZ are not in keeping with the intent and purpose of the notified RVZ. She notes that the residential subdivision occupies much of the area identified as lower landscape sensitivity and where visitor industry activity is encouraged through the notified RVZ. This suggested to her that an alternative zone may be more appropriate than the RVZ.
247. At the time of writing her Section 42A Report, Ms Grace²²¹ did not consider non-complying activity status for construction of a house on the approved building platforms to be unreasonable. In her opinion, consent is capable of being granted to a non-complying activity or alternative uses permitted in the RVZ could be undertaken. However, in her Reply²²², Ms Grace reflected on the discussion between the submitter's representatives and the Hearing Panel regarding the nature of the structure plan and subdivision consent granted at Arcadia, as well as the effect of the covenant.
248. Ms Grace responded to a comment made at the hearing regarding the possibility of the land already subdivided for residential use being zoned Rural rather than RVZ. Whilst maintaining

²¹⁷ RM130799, with s223 certification now issued

²¹⁸ With consent notices required on the subdivision lots

²¹⁹ C Vivian, EIC, para [2.55]-[2.56]

²²⁰ E Grace, EIC, para [6.4]

²²¹ E Grace, EIC, para [14.16]

²²² E Grace, Reply, Section 2

her opinion that there should be no exception for residential development within the Arcadia RVZ, Ms Grace provided us with a set of modifications to the Rural Zone rules and standards²²³. This would enable one residential unit within each approved building platform as a permitted activity and the construction of buildings on those building platforms as a controlled activity.

249. In her Reply²²⁴, Ms Mellsop also considered the potential for Rural zoning and the modified rules for residential activity set out by Ms Grace. She supported this approach, but with a 6m building height for Arcadia, rather than the 8m height allowed in the Rural Zone. This was on the basis that 8m high buildings could adversely affect the landscape and visual amenity values of the ONL; could be visible from the Glenorchy-Paradise Road and Diamond Lake; would be more difficult to integrate and screen with vegetation; and could compete visually with the form of Arcadia House and detract from its contribution to the heritage values of the landscape.
250. In Ms Mellsop's opinion, controlled activity status would be required for residential buildings on the consented building platforms. This is so that conditions can be imposed to ensure the buildings are able to be appropriately absorbed into the landscape and any adverse landscape and visual amenity effects can be avoided or mitigated.
251. Ms Mellsop did not support removing the lot containing Arcadia House from the RVZ, as this lot is part of the high landscape sensitivity mapping within the notified RVZ. Ms Mellsop considered this mapping needs to be retained, in order to retain the landscape integrity of the area and provide a high level of landscape protection for this highly valued area.

Incorporation of a Bespoke Structure Plan

252. Earlier in this report, we considered the use of Structure Plans within the RVZ. We recommended rejecting the general use of Structure Plans on the basis that it is a more efficient and appropriate approach to show the landscape sensitivity mapping on the Planning Maps, as well as any additional, readily-mapped, information which allow specific operation of the RVZ provisions. We indicated we would return to the question of whether a Structure Plan is an appropriate means of prescribing the location of the different activities sought within the Arcadia site. We note the consented Structure Plan includes identifies locations for visitor accommodation, residential activity (beyond that anticipated by the approved subdivision consent), commercial activity within a site fronting the Glenorchy-Paradise Road, lakeside recreation and open space.
253. Ms Robb²²⁵ submitted that implementation of the consented Structure Plan presents unique opportunities for economic growth and employment that will benefit the local Glenorchy and Queenstown economies. She referred to commercial activities such as filming which are contemplated at Arcadia²²⁶ and which have a known economic benefit for the Queenstown area and nationally. In her submission, the PDP should encourage diversity of activities and not limit the types of activities that can occur in a location, as long as potential adverse effects can be appropriately managed. She submitted that the Structure Plan provides this diversity as well as managing potential effects. It was also Mr Vivian's evidence²²⁷ that the approved Structure Plan can be integrated into the notified RVZ provisions without having a significant effect on their integrity.

²²³ E Grace, Reply, Appendix B

²²⁴ H Mellsop, Reply, Section 2

²²⁵ Legal submissions from V Robb, para [62]-[63]

²²⁶ Ms Robb introduced the future purchaser of Arcadia Station from LJ Veint, Mr Edney who intends to enable increased use of the Arcadia RVZ by the film industry

²²⁷ C Vivian, EIC, para {2.52}

254. Earlier in our report, when considering the use of structure plans, we noted Ms Grace's opinion that if a Structure Plan identified areas of landscape sensitivity and included sufficient, detailed provisions that protect, maintain or enhance the relevant landscape values, it may be a useful approach. In our view, this could be the case for implementing complex outcomes for the location of different activities within sites. However, we acknowledge that Ms Grace stressed the result must support the application of the RVZ landscape management framework to the site.
255. In relation to the consented Arcadia Structure Plan, Ms Grace compared the location of the activities provided for through the Structure Plan with the landscape sensitivity areas mapped for the notified RVZ. She concluded that incorporating the Structure Plan, as sought by the submitter, would provide for a much more permissive regime than the notified RVZ provisions. Ms Grace referred to Ms Mellsop's evidence that the development enabled by the Structure Plan would exceed the capacity of the area to absorb development without compromising its landscape values. Ms Grace concluded that the permissive regime sought for Arcadia, through incorporation of the Structure Plan approach, would have the potential to result in significant adverse effects on landscape values. As such, it would not protect the values of the ONL in which Arcadia sits, and would be contrary to Chapters 3 and 6 of the PDP and the objectives of the RVZ. Ms Grace recommended the bespoke Structure Plan approach sought for the Arcadia RVZ be rejected.

Limitations on Commercial Recreation Groups and Informal Airports

256. We have set out above the submission from Fish and Game²²⁸. This sought additional controls over commercial recreational activities and informal airports in the Arcadia RVZ, because of potential impacts from large groups close to the adjoining wilderness reserve. As we noted earlier, Fish and Game did not provide evidence to support its submission²²⁹.
257. Ms Mellsop²³⁰ agreed with Fish and Game that large groups of people involved in organised commercial recreation could detract from the remoteness and tranquillity of the landscape and temporarily affect its scenic values. However, she did not consider that groups of 30 people intermittently using the lake edge would result in significant degradation of values. Ms Grace referred to Ms Mellsop's opinion, and also noted that the Arcadia RVZ is set back from the edge of Diamond Lake by between 30m and 100m with a reserve in between the two, which is likely to help mitigate noise and visual effects from groups within the Arcadia RVZ. In Ms Grace's opinion, the purpose of the RVZ (to enable visitor industry activities) means that the standards controlling the size of groups of people and informal airports should be more permissive than in the Rural Zone. She did not consider Fish and Game had provided sufficient strong evidence to support an exception to this approach, on the basis of protecting the amenity values of the area surrounding the Arcadia RVZ²³¹.

10.3 Hearing Panel's Consideration and Recommendations

258. Consideration of this submission needs to take account of the complex historical background. The starting point is that Mr Veint applied for and obtained a resource consent (RM110010) for a structure plan over the site. That consent was granted pursuant to Rule 12.4.3.2(i) of the ODP RVZ, that provided for the grant of resource consents for structure plans within the RVZ as a controlled activity. Ms Robb placed much emphasis on the fact that that consent has a

²²⁸ Submission #31034

²²⁹ Noted in the Legal Submission of V Robb, para [86]

²³⁰ H Mellsop, EiC, para [7.31]

²³¹ Mr Vivian concurred with Ms Grace, EiC, para [2.58]

condition requiring registration of a covenant requiring, in turn, all future development of the area the subject of the structure plan to be undertaken in accordance with it, design guidelines submitted with the resource consent application, and the resource consent. There is a separate condition requiring development to be undertaken in accordance with plans submitted with the resource consent application.

259. Ms Robb advised that the covenant required in accordance with the Structure Plan resource consent had not yet been registered, but would be registered in conjunction with issue of the Section 224(c) certification for the subdivision the submitter has subsequently had granted.
260. On the face of the matter, Ms Robb had a point. Having granted a resource consent requiring Mr Veint to register a covenant over his land requiring it be developed in a certain manner (as per the Structure Plan and associated documents), the Council has notified a plan change effectively depriving him of the ability to develop his land in the manner required in circumstances where the covenant he is required to register on his title will preclude development in the manner that the notified plan change envisages. It appears to be a classic 'Catch 22'.
261. Ms Robb suggested that the situation lends itself to an appeal to the Environment Court relying on Section 85 of the RMA. If anything, that understates the position. There is Environment Court authority²³² indicating that a first instance decision-maker on a plan can consider a challenge to a plan change on the basis that it deprives the landowner of the ability to make reasonable use of their land, albeit on a slightly different basis to the Environment Court considering the matter on appeal. That too would support Ms Robb's argument.
262. We do not consider, however, that the situation is quite as bleak as Ms Robb painted it. We had a lengthy discussion with her and Mr Vivian about the nature of Resource Consent 110010 and the rule pursuant to which it was granted. What we struggled to understand, and Ms Robb struggled to find an answer to, is what activity that resource consent actually authorised.
263. The conclusion we have come to is that it does not authorise anything. We find that the Structure Plan Rule pursuant to which the Resource Consent purported to be granted is an example of the type of provision the Environment Court considered when making decisions on declarations in relation to the use of framework plans in the context of the Proposed Auckland Unitary Plan²³³. In summary, the Environment Court found that it was not permissible for the Council to give approval to a framework plan or like document guiding the manner in which a subdivision or development of an area might occur and/or that consent status should turn on any approval that the Council might have given to such a plan. The Environment Court reasoned that the role of Council was to give consent to resource consent applications. Unless an application to Council was framed as an application for resource consents, the Council has no jurisdiction to consent to a framework plan or like document.
264. Based on that authority, we consider that Resource Consent RM110010 is a legal nullity and that the landowner could obtain a declaration from the Environment Court to that effect. Or even more simply, it could surrender the purported resource consent, thereby avoiding the requirement to register a covenant on its land, and avoiding the Catch 22 situation described above.

²³² See *Gordon v Auckland Council* [2012] NZEnvC 7

²³³ Re Application for Declarations by Auckland Council [2016] NZEnvC 056 and [2016] NZEnvC 65

265. Ms Robb suggested that those steps might create difficulties for the subdivision of part of the land that is now in progress.
266. We struggle to see how that can be so. As the decision on RM110010 recorded, having an approved structure plan was not a precondition to development of the site. Similarly, while the conditions of the subsequent subdivision consent (RM130799) require a covenant to be registered requiring future development to be undertaken in accordance with the structure plan and related documents, that covenant is only to be registered on the titles created by the subdivision, not the broader area the subject of the structure plan.
267. In summary, if the landowner gets into the Catch 22 situation described above, it would be because it chooses to do so and does not take action to extricate itself from the obligations purporting to be imposed by the structure plan consent. We do not think that Section 85 would require us to take action that we considered contrary to the strategic objectives and policies in Chapters 3 and 6 in such a situation.
268. That is not the end of the matter. Similar issues arise by virtue of Subdivision Consent RM130799. The landowner is in the process of exercising that consent. We were advised that the Section 223 certification was issued on 21 December 2018 and that it is on track to obtain a Section 224(c) certification prior to the deadline of 21 December 2021.
269. At that point, the landowner will have a subdivision identifying building platforms, a covenant on the title requiring development in accordance with structure plan (which requires that those sites be utilised for residential purposes), and a non-complying activity rule in Chapter 46 governing residential activity.
270. The position is unusual to say the least. Theoretically, the landowner could surrender the subdivision consent. We do not think it is past the point of no return. Whether it is reasonable to expect the landowner to do that, given its investment (in good faith) in reliance on the provisions of the ODP, is another matter.
271. The ability to obtain subdivision consents identifying building platforms is a feature of the ODP that has been carried forward in the decisions on Chapter 27 (refer Report 7). In that manner, consideration of appropriate locations for buildings are explicitly brought into the subdivision process. The corollary of that is that once a building platform is identified, there is in our view a legitimate expectation that a building will be able to be constructed within the identified building platform: not with complete freedom perhaps, because depending on the situation, issues of building height, design and landscaping, among others, may need to be considered. In the ODP RVZ, such matters were considered under a controlled activity rule.
272. We do not consider that the changed status of building within a building platform pursuant to the notified Chapter 46 is retrospective in effect, or not in the strict sense. But we are sympathetic to the legitimate expectation we consider that the owner of Arcadia had that having obtained a subdivision consent and taken steps to implement same, it should not be subject to revised District Plan Rules that require either to surrender that consent or to accept that land identified on the Proposed District Plan as having the lowest sensitivity to development should, in fact, not be able to be developed.
273. We approach the consideration of the appropriate relief in that light.

274. We received no expert landscape to support the submitter's position in relation to the landscape effects of development enabled by the Structure Plan and bespoke RVZ provisions sought by LJ Veint. The submitter's legal submissions and planning evidence relying instead on their understanding of the position of Ms Mellsoy at the time the Structure Plan was approved and that assessments completed by Council officers, including Ms Mellsoy, resulted in approval to the Structure Plan and a finding that the landscape effects of the approved development would be no more than minor.
275. We have, however, received landscape assessment evidence from Ms Mellsoy. She explained the reasons for the apparent difference in her assessments, in particular the previous statutory context of the ODP RVZ as a relatively enabling zone for a wide range of activities with few standards and no assessment matters. We accept Ms Mellsoy's explanation for this and find it to be reasonable and understandable given the significant changes to the regional and district planning framework since those historic assessments were undertaken, as described by Ms Grace.
276. As a result, in the absence of any competing landscape evidence, we accept Ms Mellsoy's evidence on landscape effects. We accept her opinion that development enabled by the Structure Plan, and the bespoke provisions, would exceed the capacity of the area to absorb development without compromising its landscape values, for the detailed reasons she set out.
277. Relying on Ms Mellsoy's evidence, we agree with Ms Grace that the permissive regime sought for Arcadia would have the potential to result in significant adverse effects on landscape values. It would not protect the values of the ONL in which the Arcadia RVZ sits. Including this approach in the PDP would be contrary to Chapter 3 and not an appropriate way to achieve the objectives of the RVZ which, as we have previously recommended, are to provide for visitor industry activities, buildings and development in rural locations where protection of the landscape values of ONL is achieved.
278. Accordingly, we recommend rejecting the submissions which seek to replace the notified RVZ provisions, and associated landscape sensitivity mapping, with the consented Structure Plan and bespoke provisions to enable its implementation by way of permitted or controlled activities.
279. When it comes to residential development in accordance with the consented subdivision at Arcadia, as discussed above, we do have sympathy with the submitter's position. As we previously stated, we have concluded that providing for general residential development in the RVZ would be inconsistent with the purpose of the RVZ and contrary to the Strategic objectives and policies in Chapters 3 & 6. However, for the Arcadia RVZ, we consider an exceptional situation has arisen at this site.
280. We accept the position of the submitter that some residential activity has been anticipated and provided for through the Structure Plan and subdivision consent (with identified residential building platforms), approved in terms of the long-standing ODP RVZ at this site. Residential activity would have been permitted under the ODP RVZ, with the construction of the residential buildings being a controlled activity. However, the notification of the updated RVZ provisions now means that any residential activity, even on the consented building platforms, is a non-complying activity. We accept this is an exceptional "legacy" situation that is highly unlikely to apply to other sites in the District. Only four RVZ have been carried over from the historical ODP RVZ. In addition, this situation has arisen as a result of the more

restrictive provisions of the Chapter 46 being notified between the point in time when the subdivision being consented and building consents being obtained for the houses.

281. Having considered the evidence before us, we agree with the submitter that this has resulted in an unacceptably harsh change from their reasonable historical expectations. We do not agree with Ms Grace's opinion that the submitter has the alternative of gaining consent to a non-complying activity for houses on the approved building platforms. In our view, it would be very difficult to obtain such a consent in the face of the clear direction in Policy 46.2.1.4 to avoid residential activity. We consider that provision should be made for residential units on the consented building platforms within the Arcadia RVZ, provided that the landscape values of the ONL can be protected. We are grateful to Ms Grace and Ms Mellsop turning their minds to this alternative, albeit in terms of a Rural zoning that would allow residential units and the construction of buildings on approved building platforms as permitted activities.
282. From a landscape perspective, Ms Mellsop stated that she could support a Rural zoning for the majority of the land subject to the subdivision consent, provided that a 6m height limit is applied²³⁴ and controlled activity status is applied to the construction of the 11 residential buildings²³⁵ on the approved building platforms. In her opinion, this would ensure that the landscape values of the ONL are protected and development would be reasonably difficult to see from outside the site. In addition, Ms Mellsop noted the existing subdivision consent, which resulted in the approved building platforms, has conditions including consent notices that if implemented would allow the residential buildings to be appropriately absorbed into the landscape.
283. We do not consider it is necessary to change the zoning of part of the Arcadia RVZ to Rural Zone, in order to achieve what we consider is appropriate provision for residential activity. We have received no evidence that supports the abandonment of the RV zoning on all or part of the Arcadia site. Subject to implementing the controls recommended by Ms Mellsop, we consider that appropriate provision can be made by amendments to the RVZ provisions.
284. Enabling one residential unit as a permitted activity on each of the 11 residential building platforms created by subdivision consent RM130799 would enable the submitter's reasonable historical expectations of residential development to be achieved. Limiting building height to 6m and requiring controlled activity consent for construction of the buildings (both of which are already required in the RVZ) would meet Ms Mellsop's requirements for the management of adverse effects on landscape and visual amenity values, alongside the conditions of the subdivision consent itself. On the basis, we are satisfied that the landscape values of the ONL within which Arcadia sits will be protected and the objectives of the RVZ achieved. We have recommended appropriate amendments to the RVZ provisions in Appendix 1.
285. If the submitter decides not to proceed with the approved subdivision and/or associated residential activities, the normal requirements of the RVZ would continue to apply to this part of the zone (along with the balance of the zone). If the residential development proceeds, the balance of the RVZ would remain available for visitor industry activities, albeit that new buildings would require consents as the majority of the low landscape sensitivity area would be taken up by the residential activity.
286. Finally, we have agreed with Ms Grace that permitted activity status for general residential activity in the RVZ would be contrary to Policy 46.2.1.4 to avoid residential activity. Therefore,

²³⁴ Rather than 8m in the Rural Zone

²³⁵ Rather than permitted activity status in the Rural Zone

having determined that provision for residential activity on the 11 approved building platforms is not contrary to achieving Objective 46.2.1, we are satisfied an appropriate amendment can be made to the policy to create an exemption from the general policy. This would be in addition to the exemption for staff accommodation. In order to prevent this policy being used to support more widespread provision for residential activity, we consider it must be confined to the Arcadia RVZ and to identified buildings platforms from the historical resource consent approved under the previous ODP RVZ. We have recommended such wording in Appendix 1.

287. We have evaluated this provision for residential activity, alongside the principles and tests we have set out previously, and in terms of our duties pursuant to section 32AA of the Act. Having weighed the costs and benefits to the landowner, to the wider public and in relation to effects on landscape values, we are satisfied these amendments are the most appropriate way of achieving the objectives and policies of the PDP. We recommend that the submission from LJ Veint as it relates to residential activity be accepted in part.
288. In terms of the submission from Fish and Game, we have no evidence to support the requested amendments relating to commercial recreation and informal airports, and Ms Grace and Ms Mellsop do not support the requested amendments. Accordingly, we recommend that these submissions from Fish and Game be rejected.

11. ARCADIA – LJ VEINT – TEMPORARY FILMING ACTIVITY - SUBMISSION #310074

11.1 Overview

289. As explained in Report 20.1, the late submission of LJ Veint²³⁶ was ascribed a separate hearing stream number (Stream 20). It was heard by the same Hearing Panel as Stream 18. Ms Grace provided an additional Section 42A Report²³⁷ responding to the late submission of LJ Veint²³⁸. Planning evidence was received on behalf of the submitter from Mr Vivian and legal submissions from Ms Robb. Ms Robb, Mr Vivian and Mr Edney (who was at that point in the process of purchasing Arcadia) attended the hearing.
290. The submission related to temporary filming activities in the Arcadia RVZ. Temporary activities are provided for in Chapter 35 of the PDP. The submission sought that the provisions of Chapter 35 be amended to be more enabling of temporary filming activities in the Arcadia RVZ, to the same extent that these activities are enabled in the Rural Zone. In particular, the submission sought Rule 35.4.7²³⁹ be amended so that, for temporary filming activities within the Arcadia RVZ:
- (a) The permitted number of persons participating at any one time is increased from 50 to 200;
 - (b) The limit on duration of temporary filming is as permissive as for the Rural Zone; and
 - (c) The use of land as an informal airport for temporary filming is allowed.
291. The submitter's legal submissions²⁴⁰ outlined Arcadia's historic and ongoing use as a filming location, primarily as a temporary hub from which film crews travel to shoot in remote rural landscapes. These are popular filming locations that bring both film crews and film enthusiasts to the District and Glenorchy. Ms Robb explained that Mr Edney sought to use Arcadia Station

²³⁶ Submission #31074

²³⁷ Dated 16 July 2020

²³⁸ Submission #31074

²³⁹ The permitted activity rule for temporary filming, and shown as Rule 35.4.8 in the Consolidated Version of Chapter 35 on the Council's Website

²⁴⁰ Legal submissions from V Robb, made the successor to the submission by Mr Veint, (The Station at Waitiri Ltd) para [3]-[8]

as an operational base for film production with shooting at various locations in the surrounding area, as well as a technical base for editing.

292. Ms Grace²⁴¹ acknowledged Arcadia is surrounded by Rural-zoned land, with no urban areas in close proximity. As regards effects of activities that extend beyond the RVZ boundaries, she considered it appropriate for the provisions to be the same in the Arcadia RVZ as in the surrounding rural environment.
293. For effects within the RVZ, Ms Grace was more cautious. She was concerned about effects on future owners of the 11 residential lots that have recently been subdivided, as well as effects on visitor accommodation and commercial recreational activities. She considered these activities could be sensitive to effects on amenity values of temporary filming activities that involve up to 200 people and unrestricted use of land as an informal airport. However, she noted mitigating factors were the size of the zone area that meant separation could be achieved between filming and sensitive activities; the lack of provision for residential activity in the RVZ; and the limit of 30 days per year in Rule 35.4.8.b.
294. Ms Grace also identified the positive effects of allowing a greater scale of filming activity at Arcadia. Overall, she considered there is likely to be low level of adverse effects, off-set by positive social, cultural and economic effects, if the Rural Zone provisions for temporary filming were applied. She recommended the necessary changes to Rule 35.4.8.
295. Ms Grace was clear her recommendation only applied if her Stream 18 recommendations regarding the RVZ at Arcadia were also accepted. If Mr Veint's primary submission²⁴² seeking more permissive activity status for residential activity, visitor accommodation and commercial recreational activities is accepted, her recommendation would not be the same.
296. Planning evidence from Mr Vivian²⁴³ generally agreed with Ms Grace, other than her concerns in relation to effects on residential activity, visitor accommodation and commercial recreational activities within the Arcadia RVZ. We discuss these outstanding matters below.

11.2 Issues in Contention

297. Ms Grace²⁴⁴ noted Mr Veint's primary submission seeks permitted activity status for residential activity within the Arcadia RVZ, and well as more permissive status for buildings for visitor accommodation and commercial recreational activities within areas of moderate-high and high landscape sensitivity. If this submission is accepted, she considered potential adverse effects on residential amenity would need to be addressed; and there would be less area within the zone where filming would not overlap with visitor accommodation and commercial recreational activities.
298. In terms of relevant policy direction, Ms Grace referred to Policy 35.2.1.7 which requires residential activity to be protected from undue noise during night-time hours, and Policy 35.2.1.8, which requires minimising of effects of noise on adjacent properties from informal airports during filming. In her opinion, if residential activity was allowed in the Arcadia RVZ, applying the temporary filming provisions for "any other zone" (rather than the Rural Zone) would be a more effective and appropriate means of achieving these policies. This would limit

²⁴¹ E Grace, EIC, Section 4

²⁴² Submission #31008

²⁴³ C Vivian, EIC, 30 July 2020

²⁴⁴ E Grace, EIC, Section 4

temporary filming activity to 50 persons at any one time, only 7 days per year of film shooting, and no associated use of land as an informal airport.

299. Mr Vivian addressed Ms Grace's concerns in his planning evidence. In relation to effects of temporary filming on residential activity at Arcadia, he stated²⁴⁵:
- By the time the subdivided titles have issued and been sold, the temporary filming provisions will have legal effect, and future purchasers will be aware of what the RVZ at Arcadia enables;
 - The limit of 30 days filming per year (including informal airport use) is adequate to ensure residential amenity values are maintained. This would not enable frequent disturbance throughout a year and would minimise adverse effects in accordance with Policy 35.2.1.8;
 - It is unlikely that filming will be undertaken at night, so residential amenity will be protected in accordance with Policy 35.2.1.7.
300. In terms of effects on visitor accommodation and commercial recreational activities, Mr Vivian²⁴⁶ considered that these activities are not typically sensitive to noise associated with temporary filming (including informal airports). He noted that guests at visitor accommodation are usually visiting for a short period of time and are not necessarily aware of the ambient noise levels. Similarly, with customers of commercial recreational activities, who are not necessarily seeking a quiet environment. In his opinion, these activities are unlikely to be adversely affected by temporary filming, due to the nature of the activities and the limited duration period for filming.
301. In answer to our questions about night-time activities, Mr Vivian suggested a standard could be included restricting temporary filming activity (including the associated use of informal airports) during night-time hours, consistent with the night-time hours for noise levels of 2000h to 0800h. With the restrictions on night-time activity, Ms Robb submitted there was no justification for restricting filming activity to less than 200 people or only 7 days of shooting per year.

11.3 Hearing Panel's Consideration and Recommendations

302. As set out in Section 10.3 of this report, we have recommended provision should be made for residential activity, as a permitted activity, on the consented building platforms within the Arcadia RVZ. We have not recommended accepting Mr Veint's²⁴⁷ request for wider provision for additional residential development within the zone, nor for more permissive status for buildings for visitor accommodation and commercial recreational activities within areas of moderate-high and high landscape sensitivity. Our recommendation would enable the development of residential activity on the 11 subdivided lots which are clustered together in the north-west of the site. We agree with Ms Robb and Mr Vivian that any purchasers of these lots would likely be aware of the provisions for filming activity.
303. We acknowledge and accept the submitter's offer (via Mr Vivian's suggestion) that a night-time limitation could be included for temporary filming, including informal airport use. We agree this would be consistent with Policy 35.2.1.7. On the basis of our recommendation to provide for only limited residential activity in the zone, and with a restriction on night-time activity, we are satisfied the other Rural Zone provisions for temporary filming activity can be applied within the Arcadia RVZ. We consider this would be consistent with Objective 35.2.1

²⁴⁵ C Vivian, EIC, para [3.8]-[3.15]

²⁴⁶ C Vivian, EIC, para [3.16]-[3.21]

²⁴⁷ Submitter #31008

and implement its associated policies, which seek to encourage temporary filming, recognising the contribution it makes to social, cultural and economic wellbeing, provided it is managed to minimise adverse effects, in particular protecting residential amenity from undue noise during night-time hours.

304. Accordingly, we recommend that the submission of LJ Veint relating to temporary filming activity be accepted in part, in accordance with our recommended wording in Appendix 1.

12. LOCH LINNHE – LOCH LINNHE STATION – SUBMISSION #31013

12.1 Overview

305. The proposed Loch Linnhe RVZ, subject of a submission from M & K Scott²⁴⁸, is in two sites – the northern site (Wye Creek) immediately south of Wye Creek is approximately 1.0ha in area; and the southern site (Homestead), which includes the existing homestead and farm base buildings, is approximately 8.6ha in area²⁴⁹. The two sites adjoin State Highway 6 (SH6) between Queenstown and Kingston, with the Wye Creek site being located between SH6 and the lake and the Homestead site being located immediately above SH6. Under the PDP, the land is zoned Rural and is within an ONL.



Extent of Southern Requested Rural Visitor Zone Area

²⁴⁸ Submission #31013, M & K Scott, leaseholders of Loch Linnhe Station (Loch Linnhe)
²⁴⁹ B Espie, EiC, para [4.1]



Extent of Northern Requested Rural Visitor Zone Area

306. The submitter previously made a submission on Stage 1 of the PDP, seeking that large farms (over 1000ha) should have the ability to provide for tourism activities as permitted or controlled activities, particularly where clustered with homesteads and farm buildings. This submission identified the ODP Rural Visitor Zone as an alternative to this approach for two small areas of the large Loch Linnhe Station, being the same sites sought as RVZ through their Stage 3B submission²⁵⁰. The Hearing Panel's Report²⁵¹ on the Stage 1 submission concluded that the submission be rejected, but that:
- The Council consider the introduction of a variation to the form of zoning that would enable appropriate development at the submission sites when it reviews the ODP Rural Visitor Zone; and
 - That the farm base concept proposed by the submission be evaluated for possible use in the PDP as part of the process of reviewing the ODP Rural Visitor Zone.
307. The submitter has appealed the Council's Stage 1 decision²⁵². However, this appeal is on hold until the Council has released its decision on the RVZ under this Notified Plan Change.
308. The Loch Linnhe submission sought that the two sites (Wye Creek and Homestead) be zoned as RVZ. It stated the submitter is happy for a zone map to be developed through the submission process identifying areas of high, medium and low landscape sensitivity, albeit the submission stated the majority of the land sought to be rezoned is of low landscape sensitivity. The landscape sensitivity mapping was attached to the evidence of Mr Espie²⁵³ and Mr Vivian²⁵⁴, with areas shown as low and moderate-high landscape sensitivity.

²⁵⁰ C Vivian, EIC, Section 2

²⁵¹ C Vivian, EIC, para [2.10] – PDP Report 17-9 Report and Recommendations of Independent Hearing Commissioners regarding Mapping of Wye Creek to Kingston

²⁵² ENV-2018-CHC-68 Loch Linnhe Station vs. QLDC

²⁵³ B Espie, EIC, Appendices 1 and 3

²⁵⁴ C Vivian, EIC, Attachment A, 46.9 Visibility Mapping Plan – Loch Linnhe Station Rural Visitor Zones (Homestead and Wye Creek)



309. The submission supported the proposed RVZ provisions as they relate to the landscape sensitivity areas. It also sought the following site-specific amendments for a Loch Linnhe RVZ:
- Amend the rule for farm buildings from restricted discretionary to controlled activity;
 - Provide a further exception to the non-complying activity rule for residential activity to enable the construction of a farm homestead at the Wye Creek RVZ;
 - Add specific density standards, such that: *“Within Loch Linnhe built form shall not exceed a footprint of (a) 1800m² at the Wye Creek Site (b) 4700m² at the Homestead Site”*;
 - Add a visibility standard specific to the Wye Creek RVZ, such that: *“At the Wye Creek RVZ within Loch Linnhe Station no building shall be visible from the State Highway.”*

310. Barbara Kipke²⁵⁵ opposed the Loch Linnhe submission. Her submission related to the Wye Creek site, and how it might affect her land at Wye Creek. She opposed the submission to the extent that the development of any buildings, structure and/or roads are visible from her property, and opposed any informal airport, in particular helicopter landings / take-offs to and from the proposed RVZ. Ms Kipke did not appear at the hearing to present evidence in relation to her further submission.
311. Ms Grace evaluated the submission from M & K Scott in her EiC²⁵⁶, recommending based on the information available to her at the time that the requested rezoning to RVZ be rejected, predominantly on landscape grounds. The Council's landscape evidence on the Loch Linnhe submission was provided by Ms Bridget Gilbert²⁵⁷ in her EiC²⁵⁸ and Rebuttal evidence²⁵⁹. Ms Grace provided further evaluation in Section 4 of her first Rebuttal evidence, and Section 11 of her Reply statement. She continued to recommend that requested Loch Linnhe RVZ rezoning and provisions be rejected, due to landscape matters. Ms Grace, however, also provided an evaluation of the site-specific provisions sought through the submission, should the Hearing Panel decide to rezone the sites²⁶⁰.

12.2 Issues in Contention

312. We note here that the submitter's evidence and legal submissions referred extensively to the submitter's involvement in Stage 1 of the PDP process. Details were provided²⁶¹ regarding the submissions made and evidence presented for Stage 1, the Hearings Panel's recommendations (adopted by the Council), and subsequent discussions with Council planning staff regarding the appeal on Stage 1 and Notified Plan Change. Several paragraphs from the Hearing Panel's report on the Stage 1 submission²⁶² were drawn to our attention, as follows:

Firstly we observe that we are entirely sympathetic to the submitters' wish to provide a second homestead and farm buildings at Wye Creek, and to diversify the economic base of the station by developing visitor accommodation and activities on the two sites. This is specifically recognised and provided for in the PDP provided that it is carried out in an appropriate way. The question to be resolved is the most appropriate way to do this.

With regard to the possibility of introducing the Farm Base Area concept into the PDP, we acknowledge this may have some merit. However we are aware that it was developed in a different district to address issues there. We do not know if the issues are the same in the Queenstown district. We think that if introduced here, it would be a precedent for other proposals. Overall, we believe that this is a concept which may be worth evaluating at a district-wide level at the time the Council carries it its review of the ODP Rural Visitor Zone.

²⁵⁵ Further Submission #31059

²⁵⁶ E Grace, EiC, para [12.1]-[12.3] and [12.4]-[12.17]

²⁵⁷ Landscape architect consultant acting for the Council

²⁵⁸ B Gilbert, EiC, Section 6

²⁵⁹ B Gilbert, Rebuttal, Section 3

²⁶⁰ In both her first Rebuttal evidence and her Reply statement

²⁶¹ Legal Submissions from J Macdonald, para [4]-[13] and C Vivian, EiC, Section 2

²⁶² PDP Report 17-9, para [25]-[31]

Otherwise we suggest that the Council consider introducing a variation for these sites when it reviews the ODP Rural Visitor Zone sites, so as to enable an appropriate level of development.

313. The Hearing Panel's report²⁶³, while recommending that the Loch Linnhe submission on Stage 1 be rejected, went on to include recommendations, based on the two suggestions in the paragraphs above, for matters for the Council to consider as part of its review of the ODP RVZ - in other words the process we are now engaged in.
314. On the basis of these recommendations for Stage 1, Ms Macdonald (counsel for the submitters) submitted that *"One could hardly blame LL for getting its hopes up that the economic diversification it was seeking to enable and with it 'an appropriate form of zoning' would be addressed by the Council as they proceeded with the staged review of the PDP, and in particular the review of the Rural Visitor Zone."* She went on to submit that *"LL expresses its disappointment that the Council failed to explore at all, prior to notification of the Rural Visitor Zone, the possible inclusion of LL's sites within the zone, and that the opportunity has been lost to formulate (in collaboration with the Council), a zone that would allow for an appropriate level of development at the submission sites."*
315. By the time this submission came before us, there was some general agreement between the Council experts and those for Loch Linnhe on matters other than landscape.
316. The Council²⁶⁴ agreed the natural hazards risks at the sites are very low at Wye Creek; and generally low at the Homestead site, but with risk from a debris flow along the line of the creek through the centre of the site. On natural hazards grounds, the Council did not oppose rezoning of the Wye Creek site and the majority of the Homestead Wye Creek site, but excluding a strip through the centre of the latter site. While the submitter did not provide natural hazards evidence at the hearing, Mr Vivian agreed verbally to inclusion of a Building Restriction Area over the area identified by Mr Bond as being of debris flow risk through the Homestead site.
317. In his evidence, Mr Vivian did not pursue all the site-specific amendments to the RVZ provisions that were sought in the submission. He restricted his evidence to the farm homestead provision at Wye Creek and the building coverage requirements for each site. He also recommended some additional controls:
- non-complying activity status for informal airports at the Wye Creek site²⁶⁵;
 - a standard requiring that no building at Wye Creek be visible from SH6²⁶⁶;
 - a standard restricting the number of overnight visitor at each site to maintain visitor accommodation at a scale consistent with the rural character of the area; and
 - non-complying activity status for subdivision at both sites to reduce the potential for any dwellings to be subdivided from the main Station land.
318. Ms Grace accepted that one additional residential unit may be appropriate at the Wye Creek site, if the site should be rezoned RVZ, although she recommended discretionary activity status with a targeted supporting policy²⁶⁷. She did not oppose non-complying activity status

²⁶³ PDP Report 17-9, para [32]

²⁶⁴ R Bond, EIC, Section 11

²⁶⁵ To address the further submission from Barbara Kipke

²⁶⁶ Recommended by B Espie, EIC, para [4.1(a)], and included in Attachment A to C Vivian, EIC (Amended RVZ Provisions)

²⁶⁷ E Grace, first Rebuttal, para [4.4]-[4.8]

for informal airports at Wye Creek²⁶⁸ or for subdivision. She recommended an alternative, more enforceable wording for Mr Vivian's recommended control on overnight visitor numbers²⁶⁹. She retained her opposition to the building coverage requirements on the basis of landscape effects.

Landscape Effects

319. Ms Gilbert had considered the landscape-related information presented to the Stage 1 Hearing Panel and had undertaken a joint site visit with the submitter's landscape architect, Mr Ben Espie²⁷⁰. She undertook a 'high-level' landscape analysis for the two proposed RVZ sites, including a brief analysis of the existing landscape character and identification of the key potential landscape opportunities and constraints associated with the sites.
320. Ms Gilbert²⁷¹ generally agreed with the landscape description provided by Mr Espie for the Stage 1 hearing, although she also noted the strong spatial and visual connections between the sites and Lake Wakatipu, as well as with the western side of the lake. She identified the potential visibility of the sites from SH6.
321. Ms Gilbert²⁷² did not agree that the proposed RVZ sites have a low sensitivity to landscape change. In her opinion, the open character of much of the areas and their consequent visibility (at least in part) from the wider ONL context, including from SH6 and Lake Wakatipu, makes the sensitivity towards the mid to higher end of the spectrum. At a 'high-level', Ms Gilbert²⁷³ assessed both sites as having the ability to successfully absorb a modest level of development, subject to implementation of some specific controls.
322. In Ms Gilbert's opinion²⁷⁴, additional, more detailed, landscape assessment was required to support the submission and provide the basis for specific controls over development within each site that would protect landscape values and ensure the RVZ development would be reasonably difficult to see. On the basis of the information available at the time of preparing her EIC, Ms Gilbert²⁷⁵ did not support the rezoning.
323. Mr Espie²⁷⁶ responded to the evidence of Ms Gilbert by providing a more detailed assessment of the existing landscape character of the proposed RVZ sites and of the views and visual amenity that might be affected. He provided an evaluation of the potential effects on landscape character, as well as potential effects on views and visual amenity for users of Lake Wakatipu, users of SH6, observers in Kingston and observers on the west side of the lake. Mr Espie provided aerial photographs of the sites overlain with landscape sensitivity mapping, and photographs of the Wye Creek site from the lake. He explained²⁷⁷ this work was undertaken during Covid-19 virus Alert Levels 3 and 4 and so only limited site work was possible.

²⁶⁸ E Grace, first Rebuttal, para [4.9(a)]

²⁶⁹ E Grace, Reply, para [11.2]-[11.3]

²⁷⁰ Landscape architect consultant

²⁷¹ B Gilbert, EIC, para [6.8]

²⁷² B Gilbert, EIC, para [6.9]-[6.10]

²⁷³ B Gilbert, EIC, para [6.12]

²⁷⁴ B Gilbert, EIC, para [6.16]-[6.17]

²⁷⁵ B Gilbert, EIC, para [3.5]

²⁷⁶ B Espie, EIC, Sections 5 & 6

²⁷⁷ B Espie, EIC, para [7.6]

324. On the basis of his assessment, Mr Espie concluded²⁷⁸ the attributes that contribute to the ONL status of the landscape, within which the proposed areas of zoning sit, would not be materially compromised if the RVZ sought were approved. He concluded²⁷⁹ natural character would be slightly reduced by the introduction of new human elements at the Wye Creek site, but that these would be inconspicuous. For the Homestead site, he considered²⁸⁰ the existing modification would mitigate effects on landscape character such that the location has capacity to absorb more development.
325. In relation to visual effects, he concluded²⁸¹ that development on the Wye Creek site would only have significant effects on users of a certain part of the lake, but that the modification will appear in a logical location and would be dwarfed by the surrounding mountain slopes and lake surface. In visual terms, the Homestead site would be an expansion of an existing farm base and will have a visual logic, distinct from the rugged mountain slopes and lake which dominate views, and not significantly reducing visual amenity for lake viewers or highway users.
326. We asked Mr Espie why he had not carried out a more thorough landscape analysis in accordance with Ms Gilbert's recommendations. He responded that due to the small scale of the sites, the lack of available digital contour information, and the analysis he had undertaken on the ground, he did not consider a greater degree of analysis was required. He was sure that the landscape sensitivity mapping would have been the same, even if he had used digital contour mapping and visibility analysis.
327. Ms Gilbert responded further to Mr Espie in her Rebuttal evidence²⁸². She took into account the additional development controls put forward by Mr Vivian. Ms Gilbert continued to disagree with Mr Espie's assessments of landscape effects. In relation to both the Wye Creek and Homestead sites, Ms Gilbert remained of the opinion that the lack of detailed contour information and thorough landscape analysis meant there was insufficient support for the extent of the RVZ and the landscape sensitivity mapping. She considered Mr Espie had potentially underestimated the scale of adverse visual effects in relation to views from Lake Wakatipu, which is an ONL (and in the case of the Homestead site, views from SH6 also), as well as underestimating the scale of adverse landscape effects.
328. Ms Gilbert expressed her firm opinion that there is inadequate 'base' information and subsequent landscape and visual effects analysis to support either area of RVZ. She did not have confidence that the associated landscape change would satisfy the fundamental landscape policy requirements for ONLs that development protects landscape values and is reasonably difficult to see.
329. In answer to the Panel's questions, Ms Gilbert maintained her strong view that the landscape evaluation undertaken by Mr Espie was inadequate for a rezoning to RVZ within an ONL. She considered that the sites required more detailed evaluation of their landscape sensitivity and the landscape effects of potential development, in order to give assurance that the ONL values can be protected. While she acknowledged this may be possible, she considered it would require a more detailed, nuanced and location-specific approach, in order to generate the

²⁷⁸ B Espie, EiC, para [8.2]

²⁷⁹ B Espie, EiC, para [5.9]

²⁸⁰ B Espie, EiC, para [5.13]-[5.14]

²⁸¹ B Espie, EiC, para [8.3]-[8.4]

²⁸² B Gilbert, Rebuttal, Section 3

necessary development controls that would ensure the zone is designed to protect the landscape values of the ONL.

12.3 Hearing Panel's Consideration and Recommendations

330. We consider first the statements brought to our attention from the Hearing Panel's Stage 1 report and its recommendation for consideration of RVZ for these sites. We acknowledge the submitter has already been before the Stage 1 Hearing Panel and received some support for visitor industry diversification on Loch Linnhe Station. We agree with the Stage 1 Hearing Panel that there is some merit in the submitter's concept of diversifying the Station's economic base by developing visitor accommodation and activities at the two sites. However, we note the emphasis of that Hearing Panel that any such development on these sites needs to be carried out in an appropriate way, with an appropriate level of development.
331. Based on the evidence before us, we agree with the Stage 1 Hearing Panel that there is potential for each site to successfully absorb a modest level of development while protecting landscape values, subject to the implementation of specific, detailed controls. However, we do not consider this means that any proposal for RVZ at these sites must be accepted. While we agree there is some scope for visitor-related development at these two sites, the submitter still needs to provide sufficient information and evaluation to enable us to decide upon the appropriate zone sizes, the landscape sensitivity mapping, and appropriate controls over development location, scale and intensity.
332. Regarding the location and scale of the proposed RVZ sites, we have previously recommended that Objective 46.2.1 be amended to require visitor accommodation and commercial recreational activities to occur at a small scale and low intensity in rural locations where protection of the landscape values of ONL is achieved.
333. In terms of scale, we agree the Wye Creek site, at 1.0ha in area, is a small size and, as proposed by the submitter, would provide for visitor development at a small scale. We are less convinced that the Homestead site, at 8.6ha, is a small size, or that the proposed 4700m² of buildings would be small scale. In terms of scale, we would have been more comfortable if the Homestead site was limited to the area north of the creek. With the existing built development, topography and vegetation screening on that part of the site, we consider it more likely that any additional development there would be reasonably difficult to see. In terms of the intensity of development proposed on each site, we have not received sufficient evaluation from the submitter's experts to enable us to properly conclude that the effects of the RVZ sought would be acceptable from this perspective.
334. The Strategic Objectives and Policies in Chapters 3 and 6, as well as our recommended Objectives 46.2.1 and 46.2.2 require the landscape values of ONL to be protected. We have considered the evidence of Mr Espie in light of the criticism of its adequacy by Ms Gilbert. We accept the position reached by Ms Gilbert. We agree Mr Espie has not provided sufficient 'base' information or subsequent landscape and visual effects analysis to give us confidence this fundamental landscape policy requirement would be achieved - that the landscape values of the ONL would be protected. Mr Espie did not appear to us to directly address this specific requirement in his evidence.
335. Without more detailed and specific evaluation, as recommended by Ms Gilbert, we are not satisfied the extent and scale of each RVZ site, the landscape sensitivity mapping, and the controls over development location, scale and intensity are sufficient to ensure the proposed RVZ will protect the landscape values of the ONL. In particular, we were not satisfied that Mr

Espie had sufficiently evaluated the scale of adverse visual effects in relation to views from Lake Wakatipu (and in the case of the Homestead site, views from SH6), as well as the potential for adverse landscape effects from the scale of development proposed at the Homestead site.

336. We are sympathetic to the constraints on Mr Espie's on-site evaluation as a result of Covid-related restrictions, but other submitters have successfully surmounted these obstacles and it was open to the submitter to seek leave to supplement Mr Espie's analysis, particularly when it was clear that this was a key issue in Ms Gilbert's mind.
337. Our recommended Policy 46.2.2.3 directs buildings in ONL to be sited where they are reasonably difficult to see from beyond the boundary of the Zone. This follows from Policy 6.3.3.1 (previously Policy 6.3.12) which directs any buildings, structures and changes to landform in an ONL to be reasonably difficult to see from beyond the boundary of the site. As indicated above, we agree with Ms Gilbert's concern that Mr Espie has not adequately evaluated the visibility of development on each of the proposed RVZ sites from Lake Wakatipu and, in the case of the Homestead site, from SH6. We do not have sufficient information to be confident that the development will be reasonably difficult to see from beyond the boundaries of the RVZ. This is of particular concern when Lake Wakatipu itself is an ONL.
338. We acknowledge the submitter has proposed a standard requiring no building at Wye Creek be visible from SH6, but a similar approach has not been proposed for the Homestead site, where development on the open area south of the creek is likely to be visible from parts of SH6. Although Mr Espie expressed his opinion that this southern part of Lake Wakatipu is not well used for recreation, due to its rough and exposed conditions, this does not appear to us to be a qualifier to this requirement. The policy directs development be reasonably difficult to see from the lake irrespective of the level of recreational use.
339. Accordingly, for the reasons set out above, we recommend rejecting Submission 31013 from M & K Scott to rezone the proposed Wye Creek and Homestead sites as RVZ.

13. MAUNGAWERA – HERON INVESTMENTS LIMITED – SUBMISSION #31014

13.1 Overview

340. The proposed Maungawera RVZ, subject of a submission from Heron Investments Limited (Heron)²⁸³, is approximately 115ha in area and located on the corner of the Lake Hāwea – Albert Town Road (SH6) and Camp Hill Road in the Maungawera Valley. Access to the site is from Camp Hill Road, with a restricted access from SH6. Under the PDP, the land is zoned Rural and is within a Rural Character Landscape (RCL).

²⁸³ Submission #31014

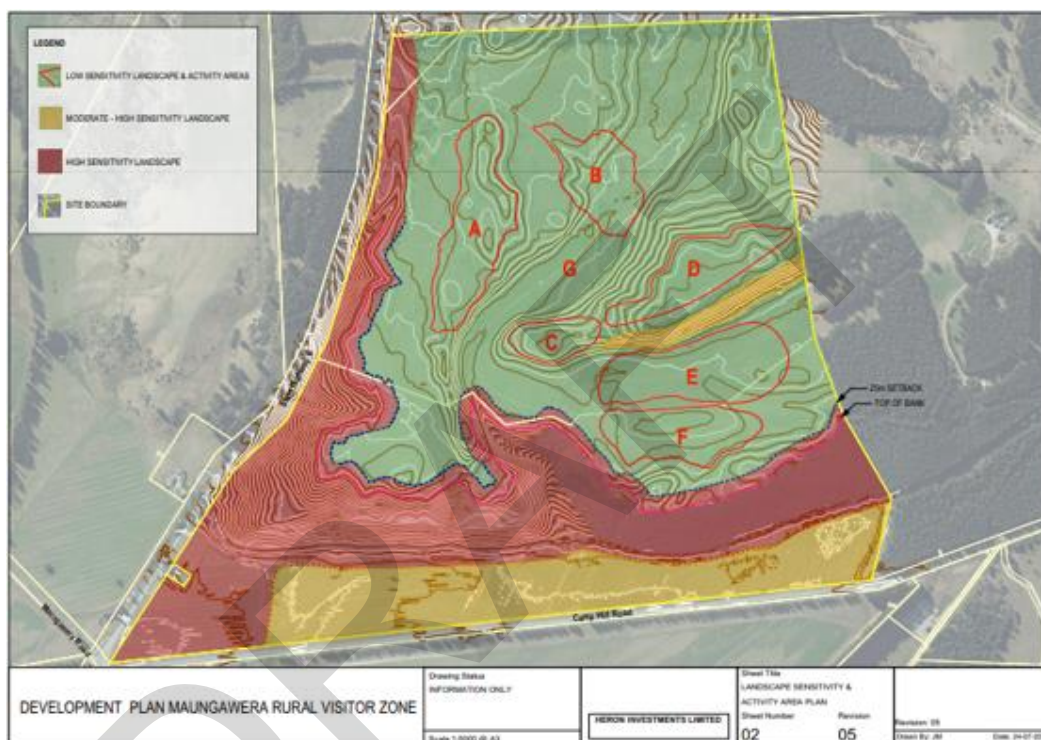


Submission #31014 site

341. The owners of the property²⁸⁴, have owned it for close to 30 years, and are in the process of diversifying their land use from solely agriculture to a mixture of agriculture and tourism activities. Resource consents and certificate of compliance have been obtained for outdoor hot tubs and associated small buildings on the site. The owners are also in the process of applying for additional visitor-related activities, including additional hot tubs, e-bike hire and use, visitor accommodation (including motorhome sites), café / restaurant, service centre/office and staff accommodation. Future plans to attract visitors to the property were also described to us.
342. The Submission sought the whole of the property be zoned as RVZ, to be known as Maungawera RVZ, with low, medium and high landscape sensitivity areas to be shown. As discussed earlier in our report, the Submission also requested RVZ be located within areas of RCL, rather than being confined to ONL as the Plan Change was notified. The only other specific change sought from the Notified Plan Change was an exception for the Maungawera RVZ from the requirement to limit commercial recreation activity undertaken outdoors to 30 persons in a group.
343. Ms Grace evaluated the Heron submission in her EIC²⁸⁵ recommending, based on the information available to her at the time, that the requested rezoning to RVZ be rejected, predominantly on landscape grounds. Ms Grace provided further evaluation in Section 3 of her first Rebuttal evidence, and Section 8 of her Reply statement. Landscape evidence was provided for the Council by Matthew Jones²⁸⁶ in his second EIC²⁸⁷, first Rebuttal evidence²⁸⁸ and Reply statement²⁸⁹.

²⁸⁴ R & J Deaton
²⁸⁵ E Grace, EIC, para [10.1]-[10.8] and [10.12]-[10.14]
²⁸⁶ Consultant landscape architect
²⁸⁷ M Jones, second EIC, Section 10
²⁸⁸ M Jones, first Rebuttal, Section 3
²⁸⁹ M Jones, Reply, Section 6

344. There was ongoing dialogue between the Council’s experts and those representing the submitter throughout the hearing process. We commend the parties for their constructive approach to resolving outstanding differences regarding the appropriate zoning provisions for this property. As a result of this dialogue, the submitter presented²⁹⁰ a revised development plan for the property at the hearing, showing refined landscape sensitivity mapping, a 25m setback from the escarpment edge, and specific activity areas (A-G) for built development. On the basis of these mapping refinements, and some rule amendments we address further below, Ms Grace and Mr Jones recommended the submission be accepted and the Maungawera RVZ be included on the planning maps.



13.2 Issues in Contention

345. By the time of the Council’s Reply statements, there was general agreement between the submitter and the Council regarding the inclusion of the Maungawera RVZ into the PDP, although there were some amendments to zone provisions recommended by Ms Grace and Mr Jones that we had not heard directly from the submitter about.

346. On the basis of the revised mapping presented by the submitter, and the associated development controls, Mr Jones changed his assessment conclusion²⁹¹ for this site and no longer opposed its rezoning as RVZ. His revised conclusion was subject to a recommendation regarding the maintenance of an existing shelterbelt that we refer to further below. In relation to the direction in Strategic Chapters 3 and 6 and in our recommended Objectives 46.2.1 and 46.2.2 and Policy 46.2.2.3.b. for sites within RCL, Mr Jones concluded²⁹²:

- The proposal will result in an acceptable outcome that will serve to maintain the landscape character and visual amenity values of the RCL;

²⁹⁰ Legal submissions from J Macdonald, dated 24 July 2020

²⁹¹ M Jones, Reply, para [6.8]

²⁹² M Jones, Reply, Section 6

- The shape, size and location of Areas A-G and the defined building coverage within each area provides certainty to the location and potential distribution of buildings across the site, which will serve to maintain the landscape character and visual amenity values of the RCL;
 - The balance area of low landscape sensitivity (Area G) should be limited to a maximum of 1000m² building coverage, inclusive of the existing buildings, so as not to allow inappropriate further distribution of buildings that would adversely affect landscape character or visual amenity values;
 - Views of the upper terrace are restricted from the south, east and west due to the topography (predominantly the undulation and escarpments) and the existing vegetation on the site. He concurs with the assessment of the submitter's landscape architect, Ms Jessica McKenzie²⁹³, in relation to the visibility of the site²⁹⁴.
347. In her Reply statement, Ms Grace stated she had held discussions with the submitter's planner²⁹⁵ and they had largely come to agreement on the most appropriate zone provisions for the site. On the basis of these discussions, the revised provisions presented by the submitter, and the conclusions reached by Mr Jones, Ms Grace also changed her opinion²⁹⁶ and supported this rezoning request. In her opinion, having considered s32AA of the RMA, the site is appropriate as an RVZ and the specific provisions to manage development within it are an appropriate way to achieve the RVZ objectives. In particular, she concluded:
- The site would provide access to an area of the RCL that provides views to and enables experience of the wider landscape;
 - Although the site is large, it is largely of lower landscape sensitivity and limited scale and intensity of development is achieved through the definition of developable areas (A-G) and the specific standards to managed building coverage and scale of activities;
 - The rule provisions provide a high degree of control over the scale of activities and reinforces the limited nature of development foreseen on the site;
 - The zone provisions would maintain the landscape character and visual amenity of the RCL (based on Mr Jones' evidence), limit the scale and intensity of activities and manage effects beyond the zone, whilst providing benefits for visitor industry development.
348. The following outstanding matters of detail were raised by Ms Grace and Mr Jones in their Reply statements²⁹⁷.
349. Ms Grace pointed out that her recommended standard for building colours and materials should be applied to Maungawera RVZ and that this had not been included in the version of the RVZ provided with the submitter's legal submissions.
350. Ms Grace responded to questions posed to Mr Vivian by the Hearing Panel regarding the enforceability of Mr Vivian's proposed limit on the number of overnight visitors. She recommended that the limit be applied to the capacity of the visitor accommodation, rather than to the number of visitors on any one night, which she agreed would be difficult to enforce. A standard specifying the capacity of the visitor accommodation itself could be checked at the time of the resource consent application for the buildings and/or the building consent. She considered this would be a more effective way of managing the scale of visitor use of the site. Mr Vivian did not have the opportunity to respond to this suggestion.

²⁹³ Consultant landscape architect

²⁹⁴ J McKenzie, EIC, para [6.1]-[6.5]

²⁹⁵ Mr Carey Vivian, consultant planner

²⁹⁶ E Grace, Reply, para [8.5]

²⁹⁷ E Grace, Reply, Section 8; M Jones, Reply, Section 6

351. Ms Grace agreed with Mr Jones' recommendation for a standard limiting the maximum building coverage in Area G to 1000m². This would allow for an additional 408m² of new floor area, following implementation of a resource consent referred to by Mr Vivian to extend the existing farm building to 592m². She considered that this standard, along with the building coverage requirements for Areas A-F, would collectively manage the impacts on the landscape from all built form. The additional 408m² is slightly less than the 500m² of additional floor area sought by the submitter in the provisions attached to its legal submissions²⁹⁸.
352. In his reply, Mr Jones addressed the visibility of the site when travelling south along SH6 from Lake Hāwea. From a stretch of road approximately 400m long, there are direct views toward the site. An existing shelter belt extends along the northern boundary of the site and currently provides a buffer and screening of the site. It was Mr Jones' opinion that this shelterbelt should be maintained and included in the planning provisions to provide a level of surety to mitigate any potential adverse visual amenity impacts from future buildings on the site when viewed from the north.
353. Ms Grace agreed that making sure activities on the site are not highly visible from public places is consistent with the strategic policy direction in Policy 6.3.4.6. She recommended including a standard requiring the maintenance of the shelterbelt. Neither Mr Jones nor Ms Grace indicated in their Replies whether this additional standard had been discussed with Ms McKenzie or Mr Vivian, although Ms McKenzie²⁹⁹ identified that screening of the site from the north is provided by established shelterbelts.

13.3 Hearing Panel's Consideration and Recommendations

354. We address first our recommended Chapter 46 objectives and policies regarding the location, scale and intensity of RVZ and their visitor activities and buildings. We have previously recommended that Objectives 46.2.1 & 46.2.2 be amended to enable RVZ to be located within RCLs. We agree with Ms Grace that the availability of visitor-industry activities on this site would provide access to an area of the RCL that provides views to and enables experience of the wider landscape.
355. Given that the site is not within an ONL or ONF, our recommended Objective 46.2.1 requires visitor accommodation and commercial recreational activities to occur at a small scale and low intensity in rural locations where maintenance of landscape character, and maintenance or enhancement of visual amenity values, are achieved.
356. In terms of scale, the proposed Maungawera RVZ site is not small. However, we are satisfied on the evidence before us that the scale, nature and location of visitor activities and built development will be sufficiently controlled through the proposed RVZ provisions to limit visitor activities to a small scale and low intensity, and built development to a small scale and low density. We consider the landscape assessments, undertaken by Mr Jones and Ms McKenzie, of potential effects of development on landscape character, views and visual amenity values have been in sufficient detail to identify appropriate levels and specific locations for development within the wider areas of lower landscape sensitivity.
357. The overall scale of built development (6000m²) provided for would be approximately 0.5% of the total site area (as a controlled activity). We consider this to be a low density of built development across the overall site. We agree with the evidence of Mr Jones that Area G

²⁹⁸ Legal submissions from J Macdonald, dated 24 July 2020

²⁹⁹ J McKenzie, EIC, para [6.2]

should be limited to a maximum of 1000m² building coverage, inclusive of the existing buildings, so as not to adversely affect landscape character or visual amenity values. The non-complying activity requirement, put forward by the submitter for any additional built form within the overall site, provides increased certainty that built development will remain at a small scale and low density, consistent with recommended Objective 46.2.2 and the values of the RCL within which the site currently sits.

358. The Strategic Objectives and Policies in Chapters 3 and 6, as well as our recommended Objectives 46.2.1 and 46.2.2 require landscape character to be maintained and visual amenity values maintained or enhanced on this site. By the end of the hearing process, there was strong agreement in the evidence from Mr Jones and Ms McKenzie regarding the effects of the proposed RVZ on landscape character and visual amenity values. We are satisfied on the basis of this evidence that the proposed RVZ, with its site-specific development controls, will maintain the landscape character and visual amenity values of the RCL. We agree with Ms Grace's conclusion that the site is appropriate as an RVZ and the specific provisions to manage development within it are an appropriate way to achieve the RVZ objectives.
359. Our recommended Policy 46.2.2.3 directs buildings outside ONL and ONF to be sited so they are not highly visible from public places and do not form the foreground of ONL or ONF. As Ms Grace noted, making sure that activities on the site are not highly visible from public places is consistent with the strategic policy direction in Policy 6.3.4.6 (previously 6.3.26). We agree with Mr Jones and Ms McKenzie that views of the upper terrace are restricted from the south, east and west due predominantly to the topography. However, we accept Mr Jones's evidence, confirmed during our visit to the site and its surroundings, that development on the site may be highly visible from SH6 to the north if a shelterbelt is not maintained along the northern boundary.
360. We agree with Mr Jones' recommendation to include a standard requiring the maintenance of a shelterbelt along this boundary. However, we have recommended revised wording from that of Ms Grace, in order for it to be written as a standard applying to permitted and controlled activities. We have decided not to include Ms Grace's recommendation to require all activities, including farming and recreation, to comply with this standard, as those activities are permitted in the PDP's Rural Zone. We consider it would be unduly onerous to require a shelterbelt to be maintained, in order to continue farming the site or undertaking recreation that is not commercial. For other activities to occur in this RVZ, we recommend a standard requiring the maintenance of a shelterbelt along this boundary.
361. We have evaluated the rezoning of this site to RVZ, with its associated site-specific development controls, alongside the principles and tests we have set out previously, and in terms of our duties pursuant to section 32AA of the Act. Having weighed the costs and benefits to the landowner to the wider public and in relation to effects on landscape character and visual amenity values, we are satisfied that applying the RVZ to this site would be the most appropriate way to achieve the objectives of Chapters 3, 6 and 46, and to implement the policies of the RVZ. We recommend the rezoning to RVZ sought by the submitters be included on the Planning Maps and the provisions of the RVZ be amended, as shown in Appendix 1. We, therefore, recommend that the submissions from Heron Investments Limited be accepted in part.

**14. MALAGHANS - BRETT MILLS (KIMIĀKAU) – SUBMISSION #31015
- MALAGHANS INVESTMENTS LIMITED – SUBMISSION #31022**

14.1 Overview

362. Two submissions were lodged seeking RVZ rezoning over adjoining parcels of land within Skippers Canyon. Brett Mills³⁰⁰ sought RVZ over his property of approximately 4ha which he requested be named Kimiākau Rural Visitor Zone. Malaghans Investments Limited (Malaghans)³⁰¹ sought RVZ over the 7.9ha property it owns immediately adjacent to and south of Kimiākau³⁰². Malaghans lodged a Further Submission³⁰³ in relation to Mr Mills’ submission. The Further Submission supported the identification and appropriateness of providing for a RVZ at Skippers but opposed adoption of the rezoning sought by Submission 31015 if that excluded the RVZ sought by Submission 31022. The Further Submission stated Malaghans would engage with other submitters seeking RVZ in the Skippers area, regarding potentially presenting a joint case at the hearing.
363. The Malaghans submission also included the property owned by its neighbour Mr Mills. Mr Brett Giddens³⁰⁴ explained in his written statement that when the two neighbours lodged very similar submissions, they considered it made sense to present jointly given their common interests and that they were seeking the same outcome for Skippers. As a result, the evidence and submissions provided to the hearing on behalf of Malaghans also covered the adjoining land to the north, which is the subject of Mr Mills’ submission. We refer to this combined site as the proposed Skippers RVZ or the Malaghans site.
364. The Malaghans site is located on the eastern side of the Shotover River, within Skippers Canyon, but south of the historic “Skippers” township. The site immediately adjoins and is above the Skippers Road, approximately 9.8km from the intersection of Skippers Road and Coronet Peak Road. Under the PDP, the land is zoned Rural and is within an ONL. The site is also within the PDP Skippers Heritage Overlay Area, which has relevant provisions in Chapter 26 including requirements for building design and compatibility with heritage values.



Submissions 31015 and 31022 site

³⁰⁰ Submission 31015

³⁰¹ Submission 31022

³⁰² We note that the Malaghans submission (31022) also includes the Brett Mills property to the north (Lot 1 DP19171) covering a total of 11.9ha

³⁰³ Further Submission 31052

³⁰⁴ Sole director and shareholder of Malaghans Investments Limited

365. The submissions sought the whole of the 11.9ha property be zoned as RVZ, with the current PDP overlays to be removed. Submission #31022 sought that the notified RVZ provisions be applied to the site. The only specific change from the Notified Plan Change sought through this submission was an increased permissible height of 8m rather than the notified 6m. Submission #31015 also sought that the low, medium and high landscape sensitivity areas be included on the planning maps for the proposed RVZ.
366. Ms Grace evaluated the Malaghan and Mills submissions in her EIC³⁰⁵. She considered the site generally has the key characteristics for RVZ areas, being remote, relatively difficult to see from public places, and potentially with the capability to successfully absorb some development. She understood that accommodation options within Skippers are currently very limited and allowing RVZ in this area would provide greater access to this particular ONL landscape, which also has heritage values. However, she considered there were significant information gaps for the site in terms of landscape and natural hazard risk assessment. She recommended, based on the information available to her at the time, the requested rezoning to RVZ be rejected, predominantly on landscape and natural hazards grounds.
367. Ms Grace provided further evaluations in Section 2 of her second Rebuttal evidence, and Section 7 of her Reply statement. In her Rebuttal evidence, Ms Grace continued to recommend the rezoning to RVZ be rejected, principally on natural hazard grounds, although there remained landscape-related matters of contention between the Council and the submitter. By the time of her Reply statement³⁰⁶, Ms Grace was satisfied there was no barrier to rezoning from a natural hazard risk point of view. Mr Robert Bond³⁰⁷, the Council's geotechnical engineering consultant, had reviewed further geotechnical information provided by the submitter³⁰⁸. On the basis of that information, he concluded landslide risk at the site was low and did not oppose the rezoning to RVZ.
368. In response to questions from the Hearing Panel regarding Skippers Road, the Council filed a Reply statement from Mr Andrew Edgar³⁰⁹, providing information on the Council's management of the road and the potential impact of the rezoning. On the basis of Mr Edgar's information, which we will address further, Ms Grace was unable to support the rezoning request.
369. Landscape evidence was provided for the Council by Mr Matthew Jones in his second EIC³¹⁰, second Rebuttal evidence³¹¹ and Reply statement³¹². Geotechnical engineering evidence was provided for the Council by Mr Bond in his section EIC³¹³ and Reply statement³¹⁴. Traffic information regarding Skippers Road was provided by Mr Edgar in a Reply statement.

³⁰⁵ E Grace, EIC, Section 9

³⁰⁶ E Grace, Reply, para [7.7]

³⁰⁷ R Bond, Reply, Section 3

³⁰⁸ Technical Correspondence from Grant Meldrum, gdm consultants, to Brett Giddens, dated 24 July 2020, attached to the evidence of B Giddens

³⁰⁹ The Council's Asset Engineer

³¹⁰ M Jones, second EIC, Sections 8 & 9

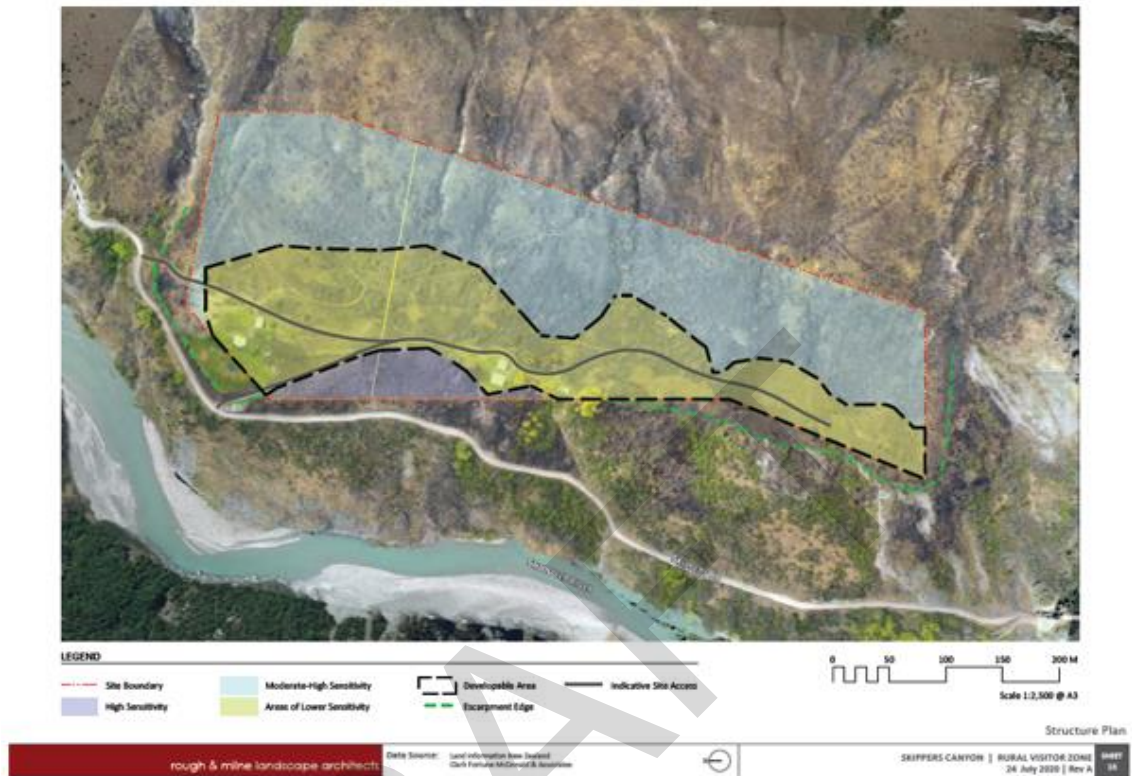
³¹¹ M Jones, second Rebuttal, Section 3

³¹² M Jones, Reply, Section 5

³¹³ R Bond, second EIC, Sections 4 & 5

³¹⁴ R Bond, Reply, Section 3

370. At the hearing, the submitter presented³¹⁵ a revised structure plan for the site³¹⁶ showing refined landscape sensitivity mapping, the alignment of the escarpment edge, indicative site access, and a development area (which aligned with the area of lower landscape sensitivity).



371. A document showing changes to the RVZ provisions was also attached to the submitter’s legal submissions presented at the hearing. This was subsequently updated following the hearing³¹⁷. We have taken the latter document as representing the submitter’s final position on the RVZ provisions. The following amendments to the notified RVZ were sought:

- Inclusion of a Structure Plan for the Skippers RVZ, with policy and rule requiring development to be in general accordance with the Structure Plan;
- Policy and rule enabling visitor accommodation buildings to be used for residential activity for up to 180 days per year
- Policy enabling provision of air transport servicing of the site;
- Policy and rule providing for roading and infrastructure to be of a rural standard, character and appearance;
- Standard permitting a maximum building height of 8m, instead of the notified RVZ height of 6m;
- Matter of discretion enabling consideration of traffic effects for buildings exceeding 500m² ground floor area;
- Setback of 10m for buildings from the escarpment shown on the Structure Plan;

³¹⁵ Attachment 1B to legal submissions from James Gardner-Hopkins, counsel for Malaghans, dated 27 July 2020

³¹⁶ Updated from the Structure Plan attached the EIC of Mr Tony Milne, the submitter’s landscape architect. Sheet 16 of his Graphic Attachment

³¹⁷ Attached to Supplementary Legal Submissions from James Gardner-Hopkins, dated 5 August 2020

- Objective and policies enabling subdivision with the Skippers RVZ, and subdivision in accordance with the Structure Plan to be a controlled activity³¹⁸.

14.2 Issues in Contention

Transport – Use of Skippers Road

372. Having visited the site in mid-winter using a commercial transport operator, the Hearing Panel was concerned to ask both the Council and submitter’s witnesses about the safety and security of using Skippers Road for access to visitor accommodation and other commercial recreational activities on the site. No expert evidence was pre-circulated on this matter.
373. In answer to our questions, Ms Grace stated that her opinion, prior to the hearing, was that the scale of activities allowed as permitted or controlled activities³¹⁹ would mean there was no need to assess effects on traffic safety relating to the use of Skippers Road. Beyond that scale, the restricted discretionary consent application can include consideration of transport and traffic safety matters. In response to our concerns, she indicated she would seek more expert opinion on this matter to include with her Reply.
374. Mr Giddens³²⁰ expressed his opinion that there are several ways of obtaining transport in and out of Skippers and the road is quite well maintained to beyond the Malaghans site, with reasonably good access being available during the summer months. The road’s limitations are well signposted at the start of the road. He rather memorably observed that you can’t legislate for idiots who pay no attention to those warnings.
375. In his verbal presentation, Mr Farrell³²¹ expressed his opinion that the District Plan should not attempt to address public use of a public road (maintained by the Council) beyond the level of control exercised by the road-controlling authority. He considered Skippers Road to be safe for its intended low-level of use.
376. Attached to the evidence of Mr Giddens, received during the week before Malaghans appeared at the hearing, was a letter from a traffic engineer³²², Mr Jason Bartlett³²³, addressing traffic access issues. Mr Edgar’s Reply statement for the Council responded to this letter and provided information on current safety and management issues with Skippers Road, and his opinion regarding traffic safety impacts of allowing the rezoning.
377. In Minute 30, the Chair directed that Mr Bartlett’s letter would be received into the record, but not as expert evidence. We have reconsidered that ruling given that the Council has provided an expert written response (at our request). It seems to us that both need to be considered as expert commentary and given such weight as we deem appropriate given that we did not hear from either witness in person.
378. Mr Bartlett’s letter advised that, with the limitations on permitted or controlled activity, and the current on-site residential activity, the traffic generation is unlikely to create a noticeable

³¹⁸ We note Mr Gardner-Hopkins stated in his legal submissions (and verbally) that the submitter was seeking controlled activity subdivision in accordance with the Structure Plan; whereas Ben Farrell, consultant planner for Malaghans Investments Limited, stated verbally that the submitter was not seeking this status for subdivision

³¹⁹ One building not more than 500m² in ground floor area and outdoor commercial recreation at not more than 30 persons per group

³²⁰ Appearing as owner and director of Malaghans Investments Limited

³²¹ Mr Ben Farrell, consultant planner for Malaghans Investments Limited

³²² Letter from Bartlett Consulting, dated 23 July 2020

³²³ Consultant traffic engineer

increase in traffic on Skippers Road, although larger vehicles may be used to transport groups to the site. Alternative transport options are available to the site. Traffic and transport matters can be considered as part of applications for larger developments. On this basis, he advised the proposed rezoning will not have a noticeable effect on the operation or safety of Skippers Road or the surrounding transport network.

379. In response, it was Mr Edgar's opinion³²⁴ that Mr Bartlett had underestimated the number of visitors able to stay at the site³²⁵; failed to take into account the change in the type and timing of visitors accessing the site³²⁶; and the lack of availability of other transport options³²⁷ during unfavourable weather conditions.
380. Mr Edgar provided information³²⁸ about the Council's current approach to maintenance and management of Skippers Road, the numerous safety issues associated with the road (including during maintenance and repair work), and the frequency and duration of road closures due to slips (the principal reason for closures) and adverse weather.
381. Mr Edgar expressed his concerns regarding the traffic safety impacts of allowing a rezoning that increased the number of overnight visitors using Skippers Road for access. He gave examples of difficulties experienced with tourist businesses requiring access via Kinloch Road which is subject to flooding. These result in increased pressures, such as:
- keeping the road open for visitors even when there are safety risks,
 - a higher level of road maintenance than typically undertaken,
 - tourist drivers continuing to use the road when conditions are hazardous or when they don't have the skill or experience for the road conditions, and
 - increased night-time vehicle movements exacerbating the safety risks.
382. It was Mr Edgar's position that the presence of overnight visitors, unfamiliar with an already hazardous road, creates an unacceptable level of risk to those visitors and places an undue burden on the Council in terms of road maintenance and management.
383. In light of this information from Mr Edgar, Ms Grace³²⁹ stated she was unable to support the Malaghans rezoning request. She had not been successful in devising a rule that required an alternative to, or prevented, private vehicle access to the site and had concluded a permissive zone framework of permitted and controlled visitor-related development is not appropriate at this site for traffic safety reasons.

Residential Activity

384. There remained an outstanding difference between the submitter and the Council regarding provision for residential activity in the proposed Skippers RVZ. Mr Giddens³³⁰ continued to seek allowance for residential use of visitor accommodation units for 180 days per year, as providing a workable balance between visitor accommodation and residential activity in the same building. As we have set out earlier in this report, Ms Grace continued to hold her

³²⁴ A Edgar, Reply, Section 2

³²⁵ E Grace advised approximately 10 visitor rooms (up to 20 overnight guests) could be accommodated within a 500m² building— E Grace, Reply, Appendix G

³²⁶ Tourist drivers who have never driven the road before, unfamiliar with hazardous roads, and potentially arriving at night

³²⁷ Such as jetboats and helicopters

³²⁸ A Edgar, Reply, Section 3

³²⁹ E Grace, Reply, para [7.9]

³³⁰ B Giddens, Statement as owner and director of Malaghans Investments Limited, 24 July 2020

opinion that this would be contrary to the RVZ policy to avoid residential development within the zone.

Landscape Effects

385. There was broad agreement between Mr Milne³³¹ and Mr Jones regarding the landscape assessment of site and surrounding environment, and the landscape effects of development under the proposed RVZ provisions. However, there remained a difference of opinion regarding the landscape sensitivity of the site.
386. Mr Milne assessed the upper slopes along the eastern boundary of the site as having a “moderate-high” landscape sensitivity rating, predominantly due to the limited visibility of this part of the site from the road and the river³³². In answer to our questions on this matter, Mr Milne supported his landscape sensitivity assessment on the basis that, although the slopes were the steeper parts of the site, it was difficult to obtain views of the site from the road or river. On the road, a driver would need to stop to get a view, their passengers would be looking more generally at the wider landscape, and river users would be focused on the river itself. He considered some development could be sited in this area without compromising the landscape values of the ONL.
387. Mr Jones did not agree with this assessment³³³. He considered these areas have a “high” landscape sensitivity due to their steep gradient and potential visual prominence. Mr Jones considered any future development along these upper slopes has the potential to result in adverse effects on the ONL and should be considered as a non-complying activity³³⁴.

14.3 Hearing Panel’s Consideration and Recommendations

388. As an initial matter, we consider that many of the site-specific amendments sought by Malaghans for a Skippers RVZ are well beyond the scope of what was included in its submission. As stated in Report 20.1 (Section 3.2), scope to consider site-specific plan provisions depends on it being fairly raised in a submission. In this case, we do not consider the submission did include much of the relief subsequently sought through evidence and legal submissions.
389. The submission strongly supported the RVZ and sought it be implemented over the Skippers site, with removal of the site’s previous zoning and overlays, and any refinements to the provisions of Chapter 46 necessary to better achieve the purpose of sustainable management. The submission positively analysed the appropriateness of its proposed Skippers RVZ in terms of the notified RVZ objectives, policies and rules. No issues were raised with the Notified Plan Change provisions, other than the height limit. In its requested relief, the submission sought to adopt Chapter 46, with appropriate amendments as sought in, or to otherwise address, the issues raised in the submission. A new height standard was sought, and any other additional or consequential relief to fully give effect to the matters raised in the submission.
390. We can see nothing in the submission what would make us, or any interested or affected party, aware that the submission was seeking amendments to provide for residential activity, or subdivision as a controlled activity. We do not consider this submission provides the scope to seek these amendments to the Notified Plan Change provisions.

³³¹ Mr Tony Milne, consultant landscape architect for the submitter

³³² T Milne, EIC, para [42] and Sheets 11 & 15 of his Graphic Attachment

³³³ M Jones, second Rebuttal, para [3.3]; and Reply, para [5.3]

³³⁴ The rule requirement for areas of high landscape sensitivity

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

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

15.1 Overview

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

³³⁵ Including the proposed Kimiākau RVZ sought by B Mills

³³⁶ Submission #31021

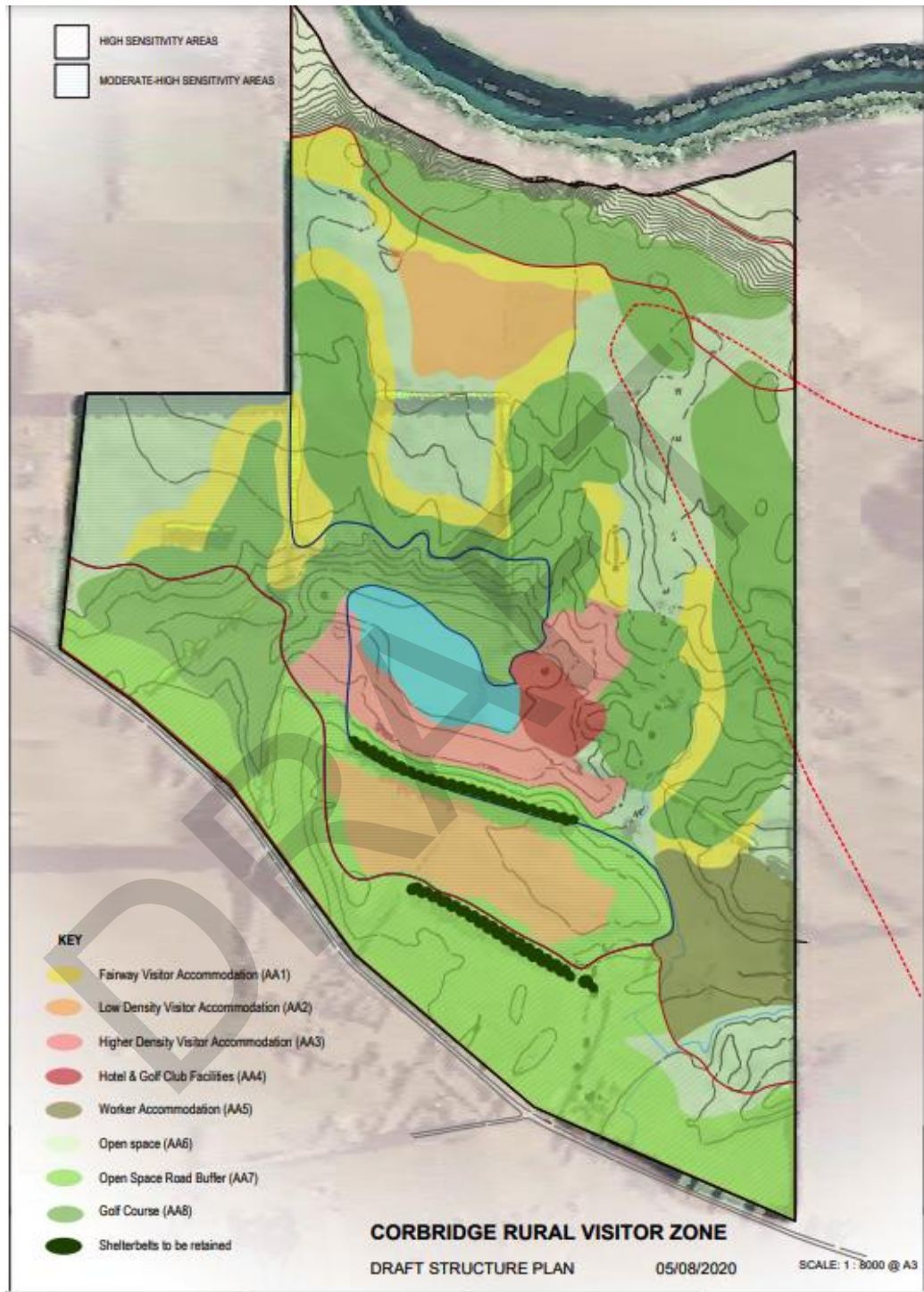
zoned Rural and is within a Rural Character Landscape (RCL). The site is partly within the Wānaka Airport Outer Control Boundary (OCB).



Aerial photo showing the proposed Corbridge RVZ site

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

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



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

- Rules to require development to be in accordance with the Structure Plan, and otherwise a non-complying activity;
 - Policy amendments and new rules to enable residential activity in accordance with the Structure Plan;
 - Extending the provision for onsite staff accommodation to include worker's accommodation associated with construction of facilities in the zone;
 - A requirement for informal airports to be a non-complying activity;
 - New rules increasing the maximum building heights in the Visitor Accommodation (12m) and Hotel (16m) areas of the Structure Plan and increasing the maximum building coverage (1000m²) in the Hotel area.
401. Throughout the course of the hearing, refinements were proposed by the submitter to the RVZ provisions it sought for the proposed site. This culminated in a revised set of proposed rules provided on 13 August 2020³³⁸, specifically for activities in the proposed Corbridge RVZ. We have taken this to be the final position of the submitter³³⁹. We note here that, in answer to our question³⁴⁰, Ms Grace's Reply³⁴¹ expressed her opinion that several of the rules and standards contained in the submitter's final provisions were not included in the original submission and go beyond the scope of the submission.
402. Further submissions in support of the Corbridge RVZ proposal were received from Golf Tourism New Zealand, Lake Wānaka Tourism and THC Group³⁴². Reasons given included:
- More golf and accommodation of a high quality will benefit not only the Wānaka region, but premium inbound tourism throughout New Zealand;
 - High-end visitor accommodation, recreation activities, worker accommodation and connection to the active travel network should deliver positive outcomes for the region;
 - Addressing the challenges of housing affordability (particularly worker accommodation);
 - Complementary to the nearby airport aviation visitor offering.
- These further submitters did not appear at the hearing.
403. A Further Submission in opposition was received from Queenstown Airport Corporation (QAC)³⁴³ for the reason that the rezoning could have long term, adverse planning implications for QAC that have not been appropriately evaluated in terms of S32 of the RMA. Ms Wolt³⁴⁴ provided written legal submissions to support QAC's further submission³⁴⁵. She advised she did not seek to appear to present her submissions in person and, accordingly, we treated her submissions as 'tabled'.
404. Ms Grace evaluated the Corbridge submission in her EiC³⁴⁶. She recommended the request be rejected, as she considered the site did not have all the key characteristics for RVZ areas and the residential development sought would be in conflict with the RVZ policies. In her opinion, the social and economic benefits of the submitter's proposal would be more appropriately achieved through a different type of zone, such as resort zone.

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

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

³⁴⁰ Minute 35

³⁴¹ E Grace, Reply, Appendix D

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

³⁴³ Further Submission #31054

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

³⁴⁵ Further Submission #31054

³⁴⁶ E Grace, EiC, Section 10

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

15.2 Issues in Contention

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

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

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

Landscape Effects

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

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

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

³⁵⁹ Mr Jason Watkins, management consultant, for Corbridge

³⁶⁰ Mr Dan Curley, land development planner, for Corbridge

³⁶¹ Mr Ben Espie, consultant landscape architect

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

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

³⁶² M Jones, Reply, para [7.2]-[7.3]

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

³⁶⁴ M Jones, second Rebuttal, para [4.23]

³⁶⁵ M Jones, second Rebuttal, para [4.26]

³⁶⁶ Evidence Summary of Benjamin Espie, dated 6 August 2020

³⁶⁷ As shown on the proposed Structure Plan

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

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

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

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

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

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

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

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

³⁷¹ E Grace, Reply, par [9.3]-[9.4]

³⁷² E Grace, Reply, par [9.1]

³⁷³ E Grace, second Rebuttal, para [4.7]

³⁷⁴ E Grace, second Rebuttal, para [4.3]

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

Urban Development

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

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

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

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

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

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

³⁸⁰ E Grace, second Rebuttal, para [4.7]

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

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

³⁸¹ E Grace, EiC, para [10.9]

³⁸² E Grace, Reply, para [9.2]

³⁸³ E Grace, Rebuttal, para 4.7]

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

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

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

Infrastructure Provision

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

³⁸⁷ Mr Michael Botting, consultant surveyor for Corbridge

³⁸⁸ M Botting, EIC

³⁸⁹ Mr Dan Curley, land development planner; and Mr Scott Edgar, consultant planner, appearing for Corbridge
³⁹⁰ Submissions of Legal Council in response to Questions, Bridget Irving, 13 August 2020

³⁹¹ R Powell, second Rebuttal, para [4.3]

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

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

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

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

Wānaka Airport

441. Dr Chiles noted Mr Smith³⁹⁷ had stated³⁹⁸ the proposed Structure Plan would avoid any Activities Sensitive to Aircraft Noise (ASAN) being located within the OCB of Wānaka Airport. Dr Chiles agreed that ASAN should not be allowed in the OCB and noted that the activity status in the Rural Zone under the ODP was prohibited (as it is in the PDP). It was Dr Chiles' opinion that prohibited status should be retained. We note that the final Corbridge RVZ provisions do show ASAN within the OCB for Wānaka Airport as being prohibited activities. Accordingly, this is not an issue remaining in contention between the Council and the submitter.
442. In her written legal submissions supporting QAC's further submission³⁹⁹, Ms Wolt⁴⁰⁰ submitted that QAC opposed any zoning of the land that would enable ASAN to establish. QAC not only opposed the zoning of the land within the OCB, but also the zoning of the land in its entirety to the extent that it provided for ASAN development proximate to the Wānaka Airport and under its main aircraft flight path. Ms Wolt submitted QAC was taking a long-term view of planning and growth at and around the Airport, particularly where it concerns ASAN development now or in the future. In terms of QAC's concerns extending beyond the OCB, Ms Wolt submitted that noise, and potential for reverse-sensitivity effects, do not 'stop' at the OCB. She stated that QAC agreed with Ms Grace that the current Rural zoning of the Corbridge land provided greater protection for Wānaka Airport from reverse sensitivity effects.

Traffic

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

15.3 Hearing Panel's Consideration and Recommendations

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

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

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

³⁹⁷ Mr Michael Smith, consultant acoustic engineer for Corbridge

³⁹⁸ M Smith, EiC, para [15]

³⁹⁹ Further Submission 31054

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

⁴⁰¹ M Botting, EiC, para [7]-[8]

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

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

⁴⁰² [2013] NZHC 1712

⁴⁰³ E Grace, Reply, Appendix D

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

⁴⁰⁴ Jason Watkins, EIC, para [12]

⁴⁰⁵ J Watkins, EIC, para [21] & [25]

⁴⁰⁶ J Watkins, EIC, para [26]

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

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

⁴⁰⁷ We have set out his reasons earlier

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

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

16. MATAKAURI – MATAKAURI LODGE LIMITED – SUBMISSION #31033

16.1 Overview

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

⁴⁰⁸ Submitter #31033

⁴⁰⁹ S Freeman, EIC, para [36]-[40]

developed within the reserve. To the north and west of the site are numerous rural lifestyle properties, seven of which have legal access over Farrycroft Row. Two of these properties currently contain houses which gain their access via Farrycroft Row⁴¹⁰. The nearest house is the Scaife / Byrch⁴¹¹ residence immediately to the south-west of the site boundary⁴¹².

478. Under the PDP, the land is zoned Rural Lifestyle Zone (RLZ). The surrounding land is categorised as an ONL, as is Lake Wakatipu itself.



Aerial photo showing the proposed Matakauri RVZ site

479. Matakauri lodged a submission on Stage 1 of the PDP supporting the notified Visitor Accommodation Sub-Zone (VASZ) over its site. The submitter has an outstanding Stage 1 appeal relating to the Council's decision to remove the VASZ⁴¹³. Three parties have joined this appeal, including M Scaife and C Byrch. We were informed that mediation for this appeal has been postponed pending the outcome of Stage 3B⁴¹⁴.
480. The Matakauri submission on Chapter 46 requested the whole of its site be rezoned as RVZ. The submission generally supports the Notified Plan Change and seeks that its provisions be confirmed. No specific amendments were sought to the notified provisions. No landscape sensitivity mapping was included with the submission. A plan showing "high landscape

⁴¹⁰ S Freeman, EIC, para [35]

⁴¹¹ M Scaife and C Byrch, Further Submitters #31062 and #31070

⁴¹² R Lucas, EIC, para [10] & [12]

⁴¹³ The Council accepted the recommendations of the Hearing Panel in Report 4B regarding VASZ in Chapter 22: Rural Residential and Rural Lifestyle Zones

⁴¹⁴ S Freeman, EIC, para [21]

sensitivity areas” and “Appropriate land for development” was attached to the evidence of Ms Lucas, consultant landscape architect for Matakauri⁴¹⁵.



481. Further submissions were lodged by Mr Marc Scaife⁴¹⁶ and Ms Christine Byrch⁴¹⁷. Ms Byrch also lodged an original submission relating to the RVZ which we have addressed earlier in this report. In relation to the Matakauri submission, Mr Scaife and Ms Byrch both fully opposed the rezoning to RVZ. Ms Byrch summarised their opposition, stating: *“The Matakauri Lodge site is presently zoned Rural Lifestyle, it is within a residential area. To rezone Matakauri would be an absolute anomaly and would allow further development out of scale with all properties in the surrounding zone.”*

482. Ms Grace addressed the Matakauri submission in her EIC⁴¹⁸, with landscape evidence on behalf of the Council from Mr Jones⁴¹⁹. Mr Jones undertook a high level landscape analysis of the site and concluded that there could be capacity for it to accommodate the type of development anticipated in the RVZ, subject to some additional controls, but the required landscape analysis and assessment had not been undertaken by the submitter. Ms Grace also considered the site has the key characteristics for RVZ areas, and in principle, she considered the RVZ is more appropriate zone than RLZ to manage the activities on the site. However, as there was insufficient information available at that time, both Ms Grace and Mr Jones opposed the rezoning on landscape grounds.

483. Evidence for Matakauri was provided by Mr Freeman⁴²⁰, Ms Lucas and Mr Bartlett⁴²¹.

415 R Lucas, EIC, Attachment 4 Opportunities for Development, dated 24 April 2020
 416 Further Submission #31062
 417 Further Submission #31070
 418 E Grace, EIC, para [13.3]-[13.10]
 419 M Jones, second EIC, Section 15
 420 Consultant planner for Matakauri
 421 Consultant traffic and transportation engineer for Matakauri

484. Ms Lucas⁴²² provided a landscape analysis of the site and surrounding environment, assessed the site's landscape sensitivity, and undertook a landscape assessment. On the basis of Ms Lucas's evidence, Mr Jones⁴²³ advised he no longer opposed the rezoning to RVZ, subject to an additional control on building coverage. Ms Grace⁴²⁴ accepted Mr Jones' evidence in relation to the appropriateness of the rezoning in terms of landscape matters. However, the Council also provided rebuttal evidence on traffic-related matters from Mr Smith⁴²⁵.
485. Mr Smith⁴²⁶ expressed concerns about the safety of the access and the practicalities of the necessary upgrades. On the basis of this evidence, Ms Grace⁴²⁷ considered the RVZ zoning is not appropriate for the site. By the time of the Council's Reply statements, mechanisms to resolve the traffic-related issues had been generally agreed between Ms Grace and Mr Freeman.
486. Subject to their acceptance of recommended amendments to the RVZ provisions, Ms Grace⁴²⁸ and Mr Jones⁴²⁹ supported rezoning the Matakauri site to RVZ.
487. Ms Byrch and Ms Scaife attended the hearing, presented us with written and verbal evidence, and answered our questions. They are the closest immediate neighbours to the Matakauri site, with the nearest residential unit on their property being 10.5m from the site boundary with Matakauri⁴³⁰. They both strongly opposed the rezoning of the Matakauri site as RVZ. We address the reasons for their opposition below.

16.2 Issues in Contention

488. By the completion of the hearing process, there was little remaining in contention between the Council's and submitter's witnesses. General agreement had been reached between Mr Jones and Ms Lucas on the landscape sensitivity mapping and the assessment of potential landscape effects, although there remained disagreement regarding the amount of additional building coverage that could be accommodated on the site as a permitted activity⁴³¹. On the basis of Mr Smith and Mr Rossiter's⁴³² concerns regarding safety of vehicle access to the site, and the feasibility of necessary upgrades, Ms Grace and Mr Freeman reached agreement regarding mechanisms to ensure these matters would be addressed for any new development at the site. Ms Grace included provision for a Matakauri RVZ in her recommended changes to the Notified Plan Change attached to her Reply⁴³³.
489. Outstanding issues remained between Ms Byrch and Mr Scaife, the immediate neighbours, and the submitter and the position finally reached by the Council. We provide here a summary of the areas of contention.

422 R Lucas, EIC

423 M Jones, Rebuttal, Section 5

424 E Grace, Rebuttal, para [6.2]-[6.4]

425 Mr Michael Smith, consultant transportation engineer for the Council.

426 M Smith, Rebuttal, Section 8

427 E Grace, Rebuttal, para [6.8]

428 E Grace, Reply, Section 13

429 M Jones, Reply, Section 9

430 C Byrch, verbal evidence at the hearing

431 Mr Jones and Ms Grace recommended a maximum total ground floor area of 2000m² for the site, whereas Ms Lucas and Mr Freeman recommended 2500m²

432 Mr Smith was unable to attend the hearing. Mr Smith's evidence was adopted by Mr Christopher Rossiter, consultant transportation engineer, who attended the hearing, answered our questions and provided a Reply Statement

433 E Grace, Reply, Appendix A

Hearing Panel's Report 4B – Stage 1 PDP

490. Both Mr Scaife and Ms Byrch referred us to the considerations and recommendation of the Hearing Panel who considered submissions regarding the application of a VASZ over the Matakauri site within the RLZ⁴³⁴ as part of Stage 1 of the PDP. The Hearing Panel recommended rejecting provision for VASZ within the RLZ generally⁴³⁵.
491. Mr Scaife noted that Matakauri requested a building coverage of 2500m² in the VASZ and one of the reasons for the Hearing Panel's recommendation to reject the VASZ was the difficulty of managing the effects of the additional building coverage, on landscape quality, character and visual amenity values by way of a controlled activity. Mr Scaife and Ms Byrch each quoted from the Hearing Panel's report which stated⁴³⁶: "*In our view only by having the ability to refuse consent will the Council be able to achieve the policies of the PDP when considering applications for visitor accommodation in the VASZ.*"

Inconsistencies between Provisions within a RVZ compared with surrounding RLZ

492. Mr Scaife expressed concern at the inconsistencies that would arise between the provisions enabling activities and building in the proposed RVZ compared with what would be allowed in the surrounding RLZ. Mr Scaife considered all buildings in the RLZ should be able to benefit from the permissive planning provisions afforded to visitor buildings in the RVZ. Otherwise, Matakauri alone would be able to breach the rules that protect the environment in the RLZ, whilst the surrounding properties do not. Mr Scaife drew to our attention the Hearing Panel's Report 4B, which stated⁴³⁷: "*No evidence has been provided to justify the differentiation between allowable coverage in the VASZ versus that allowable elsewhere in the Rural Lifestyle Zone*".

Emphasis on Landscape Characteristics for choice of RVZ Location rather than Effects on Surrounding Environment

493. Ms Byrch pointed out that identification of an RVZ depends very much on landscape assessment and, in this case, looks only at the Matakauri site rather than considering the impacts of commercial activities permitted by the RVZ on its neighbours and the surrounding zone. She considered effects such as traffic, helicopter nuisance, patrons of restaurants, bars and commercial recreation, deliveries, etc., on neighbours and others in the surrounding RLZ, and the loss of amenity this will cause, should be taken into account. Ms Byrch referred to the visibility of the Matakauri Lodge development from the lake, residences above the site, the Glenorchy-Queenstown Road, and the 7 Mile carpark and walking track.
494. Mr Scaife pointed out that, unlike other RVZ, Matakauri is not an isolated rural site. It is in a rural living zone with about 100 residential properties within a 1.5km radius. It is adjacent to a popular reserve, carpark and picnic area with hundreds of visitors each day in summer, and adjacent to Lake Wakatipu. Like Ms Byrch, Ms Scaife listed RVZ activities that can potentially have adverse effects on residential neighbours and which in his view should be taken into account when selecting appropriate RVZ locations. In his opinion, as RVZ are assumed to occur in remote locations with few if any adverse effects on neighbours, Chapter 46 does not have a framework for assessing such effects, making the Matakauri location in the midst of an RLZ unsuitable for a RVZ.

⁴³⁴ Report 4B regarding VASZ in Chapter 22: Rural Residential and Rural Lifestyle Zones

⁴³⁵ Hearing Panel's Report 4B, para [57]

⁴³⁶ Hearing Panel's Report 4B, para [44]

⁴³⁷ Hearing Panel's Report 4B, para [51]

Landscape Effects

495. Ms Byrch and Mr Scaife both challenged the findings, objectivity and consistency of the landscape architects providing evidence regarding the Matakauri RVZ⁴³⁸. Given this, it was Mr Scaife's opinion that applications for additional building coverage should be the subject of proper assessment and not subject to the limited matters of control available through controlled activity status. Rather, they should be able to be declined or properly controlled through discretionary activity status.

16.3 Hearing Panel's Consideration and Recommendations

496. We turn first to our recommended Chapter 46 objectives and policies regarding the location, scale and intensity of RVZ and their visitor activities and buildings. Our recommended Objective 46.2.1 requires visitor accommodation and commercial recreational activities to occur at a small scale and low intensity in rural locations where (in ONLs) the protection of the landscape values of the ONL is achieved. Our recommended Objective 46.2.2 requires building development for visitor industry related use to be at a small scale and low density., and to be located in areas of lower landscape sensitivity.
497. In terms of scale, we accept the proposed Matakauri RVZ site, at 3.6ha, is small. We are satisfied the current intensity of visitor activity on this site is low, with overnight accommodation for 32 guests and some limited public use for dining, spa and occasional functions. The existing scale of built development (1634m²) is less than 5% of the total site area. We consider this to be a sufficiently low density of built development across the overall site.
498. Ms Lucas has mapped the areas of high landscape sensitivity, as well as appropriate areas for development, which she has assessed as being of low to moderate landscape sensitivity⁴³⁹. Mr Jones⁴⁴⁰ generally concurs with her and considers the anticipated building development areas are appropriately located.
499. With respect to the scale, intensity of activity, and density of buildings, we are satisfied that the existing development on the site is consistent with the outcomes sought through the objectives.
500. The Strategic Objectives and Policies in Chapters 3 and 6, as well as our recommended Objectives 46.2.1 and 46.2.2 require protection of the landscape values of ONL and ONF. By the end of the hearing process, there was strong agreement in the evidence from Mr Jones and Ms Lucas regarding the effects of the RVZ on landscape values.
501. Ms Lucas⁴⁴¹ identified the important landscape attributes of the site and its setting as a sense of remoteness, native vegetation cover, visual cohesion, legibility of the formative processes and naturalness. It was her opinion that the attributes and values could be protected under the RVZ, including with some limited further development on the site. Mr Jones⁴⁴² generally agreed, although he was more conservative regarding the amount of further development that would ensure the values of the ONL are protected. We are satisfied, on the basis of this evidence, that the proposed RVZ, with the existing level of development, would protect the landscape values of the ONL. We return to the scale of additional development below.

⁴³⁸ And those who have given evidence for previous resource consents at Matakauri

⁴³⁹ R Lucas, EIC, para [58]

⁴⁴⁰ M Jones, Rebuttal, para [5.3]-[5.4]

⁴⁴¹ R Lucas, Summary of Evidence, para [7]

⁴⁴² M Jones, Reply, para [9.4], and Rebuttal, para [5.7]

502. Our recommended Policy 46.2.2.3 directs buildings in ONL to be sited so they are reasonably difficult to see from beyond the boundary of the zone. This is consistent with the strategic policy direction in Policy 6.3.3.1.b.
503. In her evidence, Ms Lucas evaluated the visibility of the existing and possible future development from beyond the site. She stated⁴⁴³ she is very familiar with the site having visited it and its surroundings on several occasions and having assessed the site for previous consent applications and Council evidence. From her evaluation⁴⁴⁴, only glimpses of the site are possible from the Glenorchy-Queenstown Road as the buildings are screened by vegetation; buildings are partially visible from the 7 Mile carpark over a distance of about 300m and a little more visible from the beginning of the 7 Mile Reserve track as it descends to lake level. The existing and possible future buildings will be visible from Lake Wakatipu⁴⁴⁵. The sailing route of the TSS Earnslaw is a considerable distance from the site, although private boats do come closer. She considers the existing development on the site, when viewed from a distance, blends into the landscape setting. We note Mr Jones⁴⁴⁶ stated that he generally agreed with Ms Lucas's visual assessment.
504. We recorded above that Ms Byrch and Mr Scaife stated that development on the site would be visible from various public and private locations beyond the site. We questioned Ms Lucas further about whether the visibility she had identified was consistent with development being reasonably difficult to see from beyond the boundary of the zone. In terms of the existing development, she was clear that views from public places are partial, fleeting, for short distances or require effort to view. From the houses above the site, she agreed that some lights may be seen at night and some roofs, if they are looked for. From the lake, she considers the existing development is now surrounded and well-screened by vegetation. Whilst any new buildings will be able to be seen from the lake, they will be within the existing development, set further back than the existing buildings and/or screened from the lake by existing vegetation.
505. On the basis of Ms Lucas's evidence, we are satisfied that new development could be located, designed and screened so as to be reasonably difficult to see, provided the RVZ provisions require any new buildings to be located in the areas she has identified for additional development,
506. We acknowledge that Ms Byrch and Mr Scaife are local residents, will know this area well, and have raised genuine criticisms of Ms Lucas's assessments, both of visibility and effects on landscape values. However, having questioned Ms Lucas on these matters, we accept her expert assessment⁴⁴⁷ of the potential effects of the proposed RVZ on landscape values of the ONL and visual amenity from beyond the boundaries of the site.
507. We agree with Ms Grace⁴⁴⁸ and Mr Freeman that the RVZ is a more appropriate zone to provide for, and manage, the existing activities on the Matakauri site, that were authorised by resource consents under the ODP than the RVZ. We accept the evidence of Mr Freeman⁴⁴⁹ that the existing activities do not sit comfortably with the policies of the RLZ under the PDP,

⁴⁴³ R Lucas, EiC, para [50]-[51]

⁴⁴⁴ R Lucas, EiC, para [49]

⁴⁴⁵ R Lucas, EiC, para [52]

⁴⁴⁶ M Jones, Rebuttal, para [5.2]-[5.3]

⁴⁴⁷ Supported by Mr Jones

⁴⁴⁸ E Grace, EiC, par 13.9]

⁴⁴⁹ S Freeman, EiC, para [22]-[23]

as they seek to discourage visitor accommodation of the type and scale provided at Matakauri. We agree with Mr Freeman⁴⁵⁰ that the RVZ would more appropriately recognise established visitor accommodation activities already authorised on the site and provide the opportunity to enable appropriate alterations and extensions.

508. We do, however, consider there is a need for caution as to how much additional built development can be accommodated on the Matakauri site as a controlled activity, whilst ensuring that the objectives and policies of Chapter 46 are implemented. Given the site is within an ONL (for which the landscape values must be protected), is visible from Lake Wakatipu (which itself is an ONL), adjoins well-used public reserves, and is set within a rural living zone, we consider that controlled activity status is insufficient. As expressed by the Hearing Panel on Stage 1⁴⁵¹, only by having the ability to refuse consent will the Council be able to ensure the objectives and policies of the Chapters 3 and 6 and of the RVZ are achieved⁴⁵². Accordingly, we recommend the maximum total building coverage on the site be limited to the existing buildings, with any greater coverage requiring consent as a restricted discretionary activity (in general accordance with Ms Grace's recommended Rule 46.5.2).
509. In terms of effects on traffic safety on the access and at the intersection with the Glenorchy-Queenstown Road, we accept the evidence of Mr Freeman⁴⁵³ and Ms Grace⁴⁵⁴ regarding the availability of methods within the PDP to enable traffic and access effects to be addressed, through restricted discretionary applications under the Transport Chapter. We acknowledge this consenting mechanism is available in the PDP and is useful for managing vehicular accesses and vehicle crossings that do not comply with the Transport Chapter requirements. However, we consider a more proactive approach to managing the potential effects of new development would be to manage the nature and scale of new development that is appropriate within the site, including the traffic effects of that development. We consider this be appropriately achieved through restricted discretionary activity status (with appropriate matters of discretion) for additional building coverage within the site, consistent with our recommendation above.
510. As a result of our recommendation above that the maximum total building coverage on the site be limited to the existing buildings, we do not need to address the outstanding disagreement between Ms Lucas and Mr Jones regarding the scale of additional building coverage.
511. As to the additional matters raised by Mr Scaife and Ms Byrch, we have recommended restricted discretionary activity status for additional buildings within a RVZ on the Matakauri site, rather than discretionary status considered appropriate by the Hearing Panel in Report 4B. Restricted discretionary status does give the ability to decline an application, as that Panel considered essential. From the evidence before us, we consider we have sufficient understanding of the potential effects on the environment from additional building coverage, to support the list of matters of discretion recommended by Ms Grace. Apart from one matter we discuss further below, we are satisfied this approach will enable appropriate consideration of consent applications.

⁴⁵⁰ S Freeman, EiC, para [120]

⁴⁵¹ Hearing Panel's Report 4B, para [44]

⁴⁵² Report 20.1, Section 3.3, sets out our position on the efficacy of controlled activity status

⁴⁵³ Memorandum of Scott Freeman, provided by Mr Holmes, Counsel for Matakauri, 31 July 2020

⁴⁵⁴ E Grace, Reply, para [13.1]-[13.7]

512. Mr Scaife expressed concern that any or all sites within the RLZ could seek to be rezoned as RVZ, if the Matakauri site is rezoned. We do not hold this concern. The Matakauri site is already well developed with visitor accommodation consistent with the purpose and provisions of the RVZ, and we heard expert evidence regarding its appropriateness in terms of the strategic objectives and policies and those of Chapter 46. That is not to say that other sites might not also meet these requirements, but that is for them to put the case for that at some time in the future.
513. As we addressed earlier in this report, Mr Scaife and Ms Byrch alerted us to a concern with the lack of focus in the RVZ on effects from RVZ development on surrounding neighbours. We agree with their observation. In the case of the proposed Matakauri RVZ, we consider the effects on the amenity values of surrounding neighbours are currently well mitigated and can be managed in the future by way of restricted discretionary activity status for additional buildings on the site. However, we agree the potential for adverse effects on the surrounding environment needs to be able to be considered for future RVZ rezoning and for consent applications within existing and future RVZ. We have earlier recommended amendments to the objectives, policies and rules to address this concern.
514. Subject to the amendments we have recommended above, we agree with Ms Grace's conclusion⁴⁵⁵ that rezoning this site to RVZ would be an appropriate way to achieve the objectives of Chapter 46. The rezoning would provide for access to the ONLs of Lake Wakatipu and its surrounds. With our recommended amendments, we consider the zone provisions would protect the landscape values of the ONL, apply appropriate controls to limit the scale and intensity of activities and buildings on the site, and manage effects beyond the zone.
515. We have evaluated the rezoning of this site to RVZ, with its associated site-specific development controls, alongside the principles and tests we have set out previously, and in terms of our duties pursuant to section 32AA of the Act. Having weighed the costs and benefits to the landowner, to neighbours, to the wider public, and in relation to effects on landscape values of the ONLs, we are satisfied that applying the RVZ to this site would be the most appropriate way to achieve the objectives of Chapters 3, 6 and 46, and to implement the policies of the RVZ. We recommend the rezoning to RVZ sought by the submitters be included on the Planning Maps and the provisions of the RVZ be amended, as shown in Appendix 1. We, therefore, recommend that the submission from Matakauri Lodge Limited be accepted in part.

17. BARNHILL –BARNHILL CORPORATE TRUSTEE LIMITED, DE, ME BUNN & LA GREEN - SUBMISSION #31035

17.1 Overview

516. The proposed Barnhill RVZ, subject of a submission from Barnhill Corporate Trustee Limited, DE, ME Bunn & LA Green (Barnhill)⁴⁵⁶, is located on the south-western side of Morven Ferry Road, Arrow Junction, approximately 750m north of the Kawarau River. The site adjoins part of the Queenstown Trail network.
517. The Bunn family have farmed the property since the 1950s⁴⁵⁷. We understand it is one of the few remaining larger-scale farms in the Wakatipu Basin. The submitter's business model for farm economic diversity centres around attracting local, national and international visitors to

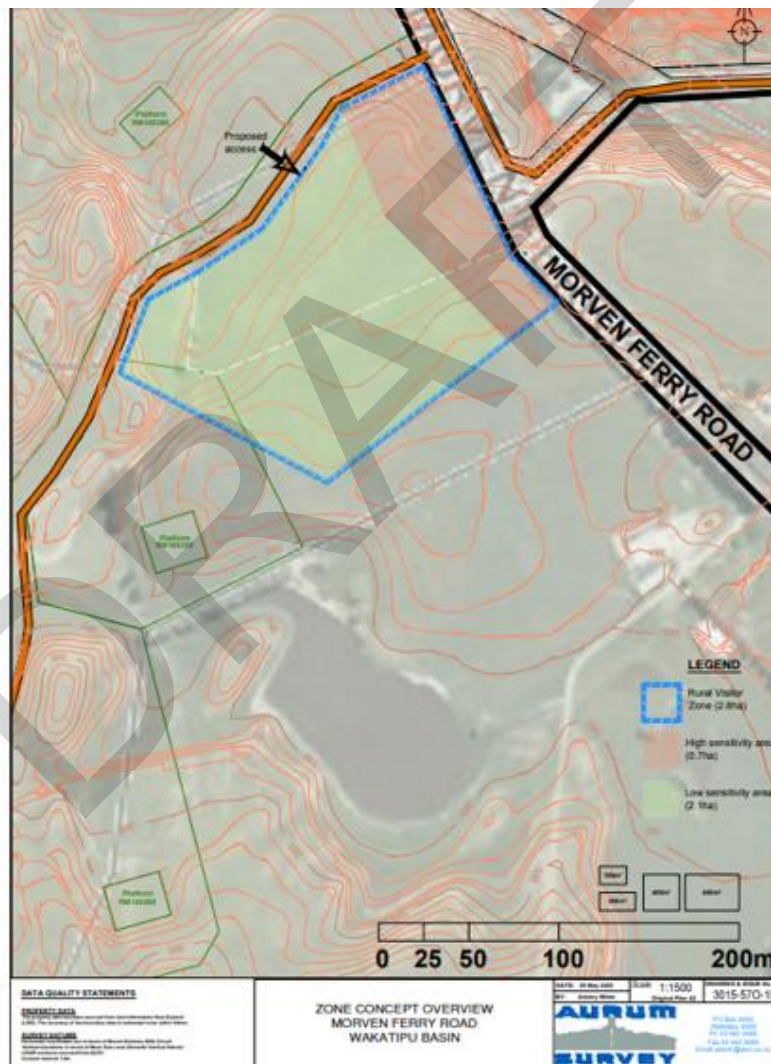
⁴⁵⁵ E Grace, Reply, para [13.9]-[13.10]

⁴⁵⁶ Submission 31035

⁴⁵⁷ Legal submissions from V Robb, para [6]

stay and enjoy the peaceful and varied landscape settings the farm has over a relatively small area⁴⁵⁸. Their vision for the site is to create a hub of rural visitor activity at the intersection of the Arrow River, Gibbston Wine and Twin Rivers Trails, with visitor accommodation, café, and associated retail activity⁴⁵⁹.

518. The submission sought RVZ over two areas of the property with a total area of 20.2ha. By the time of lodging evidence for the hearing, the submitter had reduced the area sought to be rezoned to 2.8ha on the corner of Morven Ferry Road and the Queenstown Trail, including 7000m² identified as high landscape sensitivity along the Morven Ferry Road frontage⁴⁶⁰. Under the PDP, the land was zoned Rural in Stage 1 and changed to Wakatipu Basin Rural Amenity Zone (WBRAZ) in Stage 2. The site is within the Morven Eastern 'Foothills' Landscape Character Unit (LCU 18) in the PDP. The site is close to the ONF of the Arrow River and the ONL of the Kawarau River / Morven Hill.



Aerial photo showing the proposed Barnhill RVZ site

458 D MacColl, EIC, para [7]
 459 Legal submissions from V Robb, para [6]
 460 S Freeman, EIC, para [12]

519. The submitter previously made submissions on Stage 1 and 2 of the PDP, seeking similar zoning outcomes over the larger area sought in its Stage 3B submission⁴⁶¹. The submission was heard in the Wakatipu Basin part of the Stage 2 hearings. The relief was not granted, with a WBRAZ zoning being retained in the Council’s decision. This is now subject to appeal before the Environment Court⁴⁶².
520. The submission included a range of amendments sought to the Notified Plan Change, including provision for RVZ outside ONLs; provision for farm buildings (permitted), commercial activities (restricted discretionary), and residential activities (discretionary); more enabling height and building size standards; and more enabling earthworks provisions for the site. The submitter’s revised proposal (at the hearing), in addition to reducing the land area sought to be rezoned RVZ, only sought amendments to notified Policy 46.2.1.a. and Standard 46.5.2 regarding the total maximum ground floor area for buildings – 1500m² was sought as a controlled activity rather than the notified 500m².
521. Ms Grace evaluated the submission from Barnhill in her EiC⁴⁶³ recommending, based on the information available to her at the time, that the requested rezoning to RVZ be rejected, predominantly on landscape grounds.
522. The Council’s landscape evidence on the Barnhill submission was provided by Ms Helen Mellsoy in her EiC⁴⁶⁴ and Rebuttal evidence⁴⁶⁵. Based on the reduced area sought to be rezoned, Ms Mellsoy reiterated her opinion that there is potential for a small area of RVZ to be absorbed close to the Twin Rivers Trail, however, she considered development would need to be small scale and appropriately located, designed and landscaped in order to avoid adverse effects on both visual amenity and views of the surrounding ONF/ONLs. She did not consider the submitter’s proposed relief would sufficiently achieve this. It was Ms Mellsoy’s maintained opinion that there was insufficient expert analysis of the landscape sensitivity of the site and the landscape effects of the proposal.
523. Ms Grace provided further evaluations in Section 6 of her second Rebuttal evidence, and Section 14 of her Reply statement. Based on Ms Mellsoy’s evidence, Ms Grace continued to recommend that the requested Barnhill RVZ rezoning and building size provisions be rejected, due to landscape matters.
524. Evidence for Barnhill was provided by Ms Debbie MacColl and Ms Susan Cleaver, members of the Bunn family who live and/or work on the family farm, and who are directors of Barnhill Corporate Trustee Limited. Landscape evidence was provided by Mr Ben Espie and planning evidence by Mr Scott Freeman. We refer to the evidence in more detail below.

17.2 Issues in Contention

525. We refer first to the nature of the evidence presented to us, particularly the landscape-related evidence. At the hearing we noted the difficulty we were facing with very limited expert evidence before us that directly addressed the submitter’s Stage 3B proposal for RVZ.

⁴⁶¹ E Grace, EiC, para [13.14]

⁴⁶² Legal submissions from V Robb, para [4]

⁴⁶³ E Grace, EiC, para [13.11]-[13.9] – *noting the irregularity in the paragraph numbers*

⁴⁶⁴ H Mellsoy, EiC, Section 8

⁴⁶⁵ H Mellsoy, Rebuttal, Sections 3 & 4

526. Ms MacColl⁴⁶⁶ and Ms Cleaver⁴⁶⁷ provided us with a large number of photographs which, along with our site visit, enabled us to gain a good understanding of the site and surrounding area. Some of these photographs appeared to be related to their Stage 1 submission⁴⁶⁸, and others prepared by Ms Cleaver⁴⁶⁹ showed the location of the reduced Barnhill RVZ from a range of viewpoints, as well as showing potential locations and scale of buildings within that area. In her evidence, Ms Cleaver explained how the photographs were taken and digital images prepared. Ms MacColl provided her reasoned opinions regarding the landscape sensitivity of the site, and the effects of development with the Barnhill RVZ on views of the site.
527. Mr Espie's EiC regarding the Stage 3B proposal was very limited, relying predominantly on his evidence for the Stage 1 and 2 submissions (his Stage 2 evidence was attached), as well as his examination of the evidence of Ms MacColl and Ms Cleaver. At the hearing, we asked Ms Espie as to why he had relied so substantially on his evidence for previous hearings, when the current proposal before us was for a different size and scale of rezoning, and within a different planning framework for the RVZ. We acknowledge that Ms MacColl properly stepped in to explain the position. In summary, as a result of Covid-19 impacts on their financial position, they asked Mr Espie to limit his involvement and to rely on his previous evidence and that of her and Ms Cleaver⁴⁷⁰. We accept this has been a difficult time for everyone and understand the situation. We thank Ms MacColl for being so frank with us.
528. By the time this submission came before us, the matters in contention related to the adequacy of the landscape sensitivity mapping and assessment of landscape effects, and the controlled activity status for a total building coverage of 1500m² within the proposed Barnhill RVZ.

Landscape Assessment and Effects

529. Ms Mellsoop undertook a high-level review of the proposed 20ha rezoning in her EiC⁴⁷¹, briefly describing the landscape character, opportunities and constraints of the site, and the landscape character of the surrounding area (within LCU 18 and with adjoining ONF/ONLs). She agreed with the low capability of LCU 18 to absorb additional development, as stated in the PDP following the Stage 2 decisions. She also evaluated the effects on landscape character and visual amenity values of the changes to the notified RVZ provisions sought in the submission. As stated earlier, Ms Mellsoop considered there may be potential for a limited amount of small scale, well designed and located, visitor accommodation or commercial development at this site, but that a more detailed landscape analysis would be required.
530. Following the reduced scale and nature of the submitter's requested rezoning, Ms Mellsoop⁴⁷² reconsidered the submission based on the evidence of Mr Espie, Ms MacColl and Ms Cleaver. She noted the latter two statements are lay evidence rather than expert landscape evidence, and that Ms Cleaver's photographs should be viewed with the understanding that buildings could be located anywhere within the proposed zone. She noted also that Mr Espie's evidence did not specifically assess the rezoning sought. Nor did it analyse the landscape sensitivity of the site in the context of the PDP Stage 3B RVZ, or provide support for identification of the area of high landscape sensitivity along Morven Ferry Road and low sensitivity for the balance of the site.

⁴⁶⁶ D MacColl, EiC, Appendix 3

⁴⁶⁷ S Cleaver, EiC, Appendix 3

⁴⁶⁸ Vivan+Espie Appendix 3

⁴⁶⁹ Ms Cleaver is a professional photographer, who has training and expertise in digital photography and digital image manipulation

⁴⁷⁰ We understand the same request was made of Mr Freeman

⁴⁷¹ H Mellsoop, EiC, Section 8

⁴⁷² H Mellsoop, Rebuttal, Sections 3 & 4

531. In answer to our questions at the hearing, Ms Mellsoy retained her concern that substantial change could occur on the site, with high potential for cumulative adverse effects. She considered there would potential for buildings to be seen in the foreground of views to the ONL, and for the scale of buildings to adversely affect visual amenity values, which would not maintain landscape character and visual amenity values.
532. Mr Espie responded to some of the concerns of Ms Mellsoy in his evidence summary⁴⁷³ and in answer to our questions at the hearing. He stated he had examined the mapping of the high landscape sensitivity area in Ms Cleaver's evidence. He supported its location based on the relative uniformity of the land across the site, with the proud landform sloping towards the road and the visually prominent land being included in the mapped area. For the balance of the area, he considered it has moderate-low capacity to absorb additional development (rather than low). He considered the development sought through the submission could be comfortably absorbed into the landscape without inappropriate adverse effects on landscape character or visual amenity. However, he acknowledged in answer to our questions that he had relied on his evidence for previous PDP stages and the evidence of Ms Cleaver and Ms MacColl to support his assessment of landscape effects from this scale of development.

Controlled Activity Status for 1500m² Total Building Coverage

533. For the reasons we outlined above, Ms Mellsoy⁴⁷⁴ continued to consider a total building coverage of 500m² would be appropriate as a controlled activity. Based on this evidence, Ms Grace considered⁴⁷⁵ the submitter has not sufficiently demonstrated that controlled activity development of 1500m² scale will maintain landscape character and maintain or enhance visual amenity values. She amplified on this in her Reply⁴⁷⁶, emphasising that the standards to manage built form, particularly the ground floor area, are set at low thresholds for controlled activities, in the absence of evidence that greater allowances will adequately manage effects. Where evidence is provided that a greater allowance will meet the landscape test, she accepted it may be appropriate to have a greater allowance for a controlled activity. However, in this instance, based on the lack of specific, expert landscape evidence from the submitter and Ms Mellsoy's evidence, Ms Grace only supported a controlled activity standard of 500m².
534. Mr Freeman⁴⁷⁷ was of the opinion that a sufficiently detailed landscape assessment had been undertaken to support an area of 1500m² as a controlled activity on the Barnhill RVZ site. In his opinion, 500m² is too small and arbitrary to be an efficient and effective rule to apply to the range of different RVZ and a larger limit is appropriate at Barnhill. This position was supported in the legal submissions⁴⁷⁸ which we have considered in Report 20.1.

17.3 Hearing Panel's Consideration and Recommendations

535. We turn first to our recommended Chapter 46 objectives and policies regarding the location, scale and intensity of RVZ and their visitor activities and buildings. We have previously recommended that Objectives 46.2.1 & 46.2.2 be amended to enable RVZ to be located outside the Rural Zone and ONL. We agree with Ms Grace⁴⁷⁹ that the Barnhill site has some of the key characteristics for RVZ areas, and the site's close proximity to ONFs and ONLs, and

⁴⁷³ B Espie, Summary Evidence, 28 July 2020

⁴⁷⁴ H Mellsoy, Rebuttal, Section 3

⁴⁷⁵ E Grace, second Rebuttal, para [6.3]

⁴⁷⁶ E Grace, Reply, para [14.2]-[14.4]

⁴⁷⁷ S Freeman, EiC, para [19]

⁴⁷⁸ Legal submissions from V Robb, para [23]-[39]

⁴⁷⁹ E Grace, EiC, para [13.7]

to the Queenstown Trail, provides a means to experience these landscapes. We agree that an RVZ in this location would allow for increased access to this area of the District's landscapes.

536. Our recommended Objective 46.2.1 requires visitor accommodation and commercial recreational activities to occur at a small scale and low intensity in rural locations where maintenance of landscape character, and maintenance or enhancement of visual amenity values, are achieved. Our recommended Objective 46.2.2 requires building development for visitor industry related use to be at a small scale and low density, be located in areas of lower landscape sensitivity, and to achieve the same landscape requirements. Policy 46.2.2.3 directs buildings outside ONL to be sited where they are not highly visible from public places, and do not form the foreground of ONLs or ONFs. These provisions are consistent with the Strategic Objectives and Policies in Chapters 3 and 6, as well as the objectives and policies of Chapter 24 for the WBRAZ, which the RVZ would replace.
537. We agree with Ms Mellsop that there may be potential for a small area of RVZ to be absorbed into the landscape in this location, close to the Queenstown Trail, with a limited amount of small scale, well designed and located, visitor accommodation or commercial recreational development. We have considered the evidence of Mr Espie, in light of the criticism of its adequacy by Ms Mellsop. We accept the position reached by Ms Mellsop. We agree Mr Espie has not provided a sufficiently detailed landscape sensitivity analysis or landscape effects assessment to give us confidence the fundamental landscape policy requirements would be achieved – the maintenance of landscape character, and maintenance or enhancement of visual amenity values. Mr Espie did not appear to us to directly address these specific requirements for this specific RVZ proposal. Although we were assisted by the evidence of Ms MacColl and Ms Cleaver, particularly the photographs, we could not place substantial weight on their evidence given it was predominantly lay evidence and they are members of the submitter group.
538. Without more detailed and specific evaluation, as recommended by Ms Mellsop, we are not satisfied the landscape sensitivity mapping, and the controls over development location, scale, design and intensity, are sufficient to ensure the proposed RVZ will maintain landscape character and visual amenity values. In particular, we are not satisfied Mr Espie had sufficiently evaluated the area of high landscape sensitivity, nor the effects of potential building development on landscape character and visual amenity values, such as the potential for buildings to be highly visible from public places or to be seen in the foreground of views to the ONL. This is not intended as a criticism of Mr Espie. We understand and accept that he was in a difficult position.
539. We consider there is need for caution as to how much additional built development can be accommodated on the Barnhill site as a controlled activity, whilst ensuring that the objectives and policies of Chapter 46 are implemented. Given the lack of detailed, expert landscape assessment, the site's proximity to ONLs/ONFs, and potential for adverse landscape character and visual amenity effects within this part of the Wakatipu Basin, we consider controlled activity status is insufficient. As we set out in Report 20.1, activities should not have controlled activity status if we can reasonably foresee a scenario in which Council might need to reject the application. Accordingly, if we were to be recommending the RVZ be accepted at this site, we would not recommend exceeding a maximum total building coverage of 500m² for the zone, as recommended by Ms Grace

540. For the reasons set out above, we recommend rejecting Submission #31035 from Barnhill Corporate Trustee Limited, DE, ME Bunn & LA Green to rezone the proposed Barnhill site as RVZ.

18. GIBBSTON VALLEY STATION – GIBBSTON VALLEY STATION LIMITED – SUBMISSION #31037

18.1 Overview

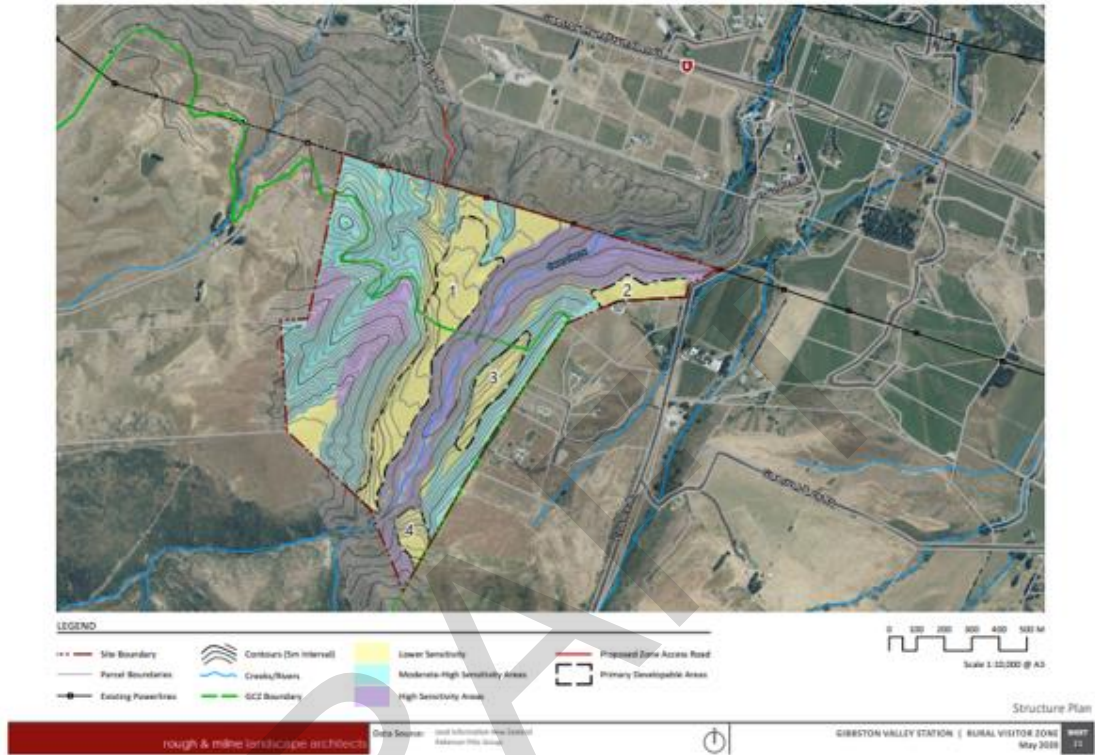
541. The proposed Gibbston Valley RVZ, subject of a submission from Gibbston Valley Station Limited (Gibbston Valley Station)⁴⁸⁰, is located on southern terraces towards the western end of the Gibbston Valley, setback approximately 660m to the south of the SH6 corridor. Principal access from SH6 is via Resta Road, by a farm track, with access also available to (at least) part of the site from Coal Pit Road.
542. The submission stated that the proposed RVZ would be an opportunity to provide for the growth and diversification of the visitor industry within Gibbston Valley. The site adjoins (to the east of) the Gibbston Valley Resort Zone recently confirmed by the Environment Court. This is intended to provide for the development of a resort, principally for visitor accommodation, with an overall focus on on-site visitor activities based on the rural resources of the Gibbston Valley, winery tourism, and appreciation of the landscape. The submitter considered that the proposed RVZ will be complementary to the Resort Zone⁴⁸¹.
543. The submission sought RVZ over an area of 161ha. By the time of lodging evidence for the hearing, the submitter reduced the area sought to be rezoned to 109ha, bound to the north by the National Grid lines which traverse the Gibbston Valley Station property⁴⁸². Under the PDP, the southern part of the land is within the Rural Zone and the northern part within the Gibbston Character Zone (GCZ). The Rural Zone has an ONL overlay.

⁴⁸⁰ Submission #31037

⁴⁸¹ Supported in the evidence of Greg Hunt CEO and a Director of Gibbston Valley Station Limited, Summary of Evidence: Greg Hunt, 30 July 2020, para [3]

⁴⁸² T Milne, EIC, para [12]

544. The submission supported the Notified Plan Change and sought the whole of the site be zoned as RVZ, with the notified RVZ being retained as notified. No specific changes from the Notified Plan Change were sought through this submission. The submission did not include mapped areas of landscape sensitivity. This was provided in evidence for the submitter by Mr Tony Milne⁴⁸³, along with mapped Developable Areas.



Aerial photo showing the proposed Gibbston Valley RVZ site, with landscape sensitivity mapping and Developable Areas

545. Ms Grace evaluated the submission from Gibbston Valley Station in her EiC⁴⁸⁴ recommending, based on the information available to her at the time, that the requested rezoning to RVZ be rejected on landscape grounds.

546. The Council’s landscape evidence on the Gibbston Valley Station submission was provided by Mr Jones in his second EiC⁴⁸⁵ and first Rebuttal evidence⁴⁸⁶. In his EiC⁴⁸⁷, Mr Jones noted that no expert landscape assessment had been provided as part of the submission. He undertook a high-level landscape analysis of the site, concluding there could be capacity for the site to accommodate the type of development anticipated within the notified RVZ (with Ms Grace’s recommended additional standards), subject to the provision of a detailed landscape analysis and assessment.

547. Following receipt of Mr Milne’s evidence, with its analysis and assessment of the site and surrounding environment, Mr Jones advised⁴⁸⁸ that he no longer opposed the rezoning of the

483 Consultant landscape architect for the Submitter
 484 E Grace, EiC, Section 11
 485 M Jones, second EiC, Section 13
 486 M Jones, first Rebuttal, Section 4
 487 M Jones, second EiC, para [13.7] & [13.9]
 488 M Jones, first Rebuttal, para [4.8]

site to RVZ. Mr Jones concurred⁴⁸⁹ with the conclusions reached by Mr Milne. He considered Mr Milne's assessment was appropriate and adequate and provided sound reasons and justification for the RVZ rezoning of the site in relation to landscape and visual assessment matters.

548. Ms Grace provided further evaluations in Section 5 of her second Rebuttal evidence, and Section 10 of her Reply statement. Based on Mr Jones' evidence⁴⁹⁰, Ms Grace⁴⁹¹ no longer opposed the rezoning of this site to RVZ, although she did not agree with most of the changes to the RVZ provisions suggested in evidence by Mr Giddens⁴⁹². Her support, at the time of her Rebuttal evidence⁴⁹³, was also subject to the following requirements:

- Removal of the western part of the zone⁴⁹⁴;
- Inclusion on the Planning Maps of the high and moderate-high landscape sensitivity mapping from Mr Milne's evidence, as well as the "height exception" areas;
- Application of one Gibbston Valley RVZ specific rule, enabling a height limit of 7m instead of the notified 6m⁴⁹⁵;
- Clarification that the 500m² total maximum ground floor area standard for buildings applies to this RVZ.

549. The RVZ provisions sought by the submitter changed throughout the course of the hearing process. In the submission, no changes were sought from the notified provisions. The submitter's legal submissions⁴⁹⁶ generally agreed with Ms Grace's recommendation to reduce the western extent of the proposed RVZ. The submissions also agreed with Ms Grace that the 500m² total maximum ground floor area standard should apply. The evidence of Mr Giddens⁴⁹⁷, however, recommended several additional changes to the RVZ provisions⁴⁹⁸, including:

- Inclusion of a Structure Plan (showing the landscape sensitivity mapping, the Developable Areas and the "height exception" areas),
- Various policy amendments (both specific to this site and more generally),
- Rule amendments to enable residential activity⁴⁹⁹,
- Traffic effects to be included as a matter of discretion for applications to exceed building coverage,
- Additional non-notification requirements, and
- Controlled activity subdivision.

550. Following the hearing, supplementary legal submissions⁵⁰⁰ were provided on behalf of the submitter, setting out its final position with respect to the RVZ provisions sought. The

⁴⁸⁹ M Jones, first Rebuttal, para [4.2]-[4.3]

⁴⁹⁰ In addition to the evidence from Michael Smith, consultant transportation engineer; and Robert Bond, consultant geotechnical engineer; both for the Council

⁴⁹¹ E Grace, second Rebuttal, para [5.10]

⁴⁹² Mr Brett Giddens, consultant planner for the submitter

⁴⁹³ E Grace, second Rebuttal, Section 5

⁴⁹⁴ Ms Grace recommended an alternative location for the western boundary in Figure 2 of her second Rebuttal

⁴⁹⁵ Supported in the evidence of Mr Milne and Mr Jones. Ms Grace accepted the additional height request on the basis that the maximum height in both the Rural and Gibbston Character Zones is 8m

⁴⁹⁶ Legal submissions from J Gardner-Hopkins, 27 July 2020, para [16]

⁴⁹⁷ Summary of Planning Evidence of Brett Giddens, 30 July 2020, para [5]

⁴⁹⁸ Supported in the legal submissions for the submitter from J Gardner-Hopkins, 27 July 2020

⁴⁹⁹ 180 days of residential activity in a visitor accommodation unit, also supported by the evidence of Mr Hunt, Summary of Evidence: Greg Hunt, 30 July 2020, para [7]

⁵⁰⁰ Supplementary Legal Submissions on behalf of Gibbston Valley Station Limited and Malaghans Investments Limited: T18 – Rural Visitor Zone, J Gardner-Hopkins, 5 August 2020

amendments recommended by Mr Giddens continued to be sought, apart from the non-notification requirements⁵⁰¹.

18.2 Issues in Contention

551. By completion of the hearing process, the matters remaining in contention between the Council's and submitter's witnesses had reduced substantially.
552. General agreement had been reached between Mr Jones and Mr Milne on landscape sensitivity mapping, the assessment of potential landscape effects and the location of Developable Areas. Mr Jones, Mr Milne and Ms Grace agreed regarding restricting built development to Developable Areas 1 to 4, and 1m of additional height in Developable Areas 1 and 3. The submitter's legal submissions agreed with Ms Grace regarding the western extent of the rezoning, although the plan recommended by Ms Grace in her Reply⁵⁰² varied slightly from the one she recommended in her Rebuttal.
553. Mr Powell⁵⁰³ concurred with the submitter's engineer⁵⁰⁴ that water, wastewater and stormwater services can be provided within the site. Mr Bond's concerns⁵⁰⁵ regarding natural hazard risks from the two incised stream channels through the site were addressed through the reduction to the western extent of the zone, and the high landscape sensitivity mapping of the remaining stream channel.
554. The Council's witnesses were supportive of rezoning the Gibbston Valley site to RVZ, albeit subject to various requirements for the RVZ provisions, some of which were not agreed by the submitter.
555. The remaining issues in contention related to:
- Upgrading requirements for the Resta Road intersection with SH6;
 - Removal of the area of lower landscape sensitivity on the top of the western ridge that was not identified as a Developable Area by Mr Milne;
 - The location of the western boundary of the RVZ;
 - Use of a Structure Plan, rather than including relevant mapping information on the Planning Maps;
 - Provision for residential activity;
 - Various detailed amendments sought to the RVZ provisions, which were not agreed by Ms Grace.

Upgrading Requirements for Resta Road Intersection with SH6

556. Evidence from Mr Carr⁵⁰⁶, consultant traffic engineer for the submitter, and Mr Smith⁵⁰⁷ examined requirements for upgrading the access road to the site and the intersections with SH6, particularly the intersection with Resta Road. They agreed that each of the local roads can be upgraded to an adequate level and the intersections could be upgraded, subject to approval of the Council and NZTA⁵⁰⁸. It was the PDP mechanism for ensuring the necessary road improvements would occur in a timely manner that was the outstanding matter.

⁵⁰¹ Attachment to Supplementary legal Submissions

⁵⁰² E Grace, Reply, para [10.8]-[10.9] and Figure 2

⁵⁰³ R Powell, first Rebuttal, Section 7

⁵⁰⁴ C Brown, consultant engineer, EIC, 29 May 2020

⁵⁰⁵ R Bond, second EIC, Section 10

⁵⁰⁶ A Carr, EIC

⁵⁰⁷ M Smith, EIC, Section 7

⁵⁰⁸ Mr Carr agreed there would be a need for roading improvements, and that these could be accommodated within the current legal widths

557. Mr Carr gave his opinion at the hearing that the resource consent triggers in the Section 42A Version of the RVZ would be appropriate for requiring necessary road and/or intersection upgrading. He referred to the 500m² ground floor area limit for total building coverage, beyond which restricted discretionary consent is required, and the controlled activity consent required for buildings less than the coverage limit. In answer to our questions, Mr Rossiter⁵⁰⁹ explained his preference for greater surety in the PDP provisions regarding intersection improvements. Given the need for NZTA approval and potentially to use land not currently owned by the submitter, NZTA or the Council, Mr Rossiter considered development within the RVZ should not occur before there is assurance the intersection improvements can, and will, occur.
558. Having considered the evidence of Mr Carr and discussed the rule triggers with Ms Grace⁵¹⁰, Mr Rossiter⁵¹¹ no longer opposed the rezoning, provided that upgrades to the Resta Road intersection can be addressed appropriately. He agreed any requirements for major upgrades could be considered at the time of consent applications for visitor accommodation and commercial recreation which exceeded the permitted and controlled activity standards, provided appropriate matters of discretion are included. However, even with the permitted level of development on the site, Mr Rossiter considered the intersection would require some upgrading to provide, at a minimum, a right turn bay from SH6 into Resta Road. This would provide a safe path for vehicles to pass any right-turning vehicles without using the SH6 shoulder. He recommended this occur prior to any development occurring at this RVZ.
559. Ms Grace⁵¹² recommended a standard to require the intersection upgrade before commercial recreation activities and commercial use of buildings (for visitor accommodation or commercial recreation) commence within this RVZ. She considered her recommended wording to be sufficiently certain as a standard for permitted activities and compliance could be easily assessed. She recommended non-complying activity status for non-compliance with the standard to strongly encourage compliance with this traffic safety measure. In addition, Ms Grace recommended wording for the relevant matters of discretion.
560. Because these recommendations from Mr Rossiter and Ms Grace came in their Reply statements, the submitter has not had opportunity to make further submissions on the recommended rules, although the matter was discussed in detail in evidence and at the hearing.

Area of Lower Landscape Sensitivity on the top of the Western Ridge

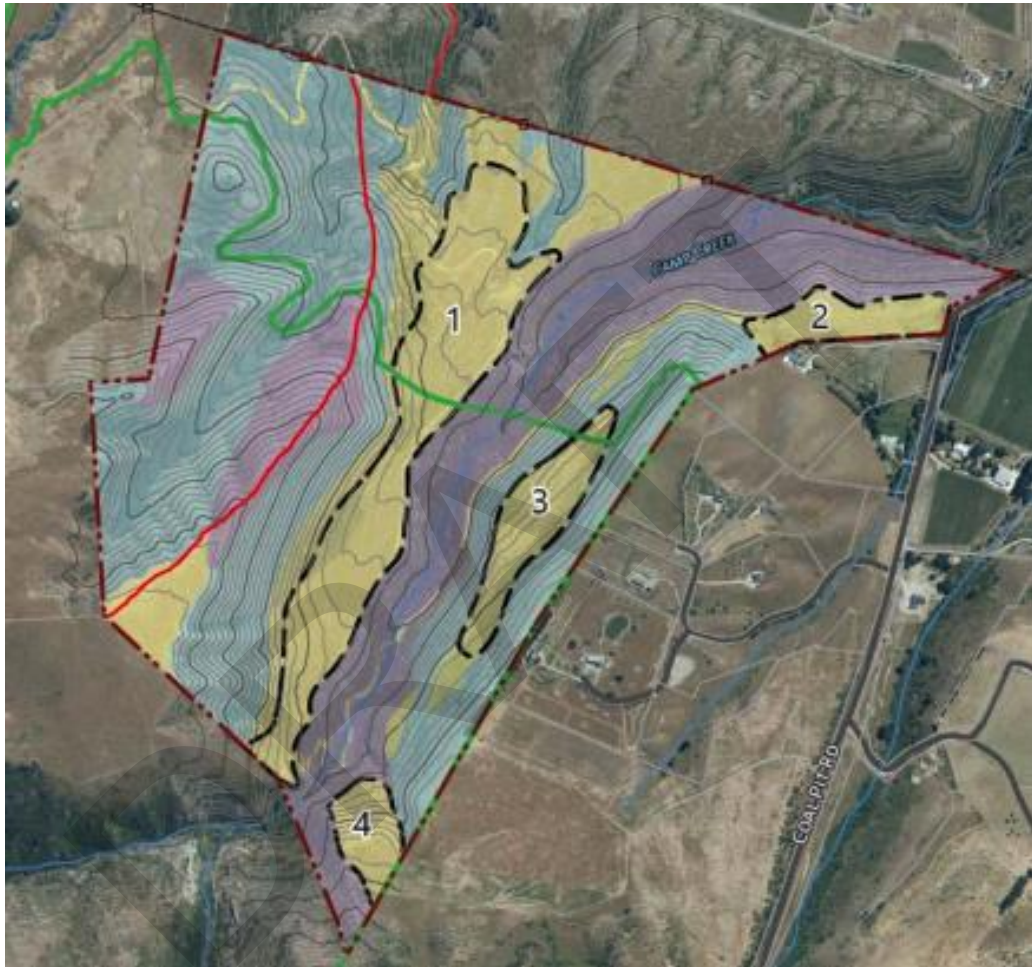
561. In answer to our questions at the hearing, Mr Jones reconsidered whether there were any areas mapped by Mr Milne as lower landscape sensitivity that should be excluded from the zone. In his Reply⁵¹³, Mr Jones noted the area of lower landscape sensitivity on the top of the western ridge that was not identified as a Developable Area by Mr Milne. Mr Jones considered this area should be excluded from the zone, due to its visual prominence and the potential landscape effects of providing access up and along the escarpment and ridge to this location. It was his opinion there are benefits to further refinement and identification of the development areas, as this provides an additional level of surety as to the appropriateness of

⁵⁰⁹ Mr Smith's evidence was adopted by Mr Rossiter
⁵¹⁰ E Grace, Reply, para {10.10}-[10.12]
⁵¹¹ C Rossiter, Reply, Section 7
⁵¹² E Grace, Reply, [10.10]-[10.17]
⁵¹³ M Jones, Reply, Section 8

the areas identified for development. Ms Grace's recommended amendment⁵¹⁴ to the western boundary takes this into account (as we outline below).

Western Boundary of RVZ

562. The submitter's legal submissions generally agreed with Ms Grace regarding the western extent of the rezoning. The submitter agreed⁵¹⁵ it makes sense for the western boundary to follow the ridgeline and included the following plan showing an amended boundary, adopted from Ms Grace's Rebuttal evidence⁵¹⁶.



Alternative location of western boundary of proposed Gibbston RVZ, agreed in Submitter's Legal Submissions (red line)

563. Ms Grace recommended⁵¹⁷ the western portion of the requested RVZ be removed, as she considered a smaller zone, with less moderate-high and high landscape sensitivity areas, would better achieve the policy direction for the RVZ. It would also remove one of the steep incised creek channels that traverse the site. In light of Mr Jones' recommendation regarding the top of the western ridge, in her Reply statement, Ms Grace recommended further reducing the western portion to exclude this area. Her final recommendation⁵¹⁸ (shown below)

⁵¹⁴ E Grace, Reply, para [10.8]

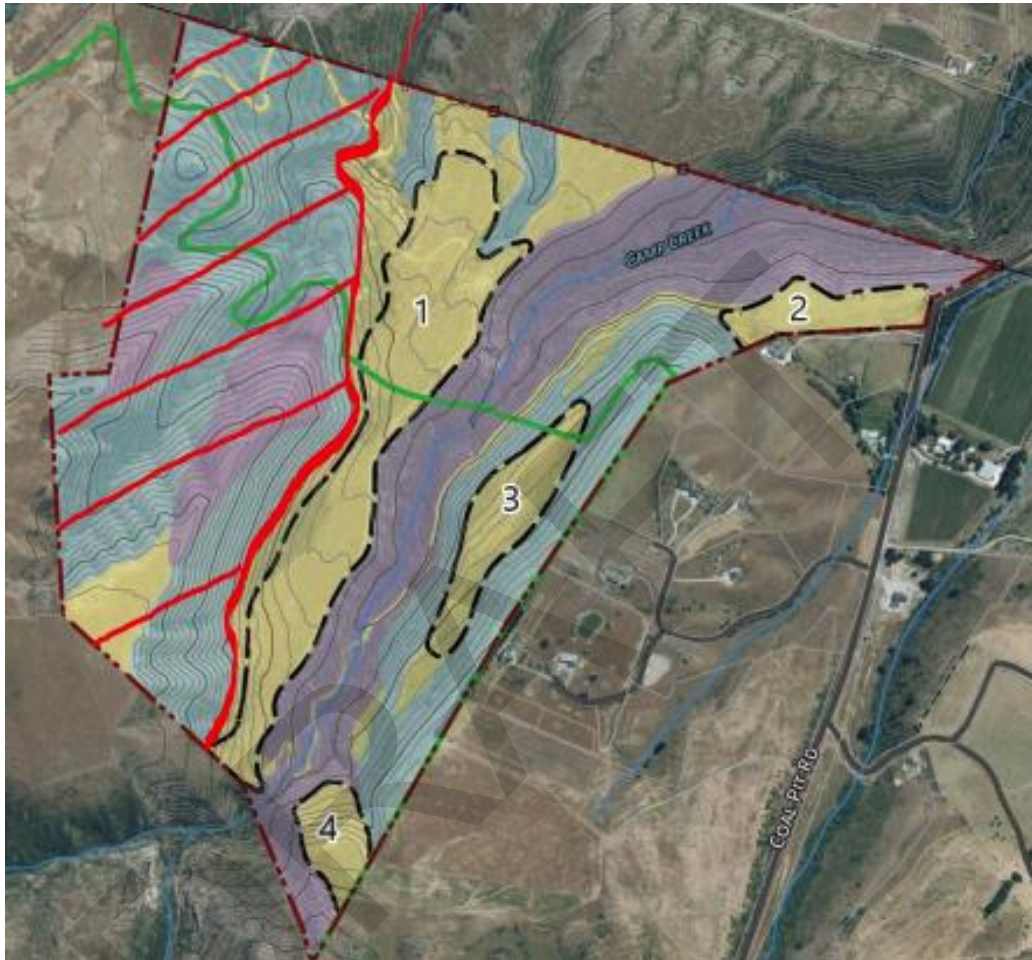
⁵¹⁵ Legal submissions from J Gardner-Hopkins, 27 July 2020, para [16] and figure above

⁵¹⁶ E Grace, second Rebuttal, para [5.5] and Figure 2

⁵¹⁷ E Grace, second Rebuttal, para [5.5] and Reply, para [10.8]-[10.9]

⁵¹⁸ E Grace, Reply, para [10.9] and Figure 2

followed the boundary between the lower and moderate-high landscape sensitivity areas as the new western boundary of the proposed RVZ. In her opinion, this increased the proportion of the zone that is lower landscape sensitivity, while retaining the zone's link with Resta Road. She considered the PDP Rural Zone and Gibbston Character Zone over the excluded zone is more appropriate to manage activities in that area than the RVZ.



Area to be excluded from the western portion of proposed Gibbston RVZ, recommended by Ms Grace (red hashing)

564. Because this recommendation from Ms Grace came in her Reply statements, the submitter has not had opportunity to make further submissions on the recommended boundary, although the basis for the amendment was discussed in evidence, legal submissions and at the hearing.

Use of a Structure Plan

565. Earlier in this report we addressed the submissions which sought the use of Structure Plans. The planning evidence for several submitters, including Gibbston Valley Station, sought some form of Structure Plan approach be included for their respective RVZ. Mr Giddens⁵¹⁹ recommended the Gibbston Valley Station Structure Plan to include the landscape sensitivity mapping, Developable Areas and bespoke height controls, as well as providing the basis for development and controlled activity subdivision when in accordance with the Structure Plan.

⁵¹⁹ Summary of Planning Evidence of Brett Giddens, 30 July 2020, para [5]

We have set out the evidence provided by Mr Giddens and Ms Grace regarding the appropriateness of such a Structure Plan approach for this proposed RVZ, and generally.

Residential Activity

566. There remained an outstanding difference between the submitter and the Council regarding provision for residential activity in the proposed Gibbston Valley RVZ. Mr Hunt⁵²⁰ and Mr Giddens⁵²¹ sought allowance for residential use of visitor accommodation units for 180 days per year, to provide greater certainty for the financial viability of the development through the sale of visitor accommodation units to investors. We have addressed this matter earlier in this report and, as we set out then, Ms Grace continued to hold her opinion that this would be contrary to the RVZ policy to avoid residential development within the zone

Detailed amendments sought to the RVZ provisions

567. In her Reply⁵²², Ms Grace stated she only supported one of the detailed changes to the RVZ provisions set out in the submitter's final legal submissions⁵²³, the addition of matters of discretion relating to traffic effects. She confirmed she did not support any of the other changes. We have already addressed these detailed amendments sought by the submitter (and not supported by Ms Grace) as they related to the use of a Structure Plan and associated provision for subdivision, and provision for residential activity.

18.3 Hearing Panel's Consideration and Recommendations

568. Turning firstly to our recommended Chapter 46 objectives and policies regarding the location, scale and intensity of RVZ and their visitor activities and buildings, we agree with Ms Grace⁵²⁴ that rezoning this site to RVZ would allow people to access and appreciate the particular landscapes of the Gibbston Valley. The site is located on an elevated terrace that allows appreciation of the wider Gibbston Valley landscape⁵²⁵. We accept Mr Dicey's evidence⁵²⁶ that in terms of the purpose of the Gibbston Character Zone, the site does not have the characteristics necessary for growing grapes and the rezoning of this site to RVZ would not result in the loss of economically productive land for viticulture.
569. Our recommended Objective 46.2.1 requires visitor accommodation and commercial recreational activities to occur at a small scale and low intensity in rural locations where protection of the landscape values of ONL and ONF is achieved.
570. In terms of scale, the proposed Gibbston Valley RVZ site is not small. The reduction in the area of the RVZ, firstly proposed by the submitter and further recommended by Ms Grace, goes some way to reduce the zone's size, but would still not be a small-scale zone⁵²⁷. However, we are satisfied on the evidence before us that the scale, nature and location of visitor activities and built development will be sufficiently controlled through the landscape sensitivity mapping undertaken by Mr Milne, his identification of discrete Developable Areas, and the proposed RVZ provisions to limit visitor activities and built development.

⁵²⁰ G Hunt, EiC, para [15]-[19] and Summary of Evidence: Greg Hunt, 30 July 2020, para [7]

⁵²¹ Summary of Planning Evidence of Brett Giddens, 30 July 2020, para [5]

⁵²² E Grace, Reply, para [10.21]

⁵²³ Consolidated version of RVZ provisions attached to Supplementary Legal Submissions on behalf of Gibbston Valley Station Limited and Malaghans Investments Limited: T18 – Rural Visitor Zone, J Gardner-Hopkins, 5 August 2020

⁵²⁴ E Grace, EiC, para [11.12]

⁵²⁵ E Grace, Reply, para [10.23]

⁵²⁶ J Dicey, EiC, para [3.1(d)]

⁵²⁷ We estimate, from Ms Grace's Reply Figure 2, that the proposed zone would remain in the order of 60-70ha in area

571. We consider the landscape analysis and assessment undertaken by Mr Milne, supported by Mr Jones, of potential effects of development on the landscape values of the ONL have been undertaken in sufficient detail to identify appropriate and specific locations for development within the areas of lower landscape sensitivity.
572. The submitter has agreed to Ms Grace's recommended RVZ provision for 500m² total building coverage for the zone, as a controlled activity, with restricted discretionary consent required for additional built form. We consider this to be a small scale and low density of built development across the overall site. The consent process for additional built form within the overall zone would provide the opportunity to ensure they remain at a small scale and low density, consistent with our recommended Objective 46.2.2 and the landscape values of the ONL within which the site sits.
573. The Strategic Objectives and Policies in Chapters 3 and 6, as well as our recommended Objectives 46.2.1 and 46.2.2 require the landscape values of the ONL to be protected. There was strong agreement in the evidence from Mr Milne and Mr Jones regarding the effects of the proposed RVZ on landscape values. We are satisfied on the basis of this evidence that the proposed RVZ, with its landscape sensitivity mapping and site-specific development controls, will protect the landscape values of the ONL. We agree with Ms Grace's conclusion that the site is appropriate as an RVZ and the specific provisions to manage development within it are an appropriate way to achieve the RVZ objectives.
574. Our recommended Policy 46.2.2.3 directs buildings within ONL and ONF to be sited so they are reasonably difficult to see from beyond the boundary of the zone. From the evidence of Mr Milne and from our site visit, we were generally satisfied this would be the case. However, we requested Mr Milne provide us with an additional viewpoint photograph of the site from the Crown Range Road. He provided a new photograph after the close of the hearing⁵²⁸, with an overlay of the proposed RVZ and the Developable Areas. Mr Milne acknowledged each of the Developable Areas will be fully or partially visible from this viewpoint. He confirmed his previous assessment that, given the distance, scale and context when viewed from the Crown Range Road Lookout, development enabled by the RVZ would not be out of character with the surrounding landscape, and would not be readily noticeable from that distance. Mr Jones concurred with these conclusions.
575. On the basis of this evidence, we are satisfied the proposed RVZ, with its site-specific development controls, will be reasonably difficult to see and will implement our recommended Policy 46.2.2.3, which is in turn consistent with the strategic policy direction in Policy 6.3.3.1.b (previously 6.3.12).
576. In relation to the western extent of the RVZ, we accept Mr Jones' evidence regarding the benefits of excluding the area of high landscape sensitivity on top of the western ridge, due to its visual prominence and potential landscape effects of providing access to this location. We agree removal of this area, which was not identified as a Developable Area by Mr Milne, provides an additional level of certainty as to the appropriateness of the areas identified for development. We also accept Ms Grace's recommended western boundary for the zone. We consider it appropriately reduces the overall size of the zone, without removing any Developable Area identified by Mr Milne, nor the access route from Resta Road. It removes the top of the western ridge as identified by Mr Jones, and removes areas of high and

⁵²⁸ T Milne, Addendum to Landscape and Visual Assessment Evidence, 11 August 2020, with Viewpoint 6 Crown Range Road Lookout

moderate-high landscape sensitivity which are not to be the focus for built development within the RVZ.

577. We accept the evidence of Mr Rossiter and Ms Grace regarding the need for an additional standard to manage the effects of permitted commercial activity (visitor accommodation and commercial recreational activity) on traffic safety at the Resta Road / SH6 intersection. We have considered the evidence of Mr Carr, who agreed there will be a need for road improvements including the formation of the right-turning bay from SH6 into Resta Road, as recommended by Mr Rossiter. We agree with Mr Carr that the restricted discretionary activity (and non-complying) consent requirements for the use of additional buildings (>500m² in total), or for large commercial recreational activity groups, will enable traffic generation and access matters to be addressed. We recommend appropriate wording for the matters of discretion to achieve this.
578. However, we are not satisfied controlled activity status⁵²⁹ for buildings (<500m² in floor area) will be sufficient to manage the traffic effects of vehicle intensive use of such buildings, and permitted activity status for multiple daily groups for outdoor commercial recreational activities certainly would not. Accordingly, we accept the additional “commencement” standard from Ms Grace and agree her wording would be sufficiently certain as a standard for permitted activities and for compliance to be assessed.
579. Turning now to the site-specific and detailed general amendments sought by the submitter. We consider many of the amendments sought for Gibbston Valley RVZ are well beyond the scope of what was included in its submission. Consistent with the Introduction Report 20.1, no issue is taken regarding the jurisdiction to insert site-specific plan provisions if a submission has sought that relief. However, in this case, we do not consider the submission did include much of the relief subsequently sought through evidence and legal submissions.
580. The submission strongly supported the RVZ and sought it be implemented over the Gibbston Valley site, with any consequential amendments to facilitate the site being zoned RVZ, and any refinements to the provisions of Chapter 46 to better achieve the purpose of sustainable management. The submission positively analysed the appropriateness of the proposed Gibbston Valley RVZ in terms of the notified RVZ objectives, policies and rules. No issues were raised with the Notified Plan Change provisions. In its requested relief, the submission sought to adopt Chapter 46, with appropriate amendments to address the issues raised in the submission. No site-specific amendments were sought to Notified Plan Change, other than any other additional or consequential relief to fully give effect to the matters raised in the submission.
581. We can see nothing in the submission what would make us, or any interested or affected party, aware that the submission was seeking amendments to provide for residential activity, or subdivision as a controlled activity. In terms of the tests discussed in section 3.2 of Report 20.1, the very general relief sought does not fairly and reasonably raise these matters. Accordingly, we do not consider this submission provides the scope to seek these amendments to the Notified Plan Change provisions.
582. We addressed the matter of general residential activity within the RVZ previously in this report. We concluded that providing for general residential development would be inconsistent with the purpose of the RVZ and contrary to the strategic objectives and policies

⁵²⁹ We address the limitations on the use of controlled activity status in Report 20.1

in Chapters 3 & 6. Accordingly, we have not recommended including the submitter's request for residential use of visitor accommodation units 180 days per year.

583. We have already addressed the use of Structure Plans earlier in this report. We have rejected the general use of Structure Plans within the RVZ. We agree it is a more efficient and appropriate approach to show the landscape sensitivity mapping on the Planning Maps. In terms of the subdivision implications of using a Structure Plan approach, we have already determined we have no evidence before us that supports an easier activity status for subdivision, or that has addressed the environmental effects, costs and benefits of doing so. We do not consider it appropriate to enable such a pathway for subdivision in the RVZ through a Structure Plan approach.
584. We have evaluated the rezoning of this site to RVZ, with its associated site-specific development controls, alongside the principles and tests we have set out previously, and in terms of our duties pursuant to section 32AA of the Act. Having weighed the costs and benefits to the landowner, to the wider public and in relation to the protection of landscape values of the ONL, we are satisfied that applying the RVZ to this site would be the most appropriate way to achieve the objectives of Chapters 3, 6 and 46, and to implement the policies of the RVZ. We recommend the rezoning to RVZ sought by the submitters be included on the Planning Maps and the provisions of the RVZ be amended, as shown in Appendix 1. We, therefore, recommend that the submission from Gibbston Valley Station Limited be accepted in part.

19. GLEN DENE – GLEN DENE LIMITED, GLEN DENE HOLDINGS LIMITED, RICHARD & SARAH BURDON – SUBMISSION #31043

19.1 Overview

585. Glen Dene Limited, Glen Dene Holdings Limited, Richard & Sarah Burdon⁵³⁰ (Glen Dene) sought RVZ zoning over 22.6ha they own and lease at Lake Hāwea Holiday Park (The Camp). The submission site is located on the Makarora-Lake Hāwea Road (SH6), Hāwea, lying between the road and Lake Hāwea, immediately to the north of the Hāwea Dam and the turn-off from SH6 to Lake Hāwea township.
586. The site is partly a Council Recreation Reserve (approximately 15ha) and partly two lots, to the west and north of the reserve land, owned by Glen Dene Limited (approximately 7ha). The submitter leases the Council-owned reserve land, owns the facilities and operates The Camp. The northern privately owned lot (Lot 1 DP 418972) is separated from the western lot (Lot 2 DP 418972) by a strip of land owned by the Crown and subject to an easement enabling it to be flooded as part of the operation of Lake Hāwea as a hydro-electricity storage lake by Contact Energy Ltd. This floodway land is not included within the area sought to be rezoned. We also understand that the strip of land immediately adjoining Lake Hāwea is Crown land administered by LINZ and is also not included in the rezoning submission. The site subject to this submission is shown on the figure below.

⁵³⁰ Submission #31043



Aerial photograph showing land subject to rezoning request

587. The submission site is currently in two zones. The Camp site (the reserve land) is zoned Open Space Community Purposes – Camping Ground (CPZ-CG), with a designation for Recreation Reserve (Motor Park). The two lots owned by the submitter, the floodway land, and the LINZ land alongside the lake, are zoned Rural with an ONL overlay that includes Lake Hāwea and the surrounding mountains. The submission sought a consistent zoning of RVZ over the whole of the site (22.6ha).
588. The evidence of Mr Richard Burdon⁵³¹ and Mrs Sarah Burdon⁵³² provided the background to the submission. The Camp has been operated as a camping ground for approximately 50 years. Mr Burdon is a third-generation farmer on Glen Dene and the submitter has held the lease over The Camp since 2009 (with 17 years remaining on the lease). Since taking over The Camp, Mr and Mrs Burdon have invested in the facilities, diversified their business, and continued to make improvements to the visitor accommodation and camp facilities. They wish to continue to do this, both on the leased reserve land and on the adjoining privately owned lots. They consider having a consistent and integrated planning framework for The Camp and the adjacent land would enable its development and ongoing management for visitor accommodation in a more efficient and sustainable manner⁵³³.
589. There has been a somewhat complex PDP submission history regarding The Camp and adjoining land within Glen Dene Station, which we will not fully detail here. The legal

⁵³¹ R Burdon, EIC, 29 May 2020

⁵³² S Burdon, EIC, 29 May 2020

⁵³³ Mr Duncan White, consultant planner for the submitter, EIC, para [3.2]

submissions from Mr Todd⁵³⁴ informed us that this is the third submission the submitters have made on the PDP.

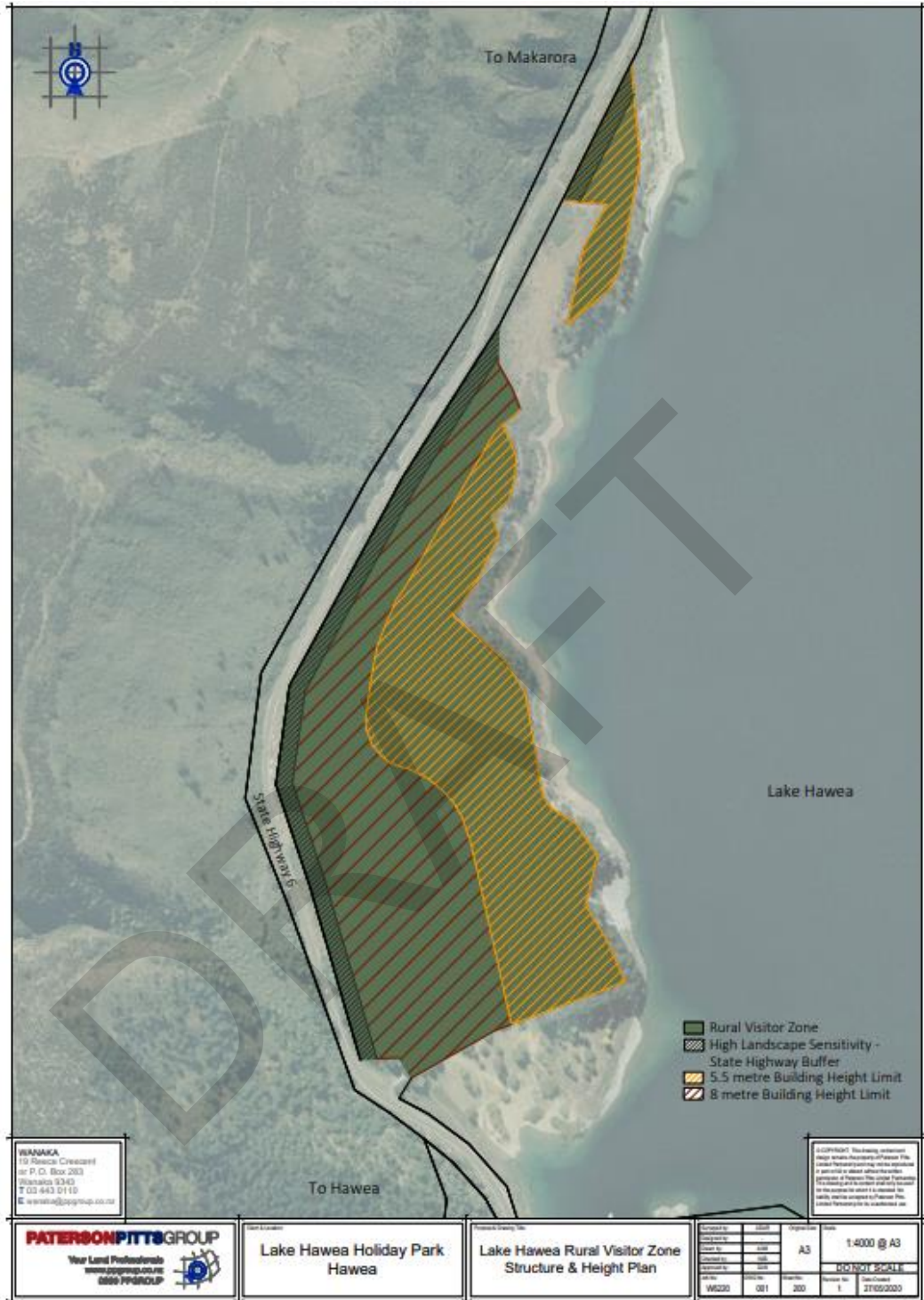
590. At Stage 1, the submitters sought an RVZ zoning (rather than notified Rural Zone) over the whole 22.6ha. However, at that time, the ODP RVZ had not been reviewed by the Council and the subsequent notification to zone the Council-owned land as part of Stage 2 meant that the Hearing Panel could only consider the zone for the two privately owned lots. Zoning those lots independently of the core-camp site was not recommended by the Hearing Panel and has been appealed. That appeal is on hold pending the outcome of the Stage 3B submission.
591. At Stage 2, the reserve land was changed from Rural Zone to CPZ-CG. The submitters sought the CPZ-CG apply to the whole of the land, and not just to the reserve land. That submission was also rejected, with the Hearing Panel determining that the zoning could only apply to Council-owned land. This decision has also been appealed on the basis that the characteristics of the Glen Dene land are the same as the Council owned campground and the zoning should be consistent regardless of ownership. The Stage 2 Hearing Panel also considered the application of a Visitor Accommodation Sub-Zone over the privately owned parts of the site. This aspect of the submission was also recommended to be rejected.
592. Mr Todd and Mr Burdon told us how the staged process for the PDP had resulted in difficulties, frustration, and significant additional cost for the submitters in filing three separate submissions, engaging evidence and attending three hearings⁵³⁵. In Mr Burdon's opinion⁵³⁶, the District Plan process has been appallingly handled and is fundamentally flawed. The process has meant the issue of the zoning of the campground and adjoining lots has been spread over three hearings and many years. Irrespective of the various zonings proposed, Mr Burdon stated that a RVZ is still their preference for this site (as they requested back in Stage 1)⁵³⁷.
593. In addition to rezoning the whole site to RVZ, the submission sought that the different characteristics of parts of the land be recognised by providing alternative height controls of 8 metres on the less sensitive land closer to the base of the hill and 5.5 metres on the more sensitive land closer to the lake. The locations of these height controls were shown on a plan attached to the submission.

⁵³⁴ Opening Legal Submissions, from G Todd, on behalf of the submitters, 31 July 2020; and the evidence of Mr White, EIC, para [3.3]-[3.4]

⁵³⁵ Opening Legal Submissions, from G Todd, para [9] & [12]

⁵³⁶ R Burdon, EIC, para [12]

⁵³⁷ R Burdon, EIC, para [13]



Rural Visitor Zone and Height Plan as sought in the Submission

594. Ms Grace evaluated the Glen Dene submission in her EIC⁵³⁸, with landscape evidence for the Council being provided by Ms Bridget Gilbert⁵³⁹.

538 E Grace, EIC, Section 12
539 B Gilbert, EIC, Section 7

595. No landscape assessment was provided with the submission, although Mr Espie's⁵⁴⁰ and Ms Mellisop's⁵⁴¹ evidence for Stage 1 was reviewed by Ms Gilbert. She considered a more detailed landscape assessment was necessary, but undertook a high-level assessment herself. On the basis of the submission, Ms Gilbert did not support the rezoning. However, she considered the site has the ability to absorb a modest level of RVZ development, if additional landscape assessment was provided to support the submission, and with additional specific controls over matters such as the number, extent and location of buildings, areas to be kept free of buildings, vegetation to be retained or enhanced.
596. Having regard to Ms Gilbert's assessment, Ms Grace⁵⁴² did not support the rezoning to RVZ. Although she agreed the location of the site provided access to the ONL areas of Lake Hāwea and its surroundings, she did not consider it had many of the key characteristics for RVZ areas set out in the policies.
597. Evidence for Glen Dene was provided by Mr and Mrs Burdon, Mr Espie and Mr White. Mr Espie provided an analysis of the landscape character of the ONL of Lake Hāwea and its surrounding mountains. He assessed the effects of the proposed RVZ on landscape character, views and visual amenity values. Mr Espie supported the variable building heights requested in the submission. He also supported the additional restrictions on development recommended in the planning evidence of Mr White, in particular a maximum total building coverage for the proposed RVZ of 7% of the land area; and a 20m wide buffer area adjacent to SH6.
598. Ms Grace and Ms Gilbert provided further evaluation in their Rebuttal evidence⁵⁴³. Ms Gilbert did not support the refined provisions put forward by Mr Espie and Mr White, although she continued to make suggestions as to how an appropriate site-specific RVZ could provide for a modest level of rural visitor development. In light of Ms Gilbert's advice and the lack of landscape sensitivity mapping, Ms Grace did not change her opinion that the rezoning request should be rejected on the grounds that it would not protect the landscape values of the ONL. Ms Grace continued to hold this opinion in her Reply statement⁵⁴⁴.
599. On the basis of the hazard assessment undertaken for the PDP Stage 1, the Council⁵⁴⁵ agreed the natural hazards risk for the site is more likely than not, low. No other issues of concern were raised by the Council.

19.2 Issues in Contention

600. The matters of contention between the Council's witnesses and the submitter's revolved around effects on the landscape, particularly the ONL values of the area, and the associated site-specific RVZ provisions.

Landscape Effects

601. Ms Gilbert had considered the landscape-related information presented to the Stage 1 Hearing Panel⁵⁴⁶. She undertook a 'high-level' landscape analysis, including a brief analysis of the existing landscape character and identification of the key potential landscape opportunities and constraints associated with the site.

⁵⁴⁰ Mr Ben Espie, consultant landscape architect

⁵⁴¹ On behalf of the Council

⁵⁴² E Grace, EiC, para [12.1]-[12.4]

⁵⁴³ E Grace, first Rebuttal, Section 5; and B Gilbert, Rebuttal, Section 4

⁵⁴⁴ E Grace, Reply, para [12.1]

⁵⁴⁵ R Bond, EiC, Section 12

⁵⁴⁶ B Gilbert, EiC, para [7.5]

602. Ms Gilbert⁵⁴⁷ generally agreed with the landscape descriptions provided by Ms Mellsop and Mr Espie for the Stage 1 hearing, although she also noted the strong spatial and visual connections between the site and the southern end of Lake Hāwea. She identified the potential close-range visibility from SH6 and the site's current role in forming a green node of development in this location; as well as mid and long-range visibility in views from dwellings within Hāwea township, the adjacent lake edge, Gladstone and the eastern lake edge and ranges. Ms Gilbert⁵⁴⁸ did not agree with Mr Espie's Stage 1 advice that the site has a high capacity to absorb landscape change. In her opinion, the landscape sensitivity is towards the mid to higher end of the spectrum, due to the site's visibility from Lake Hāwea, the lake edge, walking tracks and SH6 (in part) and the potential for RVZ development to undermine the existing township edge.
603. At a 'high-level', Ms Gilbert⁵⁴⁹ assessed the site as having the ability to successfully absorb a modest level of development, subject to implementation of a range of controls. She also noted that Ms Mellsop and the Stage 1 Hearing Panel had expressed tentative support for some form of RVZ on the site to recognise and provide for appropriate campground activities. Ms Gilbert pointed to the visually discrete nature of parts of the site, the established modified context, the confined nature of the site, and the availability of areas of flat land without vegetation within the site, as weighing in favour of some level of RVZ development on the site.
604. In her opinion⁵⁵⁰, additional, more detailed, landscape analysis and assessment was required to support the submission and provide the basis for specific controls over development within the site, which protects landscape values and ensures the RVZ development would be reasonably difficult to see.
605. Mr Espie⁵⁵¹ responded to Ms Gilbert's EIC by providing a more detailed assessment of the existing landscape character of the relevant ONL and the contribution of the submission site to the ONL's landscape values. He provided an evaluation of the potential effects on landscape character, as well as potential effects on views and visual amenity. Mr Espie provided photographs of the site from the lakefront in Hāwea township.
606. Mr Espie considered⁵⁵² the specific nature of the site means it does not particularly contribute to the important landscape character qualities that make the Lake Hāwea landscape an ONL, particularly due to the presence of existing human occupation, modification and buildings, and its location immediately adjacent to the township. In his opinion, this location has potential to absorb some change, much more so than most locations within this landscape.
607. In terms of effects on landscape character⁵⁵³, Mr Espie considered the extension of visitor accommodation activities on the site, as proposed by the submission, would not significantly detract from the important landscape qualities of the Lake Hāwea ONL. The extension and intensification of existing activity would be over a logically contained area that is already modified, but would remain restricted to one small part of the Lake Hāwea perimeter adjacent to the township. He concluded the important qualities of the Lake Hāwea ONL would remain in an unsullied state.

⁵⁴⁷ B Gilbert, EIC, para [7.8]

⁵⁴⁸ B Gilbert, EIC, para [7.9]-[7.10]

⁵⁴⁹ B Gilbert, EIC, para [7.12]-[7.14]

⁵⁵⁰ B Gilbert, EIC, para [7.18]-[7.20]

⁵⁵¹ B Espie, EIC, Sections 4, 6 & 7

⁵⁵² B Espie, EIC, para [4.13]

⁵⁵³ B Espie, EIC, Section 6

608. In relation to views of the site and visual amenity⁵⁵⁴, Mr Espie acknowledged there are views available into, and of, the site from the immediate stretch of SH6, Lake Hāwea, Hāwea township, and the southern edges of the lake.
609. From SH6, he considered that an extended node of visitor accommodation development at the site would appear logical and not discordant. He accepted that high, dense, enclosing or prominent built form close to the road could block or significantly alter and degrade visual amenity for passing road users. However, he considered that the submitter's proposed 7% building coverage standard, the 20m state highway buffer, and associated landscaping requirements would ensure that, for users of SH6, visual amenity can be appropriately maintained.
610. For observers to the east of the site, Mr Espie acknowledged that development as proposed through the submission could alter the visual appearance of the site, with the site becoming more visually complex more built form being visible, and more activity likely to be apparent. However, given the visual change would occur in an existing modified area, adjacent to the township and SH6, and would consist of scattered buildings with vegetation, he considered it would not be easy to observe from the east to any significant degree. In his opinion, new development would appear logical and not visually unattractive, and not fundamentally change the current views available.
611. In relation to Ms Gilbert's comments⁵⁵⁵ regarding the need for more detailed landscape sensitivity mapping and analysis for the site, Mr Espie⁵⁵⁶ commented that for some RVZs mapping areas of high and moderate-high landscape sensitivity may have merit. However, given the controls proposed by the submitter and the control the Council has over the land it owns, he considered the only part of the site that he considered has particular sensitivity is the state highway buffer area. He agreed this area should be mapped as high landscape sensitivity and should be kept free of built development and in a generally treed state.
612. In answer to our questions, Mr Espie agreed the area of high landscape sensitivity could have been mapped in a more varied way, based on the topography (rather than an arbitrary 20m continuous width), but he considered it would not have made much difference to the screening from tree cover able to be provided.
613. Mr Espie placed substantial weight in his evaluation on the site-specific development controls proposed for this RVZ by the submitter – the 7% maximum building coverage, variable height controls, 20m state highway buffer and management of its vegetation, as well as the notified RVZ controlled activity provisions for built development.
614. Mr Espie agreed⁵⁵⁷ with Ms Gilbert that, without these controls, the site would be sensitive in relation to the degree of development that would be enabled. He agreed unrestricted, very dense built development across the entirety of the site would substantially alter the character and value of the site and potentially undermine the town edge of Hāwea. However, in Mr Espie's opinion⁵⁵⁸, the proposed controls would avoid these risks. He commented⁵⁵⁹ that a maximum of 7% building coverage would mean that built form is well spaced and covers only

⁵⁵⁴ B Espie, EiC, Section 7

⁵⁵⁵ B Gilbert, EiC, para [7.20]

⁵⁵⁶ B Espie, EiC, para [8.6]

⁵⁵⁷ B Espie, EiC, para [8.4]

⁵⁵⁸ B Espie, EiC, para [8.5]

⁵⁵⁹ B Espie, EiC, para [8.8]

a small total area. The 20m state highway buffer would exclude the steepest land from development and the landscaping provisions proposed for the buffer would allow the current planting to be enhanced over time. The Council would retain control over the location of the built form and the removal / planting of vegetation meaning that built form could be integrated into its setting. In his opinion⁵⁶⁰, the outcome from the proposed controls would be a particularly low-density park-like node of visitor accommodation, dominated by open greenspace and vegetation.

615. We asked Mr Espie how the 7% building coverage control would prevent clustering of dense areas of buildings in parts of the site (such as on the privately-owned land). In response, he referred to the overall low density of 7%, the controlled activity consent process and the fact that the private land is the least visible part of the site. In supporting the height controls proposed by the submitter, he said the 8m areas were the least visible parts of the site, able to accommodate more built form, and also coincided with privately owned land. He acknowledged the northern part of the site (Lot 1) is more visible from SH6. In terms of a buffer along the lake edge, Mr Espie referred to the 20-30m strip containing some trees, which is not part of the site and is owned by the Crown (and administered by LINZ), as well as the level of control the Council has over tree removal on the land it owns via its lease to the Burdons.
616. The degree of control the Council exercises as owner of the reserve land and under the submitter's lease arrangements was also commented on by Mr Burdon at the hearing. He said that, as lessees, they were required to work closely with the Council and obtain permission to make alterations to the site, including removing trees and erecting buildings.
617. Ms Gilbert responded to Mr Espie's EIC in her Rebuttal evidence⁵⁶¹. She took into account the additional development controls put forward by the submitter and relied upon by Mr Espie. She noted the total existing building coverage on the site is 1,094m², and that a building coverage control of 7% amounts to an overall building footprint on the site of 15,890m² which would enable approximately 31 buildings of 500m² as a controlled activity. She also noted the extensive existing vegetation on the site, that serves to successfully integrate the existing development within the site, is not protected and could be removed as of right under the PDP.
618. Ms Gilbert continued to disagree with Mr Espie's assessment of landscape effects and his opinion that the submitter's proposed RVZ is appropriate from a landscape perspective. She made the following points in support of her position⁵⁶²:
- (a) The level of built development allowed by the submitter's RVZ provisions would be about 15 times as much as the existing buildings on the site. This would result in removal of tree cover for buildings, access, parking, etc, which can be done as of right, and the controlled activity status is limited in what it can achieve in terms of landscaping associated with a new building. She considered this would no longer result in a low-key, green node of development.
 - (b) The lack of buffering along the lake edge, which would probably result in a building-dominated lake frontage.
 - (c) This outcome would detract from visual amenity values from the lake and lake edge (both part of the ONL), as well as other areas, and from the naturalness of the site and the lake (both ONL).

⁵⁶⁰ B Espie, EIC, para [8.11]

⁵⁶¹ B Gilbert, Rebuttal, Section 4

⁵⁶² B Gilbert, Rebuttal, para [4.8]-[4.18] & [4.23]

- (d) Very limited guidance in the proposed provisions on the landscape outcomes to be achieved.
 - (e) The integrity of a defensible western urban edge to Hāwea township would be undermined with development creep northwards that would detract from landscape values.
 - (f) The proposed 20m state highway buffer has little regard for the underlying landform, existing vegetation or views into the site from SH6, and would be inadequate to protect visual amenity values for road users.
 - (g) Development on the northern isolated Lot 1 would result in inappropriate sprawl of development northwards.
 - (h) The site has a landscape sensitivity towards the mid to higher level and, more specifically, the western and eastern sides of the site and the isolated northern Lot 1 have high landscape sensitivity to the type of change contemplated by the proposed RVZ.
619. Ms Gilbert concluded⁵⁶³ the proposed Glen Dene RVZ would generate adverse landscape and visual effects and detract from the landscape values of the ONL within which the site is located. It would fail to satisfy the fundamental landscape policy requirement for ONLs that development protects landscape values and is reasonably difficult to see. Ms Gilbert⁵⁶⁴ was mindful of the evidence of Mr and Mrs Burdon, who expressed a desire to retain the parkland-dominated character for the area, but she considered this outcome was not supported by their proposed RVZ provisions.
620. Ms Gilbert included recommendations⁵⁶⁵ as to how the site could successfully absorb a modest amount of development, whilst minimising more complex consenting requirement (as sought by Mr and Mrs Burdon). In her opinion, this would involve generous landscape buffers / BRAs along the highway and lakefront edges of the site with mature vegetation; confinement of development to the vicinity of the existing campground area, with appropriate building coverage and retention of the parkland character; exclusion of the northern Lot 1; and a 5m maximum height control.
621. In answer to the Panel's questions, Ms Gilbert maintained her view that the landscape sensitivity analysis and landscape evaluation undertaken by Mr Espie was insufficient and not to the expected standard for a rezoning to RVZ within an ONL. Given the sensitivity of the site within an ONL, and the large scale of development proposed for the RVZ, she considered it required more careful and fully informed landscape evaluation to support zone provisions that would give assurance the ONL values can be protected.

19.3 Hearing Panel's Consideration and Recommendations

622. Firstly, we acknowledge the difficulties, time delays and costs the submitter has experienced as a result of the staged process for the review of the PDP. We understand how this has been frustrating and unreasonably costly for them. Until this Stage 3B hearing, the way staging has been undertaken has precluded an integrated assessment of the appropriate zoning for the site as a whole.
623. We have heard the evidence from Mr and Mrs Burdon and Mr Espie about the level of management control the Council exercises as owner of the reserve land and under the submitter's lease arrangements.

⁵⁶³ B Gilbert, Rebuttal, para [4.19]

⁵⁶⁴ B Gilbert, Rebuttal, para [4.20]

⁵⁶⁵ B Gilbert, Rebuttal, para [4.24]-[4.27]

624. We have considered the Stage 2 Hearing Panel’s Report 19.6 on Chapter 38 Open Space and Recreation Zones⁵⁶⁶, which considered the rationale for applying a specialised zoning to land which is already managed by the Council under the Reserves Act. They agreed an important part of managing Council-owned land is the provision of complementary management through the PDP and the Reserves Act. They accepted the use of specialised zoning, depending on the character of each reserve, is the most efficient approach and can be targeted to the purpose of the reserve and the level of public use. It complements Reserve Management Plans, through policies and rules which set out the nature and scale of buildings, building coverage, and the nature of uses expected within a reserve.
625. In Stage 2, the Hearing Panel was examining the application of a specialised Open Space and Recreation Zone to a Council-owned reserve and how the PDP and Reserves Act processes were designed to complement each other. This is the case with the CPZ-CG applied to the reserve part of the Glen Dene site. As we understand Report 19.6, the CPZ-CG would have been specifically designed to work alongside the Reserves Act controls available to the Council. This would not be the case with the RVZ, if applied to the Council-owned land. The RVZ is designed to provide a complete suite of policies and rules which together achieve the objectives for the zone, as well as the strategic objectives and policies in Chapters 3 and 6. If applied to the submitter’s site, it would be applied in an integrated way across both the reserve land and the privately owned lots. We do not consider it is consistent with the framework for the RVZ or the most efficient approach to limit the level of management under the RVZ on the basis that this would be achieved (for part of the site) through the Reserves Act controls.
626. In relation to the ability for the Council to manage visitor activities, and associated changes to the site, under the Hāwea camping ground lease (rather than through the provisions of the RVZ), we accept the Council’s legal submissions⁵⁶⁷ on this matter. The camping ground lease sits outside and is independent of the PDP, and the terms and conditions of the lease have the potential to change at any time. We agree the provisions of the RVZ need to stand on their own, separate from consideration of the lease provisions. In addition, the lease only applies to the Council-owned part of the submission site, and not to the privately owned lots. Accordingly, we have placed little weight on the ability for the Council to manage the effects of development through the lease arrangements.
627. Similarly, we have not had regard to the provisions of the designation over the site when considering the appropriateness of RVZ provisions. The provisions of a designation apply independently of the zone provisions. A designation can be uplifted by the Council at any time. Designation 175 relies on conditions that are expressed generally for all motor parks and golf clubs⁵⁶⁸, which bear no relationship to the specific requirements of any particular designation site, and which provide little guidance as to landscape outcomes to be achieved.
628. Based on the evidence before us, we agree with Ms Gilbert and Mr Espie that there is potential for the site to successfully absorb some additional visitor industry development while protecting landscape values, subject to the implementation of specific, detailed controls. We also agree with Ms Grace that the location of the site provides access for people to appreciate the ONL areas of Lake Hāwea and its surroundings. It is an established node of visitor accommodation and a base for commercial recreational activities. We accept the position of

⁵⁶⁶ Report 19.6, Stage 2 PDP, para [24] & [29]-[30]

⁵⁶⁷ Second Reply Legal Submissions from S Scott, dated 10 September 2020, Section 5

⁵⁶⁸ Chapter 37 Designations, Conditions F

the submitter that it is artificial to separate the management of the site into two zones, based on the ownership and legal status of the land. We accept that having a consistent and integrated planning framework for The Camp and the adjacent land would enable them to develop and manage the land more efficiently.

629. While we agree there is scope for some additional visitor-related development, the submitter needed to provide sufficient information and evaluation to enable us to decide upon the appropriate zone extent, the landscape sensitivity mapping, and appropriate controls over development location, scale and intensity.
630. Regarding the scale of proposed RVZ sites, we have previously recommended that Objective 46.2.1 be amended to require visitor accommodation and commercial recreational activities to occur at a small scale and low intensity in rural locations where protection of the landscape values of ONL is achieved. Our recommended Objective 46.2.2 also requires that buildings and development within a RVZ are provided for at a small scale and low density, and in areas of lower landscape sensitivity.
631. At a total area of 22.6ha, we do not consider the proposed RVZ would be a small size. However, the emphasis in the objectives is on the scale and intensity / density of the activities and built development within each RVZ. Although, over the whole of the 22.6ha site, a building coverage of 7% may appear, at first glance, to be low density, we do not agree that this simple building control would ensure development is small scale or low density in any particular area of the site. We agree with Ms Gilbert that an overall building footprint of 15,890m² (or approximately 31 buildings of 500m²), as a controlled activity, is a very large scale of development, particularly within a rural area and an ONL.
632. As we have discussed in Report 20.1, we also consider that controlled activity status would be inadequate to manage the effects of such a scale and potential density of development through the imposition of conditions of consent alone. We do not consider the scale and density of development enabled by the proposed Glen Dene RVZ would achieve Objectives 46.2.1 and 46.2.2. As we have no assessment of effects on this aspect, we have no basis to determine what alternative scale and density of development would be appropriate.
633. The Strategic Objectives and Policies in Chapters 3 and 6, as well as our recommended Objectives 46.2.1 and 46.2.2 require the landscape values of ONL to be protected. We have considered the evidence of Mr Espie in light of the criticism of its adequacy by Ms Gilbert. We accept the position reached by Ms Gilbert. We agree the landscape sensitivity analysis and landscape effects evaluation undertaken by Mr Espie was insufficient to give us confidence this fundamental landscape policy requirement would be achieved - that the landscape values of the ONL would be protected. This is particularly so given the sensitivity of the site within an ONL, and the large scale of development proposed for the RVZ. Without a more careful and fully informed evaluation, as recommended by Ms Gilbert, we are not satisfied the extent of the site, the landscape sensitivity mapping, and the controls over development location, scale and density are sufficient to ensure the proposed RVZ will protect the landscape values of the ONL.
634. In particular, we were not satisfied that Mr Espie had sufficiently evaluated the effects on visual amenity values from the lake and lake edge and for users of SH6; on the naturalness of the site and the lake; on the integrity of the western urban edge to Hāwea township; and of the scale of development sought to be provided for on the site.

635. Our recommended Policy 46.2.2.3 directs buildings in ONL to be sited where they are reasonably difficult to see from beyond the boundary of the Zone. This follows from Policy 6.3.3.1 (previously 6.3.12) which directs any buildings, structures and changes to landform in ONL to be reasonably difficult to see from beyond the boundary of the site. We agree with Ms Gilbert that the provisions proposed for the Glen Dene RVZ would be insufficient to ensure that development on the site would be reasonably difficult to see from Lake Hāwea, parts of the lake edge and Hāwea township, SH6 and walking tracks in the area.
636. We accept Ms Gilbert’s recommendations that any RVZ over this site, which protects the landscape values of the ONL and ensures buildings are reasonably difficult to see, would require (at a minimum): more generous landscape buffers along the highway and lakefront edges of the site; exclusion of the northern Lot 1 which Mr Espie accepted is more visible from SH6; a more appropriate building coverage; and measures to retain the parkland character.
637. Accordingly, for the reasons set out above, we recommend rejecting Submission #31043 from Glen Dene Limited, Glen Dene Holdings Limited, Richard & Sarah Burdon to rezone the proposed Glen Dene site as RVZ.
638. As we stated above, we accept the position of the submitter that having one consistent zone across all parts of the site would enable them to develop and manage the land more efficiently and in an integrated manner. We agree that having an RVZ across both the reserve and privately owned land could achieve this aim. However, based on the evidence before us and the particular proposal put forward by the submitters for a Glen Dene Camp RVZ, we were not able to recommend this be accepted. Until such time as an appropriate integrated zoning is developed for the overall Glen Dene site, we consider it is appropriate for the land to retain its PDP mix of Rural and CPZ-CG Zones.
- 20. JOHN & JILL BLENNERHASSETT – SUBMISSION #31053**
639. John & Jill Blennerhassett⁵⁶⁹ sought RVZ zoning over their 34.4ha property at 280 Wānaka-Mt Aspiring Road, Wānaka, commonly referred to as “Barn Pinch Farm” and “The Olive Grove” (which is a venue for weddings and events). The site is on the outskirts of Wānaka, and lies between Wānaka-Mt Aspiring Road, Ruby Island Road and Lake Wānaka. The submission supported the RVZ provisions, although sought greater provision for residential activity. The site is zoned Rural in the PDP and has an ONL overlay over part the site. The adjoining Lake Wānaka is an ONL. No assessments of effects of the proposed rezoning were provided with the submission.

⁵⁶⁹ Submission #31053



Aerial photograph showing land subject to rezoning request

640. The submission from J & J Blennerhassett was opposed in a further submission⁵⁷⁰ from a group of neighbouring property owners on Wānaka-Mt Aspiring Road, referred to as the Waterfall Creek Residents (WCR). WCR sought the RVZ of the Blennerhassett site be disallowed in its entirety. The submission stated:
- (a) the site was not consistent with the attributes intended for RVZ;
 - (b) the site had little ability to absorb any adverse effects associated with visitor accommodation, including cumulative effects;
 - (c) RVZ would allow substantially more built form, flight activity, and adverse effects from noise, vehicles and traffic generation, than anticipated currently;
 - (d) Controlled activity status for buildings was inadequate to control adverse effects;
 - (e) RVZ at the site would result in intensification of development around the shore of Lake Wānaka;
 - (f) Additional provision for residential activity within the RVZ would be contrary to the purpose of the RVZ.
641. Mr Bond⁵⁷¹ assessed the natural hazard risks at the site on behalf of the Council. He considered the risk level due to debris flow is high and recommended further investigation before rezoning occurred. In the absence of a landscape assessment from the submitter, Mr Jones⁵⁷² undertook a high-level landscape review of the site. He considered the site had limited capacity to absorb the type of development anticipated by the RVZ, due to its visibility from a main road and views of the site available from beyond the site. Ms Grace also noted that no landscape sensitivity mapping was undertaken for the site, and the area of the proposed RVZ is relatively large. Mr Jones opposed the rezoning of the site to RVZ.
642. On the basis of the information available, Ms Grace⁵⁷³ recommended the submission be rejected.
643. Ms Hardman⁵⁷⁴ presented planning evidence in support of the further submitter (WCR). She reiterated the concerns expressed in the further submission and by the Council witnesses. Ms Hardman concluded that rezoning the site to RVZ would not align with the purpose, objectives

⁵⁷⁰ Further Submission #31073

⁵⁷¹ R Bond, second EIC, Section 8

⁵⁷² M Jones, second EIC, Section 12

⁵⁷³ E Grace, EIC, Section 10

⁵⁷⁴ Ms Ella Hardman, consultant planner for Waterfall Creek Residents, EIC

or policies of the RVZ. She considered the Rural Zone is more appropriate as it allows applications for residential and visitor accommodation activities to be fully considered on a case-by-case basis as discretionary activities.

644. As discussed in Report 20.1, where a submission seeks a material change to the notified provisions and that submission is not supported by any evidence, we are generally not in a position to accept that submission. In this case, we have no supporting evidence for a RVZ on the Blennerhassett site and we have expert evidence in opposition from the Council and the Waterfall Creek Residents. Accordingly, we accept the recommendations from Ms Grace and Ms Hardman for the reasons they have given and those contained in the evidence of Mr Jones and Mr Bond. We recommend rejecting Submission #31053 from John & Jill Blennerhassett.

21. CARDRONA CATTLE COMPANY LIMITED – SUBMISSION #31039

645. Cardrona Cattle Company Limited (CCCL)⁵⁷⁵ sought RVZ zoning over approximately 41ha of their property at Victoria Flats on the Gibbston Valley Highway (SH6), at the eastern end of the Gibbston Valley as an alternative to the General Industrial Zone (GIZ) zoning addressed in Report 20.3, the subject of CCCL’s separate submission #3349. The site is located to the south of the Kawarau River and access is via Victoria Flats Road from SH6. The submission supported the RVZ provisions. The site is partly zoned Rural and partly Gibbston Character Zone in the PDP and has an ONL overlay over the Rural Zone part the site. No assessments of effects of the proposed rezoning were provided with the submission.



Plan showing land subject to rezoning request

646. Mr Bond⁵⁷⁶ assessed the natural hazard risks at the site on behalf of the Council. He assessed that parts of the site may be affected by landslides, with a risk level of low. He identified part of the site where he would not oppose rezoning to RVZ. He recommended detailed geotechnical assessment at the resource consent stage.

647. Mr Dicey⁵⁷⁷ provided technical evidence for the Council on the viticultural impact of the proposed rezoning. He concluded that the site is capable of growing grapes and that viticulture on the site is economically viable. He considered that rezoning the site to RVZ

⁵⁷⁵ Submission #31039

⁵⁷⁶ R Bond, second EIC, Section 9

⁵⁷⁷ J Dicey, EIC, Sections 5 & 6

would result in the loss of productive viticultural land due to the construction of buildings and associated infrastructure.

648. In the absence of an expert landscape assessment with the submission, Mr Jones⁵⁷⁸ undertook a high-level landscape review of the site. He also undertook an assessment of the site for rezoning to GIZ over a larger area of the CCCL property. He considered the site could have capacity to accommodate the type of development anticipated by the RVZ, subject to the provision of a detailed landscape analysis and assessment. This is due to the site's containment, visually and physically, by the localised topography; only passing views available from SH6 to the east; favourable topography for sensitively designed and located development; and the modified character of the site.
649. Mr Jones noted that no landscape sensitivity mapping or landscape analysis and assessment had been undertaken for the site, and this would be required to determine whether the request for RVZ rezoning would be appropriate and what development controls required. Without the necessary landscape analysis and assessment, and the outcome of the analysis, Mr Jones opposed the rezoning of the site to RVZ.
650. On the basis of Mr Jones' evidence and Mr Dicey's advice regarding the loss of productive land for viticulture (contrary to the policies of the Gibbston Character Zone), Ms Grace⁵⁷⁹ recommended the submission be rejected. Ms Grace also noted that, if the CCCL site is rezoned, it should only be the part of the site Mr Bond identified as being of low natural hazard risk.
651. No legal submissions or planning evidence were provided to support CCCL's submission seeking RVZ. Neither did we receive any evidence which addressed the natural hazard and viticultural matters raised by Mr Bond and Mr Dicey in their evidence for the Council. While CCCL appeared in the final week of hearings, the focus of the legal submissions and evidence was very much on the GIZ component of its relief. While Mr Milne's landscape evidence focussed on the GIZ rezoning, he did provide a limited analysis of CCCL's RVZ submission⁵⁸⁰.
652. Mr Milne prepared a structure plan for a RVZ based on the landscape sensitivity analysis and visual influence studies he had undertaken for the larger GIZ rezoning. He considered approximately half the area identified for RVZ development to have low landscape sensitivity, not be highly visible, and have high capacity to absorb development. The other half he considered to have moderate landscape sensitivity, be more visible from SH6, and have the capacity to absorb a small amount of development. Mr Milne concluded that a low density of built form in these areas would not detract from the values of the ONL nor visual amenity from SH6 and would appear much like a small scale rural settlement or farm buildings with the rural landscape.
653. Mr Jones addressed Mr Milne's evidence in his Rebuttal⁵⁸¹ evidence. Mr Jones partially supported Mr Milne's assessment and considered areas of the site to be largely appropriate for RVZ from a landscape perspective. However, he considered the two areas Mr Milne identified for development closest to the Kawarau River and SH6 as having moderate-high landscape sensitivity, largely due to their visual prominence.

578 M Jones, second EIC, Section 14

579 E Grace, EIC, Section 11

580 Milne, EIC for Submission 3349, para [47]-[48] and Sheet 23, RVZ Structure Plan, of his Graphic Attachment

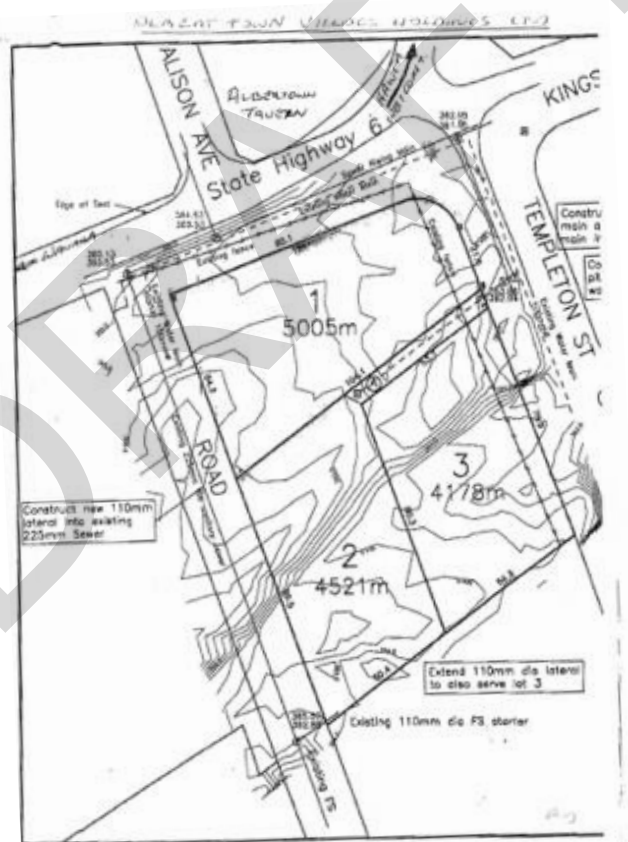
581 M Jones, second Rebuttal, para [5.2]-[5.4]

654. We have received some limited landscape evidence on behalf of CCCL supporting the proposed RVZ at Victoria Flats. However, the landscape evidence for CCCL was not supported by planning evidence, so we were not provided with any planning evaluation of the appropriateness of the site in relation to the PDP and Chapter 46 provisions. Nor did we receive evidence regarding site-specific provisions for a RVZ at this site that would address the landscape findings of Mr Milne. We do not find this limited evidence sufficient to support the request to include this site within the RVZ.

655. Accordingly, we adopt the recommendation from Ms Grace for the reasons she has given and those contained in the evidence of Mr Bond and Mr Dicey. We recommend rejecting Submission #31039 from Cardrona Cattle Company Limited.

22. ALBERT TOWN VILLAGE HOLDINGS LIMITED – SUBMISSION #31045

656. Albert Town Village Holdings Limited⁵⁸² sought RVZ zoning over its 5000m² property⁵⁸³ on the corner of the Wānaka – Lake Hāwea Road (SH6) and Tennyson Street in Albert Town. The site is directly opposite the commercially zoned Albert Town Tavern and associated retail area. The submission stated that the owner intends to develop visitor accommodation on the site. The site is zoned RRZ in the PDP. No assessment of the effects of the rezoning was provided with the submission.



Plan showing land subject to rezoning request (Lot 1 5005m²)

⁵⁸² Submitter #31045

⁵⁸³ We note the submission stated (incorrectly) that the property is 500m² in area, which was the area evaluated by Ms Grace in her EIC. However, the survey plan and Council rates invoice provided at the hearing showed the area to be 5000m²

657. Ms Grace addressed this submission briefly in her EIC⁵⁸⁴. In her opinion, the RVZ is not an appropriate zone for a small urban-scale site on the edge of an urban settlement. She did not consider the site provided access to the District's landscape and did not meet the purpose or intent of the RVZ. She recommended the submission be rejected.
658. Mr Ibbotson⁵⁸⁵ attended hearing on behalf of the submitter, provided us with written evidence and answered our questions. He considered the location of the site made it more appropriate for commercial development (such as motels) than rural-residential. He pointed out there is no more commercially zoned land available in Albert Town, now that the remaining vacant land is being developed for apartments. He considered the site to be in a prime location for visitor accommodation with high exposure to SH6, opposite the Albert Town commercial centre and a ski lodge. The site has an entrance off Templeton Street so is not reliant on SH6. There is an existing pedestrian crossing, with a refuge, on SH6 in close proximity to the site to enable walking access to the commercial centre.
659. Although Mr Ibbotson did not appear as an expert planning witness, we have given consideration to his evidence and his answers to our questions. It seemed to us that Mr Ibbotson was seeking our approval to a motel or similar visitor accommodation on this Albert Town site, rather than the full suite of visitor industry activities that could establish in the RVZ. His arguments focussed on support for motel accommodation within the RRZ, providing examples of this type of activity in the RRZ, the RRZ rules that would apply, and consideration of effects on this site at the edge of this RRZ. We were not persuaded by Mr Ibbotson's presentation that the RVZ itself would be appropriate on the site. He did not provide evidence as to the site's consistency with the purpose, objectives and policies for the RVZ.
660. Accordingly, we agree with the evidence of Ms Grace, that the RVZ is not an appropriate zone for this small site on the edge of an urban settlement and rezoning the site to RVZ would not be consistent with the purpose or objectives of the RVZ. We recommend rejecting Submission #31045 from Albert Town Village Holdings Limited.

23. BEN HOHNECK - SUBMISSION #31012

661. Ben Hohneck⁵⁸⁶ sought RVZ zoning over his 13.5ha property at 1447 Skippers Road. The site is located on the eastern side of the Shotover River, within the Skippers Canyon. There are established tourism activities on the site, including a museum and former bungy jumping location, and it provides a "hub" for other tourism activities within the canyon, predominantly on the Shotover River, including jetboating. The submission supported the RVZ provisions, although sought an exemption for the control over group size for outdoor commercial recreational activities. The site is zoned Rural in the PDP and is within an ONL and the Skippers Heritage Overlay Area. No assessments of effects of the proposed rezoning were provided with the submission. The submitter did not provide evidence, nor attend the hearing.

⁵⁸⁴ E Grace, EIC, para [13.2]

⁵⁸⁵ R Ibbotson, Business Consultant

⁵⁸⁶ Submission #31012



Aerial Photograph showing land subject to rezoning request

662. The submission from Mr Hohneck was supported in a further submission from Malaghans Investments Limited⁵⁸⁷. Although Malaghans attended the hearing and presented evidence and legal submissions in relation to its site (and the adjoining site of Mr Mills) within Skippers Canyon, no evidence was presented in support of this further submission.
663. In the absence of a landscape assessment from the submitter, Mr Jones⁵⁸⁸ undertook a high-level landscape review of the site. He considered the site is likely to have the ability to absorb the type of development anticipated by the RVZ as the site is visually discrete in relation to visibility from locations within the surrounding context, it has a modified character and favourable topography for development (opportunities for which are limited in the area). Mr Jones noted that no landscape sensitivity mapping had been undertaken for the site, and this would be critical for determining whether the request for RVZ rezoning would be appropriate and what development controls required. Without the necessary landscape analysis and assessment, and the outcome of the analysis, Mr Jones opposed the rezoning of the site to RVZ.
664. On the basis of the information available, Ms Grace⁵⁸⁹ recommended the submission be rejected.
665. As discussed in Report 20.1, as the change to the notified provisions is not supported by any evidence in this case, we have no basis for recommending its acceptance. Accordingly, we adopt the recommendation from Ms Grace for the reasons she has given and those contained in the evidence of Mr Jones. We recommend rejecting Submission 31012 from Ben Hohneck.

24. BRETT MILLS (MOONLIGHT) – SUBMISSION #31016

666. Brett Mills⁵⁹⁰ sought RVZ zoning over his 6.8ha property located on the western side of the Shotover River, off the legal road called Moonlight Track. The site is accessed via a 20-minute

⁵⁸⁷ Further Submission #31052
⁵⁸⁸ M Jones, second EIC, Section 6
⁵⁸⁹ E Grace, EIC, Section 9
⁵⁹⁰ Submission #31016

walk from the Moonlight Track car park and is just to the north of the Shotover Canyon Swing. The submission supported the RVZ provisions. The submission stated the submitter envisages undertaking glamping and camping activities, getting people out into this part of the ONL, as well as undertaking adventure activities with small scale groups. The site is zoned Rural in the PDP and is within an ONL and the Skippers Heritage Overlay Area. No assessments of effects of the proposed rezoning were provided with the submission. The submitter did not provide evidence, nor attend the hearing.



Aerial Photograph showing land subject to rezoning request

667. Mr Bond⁵⁹¹ assessed the natural hazard risks at the site on behalf of the Council. He assessed that parts of the site may be affected by landslides, with a risk level of low. He identified part of the site where he would not oppose rezoning to RVZ. He recommended detailed geotechnical assessment at the resource consent stage.
668. In the absence of a landscape assessment from the submitter, Mr Jones⁵⁹² undertook a high-level landscape review of the site. He considered the site could have the ability to absorb the type of development anticipated by the RVZ, as the site is visually discrete as a result of the topography of the site and surrounding area. Mr Jones noted that no landscape sensitivity mapping had been undertaken for the site, and this would be critical for determining whether the request for RVZ rezoning would be appropriate and what development controls required. Without the necessary landscape analysis and assessment, and the outcome of the analysis, Mr Jones opposed the rezoning of the site to RVZ.
669. On the basis of the information available, Ms Grace⁵⁹³ recommended the submission be rejected. Ms Grace also noted that, if the Moonlight site is rezoned, it should only be the part of the site Mr Bond identified as being of low natural hazard risk.
670. As we discussed in Report 20.1, as the change to the notified provisions is not supported by any evidence in this case, we have no basis for recommending its acceptance. Accordingly, we adopt the recommendation from Ms Grace for the reasons she has given and those contained in the evidence of Mr Jones and Mr Bond. We recommend rejecting Submission 31016 from Brett Mills (Moonlight).

⁵⁹¹ R Bond, second EIC, Section 6

⁵⁹² M Jones, second EIC, Section 8

⁵⁹³ E Grace, EIC, Section 9

**25. WINDERMERE - QUEENSTOWN AIRPORT CORPORATION – SUBMISSION #31010
- SOUTHERN DISTRICT HEALTH BOARD –SUBMISSION #31009.5**

671. Queenstown Airport Corporation (QAC) owns 43ha of land on the Wānaka-Luggate Road (SH6), immediately to the north-west of Wānaka Airport. Under the ODP, the site is currently split zoned – partly Rural Zone and partly Rural Visitor Zone (Windermere RVZ). As part of Stage 3B of the PDP, the Rural Visitor Zone portion of the site is proposed to be rezoned to Rural Zone.
672. The QAC submission⁵⁹⁴ stated the proposed rezoning to Rural of its ODP Rural Visitor Zone landholding does not recognise that:
- (a) there is an existing shortfall of available land on the southern side of the runway for general aviation purposes (and all associated and ancillary activities);
 - (b) following Regional Spatial Planning, Wānaka Airport may need to be expanded into the future to accommodate scheduled domestic aircraft (and all associated and ancillary activities); and
 - (c) the airport obtained the landholding on the basis of the existing Rural Visitor Zoning and its associated development rights. The costs of the downzoning, including on the airport’s development potential and use of this land have not been adequately evaluated under section 32 of the RMA.
673. The submission from QAC sought the area of ODP Rural Visitor Zoned land be rezoned Airport Zone; or, as a lesser preferred option, the ODP Rural Visitor Zone land be retained.



Plan showing land subject to rezoning request

674. The submission from the Southern District Health Board (SDHB)⁵⁹⁵ supported the rezoning of the undeveloped ‘Windermere’ RVZ in the ODP to Rural Zone. The submission stated that this will ensure there is restriction placed on developments in a noise sensitive area due to the effects of noise on individual and community health, and people’s ability to enjoy the natural environment. We did not receive evidence or legal submissions from this submitter.
675. The appropriate zoning for the ODP Windermere RVZ was considered in the Section 32 evaluation for the Notified Plan Change. Four zoning options were assessed⁵⁹⁶: the status quo;

⁵⁹⁴ Submission #31010

⁵⁹⁵ Submission# 31009.5, with Further Submission in opposition from QAC, FS#31054

⁵⁹⁶ Table 4, Assessment of options to address issues relevant to the Windermere RVZ, Section 32 Evaluation , Rural Visitor Zone

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

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

26. OVERALL RECOMMENDATION

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

⁵⁹⁷ E Grace, EIC, Section 15

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

⁵⁹⁹ Further Submission #31054

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



Trevor Robinson
Chair
Stream 18 Hearing Panel

Dated: 12 January 2021

Attachments

Appendix 1- Recommended Chapter 46 and related Variations

Appendix 2- Table of Submitter Recommendations

DRAFT

DRAFT

46 Rural Visitor Zone

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

46.1 Purpose

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

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

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

46.2 Objectives and Policies

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

- a. the protection of the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes is achieved;
- b. in areas not within Outstanding Natural Features or Outstanding Natural Landscapes, the maintenance of landscape character, and the maintenance or enhancement of visual amenity values, is achieved;
- c. adverse effects, including cumulative effects in conjunction with other activities, buildings and development, which do not protect the values specified in a. or maintain or enhance the values specified in b. are avoided;
- d. amenity values of the surrounding environment are maintained;
- e. they do not compromise the operation of existing activities or those enabled by the zones in the surrounding environment as a result of reverse sensitivity effects;

- f. activities anticipated within each Zoned area can be adequately serviced with wastewater treatment and disposal, potable and firefighting water supply, and safe vehicle access or alternative water-based transport; and
- g. significant or intolerable risks from natural hazards to people and the community are avoided.

Policies

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

d. amenity values of the surrounding environment are maintained.**Policies**

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

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Rural Visitor Zone 46

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

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

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

46.2.2.8 Ensure development can be adequately serviced through:

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

46.3 Other Provisions and Rules

46.3.1 District Wide

Attention is drawn to the following District Wide chapters.

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

46.3.2 Interpreting and Applying the Rules

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

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

46.3.2.3 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control or discretion to the matters listed in the rule.

46.3.2.4 The surface of lakes and rivers are zoned Rural, except for the area identified on the District Plan maps as Walter Peak Water Transport Infrastructure overlay for the purposes of Rule 46.4.9.

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

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

46.3.3 Advice Notes - General

46.3.3.1 *On-site wastewater treatment is also subject to the Otago Regional Plan: Water. In particular, Rule 12.A.1.4 of the Otago Regional Plan: Water.*

46.3.3.2 *Particular attention is drawn to the definition of Visitor Accommodation which includes related ancillary services and facilities and onsite staff accommodation.*

46.4 Rules – Activities

	Table 46.4 – Activities	Activity Status
46.4.1	Farming	P
46.4.2	Visitor accommodation	P
46.4.3	Commercial recreational activities and ancillary onsite staff accommodation	P
46.4.4	Recreation and recreational activity	P
46.4.5	Informal airports	P
46.4.6	One residential unit within a building platform identified on Lots 1 to 11 LT 530138 in the Arcadia Rural Visitor Zone.	P
46.4.7	<p>Construction of buildings</p> <p>46.4.7.1: The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.8 to 46.4.12).</p> <p>46.4.7.2: In the Gibbston Valley Rural Visitor Zone, the construction, relocation or exterior alteration of buildings within the Developable Areas identified on the District Plan maps.</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> The compatibility of the building density, scale, design and location with landscape, cultural and heritage, and visual amenity values; Landform modification, landscaping and planting; Lighting; Servicing including water supply, fire-fighting, stormwater and wastewater; Natural Hazards; and Design and layout of site access, on-site parking, manoeuvring and traffic generation. 	C

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46.4.8	<p>Farm building</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> The relationship of the proposed farm building to farming activity; Landform modification, landscaping and planting; Lighting; Servicing including water supply, fire-fighting, stormwater and wastewater; and Natural Hazards. 	RD
46.4.9	<p>At Walter Peak within the Water Transport Infrastructure Overlay as identified on the District Plan maps, a jetty or wharf, weather protection features and ancillary infrastructure</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Effects on natural character; Effects on landscape values and amenity values; Lighting; Effects on public access to and along the lake margin; and External appearance, colour and materials. 	RD
46.4.10	<p>At Walter Peak within the Water Transport Infrastructure Overlay as identified on the District Plan maps, any building other than those identified in Rule 46.4.8</p>	D
46.4.11	<p>Construction of buildings</p> <p>46.4.11.1: The construction, relocation or exterior alteration of buildings within an area identified on the District Plan maps as a Moderate-High Landscape Sensitivity Area.</p> <p>46.4.11.2: In the Gibbston Valley Rural Visitor Zone, in addition to 46.4.11.1, the construction, relocation or exterior alteration of buildings not within the Developable Areas identified on the District Plan maps, and not within the area covered by Rule 46.4.12.</p>	D
46.4.12	<p>The construction, relocation or exterior alteration of buildings within an area identified on the District Plan maps as a High Landscape Sensitivity Area</p>	NC
46.4.13	<p>Industrial activity</p>	NC
46.4.14	<p>Residential activity except as provided for in Rules 46.4.2, 46.4.3 and 46.4.6</p>	NC
46.4.15	<p>Commercial activities, retail or service activities except as provided for in Rules 46.4.2 and 46.4.3</p>	NC
46.4.16	<p>Mining</p>	NC
46.4.17	<p>Any other activity not listed in Table 46.4</p>	NC

46.5 Rules - Standards

	Table 46.5 – Standards	Non-compliance status
46.5.1	Building Height 46.5.1.1: The maximum height of buildings shall be 6m.	NC
	46.5.1.2: Within the Water Transport Infrastructure overlay identified on the District Plan maps the maximum height of buildings shall be 4m.	NC
	46.5.1.3: Within Developable Areas 1 and 3 identified on the District Plan maps in the Gibbston Valley Rural Visitor Zone the maximum height of buildings shall be 7m.	NC
46.5.2	Building Size The maximum ground floor area of any building shall be 500m ² .	RD Discretion is restricted to: a. Landscape; b. Visual amenity values; c. Nature, scale and external appearance; d. Density and scale of development; e. Effects on amenity values and reverse sensitivity effects from the location, nature, scale and intensity of activities undertaken in the building; and f. Design and layout of site access, on-site parking, manoeuvring and traffic generation.
46.5.3	Total Maximum Ground Floor Area in the Zone:	Rules 46.5.3.1 and 46.5.3.2: RD
	46.5.3.1 In the Gibbston Valley Rural Visitor Zone the combined total maximum ground floor area of all buildings within the Zone shall be 500m ² .	Rule 46.5.3.3: NC
	46.5.3.2 In the Matakauri Rural Visitor Zone the combined total maximum ground floor area of all buildings within the Zone shall be 1650m ² .	For Rules 46.5.3.1 and 46.5.3.2 discretion is restricted to: a. Landscape; b. Visual amenity values; c. Nature, scale and external appearance;
46.5.3.3 In the Maungawera Rural Visitor Zone, the combined total maximum ground floor area of all buildings shall be:		

	Table 46.5 – Standards	Non-compliance status
	<ul style="list-style-type: none"> a. 500m² in Area A b. 1,800m² in Area B c. 1,400m² in Area C d. 500m² in Area D e. 500m² in Area E f. 300m² in Area F g. 1000m² in Area G <p>as identified on the District Plan maps.</p>	<ul style="list-style-type: none"> d. Density and scale of development; e. Effects on amenity values and reverse sensitivity effects from the location, nature, scale and intensity of activities undertaken in the building; f. Natural Hazards; and g. Design and layout of site access, on-site parking, manoeuvring and traffic generation.
<p>46.5.4</p>	<p>Glare</p> <p>46.5.4.1: All exterior lighting shall be directed downward and away from adjacent sites and public places including roads or waterbodies.</p> <p>46.5.4.2: No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site.</p> <p>46.5.4.3: Rule 46.5.4.2 shall not apply to exterior lighting within the Walter Peak Water Transport Infrastructure overlay.</p>	<p>NC</p>
<p>46.5.5</p>	<p>Setback of buildings from waterbodies</p> <p>46.5.5.1: The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p> <p>46.5.5.2: Rule 46.5.5.1 shall not apply to those structures or buildings identified in Rule 46.4.8 located within the Walter Peak Water Transport Infrastructure overlay.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Indigenous biodiversity values; b. Visual amenity values; c. Landscape; d. Open space and the interaction of the development with the water body; e. Environmental protection measures (including landscaping and stormwater management);

	Table 46.5 – Standards	Non-compliance status
		<p>f. Natural hazards; and</p> <p>g. Effects on cultural values of manawhenua.</p>
46.5.6	<p>Setback of Buildings</p> <p>46.5.6.1: Buildings shall be set back a minimum of 10 metres from the Zone boundary.</p> <p>46.5.6.2: Rule 46.5.6.1 shall not apply to those structures or buildings identified in Rule 46.4.8 located within the Walter Peak Water Transport Infrastructure overlay.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Nature and scale;</p> <p>b. Effects on amenity values and reverse sensitivity effects from the location, nature, scale and intensity of activities undertaken in the building; and</p> <p>c. Functional need for buildings to be located within the setback.</p>
46.5.7	<p>Commercial Recreational Activity</p> <p>46.5.7.1: Commercial recreational activity that is undertaken outdoors shall not involve more than 30 persons in any one group.</p> <p>46.5.7.2: Rule 46.5.7.1 shall not apply at Walter Peak or in the Maungawera Rural Visitor Zone.</p> <p>46.5.7.3: In the Maungawera Rural Visitor Zone, commercial recreational activity that is undertaken outdoors shall not involve more than 135 persons within the Zone at any one time.</p>	<p>Rule 46.5.7.1: RD</p> <p>Rule 46.5.7.3:</p> <p>136 – 200 persons RD</p> <p>>200 persons NC</p> <p>For Rules 46.5.7.1 and 46.5.7.3 discretion is restricted to:</p> <p>a. Location, nature, scale and intensity, including cumulative adverse effects and reverse sensitivity effects;</p> <p>b. Hours of operation;</p> <p>c. The extent and location of signage;</p> <p>d. Transport and access; and</p> <p>e. Noise.</p>
46.5.8	<p>Informal Airports</p> <p>Other than in the case of informal airports for emergency landings, rescues, firefighting and activities ancillary to farming activities, Informal Airports shall not exceed 15 flights per week.</p> <p>Note: For the purposes of this Rule a flight includes two aircraft movements (i.e. an arrival and departure).</p>	<p>D</p>

	Table 46.5 – Standards	Non-compliance status
46.5.9	<p>Building Material and Colours</p> <p>In the Arcadia Rural Visitor Zone, the Gibbston Valley Rural Visitor Zone, the Maungawera Rural Visitor Zone, and the Matakauri Rural Visitor Zone, any building and its alteration, including shipping containers that remain on site for more than six months, are subject to the following:</p> <p>All exterior surfaces* shall be coloured in the range of browns, greens or greys including:</p> <p>46.5.9.1 Pre-painted steel and all roofs shall have a light reflectance value not greater than 20%; and</p> <p>46.5.9.1 All other exterior surface** finishes, except for schist, shall have a light reflectance value of not greater than 30%.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Landscape; Visual amenity values; and External appearance.
46.5.10	<p>Building separation and planting plan - Matakauri Rural Visitor Zone</p> <p>46.5.10.1 All buildings in the Matakauri Rural Visitor Zone shall be separated by a minimum of 10m from other buildings within that Zone.</p> <p>46.5.10.2 The separation space required by Rule 46.5.10.1 shall be planted and maintained with indigenous plant species in accordance with the planting plan required by Rule 46.5.10.3.</p> <p>46.5.10.3 A planting plan detailing species type, numbers, location, planting schedule and maintenance for the separation space required by Rule 46.5.10.1, for the purpose of mitigating the visual effects of the building(s) and to integrate the building(s) into the surrounding environment, shall be prepared and provided to the Council as part of the documentation supporting a resource consent application for any building.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Nature and scale; Functional need for the building(s) to be located within the separation setback; Landscape and visual amenity effects; and Native planting plan.
46.5.11	<p>Resta Road intersection – Gibbston Valley Rural Visitor Zone</p> <p>In the Gibbston Valley Rural Visitor Zone, commercial recreational activities and commercial use of buildings, including for visitor accommodation or commercial recreational activities,</p>	<p>NC</p>

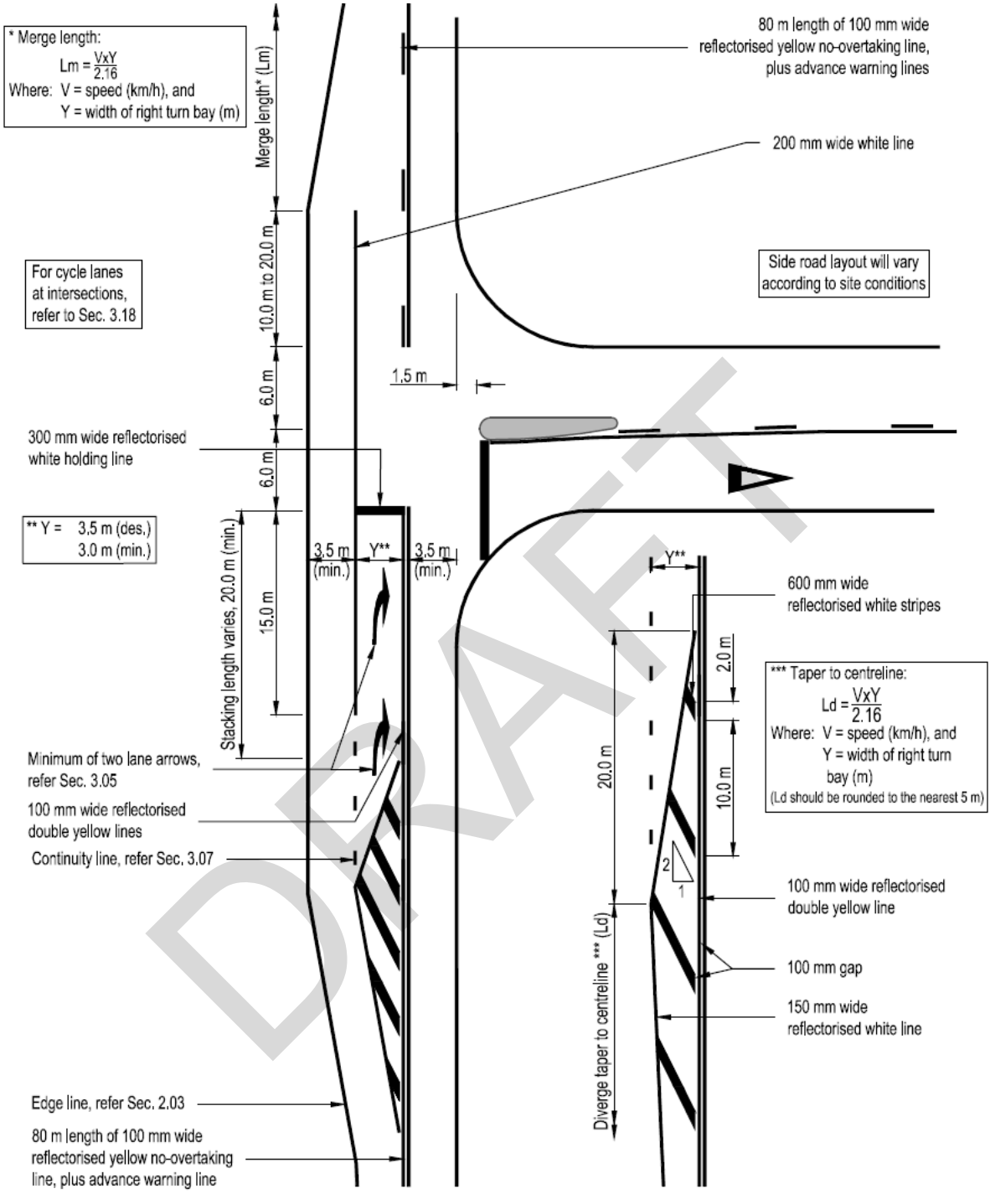
	Table 46.5 – Standards	Non-compliance status
	shall not commence until the intersection of Resta Road and State Highway 6 meets the requirements of Figure 46.1.	
46.5.12	<p>Visitor accommodation capacity in the Maungawera Rural Visitor Zone</p> <p>In the Maungawera Rural Visitor Zone, the configuration of visitor accommodation units shall be such that the maximum number of overnight guests that can be accommodated within the Zone is 50.</p>	<p>51 – 75 guests per night: RD</p> <p>>75 guests per night: NC</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Location, nature, scale and intensity, including cumulative adverse effects and reverse sensitivity effects; Hours of operation; The extent and location of signage; Transport and access; and Noise
46.5.13	<p>Northern boundary shelterbelt - Maungawera Rural Visitor Zone</p> <p>In the Maungawera Rural Visitor Zone, no visitor accommodation or commercial recreational activities shall be undertaken, no informal airport shall operate, and no buildings shall be constructed, relocated or have exterior alterations, unless a shelterbelt is maintained along the northern boundary of the Zone.</p>	NC

46.6 Non-Notification of Applications

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

- Rule 46.4.8 Water Transport Infrastructure at Walter Peak.**
- Rule 46.5.5 setback of buildings from waterbodies.**
- Rule 46.5.6 setback of buildings from the Zone boundary.**
- Rule 46.5.7 commercial recreational activities.**

Figure 46.1



MARKINGS FOR RIGHT TURN BAYS IN RURAL AREAS

FIGURE 3.25

Variation to Earthworks Chapter 25:

Underlined text for additions and ~~strike through~~ text for deletions.

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

25.5.5	Queenstown Town Centre Zone Wanaka Town Centre Zone Local Shopping Centre Zone Business Mixed Use Zone Airport Zone (Queenstown) Millbrook Resort Zone <u>Rural Visitor Zone</u>	500m ³
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Part 5 Subdivision and Development 27

Variation to Subdivision and Development Chapter 27:

Underlined text for additions and ~~strike through~~ text for deletions.

Amend Chapter 27 by amending Rule 27.5.9 as follows:

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

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

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

Variation to Signs Chapter 31:

Underlined text for additions and ~~strike through~~ text for deletions.

31.14 Rules – Activity Status of Signs in Special Zones

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

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

Amendments to Chapter 35 Temporary Activities and Relocated Buildings:

Underlined text for additions and ~~strike through~~ text for deletions.

36.4 Rules – Activities

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

Variation to Chapter 36 Noise:

Underlined text for additions and ~~strike through~~ text for deletions.

36.5 Rules – Standards

Table 2: General Standards

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

Appendix 2- Table of Submitter Recommendations

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31008	Lloyd James Veint	31008.6	That a new objective be added to Chapter 46 (Rural Visitor Zone) to recognise the unique circumstances of the Arcadia Rural Visitor Zone where a Structure Plan has been approved and given effect to, and residential and commercial activity is also anticipated.	Reject	10
31008	Lloyd James Veint	31008.7	That three new policies be added to section 46.2 that together (1) enable development at Arcadia while requiring (2) development of the Arcadia Rural Visitor Zone to be in accordance with the approved Structure Plan, and (3) the approved design guidelines.	Reject	10
31008	Lloyd James Veint	31008.8	That Rule 46.4.6 be amended to provide for the construction, relocation or exterior alteration of buildings for the Arcadia Rural Visitor Zone that are in accordance with the consented Structure Plan as a controlled activity.	Reject	10


			Development in the Arcadia Rural Visitor Zone in accordance with the consented Structure Plan and Design Guidelines (RM110010)".		
31008	Lloyd James Veint	31008.14	That the variation to Chapter 25 Earthworks to enable up to 500m ³ of earthworks be retained.	Accept	6
31008	Lloyd James Veint	31008.15	That any other consequential changes be made to achieve the relief sought in the submission.	Accept. Accept in part, or reject, consequential on other recommendations	3, 6, 9 & 10
31009	Southern District Health Board	31009.2	That the controls on developments in the Rural Visitor Zone be retained as notified.	Accept in part	3
31009	Southern District Health Board	31009.5	That the re-zoning of the undeveloped Windermere from Rural Visitor Zone to Rural Zone be retained as notified.	Accept	25

			submission be made.	consequential on other recommendations	
31013	Loch Linnhe Station	31013.1	That an area of Loch Linnhe Station (Kingston Road, between Wye Creek and past Devils Staircase in the south) of approximately 12 hectares, encompassing the homestead, the identified in the submission as the Homestead site, be re-zoned from Rural to Rural Visitor Zone.	Reject	12
31013	Loch Linnhe Station	31013.2	That an area of Loch Linnhe Station (Kingston Road, between Wye Creek and past Devils Staircase in the south) of approximately 2.5 hectares, identified in the submission as the Wye Creek site, be rezoned from Rural to Rural Visitor Zone.	Reject	12
31013	Loch Linnhe Station	31013.3	That low, medium and high landscape sensitivity areas be included on the planning maps for the new Rural Visitor Zones sought in the submission.	Reject	12

31014	Heron Investments Limited	31014.2	That the Rural Visitor Zone sought by the submission be named "Maungawera Rural Visitor Zone".	Accept	13
31014	Heron Investments Limited	31014.3	That low, medium and high landscape sensitivity areas be included on the planning maps for the new Rural Visitor Zone sought in the submission.	Accept	13
31014	Heron Investments Limited	31014.4	That the proposed Rural Visitor Zone provisions that relate to the high, medium and low landscape sensitivity areas be retained as notified.	Accept	3 & 6
31014	Heron Investments Limited	31014.5	That Chapter 46 (Rural Visitor Zone) be amended by deleting reference to Rural Visitor Zones being only within Outstanding Natural Landscapes.	Accept	5 & 6
31014	Heron Investments Limited	31014.6	That proposed Rule 46.5.6(b) be amended to also refer to the proposed Maungawera Rural Visitor Zone sought by the submission.	Accept in part	13

			alternatively re-zoned as part of a wider re-zoning including the area to the south covering the Shotover Canyon Swing site.		
31016	Brett Mills	31016.2	That the new Rural Visitor Zone requested by the submission be called "Moonlight Rural Visitor Zone".	Reject	24
31016	Brett Mills	31016.3	That the proposed Rural Visitor Zone provisions that relate to the high, medium and low landscape sensitivity areas be retained as notified.	Accept	3
31016	Brett Mills	31016.4	That low, medium and high landscape sensitivity areas be included on the planning maps for the new Rural Visitor Zone sought in the submission.	Reject	24
31016	Brett Mills	31016.5	That any other consequential amendments be made to give effect to the intent of the submission.	Accept, or Reject, consequential on other recommendations	3 & 24
31020	Aurora Energy Limited	31020.1	That the Proposed District Plan recognises the strategic and lifeline importance of all parts of the electricity network.	Reject, as it relates to Chapter 46	6

			as follows 'Rule 46.4.7 Farm Building'.		
31020	Aurora Energy Limited	31020.7	That 46.6 be amended to include a new rule as follows: 46.6.X For any application for resource consent where Rules 46.4.6(g) and 46.4.7(f) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991.	Reject	6
31020	Aurora Energy Limited	31020.8	That 46.3.3 be amended to add a new provision as follows: Advice Note: 46.3.3.X New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. To assist plan users in complying with NZECP 34(2001), the major	Reject	6



		<p>to where the landscape can accommodate change, and the adverse effects on landscape values from land use and development will be cumulatively minor. The design and mitigation of buildings and development are secondary factors in the role of landscape management that will contribute toward ensuring buildings are not visually dominant over rural open space and are integrated into the landscape. The principal activities in the Zone are visitor accommodation and related ancillary commercial activities, commercial recreation and recreation activities. Residential activity is not anticipated in the more sensitive Outstanding Natural Landscapes within the Zone with the exception being for onsite staff accommodation (including staff related to construction of the facilities within the zone) ancillary to commercial recreation and visitor accommodation activities.</p>	
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31021	Corbridge Estates Limited Partnership	31021.9	accommodation. That Policy 46.2.1.5 be retained as notified.	Accept in part	6
31021	Corbridge Estates Limited Partnership	31021.10	That Policy 46.2.1.6 be amended as follows: Ensure that any land use or development not otherwise anticipated in the Zone, protects or enhance landscape values and nature conservation values relative to the landscape classification of each Rural Visitor Zone.	Accept in part	6
31021	Corbridge Estates Limited Partnership	31021.11	That Policy 46.2.1.7 be amended as follows: Avoid residential activity within Outstanding Natural Landscapes with the exception of enabling onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities and the construction of facilities.	Reject	6

31021	Corbridge Estates Limited Partnership	31021.16	That the opening text of Policy 46.2.2.2 be amended as follows: Land use and development, in particular buildings, shall maintain or enhance the landscape character and visual amenity values of the Rural Visitor Zone and surrounding landscapes by: (...)	Accept in part	6
31021	Corbridge Estates Limited Partnership	31021.17	That a new rule be added as 46.4.X to make any activity not in accordance with the Corbridge Structure Plan a Non-Complying activity.	Reject	9 & 15
31021	Corbridge Estates Limited Partnership	31021.18	That Rule 46.4.5 be amended to make Informal Airports within the Corbridge Rural Visitor Zone a Non-Complying Activity.	Reject	15
31021	Corbridge Estates Limited Partnership	31021.19	That a new rule 46.4.X be added into Table 46.4 which makes Residential Activity not provided for by Rules 46.4.2 and 46.4.3 but located in accordance with the Corbridge Structure Plan a Restricted Discretionary	Reject	15

			the intersection of Skippers Road and Coronet Peak Road be included within the Rural Visitor Zone and the previous zoning and overlays be removed.		
31022	Malaghans Investments Limited	31022.2	That Chapter 46 (Rural Visitor Zone) be adopted given that amendments sought in this submission or issues raised in this submission are made.	Accept in part	3
31022	Malaghans Investments Limited	31022.3	That a new Rule 46.5.1.3 be added to increase the permissible building height from 6 m to 8 m.	Reject	14
31022	Malaghans Investments Limited	31022.4	That any other additional or consequential relief, including but not limited to the maps, issues, objectives, policies, rules, discretion, assessment criteria and explanations that will fully give effect to the matters raised in this submission be made.	Accept in part, or Reject, consequential on other recommendations	3 & 14

		<p>Rural Visitor Zone (on the land Wayfare sought to be rezoned Rural Visitor Zone under its submissions on the Proposed District Plan Stage 1) be retained, or Amend the Rural Visitor Zone provisions as they relate to Walter Peak so that they have materially the same effect as the Operative District Plan provisions; or Withdraw Walter Peak from the propose Rural Visitor Zone provisions and engage with Wayfare to develop a bespoke regime for the area, potentially including a new zone (the "Walter Peak Tourism Zone"); Redraft the provisions applying to the Walter Peak Rural Visitor Zone, or redraft as a bespoke Walter Peak Tourism Zone to achieve outcomes which generally: i) Reinforce the appropriateness of setting aside the Walter Peak land for tourism development, including as part of the anticipated environmental outcomes for the District ii) Protect the existing tourism and transport facilities to and at Walter Peak, and enable their</p>	<p>Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel</p>	
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31024	Wayfare	31024.2	<p>will not be publicly notified or served on affected parties.</p> <p>That the Outstanding Natural Landscape classification in Walter Peak Rural Visitor Zone be removed, or clarify that the Outstanding Natural Landscape provisions do not apply to the Rural Visitor Zone.</p>	<p>Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel</p>	
31024	Wayfare	31024.3	<p>That the provisions which apply to the Water Transport Infrastructure Overlay be retained as notified.</p>	<p>Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel</p>	

31024	Wayfare	31024.8	That any similar, alternative, consequential and/or other relief as necessary to address the issues raised in this submission be made.	Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel	
31025	Ministry of Education	31025.1	That a new policy be added as follows: 46.2.1.X Enable educational facilities to establish throughout the Rural Visitor Zone, ensuring that the scale and effects of these activities do not adversely affect visitor accommodation, commercial recreation and ancillary commercial activities.	Reject	6
31025	Ministry of Education	31025.2	That a new activity be added to Table 46.4 be added as follows: 46.4.X	Reject	6

31033	Matakauri Lodge Limited	31033.2	That 46.1 is retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.3	That Objective 46.2.1 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.4	That Policy 46.2.1.1 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.5	That Policy 46.2.1.2 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.6	That Policy 46.2.1.3 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.7	That Policy 46.2.1.4 be retained as notified.	Accept in part	3

31033	Matakauri Lodge Limited	31033.17	That Rule 46.4.2 be retained as notified.	Accept	3
31033	Matakauri Lodge Limited	31033.18	That Rule 46.4.6 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.19	That Rule 46.4.12 be retained as notified.	Accept	3
31033	Matakauri Lodge Limited	31033.20	That Rule 46.5.1 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.21	That Rule 46.5.2 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.22	That Rule 46.5.5 be retained as notified.	Accept	3
31033	Matakauri Lodge Limited	31033.23	That Rule 46.6 be retained as notified.	Accept	3

	Council		the case of informal airports for emergency landings, rescues, firefighting and activities ancillary to farming Activities, Informal Airports shall not exceed 15 flights per week except for the Arcadia Rural Visitor Zone. Within the Arcadia Rural Visitor Zone, informal airports must meet the standards in Rule 21.10.2. Note: For the purposes of this Rule a flight includes two aircraft movements (i.e. an arrival and departure). Non-compliance status: Discretionary.		
31034	Otago Fish and Game Council	31034.10	That Rule 46.6(d) is amended to read as follows: 'Rules 46.5.6 and 46.5.8 commercial recreational activities.'	Reject	6
31034	Otago Fish and Game Council	31034.11	That Rule 46.6 is amended to add an additional provision as follows 'e. Rule 46.5.7 informal airports.'	Reject	10

	Green		implemented.		
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.4	That alternative, consequential, or necessary additional relief to give effect to this submission be provided.	Accept or Reject, consequential on other recommendations	5, 6 & 17
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.5	That 46.1 be amended to make reference to Rural Visitor Zones outside of Outstanding Natural Landscapes, such as by reference to the Morven Ferry Rural Visitor Zones within the Wakatipu Basin.	Accept	5 & 6
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.6	That Objective 46.2.1 be amended to make reference to Rural Visitor Zones outside of Outstanding Natural Landscapes, such as by reference to the Morven Ferry Rural Visitor Zones within the Wakatipu Basin.	Accept	6

	DE, ME Bunn & LA Green		discretionary activity.		
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.13	That Rule 46.4.13 be amended to read as follows: Residential activity except as provided for in Rules 46.4.2, 46.4.3 and 46.4.xx.	Reject	17
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.14	That Rule 46.4.14 be amended to read as follows: Commercial, retail or service activities except as provided for in Rules 46.4.2, 46.4.3 and 46.4.x.	Reject	17

	DL, ME Dunn & LA Green				
31037	Gibbston Valley Station Limited	31037.1	That part of the submitter's site (Gibbston Valley Station, Lot 4 DP 27586), having an approximate area of 160 hectares, located south of Gibbston Valley Road and accessed off Resta Road as shown in Annexure A to the submission be rezoned to Rural Visitor Zone.	Accept in part	18
31037	Gibbston Valley Station Limited	31037.2	That Chapter 46 (Rural Visitor Zone) be retained as notified.	Accept in part	3
31037	Gibbston Valley Station Limited	31037.3	That any other additional or consequential changes be made to the Proposed District Plan that will fully give effect to the matters raised in the submission.	Accept in part, consequential on other recommendations	3 & 18
31039	Cardona Cattle Company Limited	31039.1	That 3207 Gibbston Highway, being Lot 8 DP 402448, with an area of 113.4ha, located at Victoria Flats, Gibbston on the western side of the Kawarau River, is rezoned to Rural Visitor Zone.	Reject	21

31053	John & Jill Blennerhassett	31053.2	That Chapter 46 is adopted subject to the amendments sought in the submission.	Accept in part	5
31053	John & Jill Blennerhassett	31053.3	That the policy and rule framework of Chapter 46 be amended to provide for residential activity alongside visitor accommodation activities within the Rural Visitor Zone.	Reject	6
31053	John & Jill Blennerhassett	31053.4	That the provisions of Chapter 46 be amended so that rural land that is not within an Outstanding Natural Landscape is provided for within the Rural Visitor Zone.	Accept	5 & 6
31053	John & Jill Blennerhassett	31053.5	That any additional changes are made to give effect to the matters raised in the submission.	Accept, Accept in part, or Reject, consequential on other recommendations	3, 5, 6 & 20

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