

Appendix C - A copy of the relevant parts of the decision

Variation to Stage 1 Landscapes Chapter 6:

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

Part 6.2 Values - Last paragraph: Delete.

~~Landscapes have been categorised into three classifications within the Rural Zone. These are Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF), where their use, development and protection are a matter of national importance under Section 6 of the RMA. The Rural Landscapes Classification (RLC) makes up the remaining Rural Zoned land and has varying types of landscape character and amenity values. Specific policy and assessment matters are provided to manage the potential effects of subdivision and development in these locations.~~

Insert in Section 6.3

~~6.3.3A Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zone, within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).~~

~~6.3.3B Classify the Open Space and Recreation zoned land located outside the Urban Growth Boundary as Outstanding Natural Landscape, Outstanding Natural Feature or Rural Character Landscape, and provide a separate regulatory framework for the Open Space and Recreation Zones within which the remaining policies of this chapter do not apply.~~

Part 6.4 Rules - Delete:

~~6.4.1.2 The landscape categories apply only to the Rural Zone. The Landscape Chapter and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue.~~

~~6.4.1.3 The landscape categories assessment matters do not apply to the following within the Rural Zones:~~

- ~~a. Ski Area Activities within the Ski Area Sub Zones.~~
- ~~b. The area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps.~~
- ~~c. The Gibbston Character Zone.~~
- ~~d. The Rural Lifestyle Zone.~~
- ~~e. The Rural Residential Zone.~~

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Stream 15 Report

Report and Recommendations of Independent Commissioners Regarding Chapters 25, 29, 31, 38 and Visitor Accommodation

Report 19.6 – Chapter 38 Open Space and Recreation Zones

**Commissioners
Denis Nugent (Chair)
Calum MacLeod
Sarah Dawson
Robert Nixon**

PART B – AMENDMENTS TO STAGE 1 CHAPTERS

19. VARIATION TO STAGE 1 CHAPTER 6 LANDSCAPES

236. As part of Chapter 38 Open Space and Recreation, the PDP Stage 1 Chapter 6 Landscapes was varied to address issues arising with the application of the landscape provisions in Chapter 6 to zones other than Rural. With respect to Open Space and Recreation Zones introduced through Chapter 38, a difficulty arose as land outside the Urban Growth Boundary and within reserves was zoned Rural under Stage 1 of the PDP. Landscape provisions with respect to any land which was classified as Outstanding Natural Landscape (ONL) or Outstanding Natural Feature (ONF) only applied to land which was zoned Rural, and did not apply to former Rural zoned land now incorporated within the new Open Space and Recreation Zones introduced through Chapter 38 as part of Stage 2 of the PDP¹¹³.
237. Matters relating to this variation have however been addressed separately under the Stream 14 report relating to the Chapter 6 variation¹¹⁴. This reflects the fact that nearly all of the submissions relating to the variation to Chapter 6 lodged in Stage 2 were made with reference to Chapter 24 and other rural zones.
238. Ms Edgley addressed the background to this matter in some detail in her Section 42A Report on Chapter 38. She explained that there was a difficulty in making any amendments to policies in Chapter 6, as many of these were already subject to appeal. She recommended that the matter be resolved by the addition of the following new policy to Chapter 6:

6.3XX

Classify the Open Space and Recreation zones land located outside the Urban Growth Boundary as ONL, ONF or RCL, and provide a separate regulatory framework for the Open Space and Recreation Zones within which the remaining policies of this chapter do not apply.

239. We concur with this recommendation, and her recommendations with respect to the submissions on Chapter 38 relating to this matter. We recommend it be included as Policy 6.3.3B.
240. Stream 14 have recommended to us a further policy to include in Chapter 6 to give effect to the variation and respond to the submissions lodged on this variation. We accept the reasoning provided in Report 18.1 and recommend that the following Policy 6.3.3A be included in Chapter 6:

Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zone, within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).

¹¹³ C Edgley, Section 42A Report, paragraph 10.5

¹¹⁴ Refer Section 2.5, Report 18.1

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report and Recommendations of Independent Commissioners Regarding
Chapter 24 and Wakatipu Basin Planning Maps

Report 18.1

Commissioners

Denis Nugent (Chair)

Rachel Dimery

Trevor Robinson

Quentin Smith

163. There were also a number of general submissions focussing on the procedural underpinning for Chapter 24. A number of submissions sought, for instance that further assessments be undertaken prior to the hearings for Chapter 24²⁴⁴ or that the section 32 analysis be revised²⁴⁵.

164. Such submissions do not relate to matters within our jurisdiction and must necessarily be rejected.

2.5 Amendments to Chapters 3 and 6

165. We have already discussed the significance of the 'Strategic Chapters' of the Proposed District Plan²⁴⁶ in Section 2.1. In summary, those chapters provide higher level direction for the more detailed chapters of the Proposed District Plan that follow.

166. Apart from two sections of Chapter 6, the Proposed District Plan (Stage 2) did not include any additions or amendments to the strategic chapters.

167. We note that those two amendments were not listed for hearing as part of Stream 14, but they were the subject of evidence in Mr Barr's Section 42A Report.

168. Having initially submitted we should make no recommendation on those changes, because they were not properly before us, Ms Scott for the Council noted that most but not all of the submitters on the two Chapter 6 changes were parties to Stream 14. She therefore suggested that we might provide comments on those suggested changes for the benefit of the Stream 15 Hearing Panel. We understand that the Stream 15 Hearing Panel did not receive any additional evidence from submitters on this subject and so it may be helpful if we set out our views, as Ms Scott suggested. We will do after dealing with the submissions on other aspects of Chapters 3 and 6.

169. A number of submitters sought changes to both Chapter 3 and Chapter 6 that were not the subject of variation by the Proposed District Plan (Stage 2). Such submissions give rise to an initial legal issue, as to whether they are "on" the provisions notified so that we might consider their merits. Case law is clear that where the subject matter of a Plan Change or Variation is limited, submissions cannot provide jurisdiction to expand the scope of the Plan Change/Variation²⁴⁷.

170. In this particular case, there is the additional consideration that the appeals on the Proposed District Plan (Stage 1) put practically all of Chapters 3 and 6 in issue, so that the wording of provisions in those chapters is a matter for the Environment Court, and not for us.

²⁴⁴ See e.g. Submissions 2246, 2251 and 2332: Supported by FS2765 and FS2766; Opposed by FS2714 that sought that a housing and business development capacity assessment be completed and released, prior to the hearings

²⁴⁵ See Submission 2332; Opposed by FS2714

²⁴⁶ Chapters 3-6 inclusive

²⁴⁷ See e.g. *Clearwater Resort Limited v Christchurch City Council* High Court AP34/02; *Palmerston North City Council v Motor Machinists Limited* [2013] NZHC 1290. Compare *Albany North Landowners and others v Auckland Council* [2016] NZHC 138 per Whata J at [129]-[131] emphasising the difference when submissions are made on a full district plan review (in that case the Proposed Auckland Unitary Plan).

171. Ms Scott for the Council submitted to us that submissions might properly seek amendments to the strategic chapters by way of addition, provided those additions are specific to the areas of the Wakatipu Basin the subject of Chapter 24 and do not impact on the application of the existing provisions in those chapters to the balance of the District.
172. Ms Scott specifically took issue with amendments to the strategic chapters suggested by Mr Farrell in his evidence for Wakatipu Equities Limited and Slopehill Properties Limited on the basis that they would not satisfy that test.
173. Applying the approach suggested by Ms Scott, Mr Barr’s Section 42A Report concluded that it was desirable to add a series of additional policies to Chapter 6 to ensure Chapter 24 implements Chapter 6 and achieves Chapter 3²⁴⁸.
174. We will discuss Mr Barr’s recommendations shortly. First though we need to address the extent of our jurisdiction, because Counsel for Boxer Hills Trust and Trojan Helmet Limited, Ms Wolt, took issue with Ms Scott’s submissions for Council. She argued that there was no scope to add additional provisions to Chapter 6 of the Proposed District Plan because, with the exceptions we have noted above, the higher order chapters were not addressed by the Proposed District Plan (Stage 2), and it would cause significant prejudice to submitters, including Trojan Helmet Limited if the Proposed Plan were amended by a “*side wind*”. Counsel also recorded that it had been obvious to Trojan Helmet Limited that there was no clear connection between Chapter 24 and the higher order strategic chapters, but the submitter considered there was no jurisdiction to make a submission on these chapters.
175. We found that submission somewhat curious given that Boxer Hills Trust, which we understood to be a related entity to Trojan Helmet Limited and for whom counsel was also making legal submissions, was one of a number of submitters whose submission sought as relief that Chapters 3 and 6 be amended so that the Wakatipu Basin Rural Amenity Zone and the Wakatipu Basin Lifestyle Precinct “*are integrated with and have higher order authority from those chapters*”. The submission noted specifically that that would include new objectives and policies within those chapters. Counsel did not explain how she was able to reconcile the conflicting positions between the parties for whom she was appearing²⁴⁹.
176. We agree with Ms Scott’s submissions on the extent of our jurisdiction. Clearly, we have no ability to recommend amendments to provisions that are now before the Environment Court. To the extent that Mr Farrell sought to persuade us of the merits of different objectives and policies in the strategic chapters, we think that evidence was misconceived. It follows also that Submission 2244, which opposed Chapters 3 and 6, along with the Morven Ferry et al submissions that proposed amendments to a number of provisions in Chapters 3, 6 and 21 that were not the subject of variation, must necessarily be rejected as being out of scope²⁵⁰.
177. By the same token, however, we do not think that the fact that new provisions are located within Chapter 6 (or Chapter 3 for that matter) is decisive.

²⁴⁸ Refer paragraphs 38.19-38.21

²⁴⁹ The position adopted for Trojan Helmet Ltd is also difficult to reconcile with its support in FS2796 for Submission 2505 which sought specified amendments to Chapter 3.

²⁵⁰ See also the submission of Queenstown Trails Trust (#2575) repeating submissions made on the Proposed District Plan (Stage 1) that is out of scope for the same reason.

178. Ms Wolt accepted that we might have scope to put higher level provisions in Chapter 24 (depending on their wording). If additional provisions properly relate to the subject matter of Chapter 24, it does not seem to us that it should matter that those new provisions are located in other parts of the Proposed District Plan, if that better fits with the structure of the PDP.
179. Beyond that, however, to advance our consideration of Mr Barr’s recommendations, we need to review the other submissions that might give jurisdiction for those additional policies.
180. There were a large number of submissions on this aspect of the PDP, but they fell into quite discrete groups.
181. The first group of submissions were either in exactly the same or substantially the same form as the Boxer Hills Trust submission quoted above and sought non-specific amendments to Chapters 3 and 6 so as to provide higher order policy support for Chapter 24, and in many cases also, integration of the Chapter 24 zones with Chapters 3 and 6²⁵¹.
182. A separate group of submissions²⁵² sought amendments to the provisions of Chapters 3 and Chapter 6:

“To provide appropriate objective and policy support for the zone [referring to the Rural Amenity Zone], to:

- *Recognise that the Wakatipu Basin has landscape qualities distinct from the Rural Landscape Classification;*
- *Identify the characteristics and amenity values of the Wakatipu Basin through a proper and comprehensive mapping of the landscape character areas within it;*
- *Provide for areas of rural living within the Wakatipu Basin through identification of the lifestyle precinct;*
- *Recognise and provide for areas of commercial activities within the basin and provide for them through a new commercial precinct (“Lakes Hayes Cellar Precinct”);*
- *Provide an appropriate policy structure in support of the proposed areas of landscape character and guidelines underpinning Chapter 24;*
- *Ensure that the landscape categories within Chapter 6 do not apply within the Lifestyle and Commercial Precincts.”*

183. Submissions 2377 and 2378 particularised that relief; they sought new policies in Chapter 3 reading as follows:

“Recognise the Wakatipu Basin as having landscape qualities distinct from the Rural Landscape Classification of the District;

²⁵¹ See Submissions 2291, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320 and 2389: supported by FS2708, FS2709, FS2725, FS2748, FS2750, FS2765, FS2766, FS2781, FS2783, FS2784, FS2787 and FS2792; opposed by FS 2794.

²⁵² Submissions 2376, 2377 and 2788: supported by FS2782, FS2783 and FS2784

Identify the characteristics and amenity values of the Wakatipu Basin through the mapping of areas of landscape character and the formulation of associated landscape guidelines.

Provide areas for rural living within the Wakatipu Basin through identification of a lifestyle precinct located within those parts of the landscape having higher capacity to absorb change.

Opportunities for low density housing are enabled within a rural setting to provide greater access to open space recreation, nature conservation and rural amenity values.”

184. Submission 2307 sought the particularised relief quoted above, but not the more general relief.

185. A further group of submissions²⁵³ sought variously:

a. An amendment to notified Objective 3.2.5.5 so that it would read:

“The character of the district’s landscapes is maintained by ongoing agricultural land use and land management where landscape character is derived from predominantly agricultural use.”

b. A new policy in Chapter 3 worded as follows:

“Recognise and provide for the amenity, social, cultural and economic benefits of rural living development.”

c. Amendment to the Policy originally notified as 6.3.1.3 to delete any reference to the Wakatipu Basin.

d. Amendment to the Policy originally notified at 6.3.1.6 to read:

“Encourage rural living subdivision and development where this occurs in areas where the landscape can accommodate change.”

e. Insertion of a new Policy in Chapter 6 reading:

“Recognise the distinctive character of the Wakatipu Basin and the amenity benefits of rural living development in this area.”

186. In his Section 42A Report, Mr Barr considered that no changes to Chapter 3 were necessary. In his view, the notified provisions of Chapter 24 achieve the Chapter 3 strategic directions²⁵⁴.

²⁵³ Submissions 2449, 2475, 2479, 2488, 2489, 2490, 2500, 2501, 2505, 2509, 2525, 2526, 2529, 2550, 2553, 2562, 2577: supported by FS2708, FS2709, FS2711, FS2712, FS2721, FS2722, FS2734, FS2740, FS2743, FS2747, FS2749, FS2765, FS2770, FS2781, FS2782, FS2783, FS2784, FS2792, FS2795 and FS2796; opposed by FS 2715

²⁵⁴ Refer paragraph 38.18

He recommended, however, a new policy to be inserted in Chapter 6 after Policy 6.3.3 (numbered 6.3.XA), worded as follows:

“Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zone, within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply.” (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.3.20-24, 3.3.32)

187. The numbering at the end of Mr Barr’s suggested policy follows the structure of the Decisions Version of the Chapter 6 policies, cross referencing the relevant provisions in Chapter 3.
188. Mr Barr recommended a new section be inserted in Chapter 6 to follow Policy 6.3.33, reading²⁵⁵ as follows:

“Managing Activities in the Wakatipu Basin Rural Amenity Zone.

- 6.3.34 *Avoid urban development and subdivision to urban densities.*
- 6.3.35 *Enable continuation of the contribution low-intensity pastoral farming on large landholdings makes to the District’s landscape character.*
- 6.3.36 *Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District’s distinctive landscapes.*
- 6.3.37 *Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity of the land use or the retirement of productive farm land.*
- 6.3.38 *Ensure that subdivision and development adjacent to Outstanding Natural Features does not have more than minor adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s).*
- 6.3.39 *Encourage any landscaping to be ecologically viable and consistent with the established character of the area.*
- 6.3.40 *Require the proposals for subdivision or development for rural living take into account existing and consented subdivisional development in assessing the potential for adverse cumulative effects.*
- 6.3.41 *Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads.*

²⁵⁵ The cross references to Chapter 3 provisions recommended by Mr Barr are omitted for convenience.

- 6.3.42 *Ensure incremental changes from subdivision and development do not degrade landscape quality or character, or important views as a result of activities associated with mitigation of the visual effects of proposed developments such as screen planting, mounding and earthworks.*
- 6.3.43 *Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.*
- 6.3.44 *In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.*
- 6.3.45 *Avoid adverse effects on visual amenity from subdivision, use and development that:*
- a. Is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or*
 - b. forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads.*
- 6.3.46 *Avoid planting and screening, particularly along roads and boundaries that would degrade openness where openness is an important part of its landscape quality or character.*
- 6.3.37 *Encourage development to utilise shared accesses and infrastructure and to locate within parts of the site where it will minimise disruption to natural land forms and to rural character”.*
189. As Mr Barr made clear, the origins of these 14 suggested new policies lay firmly in the Decisions Version of Chapter 6. Most of the suggested policies are identical to existing policies in that chapter and apply to Rural Character Landscape land. Where policies have been amended, this was only to delete inapplicable elements.
190. The rationale for reproducing all of these policies arises from the fact that Policy 6.3.1 states that the classification of Rural Character Landscape land occurs in “*Rural Zoned*” landscapes in the District. While the amendments to Chapter 6 forming part of the Proposed District Plan (Stage 2) deleted other provisions in the notified Chapter 6 reinforcing that the landscape classifications shown on the planning maps applied only in the Rural Zone, the Hearing Panel observed in Section 8.4 of its Stream 1B Report that Policy 6.3.1 (notified Policy 6.3.1.2) was not the subject of variation and has that end result in any event.
191. The effect of the Proposed District Plan (Stage 2) is to rezone almost all of the non-outstanding parts of the Wakatipu Basin as Rural Amenity. Accordingly, to the extent that the provisions of Chapters 3 and 6 provide guidance as to the management of activities occurring on Rural Character Landscape land, those provisions largely do not apply in the Wakatipu Basin.
192. It was that position that Mr Barr sought to address with his recommended additional policies. Mr Barr made it clear that his preference would have been to amend Chapter 6 to provide that the policies relevant to the Rural Character Landscape areas also applied within the Wakatipu

Basin, but given the inability to do so in this process, he suggested a new section effectively mirroring those existing policies.

193. In the case presented to us for the Council, two lines of argument were advanced to support our ability to accept Mr Barr's recommendations. The first, from Mr Barr, referenced the submissions on the point that we have summarised above and suggested that if not expressly sought, the relief recommended by Mr Barr addressed the substance of the submissions.
194. The second line of argument was that the policies that Mr Barr recommended already applied to the Wakatipu Basin at notification of the Proposed District Plan (Stage 2), by virtue of the variations to Chapter 6 contained therein, but that the Hearing Panel's Stage 1 decisions altered that position. Accordingly, it was suggested that Mr Barr's recommendations merely take the Proposed District Plan back to the position it was in at the time the variation of Parts 6.2 and 6.4 were notified.
195. We do not accept the second point. The reasoning of the Hearing Panel considering submissions on the strategic chapters (Stream 1B) was that the limitation on the application of the (renamed) Rural Character Landscape to Rural Zoned land was contained in notified Policy 6.3.1.2. That policy was not the subject of variation as part of the Proposed District Plan (Stage 2) and no submissions sought that it be amended to have the result apparently sought by Council. It remained in Chapter 6, renumbered as Policy 6.3.1. From an answer Mr Barr gave to our questions, we rather understood that the Council deliberately chose not to amend Policy 6.3.1.2 by way of variation because of the difficulty that would have placed the Stream 1B Hearing Panel in seeking to arrive at recommendations in relation to the balance of Chapter 6. Be that as it may, the renumbered Policy 6.3.1 states when the landscape categories apply in terms that, as above, mean that the policies governing Rural Character Landscape land largely do not apply in the Wakatipu Basin. In our view, moving from that position is a substantive change that could only be achieved by way of a submission clearly seeking that relief.
196. Having said that, we agree with Mr Barr's view, and the submissions from a number of parties, that the end result is a disconnect between the higher-level provisions in the Strategic Chapters and the general approach taken in Chapter 24.
197. We disagree with the submissions (and the evidence of Mr Chris Ferguson) that that disconnect extends to Chapter 3. Policies 3.3.22-3.3.24 inclusive are framed in a way that is not specific to Rural Character Landscape land and provides policy direction that in our view, Chapter 24 sits neatly within. The disconnect arises rather with Chapter 6.
198. We find that Mr Barr's suggested Policy 6.3.XA would resolve the problem and fits fairly within the submissions seeking integration of the Chapter 24 Zones with Chapters 3 and 6 noted above. It sets Chapter 24 up as providing a standalone set of provisions, in much the same way as the Gibbston Character Zone.
199. We note that Mr Ferguson also supported that recommendation as providing necessary integration into Chapter 6. The position is not nearly so clear, however, as regards the other policies recommended by Mr Barr.

200. The suggested policies cover a range of issues. However, because they mirror the policies applying to Rural Character Landscape land, they clearly do not respond to Submissions 2377, 2378 and 2703, that sought to emphasise the differences between the Wakatipu Basin and land classified as Rural Character Landscape. Likewise, it difficult to reconcile the recommended relief with the relief sought by the group of submitters including Submission 2449 quoted above, for the same reason.
201. Nor do we think it would be appropriate to rely on the submissions such as 2291 seeking higher level policy guideline and/or integration. The suggested policies are not “*higher-level*”, because they are not framed at a higher level of abstraction than the objectives and policies in Chapter 24. Rather, they provide more detailed policy guidance on a range of points, some of which overlap with objectives and policies in Chapter 24, and some covering discrete issues. Nor are they obviously required to integrate Chapters 6 and 24 in the way that is suggested by Policy 6.3.XA .
202. There is a second problem relying on these policies as a jurisdictional basis for extensive changes to Chapter 6. The relief sought is expressed very generally. While we do not accept the legal argument put to us by Trojan Helmet Limited that no amendments to Chapter 6 could be made based on submissions on the Proposed District Plan (Stage 2), we do agree that if amendments are to be made, they need to be made on the basis of submissions that are more specific as to the relief sought than such general relief. We do not think that an interested party reading a submission seeking higher level policy direction would contemplate that that might provide a basis for some 14 quite specific new policies overlaying Chapter 24. In summary, while we agree that Mr Barr’s recommendation has merit, we do not consider that we have the scope to accept it.
203. Turning to the balance of the specific relief sought by submitters that is summarised above, we do not think that a policy inserted into Chapter 3 indicating that the Wakatipu Basin has landscape qualities distinct from Rural Character Landscape land adds much to Mr Barr’s suggested Policy 6.3.XA. It would also introduce an inconsistency because other areas with ‘special’ provisions like Gibbston Valley are not the subject of policies in Chapter 3.
204. Of the three other policies suggested by Submissions 2307, 2377 and 2378, we do not consider that they are necessary having regard to the policy we have recommended already providing that the Rural Amenity Zone has a standalone regulatory regime. We consider also that the third policy referring to opportunities for low density housing is expressed too generally. To be within jurisdiction, it needs to be specific to the Wakatipu Basin. If it were made more specific, we do not think a policy stating that opportunities for Low Density Housing are enabled adds anything to notified Objective 24.2.5.
205. Looking at the more general relief sought by Submissions 2376, 2377 and 2378, specific reference to one new Commercial Precinct is the opposite of higher-level policy guidance. If recognition of such a new Commercial Precinct has merit (which we discuss further later in this Report) it can be done through specific policies in Chapter 24.
206. Turning then to the relief sought by the group of submissions including Submission 2449 quoted above, the suggested amendments to Chapter 3 supported by Mr Farrell are outside the scope of the hearing for the reasons discussed above. The same point could be made about the suggested amendment to notified Policy 6.3.1.3, but in any event, the submission

- has been overtaken by the Stage 1 decisions on Chapter 6. The relevant policy (renumbered 6.3.12) does not refer to the Wakatipu Basin.
207. The suggested amendment to notified Policy 6.3.1.6 is expressed too generally to be within scope. We do not think it would add anything to Chapter 24 if made specific to the Wakatipu Basin.
208. Turning to the amendments to Chapter 6 forming part of the Proposed District Plan (Stage 2), three provisions were the subject of amendment.
209. The first amendment was to delete a paragraph formerly part of Part 6.2. When the Proposed District Plan (Stage 1) was notified, that paragraph read:
- "Landscapes have been characterised into three classifications within the Rural Zone. These are Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF), where their use, development and protection are a matter of national importance under Section 6 of the RMA. The Rural Landscapes Classification (RLC) makes up the remaining Rural Zoned land and has varying types of landscape character and amenity values. Specific policy and assessment matters are provided to manage the potential effects of subdivision of development in these locations."*
210. The second amendment was to delete the first sentence of a rule (Notified Rule 6.4.1.2) which read:
- "The landscape categories apply only to the Rural Zone. The Landscape Character and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue."*
211. The third suggested amendment was to Notified Rule 6.4.1.3.
212. As notified, that rule read:
- "The landscape categories do not apply to the following within the Rural Zones:*
- a. Ski Area Activities within the Ski Area Sub Zones.*
 - b. The area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps.*
 - c. The Gibbston Character Zone;*
 - d. The Rural Lifestyle Zone;*
 - e. The Rural Residential Zone."*
213. The amendments to this Rule were to substitute "assessment matters" for "categories" in the first line, deletion of the "s" at the end of the first line so the rule refers to "Rural Zone", and deletion of c, d, and e.
214. These changes were the subject of a large number of submissions.
215. Addressing first the deletion of the paragraph quoted above from Part 6.2, Crown Investments et al sought that the paragraph be retained. Morven Ferry et al sought that it be retained but with reference inserted to make it clear that the Rural Residential, Rural Lifestyle, Rural

Amenity Zones, together with the Precinct, are excluded from the Rural Landscape Classification. We also note submission 805 that Transpower lodged as part of the Proposed District Plan (Stage 1), seeking that this particular paragraph include recognition of the national grid.

216. The submissions on the Proposed District Plan (Stage 1) are relevant by virtue of clause 16B(1) of the Act.
217. Crown Investments et al sought also that Rule 6.4.1.2 be returned to the position as notified save that reference be added to objectives and policies related to the landscape classifications applying only in the Rural Zone. We also note a number of submissions filed as part of the Proposed District Plan (Stage 1) process seeking clarification that the landscape classification objectives and policies do not apply to the Rural Lifestyle, Rural Residential and Millbrook Resort Zones²⁵⁶. The submission of Arcadian Triangle²⁵⁷ is also worthy of note; that submission suggested that reference to Chapter 3 (i.e. the Strategic Direction Chapter) might be deleted because its application across the district was, in the view of the submitter, obvious.
218. A number of submissions also sought that Rules 6.4.1.2 and 6.4.1.3 be combined. Specifically, the Morven Ferry et al submissions sought that a combined rule be restated to focus on the landscape categories, providing that those categories do not apply in the five listed zones, together with the Precinct.
219. Many of the Donaldson et al submissions sought that Rule 6.4.1.3 be amended to similar effect, but the way that the relief in the submission is formulated leaves it unclear as to whether it is suggested that it should relate to the landscape categories or to assessment matters, or both.
220. Crown Investments et al sought that Rule 6.4.1.3 focus on the landscape classifications together with the objectives, policies and assessment matters relevant to those classifications, specify the Gibbston Character Zone as a Rural Zone for this purpose and state, for the avoidance of doubt, that the Rural Zone does not include the Rural Amenity Zone, the Precinct, the Rural Lifestyle Zone or the Rural Residential Zone.
221. The submission of BSTGT Limited²⁵⁸ appears to have sought²⁵⁹ that Rule 6.4.1.3 include reference to the Rural Amenity Zone in the list of zones to which the Rule does not apply. The submission of Slopehill Properties Limited²⁶⁰ was to similar effect. Stage 1 submissions specifically related to Rule 6.4.1.3 included those of Contact Energy Limited²⁶¹ and Queenstown Trails Trust²⁶² seeking that the Hydro Generation Zone and any trail (respectively) be added to the list of specific exclusions.

²⁵⁶ See Submissions 669, 694, 696 and 712

²⁵⁷ Submission 836

²⁵⁸ Submission 2487: Supported by FS2782

²⁵⁹ The actual relief refers to Rule 6.4.5.1, which does not exist, either in the notified or the Decisions Version of Chapter 6

²⁶⁰ Submission 2484

²⁶¹ Submission 580

²⁶² Submission 671

222. Mount Cardrona Station Limited²⁶³ and Arcadian Triangle Limited²⁶⁴ also sought that the exclusion in Rule 6.4.1.3(a) not be limited to Ski Area Activities.
223. In his Section 42A Report²⁶⁵, Mr Barr explained the rationale of the Chapter 6 variations as relating in part to the fact that the Proposed Open Space and Recreation Zone forming part of the Proposed District Plan (Stage 2) had been identified both on land classified as ONLs and ONFs in terms of Section 6 and on land classified as visual amenity in terms of Section 7, and in part because reference to rural assessment criteria not applying to the Gibbston Character Zone, the Rural Lifestyle Zone and the Rural Residential Zone was unnecessary; the assessment matters are contained in Chapter 21, which relates only to the Rural Zone. By contrast, Mr Barr advised that the varied provisions sought to make it clear that the landscape assessment criteria would apply to activities not classified as Ski Area Activities if undertaken within the Ski Area Sub-Zones (i.e. the opposite of the position sought by submissions 407 and 836).
224. Mr Barr, however, noted that the initial intention underlying the variations in this latter regard had been overtaken by the Stage 1 decisions which²⁶⁶ provide that the landscape categories, and the policies of Chapter 6 related to those categories, do not apply within the Ski Area Sub-Zones.
225. Having reviewed other aspects of the Decisions Version of Chapter 6, Mr Barr concluded²⁶⁷ that the variation text has been entirely overtaken. In his view, given that all of the relevant policies in the Decisions Version are the subject of appeal, there was no merit in discussing the text as varied further. Accordingly, the Chapter 6 text Mr Barr recommended was that as notified, together with the suggested additional policies discussed above.
226. Our reading of Decisions Version Policies 6.3.1-6.3.3 is that:
- a. The landscape categories (and consequently the policies related to those categories) apply only in the Rural Zone;
 - b. Within the Rural Zone, the Ski Area Sub-Zone and the area of Frankton Arm identified in Policy 6.3.2 are not the subject of landscape classification and the policies of Chapter 6 do not apply to them, insofar as they relate to those categories;
 - c. The Gibbston Character Zone, the Rural Residential Zone, the Rural Lifestyle Zone and the various Special Zones are not subject to the landscape categories or to the policies of Chapter 6 related to those categories unless otherwise stated.
227. To those provisions should be added our recommended additional policy stating that the Rural Amenity Zone (including the Precinct) are in the same category as the zones listed in (c) above.
228. It follows, in our view, that the text proposed to be deleted in Part 6.2 is unnecessary. Were it to be retained, then consistently with the new policy we have recommended as above, then reference would need to be added to the Rural Amenity Zone. But we think the position is perfectly clear, as it is.

²⁶³ Submission 407

²⁶⁴ Submission 836

²⁶⁵ At Section 37

²⁶⁶ In Policy 6.3.2

²⁶⁷ At 37.20

229. The only reason one would retain that text would be if it were felt necessary to make the addition requested by Transpower, so that the text refers to the National Grid. However, we do not believe that that is necessary either. The context of Part 6.2 is one of a general introduction. If any provisions specifically related to the National Grid are required, they need to be addressed in the substantive provisions of the Chapter.
230. Mr Barr inferred from the Hearing Panel’s report on Chapter 6 that that Hearing Panel would have deleted Rules 6.4.1.2 and 6.4.1.3 if they had not been the subject of variation. We think that is a fair inference.
231. We likewise consider that given the Decisions Version policies as they stand, together with the additional policy we propose, Rules 6.4.1.2 and 6.4.1.3 are unnecessary. The only additional element they provide is the statement that Chapter 3’s objectives and policies are relevant and applicable in all zones. We agree with the Stage 1 submission of Arcadian Triangle that that is obvious on the face of the Plan and does not need to be stated. If it were to be stated, then we think that the existing text would need to be revised because Chapter 3 contains many provisions that are not related to landscape values.
232. In summary, we recommend to the Stream 15 Hearing Panel that:
- a. The text of Part 6.2 the subject of variation be deleted as proposed;
 - b. Rules 6.4.1.2 and 6.4.1.3 (renumbered 6.4.1 and 6.4.2 in the Decisions Version) might be deleted.
233. Obviously, with the vast bulk of Chapter 6, including Policies 6.3.1-6.3.3 inclusive, the subject of appeal, the position we have described and on which we have based our recommendation might change. However, in our view, it is preferable to take that position as the starting point, and make the provisions affected by Stage 2 consistent with it, in order that the Environment Court might have a complete package of provisions to review and amend, as appropriate.
234. Summarising our conclusion on the matters that are within our jurisdiction under this heading, we recommend the addition of a new policy to follow 6.3.3, numbered 6.3.3A, and worded as follows:
- “Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zone, within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply.”*
(3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32)
235. We believe that this additional policy is the most appropriate way to integrate Chapter 24 into the balance of the Proposed District Plan and thereby to achieve the objectives of the Proposed District Plan.

2.6 Scope Issues

236. One side effect of the staged Proposed District Plan process is that we had a number of submissions before us deferred from the Stage 1 process related to the location of ONL or ONF boundaries variously at Arthurs Point, Slope Hill, Crown Terrace and Morven Hill and which, if accepted, would leave areas of Rural Zoned land the subject of a Rural Character Landscape notation in the Proposed District Plan. This in turn raises the legal issue as to whether we have

24. Wakatipu Basin

24.1 Zone Purpose

This chapter applies to the Wakatipu Basin Rural Amenity Zone (Rural Amenity Zone) and its sub-zone, the Wakatipu Basin Lifestyle Precinct (Precinct). The purpose of the Zone is to maintain and enhance the character and amenity of the Wakatipu Basin. Schedule 24.8 divides the Wakatipu Basin into 23 Landscape Character Units. The Landscape Character Units are a tool to assist identification of the particular landscape character and amenity values sought to be maintained and enhanced. Controls on the location, nature and visual effects of buildings are used to provide a flexible and design led response to those values.

The purpose of defining the Precinct is to identify areas within the broader Rural Amenity Zone that have the potential to absorb rural living and other development, while still achieving the overall purpose of the Rural Amenity Zone. The balance of the Rural Amenity Zone is less enabling of development, while still providing for a range of activities suitable for a rural environment.

While the Rural Amenity Zone does not contain Outstanding Natural Features or Landscapes, it is a distinctive and high amenity value landscape located adjacent to, or nearby to, Outstanding Natural Features and Landscapes. There are no specific setback rules for development adjacent to Outstanding Natural Features or Landscapes. However, all buildings except small farm buildings and subdivision require resource consent to ensure that inappropriate buildings and/or subdivision does not occur adjacent to those features and landscapes. Buildings and development in the Zone and the Precinct are required to be set back from Escarpment, Ridgeline and River Cliff Features shown on the planning maps, to maintain the distinctive and high amenity landscapes of the Wakatipu Basin.

24.2 Objectives and Policies

Objectives 24.2.1 to 24.2.4 and related policies apply to the Precinct and to the balance of the Rural Amenity Zone. Objective 24.2.5 and related policies apply to the Precinct only.

24.2.1 Objective - Landscape character and visual amenity values in the Wakatipu Basin Rural Amenity Zone are maintained or enhanced.

Policies

- 24.2.1.1 Require an 80 hectare minimum net site area be maintained within the Wakatipu Basin Rural Amenity Zone outside of the Precinct.
- 24.2.1.2 Ensure subdivision and development is designed (including accessways, services, utilities and building platforms) to minimise inappropriate modification to the natural landform.
- 24.2.1.3 Ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.
- 24.2.1.4 Maintain or enhance the landscape character and visual amenity values associated with the Rural Amenity Zone including the Precinct and surrounding landscape context by:

- a. controlling the colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements;
 - b. setting development back from Escarpment, Ridgeline and River Cliff Features shown on the planning maps.
- 24.2.1.5 Require all buildings to be located and designed so that they do not compromise the landscape and amenity values and the natural character of Outstanding Natural Features and Outstanding Natural Landscapes that are either adjacent to the building or where the building is in the foreground of views from a public road or reserve of the Outstanding Natural Landscape or Outstanding Natural Feature.
- 24.2.1.6 Provide for farming, commercial, community, recreation and tourism related activities that rely on the rural land resource, subject to maintaining or enhancing landscape character and visual amenity values.
- 24.2.1.7 Locate, design operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.
- 24.2.1.8 In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.
- 24.2.1.9 Control earthworks and vegetation clearance to minimise adverse effects on landscape character and visual amenity values.
- 24.2.1.10 Enable residential activity within building platforms created prior to 21 March 2019 subject to achieving appropriate standards.
- 24.2.1.11 Provide for activities, whose built form is subservient to natural landscape elements and that, in areas Schedule 24.8 identifies as having a sense of openness and spaciousness, maintain those qualities.
- 24.2.1.12 Manage lighting so that it does not cause adverse glare to other properties, roads, public places or degrade views of the night sky.
- 24.2.1.13 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua in the manner directed in Chapter 5: Tangata Whenua.

24.2.2 Objective – Non-residential activities maintain and enhance amenity values.

Policies

- 24.2.2.1 Ensure traffic, noise and the scale and intensity of non-residential activities do not have an adverse impact on landscape character and amenity values that is more than minor, or affect the safe and efficient operation of the roading and trail network or access to public places.
- 24.2.2.2 Restrict the type and intensity of non-residential activities to those which are compatible in relation to generated effects (e.g. traffic, noise, and hours of operation) with surrounding uses and the natural environment.
- 24.2.2.3 Ensure non-residential activities other than farming, with the potential for nuisance effects from dust, visual, noise or odour effects, are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.

24.2.2.4 Ensure informal airports are located, operated and managed to maintain the surrounding rural amenity.

24.2.3 Objective – Reverse sensitivity effects are avoided or mitigated where rural living opportunities, visitor and tourism activities, community and recreation activities occur.

Policies

24.2.3.1 Ensure informal airports are not compromised by the establishment of incompatible activities.

24.2.3.2 Ensure reverse sensitivity effects on rural living and non-residential activities are avoided or mitigated.

24.2.3.3 Support productive farming activities such as agriculture, horticulture and viticulture in the Zone by ensuring that reverse sensitivity issues do not constrain productive activities.

24.2.3.4 Ensure non-farming activities with potential for nuisance effects from dust, visual, noise or odour effects are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.

24.2.4 Objective – Subdivision and development, and use of land, maintains or enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.

Policies

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

24.2.4.2 Restrict the scale, intensity and location of subdivision, development and use of land in the Lake Hayes catchment, unless it can occur consistently with improvement to water quality in the catchment.

24.2.4.3 Provide for improved public access to, and the maintenance and enhancement of, the margins of waterbodies including Mill Creek and Lake Hayes.

24.2.4.4 Provide adequate firefighting water and emergency vehicle access to ensure an efficient and effective emergency response.

24.2.4.5 Ensure development has regard to servicing and infrastructure costs that are not met by the developer.

24.2.4.6 Facilitate the provision of walkway and cycleway networks and encourage opportunities for the provision of bridle path networks.

24.2.4.7 Ensure traffic generated by non-residential development does not individually or cumulatively compromise road safety or efficiency.

24.2.4.8 Encourage the removal of wilding exotic trees at the time of development.

24.2.4.9 Encourage the planting, retention and enhancement of indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that contributes to native habitat restoration, particularly in locations such as gullies and riparian areas, or to provide stability.

24.2.5 Objective – Rural living opportunities in the Precinct are enabled, provided landscape character and visual amenity values are maintained or enhanced.

Objective 24.2.5 and policies 24.2.5.1 to 24.2.5.6 apply to the Precinct only. In the event of a conflict between Objective 24.2.5 and Objectives 24.2.1 to 24.2.4, Objective 24.2.5 prevails.

Policies

- 24.2.5.1 Provide for rural living, subdivision, development and use of land where it maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.
- 24.2.5.2 Promote design-led and innovative patterns of subdivision and development that maintain or enhance the landscape character and visual amenity values of the Wakatipu Basin overall.
- 24.2.5.3 Provide for non-residential activities, including restaurants, visitor accommodation, and commercial recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures that the amenity, quality and character of the Precinct is retained.
- 24.2.5.4 Implement minimum and average lot size standards in conjunction with standards controlling building size, location and external appearance, so that the landscape character and visual amenity values of the Precinct, as identified in Schedule 24.8 – Landscape Character Units, are not compromised by cumulative adverse effects of development.
- 24.2.5.5 Maintain a defensible edge between areas of rural living in the Precinct and the balance of the Zone.
- 24.2.5.6 Retain vegetation that contributes to landscape character and visual amenity values of the Precinct, provided it does not present a high risk of wilding spread.

24.3 Other Provisions and Rules

24.3.1 District Wide

Attention is drawn to the following District Wide chapters.

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

37 Designations	Planning Maps	
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24.3.2 Interpreting and Applying the Rules

24.3.2.1 A permitted activity must comply with all of the rules (in this case of Chapter 24) and any relevant district wide rules.

24.3.2.2 The surface of lakes and rivers are zoned Rural.

24.3.2.3 Guiding Principle: Previous Approvals

- a. Requirements relating to building platforms and conditions of consents, including landscaping or other visual mitigation, that are registered on a site's computer freehold register as part of a resource consent approval by the Council are considered by the Council to remain relevant and will remain binding unless altered or cancelled.
- b. Applicants may apply to alter or cancel any conditions of an existing resource consent as a component of an application for resource consent for development. Whether it may be appropriate for the Council to maintain, or to alter or cancel these conditions shall be assessed against the extent to which a resource consent application accords with the objectives and provisions of the Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct (as applicable).

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

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

24.3.2.5 The Wakatipu Basin Lifestyle Precinct is a sub-zone of the Wakatipu Basin Rural Amenity Zone and all rules in Table 24.1 apply to the Precinct. Where specific rules and standards are identified for the Precinct in Tables 24.2 and 24.3, these prevail over the Rural Amenity Zone rules in Table 24.1.

24.3.2.6 All activities, including any listed permitted activities are subject to the rules and standards contained in Tables 24.1 to 24.3.

24.3.3 Advice Notes

24.3.3.1 Clarifications of the meaning of root protection zone, minor trimming of a hedgerow, minor trimming and significant trimming are provided in Chapter 2 – Definitions.

24.3.3.2 On-site wastewater treatment is subject to the Otago Regional Plan: Water. In particular, Rule 12.A.1.4 of the Otago Regional Plan: Water requires that within the Lakes Hayes Catchment all on-site wastewater treatment systems are operated in accordance with a resource consent obtained from the Otago Regional Council.

24.4 Rules – Activities

	Table 24.1 – Activities in the Wakatipu Basin Rural Amenity Zone	Activity Status
24.4.1	Any activity not listed in Tables 24.1 and 24.2.	NC
24.4.2	Farming activity.	P
	Residential activities and buildings	
24.4.3	The use of land or buildings for residential activity except as otherwise provided for in Table 24.1 and Table 24.2 and subject to the standards in Table 24.3.	P
24.4.4	The alteration of any lawfully established building used for residential activity.	P
24.4.5	The construction of buildings for a residential flat not exceeding 150m ² gross floor area and attached to the residential unit.	P
24.4.6	The construction of buildings for residential activity that are located within a building platform approved by a resource consent and registered on the applicable Computer Freehold Register before 21 March 2019. Control is reserved over: a. Landscape character; b. Visual amenity values; c. Access; d. Infrastructure; e. Landform modification, landscaping and planting (existing and proposed).	C
24.4.7	The construction of buildings for residential activity that are not provided for in Rule 24.4.5 or 24.4.6 and are not contrary to Rule 24.4.8. Discretion is restricted to: a. Landscape character; b. Visual amenity values; c. Access; d. Infrastructure; e. Landform modification, landscaping and planting (existing and proposed); f. Natural hazards.	RD
24.4.8	The construction of buildings for residential activity outside a building platform approved by a resource consent and registered on the applicable Computer Freehold Register on a site where there is such a building platform.	NC
	Non-residential activities and buildings	

	Table 24.1 – Activities in the Wakatipu Basin Rural Amenity Zone	Activity Status
24.4.9	Farm buildings.	P
24.4.10	Roadside stall buildings.	P
24.4.11	Home occupation.	P
24.4.12	Informal airports.	P
24.4.13	Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site.	P
24.4.14	Commercial recreational activities that are undertaken on land, outdoors and involve not more than 12 persons in any one group.	P
24.4.15	Residential visitor accommodation and homestays.	P
24.4.16	Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site where the access is onto a State Highway. Discretion is restricted to: a. Access to, and safety of, the transport network; b. On-site parking.	RD
24.4.17	Industrial activities directly associated with wineries and underground cellars within a vineyard. Discretion is restricted to: a. Noise; b. Access and parking; c. Traffic generation; d. Odour; e. Hours of operation; f. Waste treatment and disposal.	RD
24.4.18	The construction and alteration of buildings for non-residential activities, not otherwise provided for in Table 24.1. Discretion is restricted to: a. Landscape character; b. Visual amenity; c. Access; d. Natural hazards; e. Infrastructure; f. Landform modification, landscaping and planting (existing and proposed).	RD
24.4.19	Commercial recreational activities that are undertaken on land, outdoors and involve more than 12 persons in any one group.	D

	Table 24.1 – Activities in the Wakatipu Basin Rural Amenity Zone	Activity Status
24.4.20	Cafes and restaurants.	D
24.4.21	Visitor accommodation.	D
24.4.22	Community activities.	D
24.4.23	Any commercial or Industrial activity not otherwise provided for in Table 24.1 including those associated with farming.	NC
24.4.24	Panelbeating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motorbody building, or any activity requiring an Offensive Trade Licence under the Health Act 1956 except where such activities are undertaken as part of a farming activity, residential activity or as a permitted home occupation.	NC

	Table 24.2: Activities in the Wakatipu Basin Lifestyle Precinct	Activity Status
	Residential activities	
24.4.25	Residential flat not exceeding 150m ² gross floor area that is separated from the principal residential unit by no more than 6 metres, that is not provided for in Rule 24.4.6, and is not contrary to Rule 24.4.8. Note: Residential flats attached to the principal residential unit are covered by Rule 24.4.5.	D
24.4.26	Residential flat not exceeding 150m ² gross floor area that is separated from the principal residential unit by more than 6 metres, that is not provided for in Rule 24.4.6, and is not contrary to Rule 24.4.8..	NC
	Non-residential activities	
24.4.27	Informal airports.	D
24.4.28	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, or any activity requiring an Offensive Trade Licence under the Health Act 1956 except where such activities are undertaken as part of a farming activity, residential activity or as a permitted home occupation.	PR
	Clearance of exotic vegetation	
24.4.29	Clearance, works within the root protection zone or significant trimming of exotic vegetation that is of a height greater than 4 metres. Discretion is restricted to: a. The extent of clearance; b. Trimming and works within the root protection zone; c. Replacement planting.	RD

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24.5 Rules - Standards

The following standards apply to all activities.

	Table 24.3 - Standards	Non-compliance status
24.5.1	Residential Density	
24.5.1.1	For sites with a net site area of 1 hectare or less and zoned in part or whole Wakatipu Basin Lifestyle Precinct, a maximum of one residential unit per site.	NC
24.5.1.2.	For sites with a net site area greater than 1 hectare and zoned in part or whole Wakatipu Basin Lifestyle Precinct, no more than one residential unit per hectare on average of the net site area zoned Wakatipu Basin Lifestyle Precinct.	NC
24.5.1.3	Where Rule 24.5.1.1 or Rule 24.5.1.2 applies, all residential units (including residential flats) must be located within the area zoned Wakatipu Basin Lifestyle Precinct.	NC
24.5.1.4	Any site in the Wakatipu Basin Rural Amenity Zone located wholly outside the Precinct in respect of which the Computer Freehold Register for the site was issued before 21 March 2019 and with an area less than 80 hectares, a maximum of one residential unit per site.	NC
24.5.1.5	For that part of all other sites in the Wakatipu Basin Rural Amenity Zone wholly located outside of the Precinct, a maximum of one residential unit per 80 hectares net site area.	NC
24.5.2	Alterations to buildings for residential activities not located within a building platform Alterations to a building not located within a building platform must not increase the	RD Discretion is restricted to: a. Landscape character; b. Visual amenity;

	Table 24.3 - Standards	Non-compliance status
	ground floor area by more than 30% in any ten year period.	c. External appearance; d. Infrastructure.
24.5.3	<p>Building Material and Colours</p> <p>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* must be coloured in the range of browns, greens or greys including;</p> <p>24.5.3.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and</p> <p>24.5.3.2 All other exterior surface** finishes, except for schist, must have a light reflectance value of not greater than 30%.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Landscape character; b. Visual amenity; c. External appearance; d. Visual prominence from both public places and private locations.</p>
24.5.4	<p>Building Size</p> <p>Where a residential building is constructed within a building platform under Rule 24.4.6, the ground floor area of all buildings must not exceed 500m².</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Landscape character; b. Visual amenity;</p>
24.5.5	<p>Building coverage</p> <p>The ground floor area of all buildings not subject to Rule 24.5.4 must not exceed 15% of net site area, or 500m² ground floor area, whichever is the lesser.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Landscape character; b. Visual amenity.</p>
24.5.6	<p>Setback from internal boundaries</p> <p>The minimum setback of any building from internal boundaries shall be 10m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Building location, character, scale and form.</p>

	Table 24.3 - Standards	Non-compliance status
		<ul style="list-style-type: none"> b. External appearance including materials and colours. c. Landform modification/planting (existing and proposed).
24.5.7	Height of buildings	
24.5.7.1	The maximum height of buildings shall be 6m.	<p>RD</p> <p>For buildings with a height greater than 6m and no more than 8m, discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building location, character, scale and form including the pitch of roofs; b. External appearance including materials and colours; c. Landform modification/planting (existing and proposed). <p>Note: 24.5.7.2 applies to buildings with a height greater than 8m.</p>
24.5.7.2	The maximum height of buildings shall be 8m.	NC
24.5.8	<p>Setback from roads</p> <p>The minimum setback of any building from road boundaries shall be 75m in the Precinct and 20m elsewhere in the Rural Amenity Zone.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building location, character, scale and form; b. External appearance including materials and colours; c. Landscaping/planting (existing and proposed).

	Table 24.3 - Standards	Non-compliance status
24.5.9	<p>Setback from the Queenstown Trail</p> <p>Any building shall be located a minimum of 75m from the boundary of any identified Queenstown Trail Setback as shown on the planning maps.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building location, character, scale and form; b. External appearance including material and colours; c. Landscaping/planting (existing and proposed).
24.5.10	<p>Setback from Escarpment, Ridgeline and River Cliff Features</p> <p>Any building or accessway shall be located a minimum of 50m from the boundary of any Escarpment, Ridgeline or River Cliff Feature shown on the planning maps.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building location, character, scale and form; b. External appearance including materials and colours; c. Landform modification/planting (existing and proposed).
24.5.11	<p>Setback from boundaries of non-residential buildings housing animals</p> <p>The minimum setback from boundaries for any building whose primary purpose is to house animals shall be 30m.</p>	<p>RD</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> a. Open space, rural living character and amenity; b. Privacy, views and outlook from neighbouring properties and public places;

	Table 24.3 - Standards	Non-compliance status
		<p>c. Reverse sensitivity effects on adjacent properties including odour and noise;</p> <p>d. Landform modification/planting (existing and proposed).</p>
24.5.12	<p>Setback of buildings from waterbodies</p> <p>The minimum setback of any building from the bed of a wetland, river or lake shall be 30m.</p>	<p>RD</p> <p>Discretion is restricted to the following:</p> <p>a. Biodiversity values;</p> <p>b. Natural Hazards;</p> <p>c. Visual and recreational amenity values;</p> <p>d. Landscape and natural character;</p> <p>e. Open space.</p>
24.5.13	<p>Farm buildings</p> <p>a. The maximum gross floor area of any farm building shall be 50m².</p> <p>b. All exterior surfaces shall be coloured in the range of black, browns, greens or greys (except soffits).</p> <p>c. Pre-painted steel and all roofs shall have a reflectance value not greater than 20%.</p> <p>d. All other surface finishes shall have a reflectance value of not greater than 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Building location, character, scale and form;</p> <p>b. External appearance including materials and colours; and</p> <p>c. Landform modification/planting (existing and proposed).</p>
24.5.14	<p>Home occupations</p> <p>a. The maximum net floor area of home occupation activities shall be 150m².</p> <p>b. No goods materials or equipment shall be stored outside a building.</p> <p>c. All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The nature, scale and intensity of the activity;</p> <p>b. Visual amenity from neighbouring properties and public places;</p> <p>c. Noise, odour and dust;</p> <p>d. Access, safety and transportation.</p>
24.5.15	<p>Roadside stalls</p>	<p>RD</p> <p>Discretion is restricted to:</p>

	Table 24.3 - Standards	Non-compliance status
	<ul style="list-style-type: none"> a. The maximum ground floor area shall be 5m². b. Stalls shall not be higher than 2.0m from ground level. c. The minimum sight distance along the road from the stall or stall access shall be 250m. d. The minimum distance of the stall or stall access from an intersection shall be 100m; and, the stall shall not be located on the legal road reserve. 	<ul style="list-style-type: none"> a. Building location, character, scale and form; b. External appearance including materials and colours; c. Access and safety; d. Parking.
24.5.16	<p>Retail Sales</p> <p>The maximum gross floor area of buildings shall be 25m² for retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building location, character, scale and form; b. External appearance including materials and colours; c. Access safety and transportation effects; d. Parking, access and safety.
24.5.17	<p>Glare</p> <ul style="list-style-type: none"> a. All fixed exterior lighting shall be directed away from adjacent roads and sites. b. Activities on any site shall not result in more than a 3 lux spill (horizontal and vertical) of light to any other site, measured at any point within the boundary of the other site. c. There shall be no upward light spill. 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Lighting location and number of lights; b. Proximity to roads, public places and neighbours; c. Height and direction of lights; d. Lux levels.
24.5.18	<p>Informal airports</p> <p>Other than in the case of informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities:</p> <ul style="list-style-type: none"> a. Informal airports shall not exceed a frequency of use of 2 flights per day; 	<p>D</p>

	Table 24.3 - Standards	Non-compliance status
	<p>b. Informal airports shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential dwelling not located on the same site;</p> <p>Advice note: For the purpose of this rule a flight includes two aircraft movements i.e. an arrival and a departure.</p>	
24.5.19	<p>Firefighting water and access</p> <p>Buildings for residential activity that do not have reticulated water supply or where there is insufficient fire-fighting water supply must provide the following provision for firefighting:</p> <p>a. A water supply of 20,000 litres and any necessary couplings;</p> <p>b. A hardstand area adjacent to the firefighting water supply capable of supporting fire service vehicles;</p> <p>c. Firefighting water connection point within 6m of the hardstand, and 90m of the building;</p> <p>d. Access from the property boundary to the firefighting water connection capable of accommodating and supporting fire service vehicles.</p> <p>Advice note: excludes non-habitable accessory buildings.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply;</p> <p>b. the accessibility of the firefighting water connection point for fire service vehicles;</p> <p>c. whether and the extent to which the building is assessed as a low fire risk.</p>
24.5.20	<p>Residential visitor accommodation</p> <p>Residential visitor accommodation – Excluding the Lifestyle Precinct</p> <p>24.5.20.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</p> <p>24.5.20.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</p>	<p>C</p> <p>Control is reserved to:</p> <p>a. The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period;</p> <p>b. The management of noise, rubbish and outdoor activities;</p>

	Table 24.3 - Standards	Non-compliance status
	<p>24.5.20.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>24.5.20.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.20.1 to 24.5.20.4.</p>	<p>c. The compliance of the residential unit with the Building Code as at the date of the consent;</p> <p>d. Health and safety provisions in relation to guests;</p> <p>e. Guest management and complaints procedures;</p> <p>f. The keeping of records of RVA use, and availability of records for Council inspection; and</p> <p>g. Monitoring requirements, including imposition of an annual monitoring charge.</p>
24.5.21	<p>Residential visitor accommodation – Lifestyle Precinct only</p> <p>24.5.21.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</p> <p>24.5.21.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</p> <p>24.5.21.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>24.5.21.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</p>	D

	Table 24.3 - Standards	Non-compliance status
	<p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.21.1 to 24.5.21.4</p>	
24.5.22	<p>Homestay</p> <p>Homestay– Excluding the Lifestyle Precinct</p> <p>24.5.22.1 Must not exceed 5 paying guests on a site per night.</p> <p>24.5.22.2 The Council must be notified in writing prior to the commencement of a Homestay activity.</p> <p>24.5.22.3 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.22.1 to 24.5.22.3.</p>	<p>C</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> a. The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period; b. The management of noise, rubbish and outdoor activities; c. The keeping of records of Homestay use, and availability of records for Council inspection; and d. Monitoring requirements, including imposition of an annual monitoring charge.
24.5.23	<p>Homestay – Lifestyle Precinct only</p> <p>24.5.23.1 Must not exceed 5 paying guests on a site per night.</p> <p>24.5.23.2 The Council must be notified in writing prior to the commencement of a Homestay activity.</p> <p>24.5.23.3 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p>	<p>D</p>

	Table 24.3 - Standards	Non-compliance status
	Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.23.1 to 24.5.23.3.	

24.6 Non-notification of applications

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

- a. Rule 24.5.4 Building Size.
- b. Rule 24.5.5 Building coverage.
- c. Rule 24.5.6 Setback from internal boundaries.
- d. Rule 24.5.7 Height of buildings.
- e. Rule 24.5.8 Setback from roads.
- f. Rule 24.5.10 Setback from Escarpment, Ridgeline or River Cliff Feature.
- g. Rule 24.4.16 Retail sales of farm and garden produce and wine, where the access is onto a State Highway.

24.7 Assessment Matters

24.7.1 In considering whether or not to grant consent and/or impose conditions on a resource consent, regard shall be had to the assessment matters set out at 24.7.3 to 24.7.15.

24.7.2 All proposals for controlled activities or restricted discretionary activities will also be assessed as to whether they are consistent with the objectives and policies relevant to the identified matters of control or discretion (as applicable) in this Chapter 24 as well as those in Chapters 3 - Strategic Direction; Chapter 4 - Urban Development, Chapter 6 - Landscapes and Chapter 28 - Natural Hazards..

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	Assessment Matters-Controlled Activities
24.7.3	<p>The construction of buildings for residential activity:</p> <p>Landscape character and visual amenity</p> <ol style="list-style-type: none"> a. Whether the location, form, scale, design and finished materials including colours of the building(s) adequately responds to the identified landscape character and visual amenity qualities of the landscape character units set out in Schedule 24.9 – Landscape Character Units and the criteria set out below.

	Assessment Matters-Controlled Activities
	<p>b. The extent to which the location and design of buildings and ancillary elements and the landscape treatment complement the existing landscape character and visual amenity values, including consideration of:</p> <ul style="list-style-type: none"> i. building height; ii. building colours and materials; iii. building coverage; iv. design, size and location of accessory buildings; v. the design and location of landform modification, retaining, fencing, gates, accessways (including paving materials), external lighting, domestic infrastructure (including water tanks), vegetation removal, and proposed planting; vi. the retention of existing vegetation and landform patterns; vii. earth mounding and framework planting to integrate buildings and accessways; viii. planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.9 - Landscape Character Units; ix. riparian restoration planting; x. the retirement and restoration planting of steep slopes over 15° to promote slope stabilisation and indigenous vegetation enhancement; and xi. the integration of existing and provision for new public walkways and cycleways/bridlepaths. <p>c. The extent to which existing covenants or consent notice conditions need to be retained or are otherwise integrated into the proposed development in a manner that maintains or enhances landscape character and visual amenity values.</p> <p>d. The extent to which the development maintains visual amenity in the landscape, particularly from public places.</p> <p>e. Whether clustering of buildings or varied densities of the development areas would better maintain a sense of openness and spaciousness, or better integrate development with existing landform and vegetation or settlement patterns.</p> <p>f. Where a residential flat is not located adjacent to the residential unit, the extent to which this could give rise to sprawl of buildings and cumulative effects.</p> <p>g. The extent to which the development avoids, remedies or mitigates adverse effects on the features, elements and patterns that contribute to the value of adjacent or nearby ONLs and ONFs. This includes consideration of the appropriate setback from such features as well as the maintenance of views from public roads and other public places to the surrounding ONL and ONF context.</p> <p>h. Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds or covenants.</p> <p>i. The merit of the removal of wilding exotic trees at the time of development.</p> <p>j. Whether the proposed development provides an opportunity to maintain landscape character and visual amenity through the registration of covenants requiring open space to be maintained in perpetuity.</p>
24.7.4	Infrastructure and access

Assessment Matters-Controlled Activities	
	<p>a. The extent to which the proposal provides for adequate on-site wastewater disposal and water supply. The provision of shared infrastructure servicing to more than one property is preferred in order to minimise environmental effects.</p> <p>b. The extent to which the proposed access utilises an existing access or provides for a common access in order to reduce visual and environmental effects, including traffic safety, minimising earthworks and vegetation removal.</p>

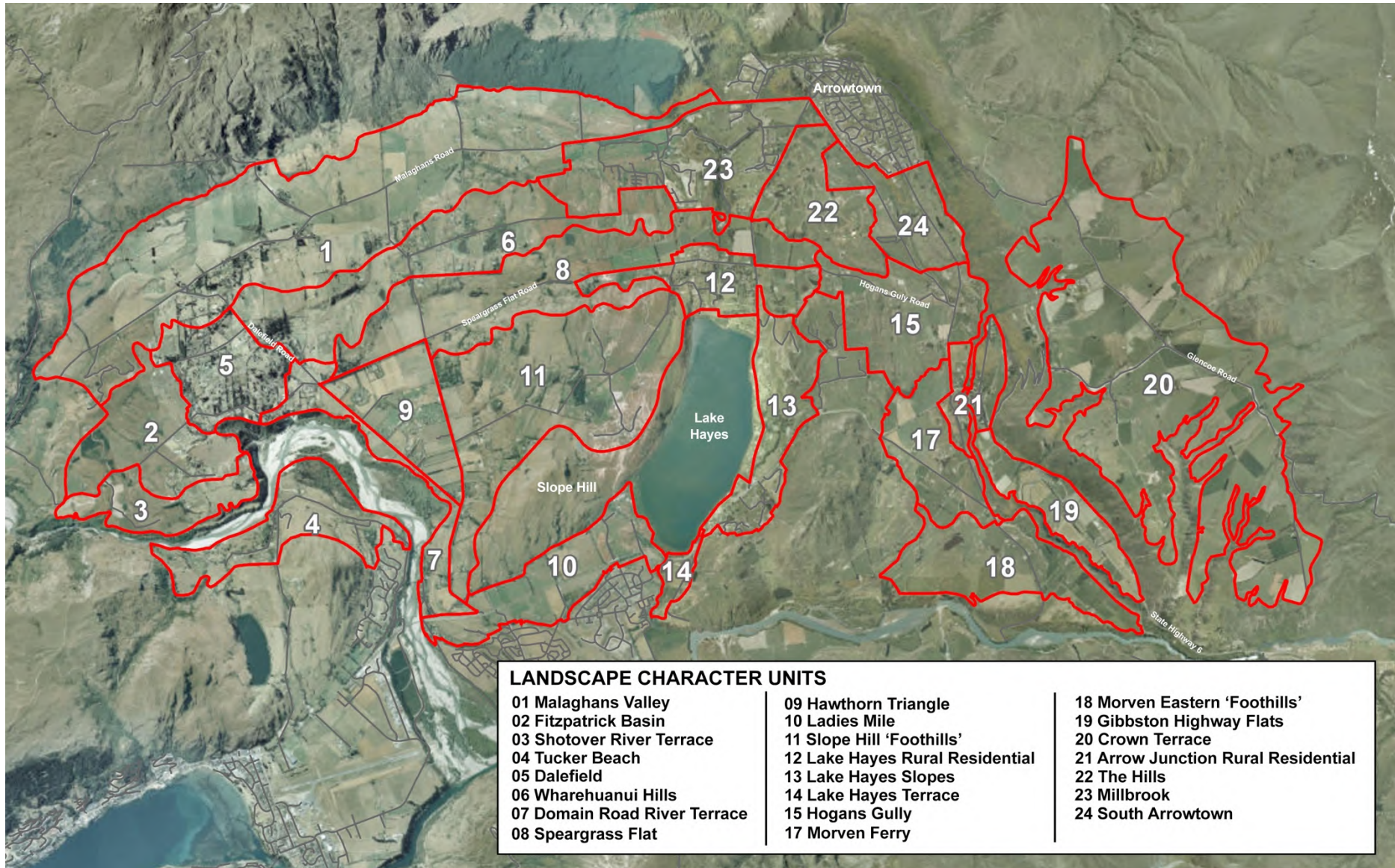
Assessment Matters- Restricted Discretionary Activities	
24.7.5	<p>New buildings (and alterations to existing buildings) including farm buildings and residential flats; and infringements of the standards for building coverage, building size, building material and colours, and building height:</p> <p>Landscape character and visual amenity</p> <p>a. Whether the location, form, scale, design and finished materials including colours of the building(s) adequately responds to the identified landscape character and visual amenity qualities of the landscape character units set out in Schedule 24.8 – Landscape Character Units and the criteria set out below.</p> <p>b. The extent to which the location and design of buildings and ancillary elements and the landscape treatment complement the existing landscape character and visual amenity values, including consideration of:</p> <ul style="list-style-type: none"> i. building height; ii. building colours and materials; iii. building coverage; iv. design, size and location of accessory buildings; v. the design and location of landform modification, retaining, fencing, gates, accessways (including paving materials), external lighting, domestic infrastructure (including water tanks), vegetation removal, and proposed planting; vi. the retention of existing vegetation and landform patterns; vii. earth mounding and framework planting to integrate buildings and accessways; viii. planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.8 - Landscape Character Units; ix. riparian restoration planting; x. the retirement and restoration planting of steep slopes over 15° to promote slope stabilisation and indigenous vegetation enhancement; and xi. the integration of existing and provision for new public walkways and cycleways/bridlepaths. <p>c. The extent to which existing covenants or consent notice conditions need to be retained or are otherwise integrated into the conditions governing the proposed development so as to ensure that landscape character and visual amenity values are maintained or enhanced in a manner that maintains or enhances landscape character and visual amenity values.</p> <p>d. The extent to which the development maintains visual amenity in the landscape, particularly from public places.</p>

	Assessment Matters- Restricted Discretionary Activities
	<p>e. Whether clustering of buildings or varied densities of the development areas would better maintain a sense of openness and spaciousness, or better integrate development with existing landform and vegetation or settlement patterns.</p> <p>f. Where a residential flat is not located adjacent to the residential unit, the extent to which this could give rise to sprawl of buildings and cumulative effects.</p> <p>g. The extent to which the development avoids, remedies or mitigates adverse effects on the features, elements and patterns that contribute to the value of adjacent or nearby ONLs and ONFs. This includes consideration of the appropriate setback from such features as well as the maintenance of views from public roads and other public places to the surrounding ONL and ONF context.</p> <p>h. Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds or covenants.</p> <p>i. The merit of the removal of wilding exotic trees at the time of development.</p> <p>j. Whether the proposed development provides an opportunity to maintain landscape character and visual amenity through the registration of covenants requiring open space to be maintained in perpetuity.</p>
24.7.6	<p>Servicing, firefighting water, natural hazards, infrastructure and access</p> <p>a. The extent to which the proposal provides for adequate on-site wastewater disposal and water supply. The provision of shared infrastructure servicing to more than one property is preferred in order to minimise environmental effects.</p> <p>b. The extent to which the proposed access utilises an existing access or provides for a common access in order to reduce visual and environmental effects, including traffic safety, minimising earthworks and vegetation removal.</p> <p>c. Whether adequate provision is made for firefighting activities and provision for emergency vehicles.</p> <p>d. The extent to which the objectives and policies set out in Chapter 28, Natural Hazards, are achieved.</p>
24.7.7	<p>Non-residential activities</p> <p>Whether the proposal achieves:</p> <p>a. An appropriate scale and intensity of the activity in the context of the amenity and character of the surrounding area including reference to the identified elements set out in Schedule 24.8 – Landscape Character Units for the relevant landscape character unit.</p> <p>b. Adequate visual amenity for neighbouring properties and from public places.</p> <p>c. Minimisation of any noise, odour and dust.</p> <p>d. Access that maintains the safety and efficiency of the roading and trail network.</p>
24.7.8	<p>Setback from boundaries, Queenstown Trail, roads and Escarpments, Ridgeline and River Cliff Features</p> <p>Whether the proposal achieves:</p>

Assessment Matters- Restricted Discretionary Activities	
	<ul style="list-style-type: none"> a. The maintenance of landscape character and visual amenity including reference to the identified elements set out in Schedule 24.8 - Landscape Character Units for the relevant landscape unit. b. The maintenance of views to the surrounding mountain context. c. Adequate privacy, outlook and amenity for adjoining properties.
24.7.9	<p>Setback from boundaries of non-residential buildings housing animals</p> <p>Whether the proposal achieves:</p> <ul style="list-style-type: none"> a. The maintenance of landscape character and visual amenity including reference to the identified elements set out in Schedule 24.8 – Landscape Character Units for the relevant landscape character unit. b. Minimisation of adverse odour, dust and/or noise effects on any neighbouring properties.
24.7.10	<p>Setback of buildings from waterbodies</p> <p>Whether the proposal achieves:</p> <ul style="list-style-type: none"> a. The maintenance or enhancement of biodiversity values. b. The maintenance or enhancement of landscape character and visual amenity values including reference to the identified elements set out in Schedule 24.8 – Landscape Character Units for the landscape character unit that the proposal falls into. c. The maintenance or enhancement of open space. d. Mitigation to manage any adverse effects of the location of the building including consideration of whether the waterbody is subject to flooding or natural hazards.
24.7.11	<p>Roadside stalls</p> <p>Whether the proposal achieves:</p> <ul style="list-style-type: none"> a. An appropriate scale and intensity of the activity in the context of the surrounding landscape character and visual amenity values. b. Preservation of visual amenity for neighbouring properties and from public places. c. Minimisation of any noise, odour and dust. d. Adequate parking, access safety and avoids adverse transportation effects.
24.7.12	<p>Retail sales</p> <p>Whether the proposal ensures:</p> <ul style="list-style-type: none"> a. An appropriate scale and intensity of the activity in the context of the surrounding landscape character and visual amenity values. b. Preservation of visual amenity for neighbouring properties and from public places. c. Minimisation of any noise, odour and dust. d. Adequate parking, access safety and avoids adverse transportation effects.

Assessment Matters- Restricted Discretionary Activities	
24.7.13	<p>Glare</p> <ul style="list-style-type: none"> a. The effects on adjacent roads and neighbouring sites. b. The extent of likely visual dominance from light fixtures, poles and lux levels. c. The nature and extent of any effects on character and amenity, including the night sky. d. The nature and extent of any effects on privacy, views and outlook from neighbouring properties. e. Whether there will be any reverse sensitivity effects on adjacent properties.
24.7.14	<p>Clearance, works within the root protection zone or significant trimming of exotic vegetation over 4m in height</p> <ul style="list-style-type: none"> a. The degree to which the vegetation contributes to the landscape character and visual amenity values, and the extent to which the clearance or significant trimming would reduce those values. b. The potential for buildings and development to become more visually prominent. c. The merits of any proposed mitigation or replacement plantings. d. The effects on the health and structural stability of the vegetation. e. The merit of the removal of identified wilding exotic trees.

24.8 Schedule 24.8 Landscape Character Units



Acronyms used in Schedule 24.8

ONF	Outstanding Natural Feature	ONL WB	Outstanding Natural Landscape Wakatipu Basin
ONL	Outstanding Natural Landscape	SHA	Special Housing Area
LCU	Landscape Character Unit	Ha	Hectare (10,000m ²)
PDP	Proposed District Plan	DoC	Department of Conservation
SH	State Highway	QLDC	Queenstown Lakes District Council

1: Malaghans Valley

Landscape Character Unit	1: Malaghans Valley
Landform patterns	Relatively open and gently-rolling valley framed by mountain range (Coronet Peak) to the north (outside the LCU), and steeply sloping hillslopes and escarpment faces that define the northern edges of the Fitzpatrick Basin, Dalefield and the Wharehuanui Hills, to the south (within the LCU).
Vegetation patterns	Scattered exotic shelterbelts and shade trees in places. Exotic amenity plantings around dwellings and farm buildings. Patches of scrub and remnant riparian vegetation in gullies. Exotic pasture grasses dominant.
Hydrology	Complex network of streams and overland flow paths draining from the mountain range to the north and the hillslopes to the south. Farm ponds in places.
Proximity to ONL/ONF	Adjoins Coronet Peak ONL (WB) to the north and the roche moutonnée ONF (part of Millbrook: LCU 11).
Character Unit boundaries	North: ONL which corresponds to the toe of the mountain range / study area boundary. East: Millbrook Special Zone, Meadow Park West Special Zone. South: Ridgeline crest of hillslopes and escarpments to the south. West: Study area boundary/ONL boundary.
Land use	Predominantly in pastoral land use with pockets of rural residential evident.

Landscape Character Unit	1: Malaghans Valley
Settlement patterns	<p>Rural residential development tends to be scattered along the elevated hillslopes that enjoy a northern aspect and frame the south side of the unit, and around the Malaghans Road – Dalefield Road intersection.</p> <p>Relatively limited number of consented platforms (given size of LCU) throughout the southern hillslopes and also throughout the valley flats on the north side of the road at the eastern end of the unit (20).</p> <p>Typical lots size:</p> <ul style="list-style-type: none"> • Predominantly 100-500ha. • Some smaller lots at either end of the unit, generally between 10-50ha in size. • Pockets of smaller lots (<4ha and 4-10ha) around the Dalefield Road, Coronet View and the Lower Shotover Road intersections.
Proximity to key route	Malaghans Road comprises an important scenic route between Queenstown and Arrowtown.
Heritage features	Three heritage buildings/features identified in PDP.
Recreation features	<p>No walkways, cycleways etc. through the area.</p> <p>Walkways and scenic roads throughout mountainsides immediately to the north (Coronet Peak Road, etc.).</p>
Infrastructure features	<p>No reticulated sewer or water.</p> <p>Limited stormwater reticulation.</p>
Visibility/prominence	The relatively open character of the unit makes it highly visible in views from Malaghans Road, Coronet Peak Road and the walkways to the north.
Views	<p>Key views relate to:</p> <ul style="list-style-type: none"> • the dramatic open vistas from Malaghans Road (scenic route) of the mountain range to the north; • views out over the unit from the scenic roads and walkways to the north; and, • the attractive, more rural and open vistas across the pastoral valley to the escarpments and hillslopes to the south.
Enclosure/openness	<p>Generally, the landscape unit exhibits a relatively high degree of openness with the landform features on either side providing a strong sense of containment to the valley.</p> <p>In places, plantings provide a localised sense of containment.</p>
Complexity	<p>The hillslopes and escarpment faces to the south of Malaghans Road display a reasonably high degree of complexity as a consequence of the landform and vegetation patterns.</p> <p>The valley floor lacks complexity as a consequence of the landform and vegetation patterns.</p>
Coherence	<p>The relatively simple and legible valley landform pattern, in combination with the predominantly open pastoral character, contributes an impression of coherence.</p> <p>Gully vegetation patterning throughout the hillslopes to the south serves to reinforce the landscape's legibility.</p>

Landscape Character Unit	1: Malaghans Valley
Naturalness	The unit exhibits a relatively high perception of naturalness as a consequence of its predominantly open and pastoral character combined with its proximity to the vastly scaled and relatively undeveloped ONL to the north. In the main, dwellings tend to be well integrated by plantings and or relatively modest, serving to reduce their prominence.
Sense of Place	Generally, the area displays a predominantly working rural landscape character with pockets of (mostly) sympathetic rural residential development evident in places. The valley also serves as an important 'breathing space' between Queenstown and Arrowtown and reads as a sensitive landscape 'transition' to the neighbouring ONL.
Potential landscape issues and constraints associated with additional development	The relatively open, exposed and 'undeveloped' nature of the unit, in addition to its importance as a scenic route, providing a buffer between Queenstown and Arrowtown, and as a transition to the ONL, makes it highly sensitive to additional development.
Potential landscape opportunities and benefits associated with additional development	Riparian restoration potential. Potential integration of walkway/cycleway etc. Larger-scaled lots suggest potential for subdivision.
Environmental characteristics and visual amenity values to be maintained and enhanced	Sense of openness and spaciousness associated with predominantly pastoral landscape. Subservience of buildings within the overall unit. Dramatic views from Malaghans Road to the mountain range. Highly attractive rural views from Malaghans Road to the Wharehuanui hillslopes and escarpment faces. Impression of the area as a buffer between Queenstown and Arrowtown. Impression of the area as a sympathetic transition between the wider basin and the surrounding mountain ONL.
Capability to absorb additional development	Very low.

2: Fitzpatrick Basin

Landscape Character Unit	2: Fitzpatrick Basin
Landform patterns	Generally south east / east facing basin landform framed by moderately to steeply sloping hills to the north and west, and a more gently undulating hill system throughout the south (adjoining the steep cliff and terraces framing the Shotover River - LCU 3).
Vegetation patterns	Fragmented and small pockets of woodlot plantings, exotic shelterbelts (in places) and exotic amenity plantings throughout rural residential lots. Mature evergreen vegetation along the Shotover River margins to the south and eastern edges. Pasture grasses and weed species dominate larger lots. Scrub / weeds in gullies throughout northern portion of the unit in particular.
Hydrology	Limited network of streams and overland flow paths draining to the Shotover River.
Proximity to ONL/ONF	Adjoins ONL Wakatipu Basin on its western and southern edges.
Character Unit boundaries	North: Ridgeline crest. East: Vegetated stream boundary/cadastral pattern. South: Crest of Shotover River cliff/terrace margins. West: ONL/study area boundary.
Land use	Rural lifestyle/hobby farming type uses with rural residential evident. Larger lots appear to be relatively unproductive (e.g. extensive gorse etc. evident).
Settlement patterns	Numerous existing dwellings are evident throughout the Fitzpatrick Basin. Buildings variably contained by vegetation. Buildings and platforms typically located throughout the basin floor, the undulating hill system in the southern portion, or along the southern edges to enjoy views of the Shotover River and ONL backdrop. Several consented but unbuilt platforms (25) with many clustered. Typical lot size: <ul style="list-style-type: none"> generally 20-50ha lots on the north side of Littles Road; smaller lots on the south side (<4ha and 4-10ha) with some larger lots (10-20ha). The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of residential activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.
Proximity to key route	Accessed via a lesser-used route between Dalefield Road and Arthurs Point Road (Littles Road).
Heritage features	One heritage building / feature identified in PDP.

Landscape Character Unit	2: Fitzpatrick Basin
Recreation features	No walkways, cycleways etc. through the area.
Infrastructure features	No reticulated sewer or stormwater. Reticulated water main through part of central area.
Visibility/prominence	The relatively contained landform pattern, in conjunction with the mature evergreen plantings along the Shotover River margins, means that the unit is not particularly prominent in views from the wider basin study area. It is however visible from Tucker Beach (LCU 4). The extensive plantings throughout Dalefield mean that whilst the unit is visible in places, it is not prominent. The area is also visible from the mountain tracks to the north, however the diminishing influences of distance / relative elevation in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.
Views	Key views relate to: <ul style="list-style-type: none"> the view from the mountain tracks to the north, in which the unit reads as part of a broad swathe of relatively low lying undulating land that extends in a west- east direction across the basin; the view from Tucker Beach (LCU 4), in which the unit reads as a more open area backdropped by the visually complex and relatively intensively inhabited Dalefield slopes. From within the unit, there are attractive long-range views to the surrounding ONL mountain setting. The southern margins enjoy views of the Shotover River (ONL).
Enclosure/openness	A variable sense of openness throughout the basin. The northern portion is generally more open, with the southern area reading as more enclosed as a consequence of vegetation and localised landform patterns.
Complexity	The undulating hill system, together with its associated vegetation patterns throughout the southern portion of the landscape unit, contributes complexity in this part of the basin.
Coherence	Vegetation patterns do not generally reinforce the landform patterns (excepting scrub and weeds in gully areas). The relatively fragmented vegetation, settlement and land use patterns results in a landscape of limited coherence.
Naturalness	Generally a relatively low perception of naturalness as a consequence of the level of rural residential development (both built and consented but unbuilt).
Sense of Place	Generally, the area reads as a predominantly rural residential landscape that, together with the adjacent Dalefield landscape character unit, forms a discrete enclave, apart from the balance of the Wakatipu Basin study area.
Potential landscape issues and constraints associated with additional development	Relatively open and exposed nature of the northern and central portion of the unit, albeit with the exposure effectively confined to the Fitzpatrick Basin and Dalefield catchment (i.e. not the wider Wakatipu Basin landscape). Elevated and southern aspect of the north portion. Integration with consented but unbuilt development - potential for adverse cumulative effects.

Landscape Character Unit	2: Fitzpatrick Basin
Potential landscape opportunities and benefits associated with additional development	<p>Visually contained nature of the location (in terms of the wider Wakatipu Basin landscape). Larger-scaled lots suggest potential for subdivision. Riparian restoration potential. Weed management potential. Potential integration of walkways/cycleways etc. Close proximity to Queenstown.</p>
Environmental characteristics and visual amenity values to be maintained and enhanced	<p>Integration of buildings with landform and/or planting. Avoiding built development on the elevated northern slopes that frame the unit. Avoiding built development on the Shotover River cliff/terrace (and ONL) edges. Maintaining the low 'public profile' of the unit with respect to the wider landscape of the Wakatipu Basin. Maintaining a sense of openness in views from Littles Road and the north western and eastern ends of Fitzpatrick Road (that are currently relatively open in character) to the surrounding ONL mountain context.</p>
Capability to absorb additional development	High.

3: Shotover River Terrace

Landscape Character Unit	3: Shotover River Terrace
Landform patterns	Flat alluvial river terraces edged by steep hill slopes to the north and river cliffs to the south.
Vegetation patterns	Predominantly exotic vegetation and scrub throughout the steep river cliffs (outside of the LCU). Scattered shade trees and scrub in places, with mown grass and grazed areas evident.
Hydrology	One stream crosses the terrace draining to the Shotover River.
Proximity to ONL/ONF	Adjacent ONL (WB) of the Shotover River and mountain landform (Sugar Loaf) to the south.
Character Unit boundaries	North: Ridgeline crest defining Fitzpatrick Basin LCU. East: Ridgeline crest defining Fitzpatrick Basin LCU. South: Shotover River vegetation-clad cliffs. West: ONL / study area boundary.
Land use	Rural residential and rural lifestyle use (hobby farming etc.). DoC land along southern edge of unit.
Settlement patterns	Generally, dwellings and platforms positioned to enjoy highly attractive views of Shotover River and the ONL mountain backdrop. A limited number of consented but unbuilt platforms (3). Limited access via a private road from Littles Road. Typical lot sizes: mix of lots < 4ha and 4-10ha.
Proximity to key route	Accessed via a lesser-used route between Dalefield Road and Arthurs Point Road (Littles Road).
Heritage features	No features identified in PDP.
Recreation features	No walkways / cycleways etc. through the area. DoC land.
Infrastructure features	No reticulated sewer. Limited reticulated water / stormwater in places.
Visibility/prominence	The containment of the hill slopes to the north means that visibility is limited to the Shotover corridor, the elevated landform to the south, and parts of the Tucker Beach LCU. Overall, the unit is not prominent within the wider basin landscape.
Views	The unit affords attractive mid-range views along the river, and to the Sugar Loaf and Ferry Hill ONL backdrop.

Landscape Character Unit	3: Shotover River Terrace
Enclosure/openness	A moderate sense of openness within the unit as a consequence of the limited vegetation patterns. Overall, the large-scale landforms framing the local area (particularly to the south) contribute a sense of containment.
Complexity	Steep slopes between the terrace and Fitzpatrick Basin provide localised complexity in places.
Coherence	Generally, a relatively low level of coherence as a consequence of varying landform and vegetation patterns.
Naturalness	A moderate sense of naturalness as a consequence of the landform separation of this area from the neighbouring Fitzpatrick Basin, its proximity to the Shotover and its aspect adjacent an undeveloped ONL area on the opposite side of the river.
Sense of Place	Generally the unit reads as a discrete rural residential area that is strongly connected to the Shotover River and the undeveloped ONL area to the south.
Potential landscape issues and constraints associated with additional development	Relatively open and exposed nature of the unit, within an extremely high value landscape context dominated by ONLs, makes it highly sensitive to landscape change. Southern aspect. A very private landscape with virtually no public access. Generally relatively small-scaled lots.
Potential landscape opportunities and benefits associated with additional development	Close proximity to Queenstown. Contained nature of location. Riparian restoration potential. Potential for integration of walkways/cycleways etc. associated with riverscape.
Environmental characteristics and visual amenity values to be maintained and enhanced	Sense of (relative) remoteness and connection with the riverscape and surrounding mountains.
Capability to absorb additional development	Low

4: Tucker Beach

Landscape Character Unit	4: Tucker Beach
Landform patterns	Flat alluvial river terraces edged and interspersed by steep hill slopes with steep river cliffs along northern edge.
Vegetation patterns	Predominantly exotic vegetation and scrub throughout the steep river cliffs (outside of the LCU) and hill slopes. Exotic amenity plantings around dwellings. Scattered shade trees and scrub in places, with mown grass and grazed areas evident.
Hydrology	The streams drain from Ferry Hill/Lake Johnson environs into the unit.
Proximity to ONL/ONF	Adjacent ONL (WB) of the Shotover River and mountain landform (Ferry Hill environs) to the south.
Character Unit boundaries	North: Shotover River vegetation clad cliffs/ONL. East: Quail Rise urban area. South: ONL/study area boundary. West: ONL/study area boundary.
Land use	Rural residential with some working rural uses evident throughout the land at the western end of the unit. A substantial portion of the undeveloped land at the western end of the unit is in DoC ownership.
Settlement patterns	Generally, dwellings and platforms positioned to enjoy highly attractive views of Shotover River and the ONL mountain backdrop. Numerous consented but unbuilt platforms (20). Typical lot size: <ul style="list-style-type: none"> • central and eastern end of the unit < 4ha (with the odd larger lot: 20-50ha); • western end of the unit: over 500ha. The Lifestyle Precinct Zoning anticipates change to the existing settlement pattern in the central and eastern end of the Unit.
Proximity to key route	Accessed via a dead - end road.
Heritage features	No buildings / features identified in PDP.
Recreation features	No walkways / cycleways etc. through the area. Substantial DoC reserve land within the central / western portion of the unit.
Infrastructure features	Reticulated water and (some) stormwater / sewer throughout central and western end of the unit. Western end- no reticulated services.

Landscape Character Unit	4: Tucker Beach
Visibility/prominence	The containment of the hill slopes to the south means that visibility is limited to the Shotover corridor, the river terraces to the south, and the upper reaches of Fitzpatrick Basin / Dalefield. The lower lying central and northern portions of the unit and the interior of the flat terraces in the western portion of the unit are not prominent within the wider basin landscape. The elevated hill slopes along the south edge of the unit are locally prominent.
Views	The unit affords attractive mid-range views along the river, and to the wider ONL mountain and hill context.
Enclosure/openness	A varying sense of openness within the unit as a consequence of vegetation patterns. Overall, the large-scale landforms framing the local area (particularly to the south) contribute a sense of containment.
Complexity	Steep slopes and plantings provide localised complexity in places.
Coherence	A relatively low level of coherence as a consequence of varying landform and vegetation patterns.
Naturalness	A moderate sense of naturalness throughout the western end of the unit as a consequence of the limited level of built development, its proximity to the Shotover and its position adjacent an undeveloped ONL area. The central and eastern end of the unit is considerably more developed and therefore has a lower perception of naturalness. Reinforced by the close proximity of Quail Rise.
Sense of Place	Generally the unit reads as a part of the Shotover River margins with a continuous sleeve of rural living as one moves westwards away from Quail Rise towards the DoC Reserve.
Potential landscape issues and constraints associated with additional development	Relatively open, exposed and undeveloped nature of the western portion of the unit, within an extremely high value landscape context dominated by ONLs and including a substantial DoC Reserve, makes it highly sensitive to landscape change. Absence of defensible boundaries to existing rural residential and urban zones in the vicinity, make the central and eastern portions of the unit in particular, vulnerable to development creep. Visibility of the development throughout the elevated slopes along the southern edge of the unit.
Potential landscape opportunities and benefits associated with additional development	Close proximity to Queenstown. Relatively contained nature of location. Riparian restoration potential. Potential for integration of walkways/cycleways etc. associated with riverscape. Integration of defensible edges with additional subdivision. Integrating effect of existing development context throughout eastern end of the unit in particular. Easy topography along central and northern portion of the unit. Close proximity of urban infrastructure.

Landscape Character Unit	4: Tucker Beach
Environmental characteristics and visual amenity values to be maintained and enhanced	<p>Sense of (relative) remoteness and connection with the riverscape and surrounding mountains at the western end of the unit. Integration of buildings, accessways and earthworks via planting.</p> <p>Maintaining a sense of openness in views from Tucker Beach Road to the Shotover River corridor and surrounding ONL mountain context. Maintaining a sense of openness throughout the elevated land between the Lifestyle Precinct and adjacent ONL (to the south).</p>
Capability to absorb additional development	Low (at western end) Moderate-High (throughout central and eastern end of the unit)

5: Dalefield

Landscape Character Unit	5: Dalefield
Landform patterns	South-west facing hillside that effectively frames the eastern side of the Fitzpatrick Basin.
Vegetation patterns	<p>Extensive patterning of exotic shelterbelts, hedgerows and exotic amenity plantings around dwellings.</p> <p>Some exotic woodlots.</p> <p>Mix of grazed and mown grass.</p>
Hydrology	Two streams drain across the unit to the Shotover. Third stream drains eastwards to the Wharehuanui Hills LCU.
Proximity to ONL/ONF	Unit does not adjoin ONL or ONF; however, has longer-range views to the surrounding ONL mountain context.
Character Unit boundaries	<p>North: Ridgeline crest defining Malaghans Valley LCU.</p> <p>East: Dalefield Road, vegetation and cadastral patterns.</p> <p>South: study area boundary/ONL.</p> <p>West: Vegetation and cadastral patterns.</p>
Land use	Rural lifestyle/hobby farming and rural residential land uses dominate.
Settlement patterns	<p>Dwellings scattered throughout the entire unit.</p> <p>Very few consented yet unbuilt platforms (6).</p> <p>Typical lot sizes: predominantly <4ha with some 4-10ha.</p> <p>The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of residential activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.</p>

Landscape Character Unit	5: Dalefield
Proximity to key route	Accessed via a lesser-used route between Dalefield Road and Arthurs Point Road (Littles Road) and Dalefield Road itself.
Heritage features	No heritage buildings/features identified in PDP.
Recreation features	No walkways/cycleways etc. through the area.
Infrastructure features	No reticulated sewer, water or stormwater.
Visibility/prominence	Despite the elevated hillslope location, the extensive vegetation throughout Dalefield means that development within the area is generally well screened/integrated. That said, the area is visible from the mountain tracks to the north however the diminishing influences of distance/relative elevation in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.
Views	The unit affords attractive long-range views to the surrounding ONL mountain setting (above or framed by vegetation). The unit is visible from the neighbouring Fitzpatrick Basin (Landscape Character Unit 2) and from the river terraces and ONL mountain slopes (Sugar Loaf and Ferry Hill) on the south side of the Shotover River (i.e. Tucker Beach: LCU 4 environs).
Enclosure/openness	A high level of enclosure and containment as a consequence of the vegetation patterning.
Complexity	The extensive vegetation patterns contribute a high degree of complexity.
Coherence	The coherence of the extensive vegetation patterns is compromised by the varied planting characters evident throughout individual lots.
Naturalness	Generally a relatively low perception of naturalness as a consequence of the level of rural residential development. Whilst many buildings are well integrated by plantings (and therefore visually discreet), the varied and complex patterning of the plantings reinforces the lot arrangement.
Sense of Place	Generally, the area reads as a well-established and reasonably intensively-inhabited leafy rural residential landscape.
Potential landscape issues and constraints associated with additional development	Very few larger-scaled lots. Existing platform and lot arrangement together with the vegetation patterning is likely to make it very difficult to locate new building platforms.
Potential landscape opportunities and benefits associated with additional development	Close proximity to Queenstown. Relatively visually discreet nature of the location (primarily due to vegetation patterning). Riparian planting potential. Potential to integrate walkways/cycleways.

Landscape Character Unit	5: Dalefield
Environmental characteristics and visual amenity values to be maintained and enhanced	Unobtrusiveness of buildings and their integration via planting. Retention of existing vegetation patterns. Maintaining a sense of openness from Littles Road and/or Dalefield Road where there are existing views available out over ONLs including the Shotover River and/or to the surrounding mountain context.
Capability to absorb additional development	High (Potentially limited by existing building, vegetation and lot patterns.)

6: Wharehuanui Hills

Landscape Character Unit	6: Wharehuanui Hills
Landform patterns	Elevated moraine landform with plateaus, hummocky hills, and remnant kettle lakes. Many of the latter have been converted into amenity pond features.
Vegetation patterns	Scattered exotic shelterbelts and shade trees throughout pastoral areas. Exotic shelterbelts and park-like amenity plantings throughout rural residential lots with native vegetation to pond and watercourse margins. Patches of scrub in gullies. Mix of grazed and mown grass.
Hydrology	Numerous pond and wetland areas together with short watercourses and overland flow paths.
Proximity to ONL/ONF	Unit does not adjoin ONL or ONF; however, has open, longer-range views to the surrounding ONL mountain context.
Character Unit boundaries	North: Ridgeline crest defining Malaghans Valley LCU. East: Millbrook Structure Plan area. South: Ridgeline crest defining Speargrass Flat LCU. West: Dalefield Road.

Landscape Character Unit	6: Wharehuanui Hills
Land use	A mix of rural and rural residential land uses evident.
Settlement patterns	Generally, dwellings are located clear of wet areas, positioned to enjoy long-range mountain views and sited to optimise the screening/privacy benefits of the localised hummock landform patterning and vegetation patterns. Relatively few consented but unbuilt platforms (9). Typical lot sizes: predominantly 20-50ha lots with pockets of 4-10ha and < 4ha. The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of residential activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.
Proximity to key route	Located away from key vehicular route, i.e. accessed via a dead-end road (Mooney Road) or via long driveways off Speargrass Flat Road, Dalefield Road or Lower Shotover Road.
Heritage features	No heritage buildings / features identified in PDP.
Recreation features	No walkways / cycleways etc. through the area.
Infrastructure features	No reticulated sewer, water or stormwater.
Visibility/prominence	The elevated and hummocky character of the central portion of the unit is not particularly prominent in terms of the wider basin landscape. The hills and escarpments along the north and south edges of the unit are however highly visible from the surrounding lower lying areas (noting that these areas have been included in the adjacent Landscape Character Units i.e. LCU1 and LCU 8). The area is visible from the (ONL) mountain tracks to the north however the diminishing influences of distance/relative elevation in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.
Views	The unit affords attractive long-range views to the surrounding ONL mountain setting. The containment of localised hummocks means that few dwellings within the unit are visible from the surrounding area (excepting the more distant areas at a higher elevation). In views from the mountain tracks to the north, the unit reads as part of a broad swathe of relatively low lying undulating land that extends in a west - east direction across the basin.
Enclosure/openness	A variable sense of openness and containment. Smaller lots tend to exhibit a more enclosed and contained character as a consequence of vegetation patterns. The hummocky landform pattern also serves to create a sense of containment.
Complexity	Generally, a relatively complex landscape as a consequence of the landform and vegetation patterns. The configuration of smaller lots and their associated boundary plantings adds to the complexity.

Landscape Character Unit	6: Wharehuanui Hills
Coherence	Vegetation patterns generally do not reinforce landform features (excepting pond and stream plantings), which results in the perception of a landscape lacking coherence. This is reinforced by the varying character of plantings evident on individual properties and the wide range of architectural styles evident.
Naturalness	Generally, a limited perception of naturalness as a consequence of the level of rural residential development evident, and the relatively contrived (albeit in the main, attractive) character of plantings.
Sense of Place	Generally, the area reads as a rural residential landscape in which buildings are reasonably well integrated by landform and vegetation. Whilst larger more 'rural' lots are evident, overall the amenity plantings throughout tend to contribute a parkland rather than a working rural landscape impression.
Potential landscape issues and constraints associated with additional development	Poor drainage/wet areas. Potential visibility of development along the north and south ridgeline edges of the unit. Accessways and large-scale buildings have the potential to compromise the distinctive hummocky landform pattern.
Potential landscape opportunities and benefits associated with additional development	Relatively visually discreet nature of the majority of the unit (due to landform and, to a lesser degree, vegetation patterns). Integration potential of landform pattern. Large-scaled lots suggest potential for subdivision. Riparian restoration potential. Potential to integrate walkways/cycleways.
Environmental characteristics and visual amenity values to be maintained and enhanced	Landform patterning. Integration of buildings with landform and planting. Set back of buildings from the ridgeline crests to the north and south edges of the unit. Maintaining a sense of openness where there are existing views from Mooney Road to the surrounding ONL mountain context. Maintaining a sense of openness in views from new internal roads to the surrounding ONL mountain context. Avoidance of built development on the elevated slopes that frame the north western portion of the Mooney Road 'basin' (and which serves to separate the LCU 6 from LCU 23 Millbrook).
Capability to absorb additional development	High except for the eastern end of the LCU where it adjoins LCU 23 Millbrook Low at the eastern end of the LCU where it adjoins LCU 23 Millbrook

7: Domain Road Shotover Terrace

Landscape Character Unit	7: Domain Road Shotover Terrace
Landform patterns	Flat alluvial river terrace edged by steep vegetation-clad river cliffs to the west.
Vegetation patterns	Predominantly exotic vegetation and weeds throughout steep river cliffs (outside of LCU). Scattered exotic shade trees, shelterbelts and amenity plantings around buildings. Mix of grazed and mown grass.
Hydrology	No streams, ponds or wetlands evident.
Proximity to ONL/ONF	Western boundary adjoins Shotover River ONL (WB).
Character Unit boundaries	North: the toe of the Wharehuanui / Dalefield hill slopes, vegetation / cadastral patterning. East: Domain Road, the Hawthorn Triangle hedging and Lower Shotover Road. South: SH6 cutting. West: Shotover River ONL.
Land use	Rural residential and rural lifestyle/hobby farming uses dominate. Some tourist accommodation.
Settlement patterns	Generally, dwellings are located to enjoy close-range views of the Shotover River corridor and wider mountain views. Several consented but unbuilt platforms along the south and north end of Domain Road (8 in total). Dwellings accessed from Spence Road (towards the south end of the unit) generally well integrated by plantings. Typical lot sizes: predominantly < 4ha or 4-10ha. The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of residential activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.
Proximity to key route	The southern end of the unit is close to SH6, a key route between Queenstown, Arrowtown, Wanaka, Cardrona, the Gibbston Valley and Cromwell.
Heritage features	Two heritage buildings/features identified in PDP, including the Old Shotover River Bridge at the southern end of the unit.
Recreation features	A council walkway/cycleway runs along the western edge of the south portion of the unit (i.e. along the Shotover). This forms part of the Queenstown Trail 'Countryside Ride' route.
Infrastructure features	No reticulated sewer or stormwater. Reticulated water in north and central parts of the unit.

Landscape Character Unit	7: Domain Road Shotover Terrace
Visibility/prominence	The dense plantings associated with the Hawthorn Triangle to the east means that visibility is limited to the Shotover corridor, the elevated hills to the east (Slope Hill ONF environs), Quail Rise/LCU4 to the west and Lower Shotover Road to the east. The area is generally not visible from SH6 (highway in substantial cutting), although is visible in part from the Shotover Bridge.
Views	The unit affords highly attractive views of the Shotover corridor and ONL mountain backdrop beyond. The unit is of importance in views from the river corridor, the walkway/cycleway route, Quail Rise, the highway Shotover Bridge (in part) and the Old Shotover River Bridge.
Enclosure/openness	There is a variable sense of enclosure throughout the unit as a consequence of vegetation patterns. The central portion of the unit is generally more open in character.
Complexity	The terrace landform patterning, together with the limited vegetation patterning throughout the central portion of the unit, results in a relatively low level of complexity. The more varied topography and vegetation in the north and south makes these areas more complex.
Coherence	A relatively low level of coherence as a consequence of the variance between landform and vegetation patterns.
Naturalness	A limited sense of naturalness as a consequence of the level of rural residential development, the proximity of the southern part of the unit to SH6, and the proximity to development within LCU 4 (Tucker Beach) and the Quail Rise Structure Plan Area. This is countered to a degree by the scale and undeveloped character of the Shotover River corridor in very close proximity.
Sense of Place	Generally, the area reads as a part of the river 'fringe', distinct from the densely-planted and inhabited units of Dalefield and the Hawthorn Triangle (to the north and east respectively), and the more open and elevated landscape associated with Slope Hill to the east.
Potential landscape issues and constraints associated with additional development	The relatively open and exposed nature of the central portion of the unit, within a high value landscape context, makes it sensitive to landscape change. Proximity of popular walkway/cycleway route. The relatively close proximity of visible urban development (Quail Rise) to the southern portion of the unit and proximity of the intensively developed Hawthorn Triangle to the east suggests a reduced sensitivity. The complex patterning of vegetation throughout this portion of the unit also serves to reduce its sensitivity. Integration with consented but unbuilt development - potential for adverse cumulative effects.
Potential landscape opportunities and benefits associated with additional development	Larger-scaled lots suggest potential for subdivision. Close proximity to Queenstown. 'Developed' context. Easy topography.

Landscape Character Unit	7: Domain Road Shotover Terrace
Environmental characteristics and visual amenity values to be maintained and enhanced	Connection with riverscape. Set back of buildings from river cliff/ONL edges. Integration of buildings with plantings. Maintaining a sense of openness in views from Domain Road to the Shotover River corridor and surrounding ONL mountain context.
Capability to absorb additional development	Moderate-High

8: Speargrass Flat

Landscape Character Unit	8: Speargrass Flat
Landform patterns	Relatively open pastoral flat framed by the south-facing slopes of the Wharehuanui Hills to the north, and the steep margins of the Slope Hill 'Foothills' to the south.
Vegetation patterns	Scattered exotic shelterbelts and patches of mixed scrubland in gullies. Isolated bush fragment to eastern end. Exotic pasture grasses dominate.
Hydrology	A series of watercourses and overland flow paths drain southwards across Speargrass Flat from the Wharehuanui Hills to Lake Hayes.
Proximity to ONL/ONF	Unit does not adjoin ONL or ONF; however, has open longer-range views to surrounding ONL mountain context.
Character Unit boundaries	North: ridgeline crest, Millbrook Structure Plan area. East: crest of hill slopes, Lake Hayes Rural Residential landuse pattern/cadastral boundaries, Speargrass Flat Road. South: ridgeline crest, Hawthorn Triangle hedging. West: vegetation patterns/stream.
Land use	Predominantly pastoral land use with sparsely scattered rural residential lots.
Settlement patterns	Dwellings tend to be well separated and framed by plantings, or set into localised landform patterns. Generally dwellings are located on the flat land adjacent the road although a very limited number of consented but unbuilt platforms located on elevated hill slopes to the south (that enjoy northern aspect). Overall very few consented but unbuilt platforms (3). Typical lot sizes: the majority of lots are over 50ha.

Landscape Character Unit	8: Speargrass Flat
Proximity to key route	Located away from a key vehicular route. Part of the area is adjacent to Speargrass Flat Road, Hogans Gully Road and Arrowtown Lake Hayes Road.
Heritage features	Two heritage buildings/features identified in PDP.
Recreation features	Speargrass Flat Road is identified as a Council walkway/cycleway. Forms part of Queenstown Trail 'Countryside Ride'.
Infrastructure features	No reticulated sewer or stormwater. Reticulated water in places.
Visibility/prominence	The relatively open character of the unit makes it highly visible from the public road network and the elevated hills to the north and south, although the escarpment confining the character unit to the north blocks some views from the north.
Views	Key views relate to the open and spacious pastoral outlook from Speargrass Flat Road (including the walkway/cycleway route) across to the escarpment faces and hillslopes flanking the valley, backdropped by mountains.
Enclosure/openness	The landform features to the north and south providing a strong sense of containment to the relatively open valley landscape.
Complexity	The hillslopes and escarpment faces to the north and south display a reasonably high degree of complexity as a consequence of the landform and vegetation patterns. The valley floor itself displays a relatively low level of complexity as a consequence of its open and flat nature.
Coherence	The relatively simple and legible bold valley landform pattern, in combination with the predominantly open pastoral character, contributes an impression of coherence. Gully vegetation patterning serves to reinforce the landscape legibility in places.
Naturalness	The area displays a reasonable degree of naturalness as a consequence of the relatively limited level of built development evident.
Sense of Place	Generally, the area displays a predominantly working rural landscape character with scattered and for the most part, relatively subservient rural residential development evident in places. Whilst Hawthorn Triangle and Lake Hayes Rural Residential LCUs form part of the valley landscape, their quite different character as a consequence of relatively intensive rural residential development sets them apart from the Speargrass Flat LCU, with the latter effectively reading as 'breathing space' between the two. To the eastern end of the unit, there is the perception of the Lakes Hayes Rural Residential area sprawling west into Speargrass Flat.
Potential landscape issues and constraints associated with additional development	Absence of a robust edge to the Lake Hayes Rural Residential LCU makes Speargrass Flat vulnerable to 'development creep'. Open character, in combination with walkway / cycleway, makes it sensitive to landscape change.

Landscape Character Unit	8: Speargrass Flat
Potential landscape opportunities and benefits associated with additional development	Riparian restoration potential. Easy topography.
Environmental characteristics and visual amenity values to be maintained and enhanced	<p><i>Central and western portion of LCU 8</i></p> <p>Sense of openness and spaciousness as a 'foil' for the more intensively developed rural residential areas nearby. Maintenance of unobstructed rural views from Speargrass Flat Road to the largely undeveloped hillslopes and escarpment faces to the north and south.</p> <p><i>Eastern portion of LCU 8</i></p> <p>Integration of buildings with landform and/or planting. Maintenance of a spacious and open outlook in views from the Queenstown Trail and Arrowtown Lakes Hayes Road, including the southbound view as one descends Christine's Hill. Maintenance of openness in views from Hogans Gully Road to the backdropping hill /escarpment landforms and broader ONL mountain context.</p>
Capability to absorb additional development	Low.

9: Hawthorn Triangle

Landscape Character Unit	9: Hawthorn Triangle
Landform patterns	Flat alluvial river terrace landform. Localised (man-made) mounding within the triangle to assist the integration of dwellings and provide privacy.
Vegetation patterns	Tall hawthorn hedging around almost all three sides of the triangle. Elsewhere exotic shelterbelt plantings. Extensive parkland and amenity plantings within the triangle. Mown grass.

Landscape Character Unit	9: Hawthorn Triangle
Hydrology	Sporadic amenity ponds and truncated streams.
Proximity to ONL/ONF	Unit does not adjoin ONL or ONF; however, has mid and longer-range views above the hedging and tree plantings to the ONL mountain context.
Character Unit boundaries	North: Speargrass Flat Road and shelterbelt/hawthorn hedging. East/South: Domain Road and hawthorn hedging. West/South: Lower Shotover Road and hawthorn hedging.
Land use	Rural residential.
Settlement patterns	Densely configured arrangement of consistently high value rural residential dwellings. Dwellings set into mounding and a planted parkland character. A high number of consented but unbuilt platforms (43). Evidence of a high degree of consistency in terms of building development controls (height, colours, fencing, etc.) Overall a distinctly large-lot suburban character. Typical lot sizes: predominantly under 4ha. Largest lots in the 4-10ha range. The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of residential activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.
Proximity to key route	Located away from a key vehicular route.
Heritage features	One heritage building / feature identified in PDP.
Recreation features	A council walkway / cycleway runs along the south portion of Domain Road edging the triangle, then dog-legs through the unit, emerging to run along the north end of the Lower Shotover Road bordering the triangle. Forms part of Queenstown Trail 'Countryside Ride'.
Infrastructure features	No reticulated sewer or stormwater. Reticulated water in several locations.
Visibility/prominence	The dense evergreen hedging around the unit's edges serve to screen views into the area from the surrounding road network and properties. The quite distinctive patterning of the triangle as a consequence of its shape, reinforced by the vegetation patterns and contrasting density of development in comparison to the surrounds, makes it a distinctive element in views from the elevated surrounds.

Landscape Character Unit	9: Hawthorn Triangle
Views	Key views relate to the strongly framed corridor views along the roads bordering the triangle. In many places, the roadside plantings serve to block views from the road to the surrounding mountain context. Other key views relate to the elevated views from Slope Hill environs to the east and the views from the walkway/cycleway route that passes through the unit.
Enclosure/openness	The unit displays a strong sense of enclosure as a consequence of vegetation patterns.
Complexity	The extensive plantings throughout the unit contribute a relatively high degree of complexity. The frequency of buildings and to a lesser degree, mounding adds to this complexity.
Coherence	The relatively limited palette of species and application of (what would appear to be) relatively consistent building development controls (building height, building colours, fencing, etc.) suggests a reasonable degree of coherence. However, the very flat topography and perimeter screen limits an appreciation of this coherence from the roads and landscape around the unit (excepting elevated vantage points).
Naturalness	The unit exhibits a low degree of naturalness as a consequence of the density of existing rural residential development and the relatively contrived character of much of the plantings.
Sense of Place	Generally, the Triangle displays a large-lot suburban parkland character. The tall, linear and dense perimeter plantings serve to screen road (and potentially, private property) views of the wider mountain setting of the Basin and contrast with the more varied planting patterns evident elsewhere in the Basin. This planting does, however, significantly diminish an awareness of the density of development within the triangle from the immediate surrounds (excepting elevated areas).
Potential landscape issues and constraints associated with additional development	Very few larger-scaled lots. Existing platform and lot arrangement, together with mounding and vegetation patterns (which may be covenanted), may physically constrain additional development. Proximity of popular walkway/cycleway route. Integration with consented but unbuilt development - potential for 'internal' adverse cumulative effects (i.e. effects within the triangle).
Potential landscape opportunities and benefits associated with additional development	The enclosed and screened nature of the area suggests the potential to integrate additional development with minimal impact on the wider Basin landscape. Close proximity to Queenstown. Easy topography.
Environmental characteristics and visual amenity values to be maintained and enhanced	Integration of buildings via appropriately-scaled mounding, planting, and the application of a consistent series of building development controls addressing such matters as building height, coverage, colours/materials, fencing, paving, etc.

Landscape Character Unit	9: Hawthorn Triangle
Capability to absorb additional development	High (Potentially limited by existing building, mounding, and vegetation patterns.)

10: Ladies Mile

Landscape Character Unit	10: Ladies Mile
Landform patterns	Largely flat alluvial river terrace landform spanning between the Shotover River and Lake Hayes. Adjacent the waterbodies at either end, the terrace is stepped.
Vegetation patterns	A fragmented patterning of exotic shelterbelts and scattered exotic amenity plantings around dwellings. Exotic river terrace, lake and river margin vegetation. Horticultural plantings in places.
Hydrology	No ponds and wetlands evident. A very short length of stream on the north side of Ladies Mile Highway.
Proximity to ONL/ONF	North boundary adjoins the Slope Hill ONF (WB). East boundary adjoins Lake Hayes ONF and west boundary adjoins the Shotover River ONL(WB). Longer range views to surrounding ONL mountain context.
Character Unit boundaries	North: Slope Hill ONF, cadastral boundary. East: Lake Hayes ONF. South: Shotover Country, Queenstown Country Club SHA, Lake Hayes Estate. West: Shotover River, Lower Shotover Road.
Land use	Predominantly rural residential with rural uses evident. A large scale retirement village (Queenstown Country Club SHA) has been recently consented on the south side of Ladies Mile Highway (unbuilt). Urban development to the south of the LCU set on lower lying terraces (Lake Hayes Estate, Shotover Country).
Settlement patterns	Dwellings tend to be set well back from the busy highway. Numerous consented but unbuilt platforms evident (36). A quite dense large-lot suburban pattern associated with the rural residential development in places, although the set back from the highway means that there is a limited awareness from the road (McDowell Drive environs). The SHA extends from Lakes Hayes Estate into the river terrace landform associated with Ladies Mile and serves to sever the south side of the LCU into two. The SHA buildings are set back 75m from the highway edge and fronted by orchard, parkland tree plantings and grazing land. Building heights within the SHA that coincide with Ladies Mile LCU range from one storey to three storey. Typical lot sizes: predominance of lots are less than 10ha with 3 lots in the 20-50ha range and 3 over 10ha (albeit straddling the adjacent ONL).

Landscape Character Unit	10: Ladies Mile
Proximity to key route	SH6 passes through the centre of the LCU and comprises a key vehicular route between Queenstown, Arrowtown, Wanaka, Cardrona, Gibbston Valley and Cromwell.
Heritage features	Approximately seven heritage buildings/features identified in PDP.
Recreation features	A Council walkway / cycleway route along the eastern end of the unit linking Lake Hayes Estate with the Lake Hayes circuit. Forms part of the Queenstown Trail 'Commuter Ride'. (NB cycleway runs from the Shotover Bridge along the river edge south of Lake Hayes Estate etc. to link with the Commuter Ride).
Infrastructure features	No reticulated services within the area however adjacent fully serviced urban development (Shotover Country, Lakes Hayes Estate) and reasonable to expect that the Queenstown Country Club SHA within the unit will be fully serviced.
Visibility/prominence	The unit is, for the most part, highly visible from SH6 and the Field Access Road up the Remarkables to the south. The lower-lying character and large-scale cut slopes adjacent the highway at the western end of the LCU means that this western portion (south of SH6) is relatively visually discreet.
Views	Key views relate to the open and relatively uncluttered views from SH6 southwards across the open and predominantly pastoral LCU to the dramatic mountain sequence framing the south side of the basin and Lake Wakatipu, and northwards to Slope Hill. The dramatic character of the views together with their marked contrast with the outlook afforded from SH6 further to the west (i.e. Frankton Flats) make them highly memorable. It is acknowledged that the approved Queenstown Country Club SHA will significantly alter this impression. The LCU also affords highly attractive vistas out across Lake Hayes. In more elevated views, the area also forms a distinctive green swathe, contrasting with the urban development of Shotover Country, Lake Hayes Estate immediately to the south and the approved SHA (unbuilt) on the terrace.
Enclosure/openness	The unit itself displays a relatively open character framed by Slope Hill to the north and the Remarkables Range to the south. To the south, plantings throughout the terrace faces edging the lower-lying urban areas of Lake Hayes Estate and Shotover Country provide low-level and reasonably distant containment. This will be disrupted by the plantings and buildings associated with the approved Queenstown Country Club SHA which will effectively sever the south side of the LCU into two separate areas.
Complexity	The limited extent of planting and relatively uniform topography contributes a low level of complexity throughout the LCU (excepting the SHA area).
Coherence	The flat topography and fragmented vegetation patterns suggests a low level of coherence. This is countered to a degree by the relatively consistently open and pastoral character of the majority of the unit (excepting the SHA).
Naturalness	The unit displays a low level of naturalness as a consequence of its proximity to the busy state highway (SH6), the distinctly urban character of the SHA consented in the area, and an awareness (albeit limited) at the eastern end of the LCU of the Lake Hayes Estate urban development.

Landscape Character Unit	10: Ladies Mile
Sense of Place	<p>Generally, Ladies Mile reads as a critical part of the 'green' entrance to Queenstown. The care that has been taken to ensure that both rural residential and urban development in the vicinity is not visible from the road reinforces the role of this unit as a spacious green entrance.</p> <p>This has however been significantly compromised by the Queenstown Country Club SHA retirement village development which confers a distinctly urban character in a prominent, central and sizeable part of the LCU.</p> <p>The LCU also functions as an important 'breathing space' between the urban development of Frankton Flats to the west (and Queenstown proper beyond) and the ribbon development and rural residential 'node' associated with Lake Hayes to the east. Again it is acknowledged that the character of development associated with the Queenstown Country Club SHA significantly compromises this impression.</p>
Potential landscape issues and constraints associated with additional development	<p>Role of the unit as a 'green' entrance to Queenstown.</p> <p>The function of the LCU as an important scenic route and its proximity to ONFs.</p> <p>Role of the area as a 'breathing space' between the urban area to the west and the relatively consistent and intensive patterning of rural residential development associated with Lake Hayes to the east.</p>
Potential landscape opportunities and benefits associated with additional development	<p>The discreet nature of the western end of the unit makes it more suited to absorbing change.</p> <p>Larger-scaled lots suggest the potential for subdivision whilst retaining generous setback from SH6.</p> <p>Close proximity to Queenstown.</p> <p>Close proximity to urban infrastructure.</p> <p>Urbanising effects of the approved Queenstown Country Club SHA suggest a tolerance for (sensitive) urban development.</p> <p>Potential for integration of walkways/cycleways.</p> <p>Riparian restoration potential (limited).</p>
Environmental characteristics and visual amenity values to be maintained and enhanced	<p>Sense of a spacious, green entrance to Queenstown.</p> <p>Views from SH6 to the surrounding mountain / hill / lake context.</p>
Capability to absorb additional development	High

11: Slope Hill 'Foothills'

Landscape Character Unit	11: Slope Hill 'Foothills'
Landform patterns	Elevated and complex patterning of hills ranging from moderate to steeply sloping in places. Elevated hummock pattern throughout central portion with remnant kettle lakes.

Landscape Character Unit	11: Slope Hill 'Foothills'
Vegetation patterns	Exotic shelterbelts, woodlots, remnant gully vegetation, and exotic amenity plantings around older rural residential dwellings. Predominantly grazed grass although smaller lots tends to be mown.
Hydrology	Numerous streams, ponds and localised wet areas.
Proximity to ONL/ONF	Adjoins Slope Hill/Lake Hayes ONF.
Character Unit boundaries	North: Ridgeline crest. East: Ridgeline crest/ONF. South: Toe of Slope Hill ONF. West: Lower Shotover Road.
Land use	Mix of rural and rural residential.
Settlement patterns	Dwellings generally located to enjoy long-range basin and mountain views. Older rural residential development tends to be well integrated by planting and/or localised landform patterns. Newer rural residential is considerably more exposed, with buildings sited to exploit landform screening (where possible). Clustered development evident in places. Numerous consented but unbuilt platforms (43). Typical lot sizes: evenly distributed mix. One property 100-500ha range, another 50-100ha. Balance typically shared lots or 4-10ha range.
Proximity to key route	Located away from key vehicular route.
Heritage features	No heritage buildings/features identified in PDP.
Recreation features	A Council walkway/cycleway runs along Slope Hill Road (forms part of the Queenstown Trail 'Countryside Ride').
Infrastructure features	Reticulated water, sewer and stormwater in places.
Existing zoning	PDP: Western slopes overlooking Hawthorn Triangle: Rural Lifestyle (no defensible edges). Balance of the unit: Rural.
Visibility/prominence	Visibility varies across the landscape unit. The elevated nature of the unit and its location adjacent a flat plain on its western side means that this part of the area is visually prominent. The steep hillslopes and escarpment faces edging Speargrass Flat to the north and Lake Hayes to the east, together with Slope Hill itself, serve to limit visibility of the balance of the unit from the wider basin landscape.

Landscape Character Unit	11: Slope Hill 'Foothills'
Views	Key views relate to the open vistas available from parts of Hawthorn Triangle environs to the western portion of the unit. The unit affords attractive long-range views out over the basin to the surrounding ONL mountain setting as well as open views of the nearby Slope Hill ONF from some public locations.
Enclosure/openness	A variable sense of openness and enclosure. The older and more established rural residential development throughout the elevated slopes on the western side of the unit are reasonably enclosed, despite their elevation. Throughout the central and eastern areas, landform provides containment at a macro scale.
Complexity	Generally, a relatively complex unit due to the landform patterning. Vegetation patterns add to the complexity in places.
Coherence	The coordination of landform and vegetation patterns in places (associated with gully plantings), contributes a degree of landscape coherence. Elsewhere the discordant vegetation and landform patterning means that there is a limited perception of landscape coherence.
Naturalness	A variable sense of naturalness, largely dependent on how well buildings are integrated into the landscape. The large number of consented but unbuilt platforms suggest that a perception of naturalness could reduce appreciably in time.
Sense of Place	Generally, the area reads as a mixed rural and rural residential landscape. The elevated portions of the area read as a rural residential landscape 'at, or very near, its limit'. The lower-lying stream valley area to the east remains largely undeveloped, and functions as somewhat of a 'foil' for the more intensive rural residential landscape associated with the surrounding elevated slopes.
Potential landscape issues and constraints associated with additional development	DoC ownership of part of low lying stream valley to the east. Drainage in places (e.g. low-lying stream valley to east). Potential visibility of development throughout western hillslopes in particular. Importance of the western slopes as a contrasting and highly attractive backdrop to the intensive patterning throughout the Hawthorne Triangle, particularly in views from within the triangle. Importance of existing open views to Slope Hill. Proximity of popular walkway/cycleway route. Environment Court history suggest that the capacity has been fully exploited in most parts of the LCU.
Potential landscape opportunities and benefits associated with additional development	Riparian restoration potential. Large-scaled lots suggest potential for subdivision. Improved landscape legibility via gully and steep slope planting.

Landscape Character Unit	11: Slope Hill 'Foothills'
Environmental characteristics and visual amenity values to be maintained and enhanced	Landform pattern. Careful integration of buildings with landform and planting. Set back of buildings from ridgeline crests to north and east of unit. Retention of existing open views to Slope Hill.
Capability to absorb additional development	Low

12: Lake Hayes Rural Residential

Landscape Character Unit	12: Lake Hayes Rural Residential
Landform patterns	Flat lake terrace / valley floor landform.
Vegetation patterns	Extensive exotic amenity plantings around established rural residential dwellings and along watercourses.
Hydrology	Several streams drain across the land unit to Lake Hayes.
Proximity to ONL/ONF	Adjoins Lake Hayes ONF along south edge.
Character Unit boundaries	North: Speargrass Flat Road, cadastral boundary, Hogans Gully. East: ridgeline crest. South: Toe of Speargrass Flat hillslopes, Lake Hayes ONF, descending ridgeline crest, Bendemeer Special Zone. West: cadastral boundary.
Land use	Almost entirely rural residential land use. Slivers of QLDC land including a lake front reserve. Agistment uses evident on the south-east corner of Arrowtown Lake Hayes Road/Hogans Gully intersection.

Landscape Character Unit	12: Lake Hayes Rural Residential
Settlement patterns	<p>Dwellings intensively clustered around the northern end of Lake Hayes and reasonably evenly distributed to the west, along the narrow flat margin on the south side of Speargrass Flat Road.</p> <p>Evenly dispersed arrangement of consented but unbuilt platforms throughout the flat land on the south-east corner of Arrowtown Lake Hayes Road/Hogans Gully intersection.</p> <p>Numerous consented but unbuilt platforms, particularly in the south-east corner of Arrowtown Lake Hayes Road / Hogans Gully intersection (27).</p> <p>More recent development would appear to have had consistent design controls applied and required mounding/planting which assist integration.</p> <p>Typical lot sizes: < 4ha.</p> <p>The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of residential activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.</p>
Proximity to key route	Located on a popular route between Queenstown and Arrowtown (Arrowtown Lake Hayes Road).
Heritage features	Approximately two heritage buildings / features identified in PDP.
Recreation features	<p>Council walkway / cycleway route passes through the area linking the Queenstown Trail 'Lake Hayes Circuit' to the 'Countryside Ride'.</p> <p>Art gallery, lakefront reserve.</p>
Infrastructure features	The majority of the unit has reticulated sewer and water. Limited reticulated stormwater.
Visibility/prominence	<p>The relatively low-lying and well-vegetated character of much of the unit makes it relatively visually discreet.</p> <p>The exceptions to this are the open and unbuilt (as yet) pocket at the eastern end and parts of the linear area adjacent Speargrass Flat Road at the western end of the unit.</p>
Views	<p>Key views relate to the outlook from the surrounding road network and walkway/cycleway route.</p> <p>Views from within the unit to Lake Hayes and the surrounding ONL mountain context.</p>
Enclosure/openness	<p>Generally, a high degree of enclosure as a consequence of the vegetation patterns.</p> <p>A considerably greater sense of openness at the western and eastern edges of the unit resulting in a direct relationship with the neighbouring Speargrass Flats LCU.</p>
Complexity	The extensive plantings throughout the unit contribute a relatively high degree of complexity, excepting the western and eastern ends, which are more open in character.
Coherence	<p>At a more detailed level, the varied patterning and character of plantings on individual lots results in a relatively low level of landscape coherence.</p> <p>However, at the macro level, the contrasting character of the relatively densely-planted (and inhabited) character of the unit in comparison to the surrounds lends a strong sense of coherence.</p>

Landscape Character Unit	12: Lake Hayes Rural Residential
Naturalness	Generally, a low perception of naturalness as a consequence of the level of rural residential development.
Sense of Place	Generally, the unit reads as a distinct 'node' of rural residential development at the northern end of Lake Hayes (despite not having a discernible 'heart') that is buffered from the lake by plantings/open space. The ribbon-type patterning at the western end, extent of (as yet, unbuilt) development at the eastern end, and absence of legible defensible edges, including for the development to the north of Speargrass Flat Road, confer the impression of an 'actively' spreading node.
Potential landscape issues and constraints associated with additional development	Absence of legible edges to the west and north edges of the unit. Very few larger-scaled lots to accommodate additional development. Existing platform and lot arrangement together with vegetation patterns may constrain additional development. Proximity of popular walkway / cycleway route.
Potential landscape opportunities and benefits associated with additional development	Riparian restoration potential. Integration of defensible edges with additional subdivision. The enclosed and screened nature of the area, together with its established rural residential node character, suggests the potential to integrate additional development with minimal impact on the wider basin landscape. Easy topography.
Environmental characteristics and visual amenity values to be maintained and enhanced	Integration of buildings via planting and the application of building design controls. Retention of existing vegetation patterns. Maintaining a sense of openness where there are existing views from Speargrass Flat Road to the surrounding escarpment and ONL mountain context.
Capability to absorb additional development	High (Potentially limited by existing building, vegetation and lot patterns)

13: Lake Hayes Slopes

Landscape Character Unit	13: Lake Hayes Slopes
Landform patterns	Variably steep to moderately sloping hillslopes.
Vegetation patterns	Fragmented patterning of exotic shelterbelts and amenity plantings. Viticulture in places.
Hydrology	No streams, ponds, wetlands evident.

Landscape Character Unit	13: Lake Hayes Slopes
Proximity to ONL/ONF	Southern edge adjoins Morven Hill ONL(WB). Overlooks Lake Hayes / Slope Hill ONF.
Character Unit boundaries	North: Descending ridgeline crest. East: Bendemeer Special Zone. South: Morven Hill ONL (WB). West: Lake Hayes or Arrowtown Lake Hayes Road / Low Density Residential zone straddling Lake Hayes.
Land use	Predominantly rural residential. QLDC land. Viticulture, hobby farming and public uses evident.
Settlement patterns	Dwellings scattered throughout slopes to enjoy panoramic lake and mountain views. Roading snakes up steep hillsides. Numerous consented but unbuilt platforms (24). Older dwellings reasonably well integrated by vegetation and generally of a relatively modest scale. Newer dwellings larger-scaled and generally very exposed with landscaping not providing material mitigation as at 2018. Typical lot sizes: almost all of the lots under 10ha.
Proximity to key route	The majority of the unit is located on a popular route between Queenstown and Arrowtown (Arrowtown Lake Hayes Road). The southern portion of the unit is located on SH6, a key vehicular route between Queenstown, Wanaka, Cardrona, Gibbston Valley and Cromwell.
Heritage features	Approximately four heritage buildings/features identified in PDP.
Recreation features	No specific walkway or cycleway through the area, although Lake Hayes circuit (part of Queenstown Trail), nearby. Winery, cafes, scenic reserve, rowing club
Infrastructure features	Majority of the area has reticulated water, sewer and stormwater.
Visibility/prominence	The elevated and exposed nature of much of the unit makes it prominent in views from Lake Hayes, parts of SH6, the walkway/cycleway around Lake Hayes and the Arrowtown Lake Hayes Road.
Views	Key views relate to the views from the road network and Lake Hayes (including walkway/cycleway) to the area, and from the unit to the lake and mountain (ONF and ONL) setting.
Enclosure/openness	Generally, a relatively low degree of enclosure as a consequence of the elevated hillslope location and absence of vegetation.
Complexity	The hillslope landform patterns contribute complexity in places; however, this is somewhat outweighed by the paucity of vegetation.

Landscape Character Unit	13: Lake Hayes Slopes
Coherence	Generally, a low degree of landscape coherence as a consequence of the open and exposed character, together with the frequency of highly visible large-scale buildings and winding roads up steep hill slopes.
Naturalness	Generally, a low degree of naturalness as a consequence of the frequency and exposure of buildings.
Sense of Place	Generally, the area displays a relatively unsympathetic rural residential character that reads as development sprawl up the hillsides. The exception to this is the older and lower lying, generally more modest development adjacent Arrowtown-Lake Hayes Road.
Potential landscape issues and constraints associated with additional development	Elevated and in many places exposed location that is highly visible from the surrounding area, including from key scenic routes. Steep topography. Absence of vegetation in some areas. Highly modified rural living area with a risk of exacerbating perception of development sprawl.
Potential landscape opportunities and benefits associated with additional development	Larger-scaled lots suggest potential for subdivision. Improve landscape legibility via gully/steep slope planting.
Environmental characteristics and visual amenity values to be maintained and enhanced	Landform patterning. Careful integration of buildings with landform and planting.
Capability to absorb additional development	Low

14: Lake Hayes Terrace

Landscape Character Unit	14: Lake Hayes Terrace
Landform patterns	Elevated alluvial terrace landform.
Vegetation patterns	Exotic and remnant riparian vegetation along Hayes Creek margins. Exotic amenity plantings around dwellings. Fragmented shelterbelt plantings and hedgerows.

Landscape Character Unit	14: Lake Hayes Terrace
Hydrology	Bordered by the Hayes Creek to the west. No streams or wetlands evident. Amenity pond.
Proximity to ONL/ONF	Adjoins Morven Hill ONL (WB) along east and south boundary and Lake Hayes ONF along north boundary.
Character Unit boundaries	North: Lake Hayes ONF. East: Morven Hill ONL (WB). South: Morven Hill ONL (WB). West: Hayes Creek.
Land use	Rural residential uses with some lifestyle / hobby farming evident.
Settlement patterns	Dwellings typically located to the eastern edges of the terrace. Few consented but unbuilt platforms within the unit (2). Typical lot sizes: Predominantly 10-20ha. Smaller lots along eastern edge straddling ONL (under 10ha). The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of residential activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.
Proximity to key route	Located adjacent SH6, although its elevated terrace setting means that the unit is reasonably discreet from the highway.
Heritage features	No heritage buildings / features identified in PDP.
Recreation features	No walkways/cycleways through the area.
Infrastructure features	Reticulated water supply. Reticulated sewer nearby along SH6. No reticulated stormwater.
Visibility/prominence	Despite its elevation, the area is relatively visually discreet as a consequence of its position tucked into the side of Morven Hill, and the low-lying position of SH6 relative to the terrace. The area is visible from Lake Hayes Estate and in more distant views from Ladies Mile Highway further to the west.
Views	Key 'external' views relate to the distant view from Ladies Mile Highway across to the terrace backdropped by Morven Hill and views from Lake Hayes (including the walkway/cycleway route) to the area. From within the unit, key views relate to the highly attractive northern views towards Lake Hayes and Slope Hill and the quite different outlook westwards to Lake Hayes Estate urban area.
Enclosure/openness	The unit has a reasonably high degree of openness as a consequence of the landform and vegetation patterns. That said, the Morven Hill landform and Remarkables Range to the east and south respectively, provide a strong sense of containment.
Complexity	Generally, the unit displays a low level of complexity as a consequence of landform and vegetative patterns.

Landscape Character Unit	14: Lake Hayes Terrace
Coherence	Similarly, the absence of distinctive and coordinated landform, vegetation or building patterning confers a relatively low level of landscape coherence.
Naturalness	Generally, a relatively low sense of naturalness as a consequence of the close proximity and exposure of the area to the lower lying Lake Hayes Estate urban area on the west side of Hayes Creek (despite close proximity of ONL/ONF).
Sense of Place	Generally, the area reads as a relatively undeveloped small-scale plateau sandwiched between the urban area of Lake Hayes Estate and the Morven Hill ONL (WB).
Potential landscape issues and constraints associated with additional development	Importance of the unit as a buffer between the urban area to the west and the ONL to the east and south.
Potential landscape opportunities and benefits associated with additional development	Larger-scaled lots suggest the potential for subdivision. Easy topography. 'Developed' context to the west. Proximity of urban infrastructure.
Environmental characteristics and visual amenity values to be maintained and enhanced	Impression of the area as a relatively visually discreet buffer between the urban area of Lake Hayes Estate and the undeveloped Morven Hill ONL to the east. Integration of buildings with plantings. Maintaining a sense of openness where there are existing views from Alec Robins Road to the surrounding mountain context.
Capability to absorb additional development	Moderate-High

15: Hogans Gully

Landscape Character Unit	15: Hogans Gully
Landform patterns	Gully framed by moraine-type landform, with the latter characterised by hummocky hills interspersed with plateaus.
Vegetation patterns	Isolated stands of bush, and patches of scrub in gullies and throughout some steeper areas. Exotic amenity plantings around buildings.
Hydrology	Complex network of streams and overland flow paths draining eastwards across the unit to the Arrow River.
Proximity to ONL/ONF	Does not adjoin ONL or ONF; however, open longer-range views to surrounding ONL context.
Character Unit boundaries	North: Ridgeline crest, SHA, golf course. East: toe of hummocky landform, Arrow River, cadastral boundary. South: Stream and Bendemeer Special Zone (LCU 16). West: Bendemeer Special Zone (LCU 16).
Land use	Mix of rural residential and rural. Relatively unkempt character of some of the larger rural lots suggests marginally productive.
Settlement patterns	Sparse scattering of dwellings, generally set back from the road and/or well contained by landform / vegetative patterns. No consented but unbuilt platforms evident. Typical lot sizes: predominantly larger lots >20ha. Some smaller lots (<4ha and 4-10ha) at north western end of unit.
Proximity to key route	McDonnell Road passes through the eastern end of the unit which is a popular route between Arrowtown and SH6 / Arrow Junction.
Heritage features	No heritage buildings/features identified in PDP.
Recreation features	No Council walkways/cycleways within the unit.
Infrastructure features	No reticulated sewer or stormwater. Reticulated water on north side of Hogans Gully Road.
Visibility/prominence	Visibility of the unit from Hogans Gully Road is limited to the plateaus and slopes immediately adjacent. The elevated hummocky nature of the balance of the unit means that visibility is limited to the higher ground to the north (The Hills LCU 22), the elevated land to the west (Bendemeer LCU 16), the Crown Terrace (LCU 20) and ONL(WB) mountain range to the east. The area is visible from the western edges of the Crown Terrace, the tracks throughout the ONL to the east (Mt Beetham environs) and the zigzag lookout. The diminishing influences of distance and relative elevation in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.

Landscape Character Unit	15: Hogans Gully
Views	Key views relate to the view out over the area from the tracks throughout the ONL to the east (Mt Beetham environs) and the zig zag lookout. In these views the area reads as a part of the swathe of relatively low lying, undulating rural/rural residential land flanking Morven Hill. The outlook from Hogans Gully Road comprises a relatively attractive, 'low key' rural view in which buildings are subservient. From within the unit, key views relate to the attractive long-range views to the surrounding ONL mountain setting.
Enclosure/openness	The gully itself displays a relatively open character; however, throughout the elevated areas on either side, the hummocky landform pattern serves to create a sense of enclosure.
Complexity	Generally, there is a variable degree of complexity that derives from the gully and moraine landform pattern.
Coherence	Vegetation patterns reinforce landform patterns in places, conferring a limited sense of coherence.
Naturalness	Generally, a moderate to high perception of naturalness as a consequence of the limited visibility and sparse arrangement of buildings and the relatively 'unkempt' character of the area.
Sense of Place	Generally, the area reads as a mixed rural and rural residential area that is somewhat tucked away and forgotten. As a consequence, the unit functions as 'breathing space' between the more intensive rural residential 'nodes' at the north end of Lake Hayes (to the west) and the Arrow River crossing (to the east).
Potential landscape issues and constraints associated with additional development	Potential visibility from nearby rural residential development on elevated land (Bendemeer), ONLs (including tracks) and zig zag lookout. Accessways and large-scale buildings have the potential to compromise the distinctive hummocky landform pattern. Potential visibility of development along ridgeline edges and from Hogans Gully Road. Lack of defensible edges in places. Potential for development to read as sprawl between the Lake Hayes Rural Residential and Arrow Junction 'nodes'. Also the potential for development here to read as sprawl between Arrow Junction and Arrowtown South.
Potential landscape opportunities and benefits associated with additional development	Integration potential of landform pattern. Riparian restoration potential. Larger-scaled lots suggest potential for subdivision. Relatively visually discreet nature of the majority of the unit (due to landform and to a lesser degree, vegetation patterns). Potential to integrate walkways/cycleways.
Environmental characteristics and visual amenity values to be maintained and enhanced	Buildings integrated by landform and vegetation. Retention of hummock landform pattern. Reinforcement of landform patterning via gully / stream plantings.
Capability to absorb additional development	Moderate

17: Morven Ferry

Landscape Character Unit	17: Morven Ferry
Landform patterns	Generally flat alluvial terrace landform.
Vegetation patterns	Exotic shelterbelts, scattered shade trees, the odd exotic woodlot planting, exotic amenity plantings around dwellings. Exotic pasture grasses dominate.
Hydrology	No streams, wetlands or ponds evident.
Proximity to ONL/ONF	Adjoins the Arrow River ONF along part of eastern edge and the Morven Hill ONL (WB) along western edge.
Character Unit boundaries	North: Cadastral boundaries. East: McDonnell Road, Arrow Junction rural residential land use edge (cadastral boundaries), Arrow River ONF. South: Toe of moraine landform east of Morven Hill. West: Morven Hill ONL boundary, Bendemeer Special Zone, toe of Hogans Gully hillslopes.
Land use	Predominantly rural residential and hobby farming type uses. Some areas of more open pastoral land particularly adjacent McDonnell Road.
Settlement patterns	Dispersed patterning with some consented but unbuilt platforms (7). Typical lot sizes: large lots on west side of McDonnell Road (>20ha). Elsewhere mix of under 4ha and 4-10ha with the odd lot between 20-50ha in size.
Proximity to key route	SH6 passes through the unit. McDonnell Road also traverses the unit – a popular route between SH6 and Arrowtown.
Heritage features	No heritage buildings/features identified in PDP.
Recreation features	Council walkway/cycleway passes through the unit. Forms part of Queenstown Trail 'Arrow Bridges Ride'.
Infrastructure features	No reticulated sewer or stormwater. Very limited water reticulation.
Visibility/prominence	The northern portion of the unit enjoys a reasonably high public profile as a consequence of its location adjacent SH6 and McDonnell Road in conjunction with the relatively open nature of this part of the unit. In contrast, the southern portion of the unit is considerably more visually discreet as a result of its quiet rural road context and vegetation patterns. The popular walkway/cycleway route that passes through this area increases its 'profile'. The area is visible from the western edges of the Crown Terrace, the tracks throughout the ONL to the east (Mt Beetham environs) and the zigzag lookout. The diminishing influences of distance and relative elevation, in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.

Landscape Character Unit	17: Morven Ferry
Views	Key views relate to the memorable vista from SH6 and the walkway/cycleway to the Crown Terrace escarpment and ONL ranges to the south, and the highly attractive open views across the area from SH6 and the walkway/cycleway to Morven Hill and the flanking moraine 'foothill' landscape to the north. With respect to the view out over the area from the tracks throughout the ONL to the east (Mt Beetham environs) and the zig zag lookout, the unit reads as a part of the swathe of relatively low lying, flat rural/rural residential land flanking Morven Hill.
Enclosure/openness	The unit displays a variable sense of openness and enclosure largely as a consequence of vegetation patterns.
Complexity	Similarly, the unit exhibits a variable degree of complexity, largely as a consequence of vegetation patterns.
Coherence	The fragmented patterning of vegetation features detracts from the underlying coherence associated with the relatively uniform flat topography. The range of building styles evident does not reinforce the landscape coherence.
Naturalness	Generally, a moderate to low level of naturalness as a consequence of the patterning and visibility of rural residential development.
Sense of Place	Generally, the area reads a mixed rural and rural residential landscape on the edge of the established Arrow Junction rural residential 'node'.
Potential landscape issues and constraints associated with additional development	The location of the northern portion of the area adjacent to scenic routes, in combination with its relatively open pastoral character, makes it sensitive to landscape change. Absence of legible edges to the rural residential enclave to the east associated with Arrow Junction makes the unit vulnerable to development creep. Potential for development in northern portion to read as sprawling into Hogans Gully and northwards to Arrowtown. Walkway/cycleway proximity.
Potential landscape opportunities and benefits associated with additional development	Large-scaled lots suggest potential for subdivision. Vegetation provides containment in places. Proximity to good roading infrastructure. Integration of defensible edges with additional subdivision. Potential for development to form a legible node, as a consequence of 'junction' function, landform pattern (contrasting 'flats') and noting that this patterning is already emerging immediately to the east. Easy topography.
Environmental characteristics and visual amenity values to be maintained and enhanced	Open views from SH 6 and McDonnell Road to the Crown Terrace escarpment and ONL ranges to the south. Open views from SH 6 and McDonnell Road to Morven Hill and the flanking moraine 'foothill' landscape to the north. Integration of buildings with planting.

Landscape Character Unit	17: Morven Ferry
Capability to absorb additional development	Moderate-Low

18: Morven Eastern 'Foothills'

Landscape Character Unit	18: Morven Eastern 'Foothills'
Landform patterns	Elevated moraine landform with plateaus, hummocky hills, swamps and remnant kettle lakes.
Vegetation patterns	Exotic shelterbelts and hedgerows in places. The odd scattered woodlot and patches of scrub in gullies. Pond edge plantings. Exotic pasture grasses dominate.
Hydrology	Stream, amenity and farm ponds, and wetland features evident.
Proximity to ONL/ONF	Adjoins ONL (WB) on west and south sides and Arrow River ONF on eastern side.
Character Unit boundaries	North: Toe of the moraine landform. East: Arrow River ONF. South: ONL(WB)/study area boundary. West: ONL(WB)/study area boundary.
Land use	Predominantly rural lifestyle / hobby farming and more generously proportioned working rural lots with a limited amount of rural residential development evident.
Settlement patterns	Dwellings reasonably evenly dispersed along road or stream edges, and well integrated by plantings. A few consented but unbuilt platforms evident (5). Typical lot sizes: majority of unit > 10ha with approximately half of the unit 50ha or greater.
Proximity to key route	Not located near a key route. Morven Ferry Road is a dead-end road.
Heritage features	Four heritage buildings/features identified in PDP.
Recreation features	Council walkway/cycleway passes through the area (forms part of Queenstown Trail 'Twin Rivers Ride' and 'Arrow River Bridges Ride').
Infrastructure features	No reticulated sewer, stormwater or water.

Landscape Character Unit	18: Morven Eastern 'Foothills'
Visibility/prominence	The somewhat sleepy backwater location (on a dead-end road), together with its (relatively) lower-lying topography means that the unit is not particularly prominent in terms of the wider basin landscape. The area is visible from the western edges of the Crown Terrace, the tracks throughout the ONL to the east (Mt Beetham environs) and the zigzag lookout. The diminishing influences of distance and relative elevation, in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.
Views	Key views relate to the dramatic mountain, Morven Hill and Crown Terrace escarpment views available from the walkway / cycleway network, local roads, and dwellings.
Enclosure/openness	A variable sense of openness and enclosure as a consequence of the landform patterning (west of Morven Ferry Road) and vegetation patterning (east of Morven Ferry Road).
Complexity	A correspondingly variable degree of complexity as a result of the landform and vegetation patterns.
Coherence	A low level of landscape coherence. Vegetation patterns generally do not reinforce landform features.
Naturalness	Generally, a moderate perception of naturalness as a consequence of the limited visibility of buildings, the open hummocky pastoral character (particularly to the western side of Morven Ferry Road), and the close proximity and open views to the mountain setting and Crown Terrace escarpment.
Sense of Place	Generally, the area reads as a mixed rural and rural lifestyle / hobby farming area that functions as a transition between the mountain ONL and the lower-lying and more 'developed' river terrace to the north and east.
Potential landscape issues and constraints associated with additional development	The visibility of the unit from public roads and vantage points and from parts of the Queenstown Trail located on Crown land, very close proximity to ONLs and ONFs, together with the role of the area as a transition between the mountain ONL and the lower-lying and more 'developed' river terrace to the north and east, makes it sensitive to additional development.
Potential landscape opportunities and benefits associated with additional development	Hummocky landform on western side of Morven Ferry Road, and vegetation patterns on eastern side of Morven Ferry Road, provide some potential to absorb additional development. Larger-scaled lots suggest the potential for subdivision. Riparian, pond, and wetland restoration potential. Dead-end road – limited 'profile'.
Environmental characteristics and visual amenity values to be maintained and enhanced	Landform patterning. Integration of buildings with landform and/or planting.

Landscape Character Unit	18: Morven Eastern 'Foothills'
Capability to absorb additional development	Low

19: Gibbston Highway Flats

Landscape Character Unit	19: Gibbston Highway Flats
Landform patterns	Flat river terrace unit sandwiched between the vegetation-clad steep slopes of the Arrow River and the steep scrub and weed-dominated Crown Terrace escarpment.
Vegetation patterns	Numerous exotic shelterbelts and hedgerows, exotic amenity plantings around buildings. Exotic pasture grasses dominate.
Hydrology	A series of streams drain from the Crown Terrace across the flats to the Arrow River. A pond evident.
Proximity to ONL/ONF	Adjoins Crown Range ONL (WB) to the east and Arrow River ONF to the west.
Character Unit boundaries	North: Cadastral boundary. East: Toe of Crown Terrace Escarpment (ONL WB)/study area boundary. South: Top of Arrow River streambanks (ONF). West: Top of Arrow River streambanks (ONF).
Land use	Predominantly working rural landscape with some rural residential development, particularly along the Arrow River edge.
Settlement patterns	Reasonably spacious pattern with very few consented but unbuilt platforms (2). Typical lot sizes: majority of unit > 10ha with approximately half falling in the 20-50ha range.
Proximity to key route	Located on key scenic route between Queenstown and Gibbston Valley, Cromwell (SH6).
Heritage features	No heritage buildings/features identified in PDP.
Recreation features	No walkways/cycleways in the area.
Infrastructure features	No reticulated sewer or stormwater. Limited reticulated water.
Visibility/prominence	The area is highly visible from SH6.

Landscape Character Unit	19: Gibbston Highway Flats
Views	Key views relate to the highly attractive vistas from SH6 westwards across the flats to the Arrow River margins, backdropped by Morven Hill (ONL WB) and the ONL mountain range to the south (Remarkables), and eastwards to the large-scale and scrub-clad Crown Terrace escarpment.
Enclosure/openness	The unit displays a variable sense of enclosure and openness as a consequence of vegetation patterning.
Complexity	Correspondingly variable degree of complexity as a consequence of vegetation patterning.
Coherence	Generally a limited landscape coherence as a consequence of the fragmented vegetation patterns and flat topography.
Naturalness	Generally, a moderate perception of naturalness as a consequence of the working rural landscape impression. The very close proximity of the 'wild' scrub-dominated Crown Terrace escarpment serves to counter the diminishing influence of visible dwellings etc. in terms of naturalness values.
Sense of Place	Generally, the unit reads as a working rural landscape on the very edge or at the entrance (depending on orientation) of the Wakatipu Basin.
Potential landscape issues and constraints associated with additional development	The location of the unit adjacent to a scenic route, in combination with its relatively open pastoral character, makes it sensitive to landscape change. Absence of legible edges to the rural residential enclave to the north associated with Arrow Junction makes the unit vulnerable to development creep. Role of the unit as a 'gateway' to the Wakatipu Basin. Potential for development to read as linear sprawl from the established and legible rural residential 'node' associated with Arrow Junction.
Potential landscape opportunities and benefits associated with additional development	Large-scaled lots suggest potential for subdivision. Vegetation provides containment in places. Proximity to good roading infrastructure. Integration of defensible edges with additional subdivision. Riparian restoration potential.
Environmental characteristics and visual amenity values to be maintained and enhanced	Maintenance of a relatively spacious and, in places, open, working rural landscape character. Open views from SH6 to the Crown Terrace escarpment, the Arrow River margins, Morven Hill and the Remarkables to the south. Impression of the area as a 'green' gateway to the Basin.
Capability to absorb additional development	Very Low.

20: Crown Terrace

Landscape Character Unit	20: Crown Terrace
Landform patterns	Elevated glacial terrace characterised by plateaus interspersed with rolling hummocky hills and includes the lower slopes of the Crown Range.
Vegetation patterns	Scattered exotic shelterbelts/hedgerows, shade trees, pockets of bush and patches of scrub in gullies. Exotic amenity plantings around dwellings in places. Exotic pasture grasses dominate.
Hydrology	Complex network of streams draining westwards across the terrace from the Crown Range to the Arrow River.
Proximity to ONL/ONF	Surrounded by ONL (WB).
Character Unit boundaries	North: ONL (WB) toe of mountain range/study area boundary. East: ONL (WB) toe of mountain range/study area boundary. South: ONL (WB) top of escarpment/study area boundary. West: ONL (WB) top of escarpment/study area boundary.
Land use	Predominantly in rural production with loose groupings of rural residential development throughout the unit.
Settlement patterns	Relatively spacious rural residential development loosely grouped throughout the terrace and oriented to take advantage of the panoramic views out over the Wakatipu Basin. Relatively few existing dwellings. Numerous consented but unbuilt platforms evident (33). Rural buildings evident. Typical lots sizes > 20ha.
Proximity to key route	The Crown Range Road passes through the terrace and comprises an important scenic route linking Queenstown to Cardrona and Wanaka. Formalised scenic lookouts at various points.
Heritage features	Three heritage buildings/features identified in PDP.
Recreation features	No walkways/cycleways in the area.
Infrastructure features	No reticulated sewer or stormwater. Limited reticulated water.
Visibility/prominence	The elevated and relatively flat topography of the unit means that only its western edges are visible from the basin. The reasonably open character and flat to gently rolling landform pattern makes much of the unit highly visible from the Crown Range Road.

Landscape Character Unit	20: Crown Terrace
Views	Key views relate to the views across the terrace from the Crown Range Road to the Crown Range and wider Wakatipu Basin landscape, and views from the scenic lookouts out over the Wakatipu Basin.
Enclosure/openness	Generally, the unit exhibits a relatively high degree of openness. The Crown Range provides a strong sense of enclosure to the east. The lower-lying large scale basin landscape to the west amplifies the perception of openness.
Complexity	Localised landform (hummocky hills) and vegetation patterns confer a reasonable degree of complexity in places.
Coherence	The legible and largely uncluttered landform patterning, in combination with the predominantly open pastoral character, contributes an impression of coherence. However, minimal interplay between landform and vegetation patterning.
Naturalness	A reasonably high degree of naturalness as a consequence of its predominantly open and pastoral character combined with its proximity to the vastly scaled and relatively undeveloped Crown Range landscape to the east. In the main, (existing) buildings tend to be well integrated by plantings serving to reduce their prominence.
Sense of Place	Generally, the unit displays a working rural landscape character with a reasonably spacious patterning of rural residential development in places. The terrace serves as an important transition between the 'inhabited' Wakatipu Basin landscape and the relatively unmodified 'wilderness' landscape of the Crown Range to the east.
Potential landscape issues and constraints associated with additional development	The relatively open and exposed nature of the unit, in addition to its importance as a scenic route and as a transition between the Wakatipu Basin and the Crown Range, makes it highly sensitive to landscape change.
Potential landscape opportunities and benefits associated with additional development	Riparian restoration potential. Potential integration of walkways/cycleways etc. Larger-scaled lots suggest potential for subdivision.
Environmental characteristics and visual amenity values to be maintained and enhanced	Sense of openness and spaciousness associated with a predominantly pastoral landscape. Dramatic views from the Crown Range Road to the Wakatipu Basin and surrounding mountain setting. Impression of the area as a transition between the inhabited basin landscape and the more 'wild' Crown Range mountain-scape to the east.
Capability to absorb additional development	Very low.

21: Arrow Junction Rural Residential

Landscape Character Unit	21: Arrow Junction Rural Residential
Landform patterns	Alluvial river terrace landform flanking the west and east sides of the Arrow River.
Vegetation patterns	Exotic amenity planting around dwellings.
Hydrology	A tributary of the Arrow River passes through the northern portion of the unit on the west side of the river, and a stream drains from the Crown Terrace to a pond in the portion of the unit located on the east side of the river.
Proximity to ONL/ONF	The Arrow River ONF passes through the unit. The eastern portion adjoins the Crown Terrace escarpment ONL (WB).
Character Unit boundaries	North: Cadastral boundary. East: Arrow River and toe of Crown Terrace escarpment. South: landuse / cadastral boundaries. West: cadastral boundaries, SH6, McDonnell Road.
Land use	Rural residential with some rural lifestyle / hobby farming uses evident. Council reserve and DoC land on the eastern side of the river.
Settlement patterns	Generally, a node of relatively intensive rural residential development around the SH6 Arrow River crossing. A limited number of consented but unbuilt platforms on the south west side of the unit (5). Some larger-scaled lots to the north end. Typical lot sizes: predominantly <4ha The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of Residential Activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.
Proximity to key route	Located on a popular route between Arrowtown and SH6 i.e. McDonnell Road. SH6 passes through the southern portion of the unit.
Heritage features	Three heritage buildings/features identified in PDP.
Recreation features	A council walkway/cycleway passes through the unit. Forms part of Queenstown Trail 'Arrow River Bridges Ride'.
Infrastructure features	No reticulated sewer or stormwater. Very limited water reticulation.

Landscape Character Unit	21: Arrow Junction Rural Residential
Visibility/prominence	The unit's location on a key vehicular route and a popular pedestrian, and cycle route suggests a prominent location. However, the extensive vegetation throughout much of the area, in combination with its low-lying and flat topography, limits visibility. The area is visible from the western edges of the Crown Terrace, the tracks throughout the ONL to the east (Mt Beetham environs) and the zigzag lookout. The diminishing influence of relative elevation, in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.
Views	Within the unit, roadside views tend to be framed and filtered by vegetation. The walkway / cycleway and SH6 river crossing affords highly attractive views of the Arrow River. Towards the edges of the unit, the open character affords longer range views to the surrounding mountain context. With respect to the view out over the area from the tracks throughout the ONL to the east (Mt Beetham environs) and the zig zag lookout, the unit reads as a distinct 'node' of rural residential development.
Enclosure/openness	Generally, a relatively high degree of enclosure as a consequence of vegetation patterns.
Complexity	A correspondingly high degree of complexity as a consequence of vegetation patterning.
Coherence	Despite the extensive plantings, the varied character of the vegetation in combination with the predominant patterning of smaller lots results in a landscape of limited coherence.
Naturalness	A relatively low degree of naturalness within the unit itself as a consequence of the level of rural residential development. This is partially offset by the very close proximity of the unit to the 'wild' Crown Terrace escarpment and the vegetated margins of the Arrow River.
Sense of Place	Generally, the area reads as an established node of rural residential development focused on the Arrow River crossing.
Potential landscape issues and constraints associated with additional development	Absence of legible edges to the unit to the southwest, southeast and north west. Existing platform and lot arrangement throughout the 'node' around the river crossing, together with vegetation patterns, may constrain additional development. Walkway/cycleway proximity. Scenic route proximity.
Potential landscape opportunities and benefits associated with additional development	Riparian, pond edge restoration potential. Some larger lots to the northern end of the unit suggest the potential for subdivision. Integration of defensible edges with additional subdivision. The relatively visually discreet nature of the area, together with its established rural residential node character, suggest the potential to integrate additional development with minimal impact on the wider basin landscape. Vegetation provides containment in places. Proximity to good roading infrastructure.

Landscape Character Unit	21: Arrow Junction Rural Residential
Environmental characteristics and visual amenity values to be maintained and enhanced	Maintaining a sense of openness in views from SH6 and McDonnell Road to the Crown Terrace escarpment and ONL ranges to the south; and Morven Hill and the flanking moraine 'foothill' landscape to the west and south. Maintaining a sense of openness where there are existing views from SH6 and the walkway/cycleway route to the Arrow River. Integration of buildings via planting. Retention of existing vegetation patterns.
Capability to absorb additional development	High

22: The Hills

Landscape Character Unit	22: The Hills
Landform patterns	Elevated moraine landform with hummocky hills, plateaus, and remnant kettle lakes, with the latter converted to amenity ponds.
Vegetation patterns	Exotic amenity plantings throughout the golf course and around rural residential dwellings. Native plantings around pond, stream, and wetland features. Isolated pockets of bush and woodlot plantings. Extensive roadside plantings to Arrowtown Lake Hayes Road.
Hydrology	Several streams, ponds, and wetland areas.
Proximity to ONL/ONF	Unit does not adjoin ONL or ONF; however, mid to long-range views to surrounding ONL mountain context.
Character Unit boundaries	North: cadastral boundary. East: McDonnell Road, toe of hummocky hill landform pattern. South: toe of hummocky hill landform pattern, stream pattern. West: Arrowtown Lake Hayes Road.
Land use	Golf course and rural residential.
Settlement patterns	Scattered dwellings throughout, primarily located around water features. Gated entrances requiring security codes. Typical lot sizes: one large lot of approximately 100ha, several smaller lots.

Landscape Character Unit	22: The Hills
Proximity to key route	Located on Arrowtown Lake Hayes Road which is a popular route between Queenstown and Arrowtown. Also located on McDonnell Road which is a popular route between Arrowtown and SH6 / Arrow Junction.
Heritage features	Two heritage buildings/features identified in PDP.
Recreation features	No walkways/cycleways through the unit.
Infrastructure features	Reticulated sewer. No reticulated water or stormwater.
Visibility/prominence	<p>The area is visible from the elevated streets along the western edge of Arrowtown. The relatively close proximity and (reasonably) similar elevation means that part of the unit is prominent in the outlook while the hummocky terrain limits visibility to other parts.</p> <p>Roadside plantings limit views from Arrowtown Lake Hayes Road.</p> <p>Eastern edges of the unit are visible from McDonnell Road.</p> <p>The unit is also visible from the western edges of the Crown Terrace, the tracks throughout the ONL to the east (Mt Beetham environs) and the zigzag lookout. The diminishing influences of distance and relative elevation in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.</p>
Views	<p>Key views relate to the view out over the unit from the tracks throughout the ONL to the east (Mt Beetham environs) and the zig zag lookout. In these views the unit reads as a part of the swathe of relatively low lying, undulating rural/rural residential land flanking Arrowtown.</p> <p>The outlook from McDonnell Road and the western margins of Arrowtown comprises a relatively attractive, golf course / parkland landscape on the edge of Arrowtown. The recently approved Arrowtown South SHA comprising a distinctly urban three storey high density retirement village development will also be visible in each of these outlooks (albeit to a varying degree depending on location). The Arrowtown South Special Zone appears in the foreground of views west from the southern end of Cotter Avenue.</p> <p>From within the unit, key views are expected to relate to the attractive long-range views to the surrounding ONL mountain setting.</p>
Enclosure/openness	Landform and vegetation create a variable sense of openness and enclosure.
Complexity	Generally, a relatively complex landscape as a consequence of the landform and vegetation patterns.
Coherence	The underlying golf course landscape lends a coherence to the unit.
Naturalness	Generally, a low level of naturalness as a consequence of the distinctly modified character of the golf course setting.
Sense of Place	Generally, the area reads as a distinctly private, highly modified golf course parkland landscape in which rural residential development is an established component. The unit forms part of the swathe of golf courses that 'contain' the western and southern edges of Arrowtown, effectively functioning as a green belt to the village.

Landscape Character Unit	22: The Hills
Potential landscape issues and constraints associated with additional development	Private golf course and previous resource consent processes suggest limited scope for residential development. Accessways and large-scale buildings have the potential to compromise the distinctive hummocky landform pattern.
Potential landscape opportunities and benefits associated with additional development	Relatively visually discreet nature of the location (due to landform and, to a lesser degree, vegetation patterns). Golf course landscape potentially suited to resort development. Landform pattern creates potential to integrate well sited buildings into the landscape. Riparian restoration potential. Integration of walkways / cycleways. Close proximity to Arrowtown. Large-scaled lots suggest some potential for subdivision.
Environmental characteristics and visual amenity values to be maintained and enhanced	Locating buildings so that they are visually discreet. Integration of buildings with landform and planting. Set back of buildings from the ridgeline crests to the eastern edges of the unit.
Capability to absorb additional development	Moderate

23: Millbrook

Landscape Character Unit	23: Millbrook
Landform patterns	The unit predominantly comprises an elevated moraine landform with plateaus, hummocky hills and remnant kettle lakes. The exceptions to this are a band of flat land (effectively part of Malaghans Valley) running along the northern margins., a roche moutonnée (ONF) in the north-eastern quadrant adjacent Malaghans Road and a small flat triangular parcel at the eastern end of the unit.
Vegetation patterns	Extensive exotic amenity planting around buildings and throughout golf course, native riparian and pond edge plantings. Dense evergreen shelterbelt plantings along much of the Malaghans Road frontage. Appreciable stand of native bush in steep-sided gully around Waterfall Park. Generally, manicured lawn and parkland plantings dominate.
Hydrology	Numerous watercourses and amenity ponds.
Proximity to ONL/ONF	Unit includes an ONF (roche moutonnée). Mid to long-range views to surrounding ONL mountain context.

Landscape Character Unit	23: Millbrook
Character Unit boundaries	North: Malaghans Road. East: McDonnell Road, cadastral boundary, Arrowtown Lake Hayes Road. South: Millbrook Special zone boundary. West: Millbrook Special zone boundary.
Land use	Golf course, commercial and rural residential uses dominate. A small area of grazing land around the roche moutonnée.
Settlement patterns	Generally, the area is relatively intensively developed with substantial clusters of two-storey semi-detached and terraced housing units throughout the golf course area, accessed via a complex patterning of semi-rural lanes. Generally, development is set into either a comprehensive parkland setting (Millbrook) or a comprehensive bush setting (Waterfall Park Special Zone – undeveloped). Pockets of more spacious rural residential development in places along Arrowtown Lake Hayes Road. Additional and similarly-scaled development is anticipated throughout the western portion of the Millbrook Special Zone. This area will be flanked by a golf course and landscape protection areas on its ‘exposed’ western margins. Large lot single ownership.
Proximity to key route	Located on Malaghans Road which comprises an important scenic route between Queenstown and Arrowtown. Also located on Arrowtown Lake Hayes Road – a popular route between Queenstown and Arrowtown.
Heritage features	Two heritage buildings/features identified in PDP.
Recreation features	Council walkway/cycleway through Millbrook (forms part of the Queenstown Trail ‘Countryside Ride’). Golf course, restaurant, etc.
Infrastructure features	Reticulated sewer, water and stormwater.
Visibility/prominence	The dense evergreen shelterbelt plantings along Malaghans Road mean that the majority of development within Millbrook is screened from the much of Malaghans Road. The more open character at the eastern end of the unit is such that the eastern portion of Millbrook is visible from the eastern end of Malaghans Road, Arrowtown Lake Hayes Road and the elevated north western margins of Arrowtown. Buildings are however relatively unobtrusive in these views as a consequence of the well-established parkland plantings. The far eastern triangular area is visually connected to Arrowtown. Waterfall Park (unbuilt) obscured from view by landform and vegetation patterns. The unit is also visible from the western edges of the Crown Terrace, the tracks throughout the ONL to the east (Mt Beetham environs) and the zigzag lookout. The diminishing influences of distance and relative elevation in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit’s prominence.

Landscape Character Unit	23: Millbrook
Views	<p>Key views relate to the view out over the area from the tracks throughout the ONL to the east (Mt Beetham environs) and the zig zag lookout. In these views the area reads as a part of the swathe of relatively low lying, undulating rural/rural residential land flanking Arrowtown.</p> <p>The outlooks from Arrowtown Lake Hayes Road and the north-western margins of Arrowtown which comprise a relatively attractive, golf course / parkland landscape on the edge of Arrowtown.</p> <p>The unit affords attractive long-range views to the surrounding ONL mountain setting.</p> <p>The containment of vegetation and localised hummocks means that a relatively limited number of dwellings are visible from the surrounding area (excepting areas at high elevation).</p>
Enclosure/openness	A variable sense of enclosure and openness deriving primarily from vegetation patterns.
Complexity	Generally, a relatively complex unit as a consequence of the landform and vegetation patterns, together with the dense arrangement of buildings.
Coherence	The relatively consistent planting treatment and architectural forms lend a reasonably strong degree of coherence to the Millbrook development. The varying planting and architectural styles associated with the handful of rural residential lots on Arrowtown Lake Hayes Road means that these parts of the unit display a reduced perception of coherence.
Naturalness	The unit displays a low level of naturalness as a consequence of the level of existing and anticipated development.
Sense of Place	<p>Generally, the unit reads as an intensively-developed attractive urban settlement set within a parkland landscape.</p> <p>The area also forms part of the swathe of golf courses that frame the western and southern edges of Arrowtown and effectively function as a greenbelt to the village.</p> <p>The far eastern triangle comprises a discrete flat area that contrasts with the more rolling golf course/parkland landscape to the west and south (LCU 22) and associates more closely with the adjacent urban area of Arrowtown.</p>
Potential landscape issues and constraints associated with additional development	<p>Existing density of development and the issue of absorbing additional development without compromising existing (urban) parkland feel.</p> <p>Ensuring existing development character does not sprawl westwards and southwards into the existing, 'more rural' areas.</p> <p>Private golf course and previous (recent) resource consent processes suggests limited further capability for development.</p>
Potential landscape opportunities and benefits associated with additional development	<p>Relatively visually discreet nature of the location (due to landform and vegetation patterns).</p> <p>Close proximity to Arrowtown.</p> <p>Urban infrastructure.</p> <p>Large-scaled lots suggest potential for subdivision.</p>
Environmental characteristics and visual amenity values to be maintained and enhanced	<p>Attractive urban parkland character.</p> <p>Landscape coherence.</p>

Landscape Character Unit	23: Millbrook
Capability to absorb additional development	Moderate: majority of unit High: triangular area at far eastern end of the unit

24: Arrowtown South

Landscape Character Unit	24: Arrowtown South
Landform patterns	The unit encompasses the flat to gently rolling land on the south side of Arrowtown and includes the steep escarpment that currently defines the south western edge of the village.
Vegetation patterns	Extensive exotic amenity planting around buildings and throughout the public golf course. A mix of native and weeds species along watercourses. Native and amenity pond edge plantings (in golf course) Scrub and weeds throughout escarpment. Extensive amenity plantings anticipated throughout the Arrowtown Lifestyle Retirement Village SHA (unbuilt).
Hydrology	A watercourse (running roughly parallel with McDonnell Road) and amenity ponds.
Proximity to ONL/ONF	Unit adjoins ONL (WB) along east boundary. Mid to long-range views to surrounding ONL mountain context.
Character Unit boundaries	North: Arrowtown Urban Growth Limit. East: ONL/study area boundary. South: cadastral boundaries. West: McDonnell Road, toe of hummocky hill landform pattern.
Land use	Golf course, rural residential (Arrowtown South Structure Plan) and retirement village (Arrowtown Lifestyle Retirement Village SHA) uses dominate. Open grazing land is required along the McDonnell Road frontage of the Arrowtown South Structure Plan area.
Settlement patterns	The Arrowtown South Special Zone anticipates a reasonably spacious patterning of rural residential development together with extensive riparian and escarpment restoration, pastoral areas and a landscape framework throughout the south western edges of Arrowtown to create an attractive edge to the settlement in conjunction with the adjacent golf courses and roads. The Arrowtown Lifestyle Retirement Village SHA anticipates an urban patterning of buildings ranging from one storey units along the McDonnell Road edge to three storey buildings in the central western margins of the area. Typical lot sizes: <ul style="list-style-type: none"> • Predominantly 4-10ha. • Some larger lots 10-20ha. The Arrowtown Lifestyle Retirement Village will have implications for future settlement patterns for the land around it south and west of McDonnell Road.

Landscape Character Unit	24: Arrowtown South
Proximity to key route	Located on Centennial Avenue and Mc Donnell Road, both of which comprise a popular routes between Arrowtown and SH6 / Arrow Junction.
Heritage features	Four heritage buildings/features identified in PDP.
Recreation features	No Council walkways/cycleways through the unit.
Infrastructure features	Reticulated sewer in part. No reticulated water and stormwater although it is expected that the Arrowtown Lifestyle Retirement Village SHA will be fully serviced.
Visibility/prominence	The area is visible from the elevated streets along the western edge of Arrowtown. The relatively close proximity means that the unit is prominent in the outlook. The unit is also visible from McDonnell Road and Centennial Avenue. Like The Hills, the unit is also visible from the western edges of the Crown Terrace, the tracks throughout the ONL to the east (Mt Beetham environs) and the zigzag lookout. The diminishing influences of distance and relative elevation in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.
Views	Key views relate to the view out over the area from the tracks throughout the ONL to the east (Mt Beetham environs) and the zig zag lookout. In these views the area reads as a part of the swathe of relatively low lying, undulating rural/rural residential land flanking Arrowtown. The outlooks from McDonnell Road, Centennial Avenue and the western margins of Arrowtown comprise a golf course and rural residential landscape on the edge of Arrowtown. The relatively wild and unkempt escarpment forms a prominent element in views from McDonnell Road. The recently approved Arrowtown Lifestyle Retirement Village SHA comprising a distinctly urban one - three storey high density retirement village development will also be visible in each of these outlooks (albeit to a varying degree depending on location). From within the unit, key views are expected to relate to the attractive long-range views to the surrounding ONL mountain setting.
Enclosure/openness	A variable sense of enclosure and openness deriving primarily from localised landform and vegetation patterns. The escarpment to the north east of the unit and the hummocky landform of The Hills to the south west provide containment to the McDonnell Road portion of the unit.
Complexity	Generally, a relatively complex unit as a consequence of the landform and vegetation patterns (golf course area), together with the dense arrangement of buildings (SHA area).
Coherence	A limited perception of coherence as a consequence of the varying landform and vegetation patterns and the somewhat anomalous urban character of development associated with the approved SHA located at some distance from the legible village edge (i.e. the escarpment).

Landscape Character Unit	24: Arrowtown South
Naturalness	The unit displays a low level of naturalness as a consequence of the level of existing and anticipated built development together with the golf course patterning. The relatively wild and unkempt character of the escarpment counters this to a limited degree.
Sense of Place	Generally, the unit reads as part of the swathe of golf courses and rural residential development that frame the western and southern edges of Arrowtown and effectively function as a 'greenbelt' to the village. However, this 'greenbelt' effect, together with the legibility of the escarpment as a robust defensible edge to Arrowtown has been significantly compromised by the Arrowtown Lifestyle Retirement Village SHA which confers a distinctly urban character in a prominent and sizeable part of the unit.
Potential landscape issues and constraints associated with additional development	Extent to which the unit can continue to operate as a 'greenbelt' to Arrowtown. Role of the escarpment as an edge to the village. Ensuring urban residential development is constrained within defensible boundaries and does not sprawl westwards and southwards in an uncontrolled manner into the existing, 'more rural' areas. Public golf course facility.
Potential landscape opportunities and benefits associated with additional development	Golf course landscape potentially suited to accommodating a reasonably high level of development (e.g. Millbrook). Close proximity to Arrowtown. Close proximity to urban infrastructure. Large-scaled lots suggest potential for subdivision. Urbanising effects of the approved Queenstown Country Club SHA suggest a tolerance for (sensitive) urban development. Potential for integration of walkways/cycleways. Riparian restoration potential. Easy topography.
Environmental characteristics and visual amenity values to be maintained and enhanced	Views from McDonnell Road and Centennial Avenue to the surrounding mountain/river context. Reinforcing/ re-establishing a robust and defensible edge to Arrowtown.
Capability to absorb additional development	High

Variation to Stage 1 Definition of Site Chapter 2:

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

Site	<p><u>Means:</u></p> <p><u>Any area of land which meets one of the descriptions set out below:</u></p> <p>(a) <u>An area of land which is:</u></p> <ul style="list-style-type: none">(i) <u>Comprised of one allotment in one certificate of title, or two or more contiguous allotments held together in one certificate of title, in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or</u>(ii) <u>Contained in a single lot on an approved survey plan of subdivision for which a separate certificate of title could be issued without any further consent of the council;</u> <p><u>Being in any case the smaller area of clauses (i) or (ii) above; or</u></p> <p>(b) <u>An area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are:</u></p> <ul style="list-style-type: none">(i) <u>Subject to a condition imposed under section 75 of the Building Act 2004; or</u>(ii) <u>Held together in such a way that they cannot be dealt with separately without the prior consent of the council; or</u> <p>(c) <u>An area of land which is:</u></p> <ul style="list-style-type: none">(i) <u>Partly made up of land which complies with clauses (a) or (b) above; and</u>(ii) <u>Partly made up of an interest in any airspace above or subsoil below a road where (a) and (b) are adjoining and are held together in such a way that they cannot be dealt with separately without the prior approval of the council;</u> <p><u>Except in relation to each description that in the case of land subdivided under the Unit Titles Act 1972 and 2010, the cross lease system or stratum subdivision, 'site' must be deemed to be the whole of the land subject to the unit development, cross lease or stratum subdivision.</u></p>
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1. ~~An area of land which is:~~

~~(i) — comprised in a single lot or other legally defined parcel of land and held in a single Certificate of Title; or~~

~~(ii) — comprised in a single lot or legally defined parcel of land for which a separate certificate of title could be issued without further consent of the Council.~~

~~Being in any case the smaller land area of i or ii, or~~

~~2. an area of land which is comprised in two or more adjoining lots or other legally defined parcels of land, held together in one certificate of title in such a way that the lots/parcels cannot be dealt with separately without the prior consent of the Council; or~~

~~3. an area of land which is comprised in two or more adjoining certificates of title where such titles are:~~

~~(i) — subject to a condition imposed under section 37 of the Building Act 2004 or section 643 of the Local Government Act 1974; or~~

~~(ii) — held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or~~

~~4. In the case of land not subject to the Land Transfer Act 1952, the whole parcel of land last acquired under one instrument of conveyance;~~

~~Except:~~

~~(i) — in the case of land subdivided under the cross lease of company lease systems, other than strata titles, site shall mean an area of land containing: —~~

~~a) — a building or buildings for residential or business — purposes with any accessory buildings(s), plus any — land exclusively restricted to the users of that/those — building(s), plus an equal share of common property; or~~

~~b) — a remaining share or shares in the fee simple creating a vacant part(s) of the whole for future cross lease or company lease purposes; and~~

~~ii — in the case of land subdivided under Unit Titles Act 1972 and 2010 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units and an equal share of common property; and~~

~~iii — in the case of strata titles, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision.~~

~~In addition to the above.~~

~~a) — A site includes the airspace above the land.~~

~~b) — If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary.~~

~~c) — Where a site is situated partly within the District and partly in an adjoining District, then the part situated in the District shall be deemed to be one site.~~

Amendments to Chapter 6 Landscapes and Rural Character

Add new Policy 6.3.3A after Policy 6.3.3

6.3.3A Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zone, within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).

Variation to Stage 1 Rural Residential and Rural Lifestyle Chapter 22:

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

Part 22.1 Zone Purpose.

Paragraphs 5 and 6:

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

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

Provision 22.3.2.9

In addition to Tables 1 and 2, the following standards apply to the areas specified:

~~Table 3: Rural Lifestyle Deferred and Buffer Zones~~

~~Table 43: Rural Residential Zone at Forest Hill.~~

~~Table 54: Rural Residential Bob’s Cove and Sub Zone.~~

~~Table 6: Ferry Hill Rural Residential Sub Zone.~~

~~Table 5: Rural Residential Zone at Camp Hill.~~

~~Table 76: Wyuna Station Rural Lifestyle Zone.~~

Rule 22.5.4.3.

~~22.5.4.3 — Rural Residential zone at the north of Lake Hayes — 15m~~

Table 3: Rules 22.5.14 to 22.5.18

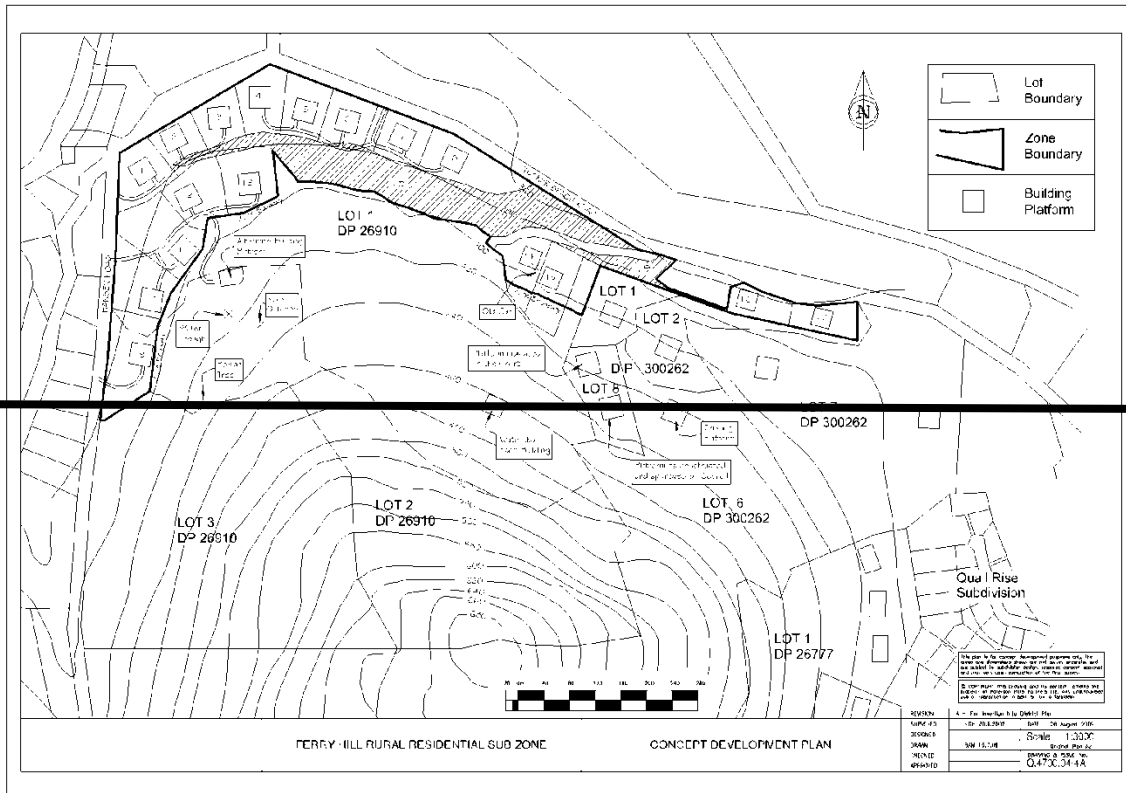
	Table 3: Rural Lifestyle Deferred and Buffer zones	Non-compliance:
22.5.14	The erection of more than one non-residential building.	NC
22.5.15	In each area of the Deferred Rural Lifestyle zones east of Dalefield Road up to two residential allotments may be created with a single residential building platform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

Table 6. Rules 22.5.33 to 22.5.37

	Table 6: Ferry Hill Rural Residential Sub Zone Refer to Part 22.7.2 for the concept development plan	Non-compliance:
22.5.33	Density There shall be no more than one residential unit per lot.	NC
22.5.34	Building Height The maximum building height shall be 6.5m for lots 9-15 on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. Chimney and ventilation structures may be 7.2m high in this sub-zone.	D
22.5.35	Building Location The location of buildings shall be in accordance with the Concept Development Plan for the Ferry Hill Rural Residential sub-zone, in rule 22.7.2.	D
22.5.36	Design Standards Within Lots 9-15 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone: 22.5.36.1 The roof pitch shall be between 20° and 30° and roof dormers and roof lights are to be incorporated in the roof pitch; 22.5.36.2 Roof finishes of buildings shall be within the following range: Slate shingle, cedar shingle, steel roofing (long run corrugated or tray) in the following colours, or similar, only: Coloursteel colours New Denim Blue, Grey Friars, Ironsand or Lignite; 22.5.36.3 Wall claddings of buildings shall be within the following range: cedar shingles, natural timber (clear stain), painted plaster in the following colours or equivalent: Resene 5YO18, 5B025, 5B030, 4GR18, 1B55, 5G013, 3YO65, 3YO20; stone cladding provided the stone shall be limited to Otago schist only and all pointing/mortar shall be recessed.	D
22.5.37	Landscaping 22.5.37.1 Any application for building consent shall be accompanied by a landscape plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. 22.5.37.2 The landscape plan shall ensure: a. That the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner which enhances naturalness; and	D

	<p>b. That residential development on sites adjoining Tucker Beach Road is subject to screening.</p> <p>22.5.37.3 Plantings at the foot of, on, and above the escarpment within lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.</p> <p>22.5.37.4 Plantings on Lots 1 – 17 may include, willow (except Crack Willow), larch, maple as well as indigenous species.</p> <p>22.5.37.5 The erection of solid or paling fences is not permitted.</p>	
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22.7.2 Rural Residential Ferry Hill Sub-Zone Concept Development Plan



Variation to Stage 1 Subdivision and Development Chapter 27:

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

Amend Chapter 27 by inserting the following restricted discretionary activity rule into the table of Subdivision Activities – District Wide rules following Rule 27.5.1:

27.5.9 All subdivision activities, unless otherwise provided for, in the Wakatipu Basin Rural Amenity Zone or the Wakatipu Basin Lifestyle Precinct.

Discretion is restricted to:

- a. Location of building platforms and accessways
- b. Subdivision design and lot layout including the location of boundaries, lot sizes and dimensions;
- c. Location, scale and extent of landform modification, and retaining structures;
- d. Property access and roading;
- e. Esplanade provision;
- f. Natural and other hazards;
- g. Firefighting water supply and access;
- h. Water supply;
- i. Network utility services, energy supply and telecommunications;
- j. Open space and recreation provision;
- k. Ecological and natural landscape features;
- l. Historic Heritage features;
- m. Easements;
- n. Vegetation removal, and proposed planting;
- o. Fencing and gates;
- p. Wastewater and stormwater management;
- q. Connectivity of existing and proposed pedestrian networks, bridle paths, cycle networks;
- r. Adverse cumulative impacts on ecosystem services and nature conservation values.

Amend Chapter 27 by inserting the following discretionary activity rule into the table of Subdivision Activities – District Wide rules following Rule 27.5.1:

27.5.18A Within the Wakatipu Basin Lifestyle Precinct, subdivision which does not comply with the minimum net site area specified in Part 27.6 provided that the minimum net site area is not less than 4,000m² and the average area of all lots in the subdivision is not less than 1.0ha per lot..

Amend Chapter 27 by inserting the following non-complying activity rules into the table of Subdivision Activities – District Wide rules following Rule 27.5.1:

27.5.18B Within the Wakatipu Basin Lifestyle Precinct, subdivision with a minimum net site area less than 4,000m² or where the average area of lots in the subdivision is less than 1.0ha per lot.

27.5.26 The further subdivision of an allotment that has previously been used to calculate the average lot size net site area for subdivision in the Wakatipu Basin Lifestyle Precinct,

except where the further subdivision and any prior subdivision together complies with Rule 27.6.1.

Amend Chapter 27 by amending the table under Rule 27.6.1 as follows:

Zone		Minimum Lot Area
Rural	Rural	No minimum
	Gibbston Character	
	<u>Wakatipu Basin Rural Amenity Zone</u>	<u>80ha</u>
	<u>Wakatipu Basin Lifestyle Precinct</u>	<u>6000m²</u> <u>1.0ha minimum average</u>
Rural Lifestyle	Rural Lifestyle	One hectare providing the average lot size is not less than 2 hectares. For the purposes of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.
	Rural Lifestyle Deferred A and B.	No minimum, but each of the two parts of the zone identified on the planning map shall contain no more than two allotments.
	Rural Lifestyle Buffer.	The land in this zone shall be held in a single allotment
Rural Residential	Rural Residential	4000m ²
	Rural Residential Bob's Cove sub-zone	No minimum, providing the total lots to be created, inclusive of the entire area within the zone shall have an average of 4000m ² .
	Rural Residential Ferry Hill Subzone	4000m² with no more than 17 lots created for residential activity

Amend Objective 27.7.6 and Policy 27.7.6.1- Location Specific objectives, policies and provisions

~~**27.7.6 Objective – Ferry Hill Rural Residential Sub Zone – Maintain and enhance visual amenity values and landscape character within and around the Ferry Hill Rural Residential Sub Zone.**~~

Policies

~~27.7.6.1 At the time of considering a subdivision application, the following matters shall be had particular regard to:~~

- ~~• The subdivision design has had regard to minimising the number of accesses to roads;~~

- ~~the location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access;~~
- ~~The extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone;~~
- ~~The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road.~~

Insert the following after clause 27.9.3.2:

<p><u>27.9.3.3</u></p>	<p><u>Assessment Matters in relation to Rule 27.5.9 (Wakatipu Basin Rural Amenity zone and Wakatipu Basin Lifestyle Precinct Subdivision Activities)</u></p> <p><u>General</u></p> <p>a. <u>The extent to which the proposal is consistent with objectives and policies relevant to the matters of discretion.</u></p> <p>b. <u>The extent to which the subdivision provides for low impact design that avoids or mitigates adverse effects on the environment.</u></p> <p><u>Subdivision Design</u></p> <p>c. <u>The extent to which the location of future buildings, ancillary elements and the landscape treatment complements the existing landscape character, visual amenity values and wider amenity values of the Wakatipu Basin Rural Amenity Zone or Wakatipu Basin Lifestyle Precinct, including consideration of:</u></p> <ul style="list-style-type: none"><u>i. the retention of existing vegetation and landform patterns;</u><u>ii. the alignment of lot boundaries in relation to landform and vegetation features and neighbouring development;</u><u>iii. earth mounding, and framework planting to integrate buildings and accessways;</u><u>iv. planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.8 – Landscape Character Units;</u><u>v. riparian restoration planting;</u><u>vi. the retirement and restoration planting of steep slopes over 15° to promote slope stabilisation and indigenous vegetation enhancement;</u><u>vii. how controls addressing such matters as building height, building colours and materials, building coverage, earthworks, retaining, fencing, gates, accessways (including paving materials), external lighting, domestic infrastructure (including water tanks), vegetation removal, and proposed plantings might be incorporated in the development in a manner ensuring ongoing compliance;</u><u>viii. the integration of existing and provision for new public walkways and cycleways/bridlepaths.</u> <p>d. <u>The extent to which existing covenants or consent notice conditions need to be retained or are otherwise integrated into the conditions governing the proposed development so as to ensure that landscape character and visual amenity values are maintained or enhanced.</u></p> <p>e. <u>The extent to which the development maintains visual amenity from public places and neighbouring properties.</u></p> <p>f. <u>Whether clustering of future buildings or varied allotment sizes as part of subdivision design would offer a better solution for maintaining a sense of openness and spaciousness, or the integration of development with existing landform, vegetation or settlement patterns.</u></p> <p>g. <u>The extent to which the development avoids, remedies or mitigates adverse effects on the features, elements and patterns that contribute to the value of adjacent or nearby ONLs and ONFs. This includes consideration of an appropriate setback from</u></p>
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such features as well as the maintenance of views from public roads and other public places to the surrounding ONL and ONF context.

- h. The extent to which development adversely affects Escarpment, Ridgeline and River Cliff Features shown on the planning maps, and in particular the visual amenity values of those features in views from public places outside of the Wakatipu Basin Lifestyle Precinct.
- i. Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds and consent notices.
- j. Whether the layout of reserves and accessways provides for adequate public access and use.
- k. Whether the proposed subdivision provides an opportunity to maintain landscape character and visual amenity through the registration of covenants or consent notices requiring open space to be maintained in perpetuity.

Access and Connectivity

- l. Whether proposed sites are located and designed so that each site has a minimum frontage that provides for practical, legal and safe access from a formed public road that is suitable for both normal road going vehicles and construction traffic.
- m. Whether the location and design of any proposed pedestrian, cycle, bridlepaths and vehicle accessways on the proposed site(s) avoid or minimise any adverse effects on soil stability, landform patterns and features, and vegetation.
- n. Whether subdivision provides for safe and practical pedestrian paths and cycle ways (whether sealed or unsealed) and bridle paths that are located in a manner which connect, or have the potential to connect, to reserves (existing or proposed), roads and existing rural walkways.
- o. Whether site design recognises any impact of roading and access on waterbodies, ecosystems, drainage patterns and ecological values.
- p. Whether any subdivision provides for future roads to serve surrounding land or for road links that need to pass through the subdivision.

Infrastructure and Services

- q. Ensuring there is sufficient capacity and treatment to provide for the safe and efficient disposal of stormwater and wastewater from possible future development without adversely affecting natural water systems and ecological values.
- r. Ensuring the design of stormwater and wastewater disposal systems incorporate measures to reduce runoff rates where there may be damage caused to natural waterway systems.
- s. Whether any subdivision proposal demonstrates how any natural water system on the site will be managed, protected or enhanced.
- t. Whether subdivision provides for an adequate and reliable supply of potable water to each proposed site.
- u. Whether subdivision provides for an adequate and reliable supply of emergency water supply to each site in the event of fire.

- v. Whether subdivision has sufficient capacity for the disposal of any effluent or other wastewater flow within the boundaries of each proposed site regardless of seasonal variations and loading.
- w. Assessing where more than one site will be created, whether a shared or individual wastewater treatment and disposal system is the most appropriate, having regard to any known physical constraints.
- x. Considering the extent to which easements and consent notices should be applied to protect the integrity of stormwater and/or wastewater treatment and disposal systems.
- y. Assessing the extent to which access easements should provide for lines, including electric lines, telecommunication lines and other lines, where such lines or cables are or may be located within any private property and serve other properties or sites.
- z. Whether sites can be connected to services such as telecommunications and electricity using low impact design methods including undergrounding of services.

Natural Environment and Cultural values

- aa. Considering the extent to which the subdivision provides for ecological restoration and enhancement. Ecological enhancement may include enhancement of existing vegetation, replanting and weed and pest control.
- bb. Assessing the extent to which the subdivision and subsequent land use on the proposed site(s) adversely affects the historical, cultural or spiritual significance of any site or waahi tapu of significance to iwi.
- cc. Assessing the extent to which the subdivision design and layout preserves and enhances areas of archaeological, cultural or spiritual significance.
- dd. Assessing the extent to which the integrity of any identified heritage feature(s) is maintained and enhanced.
- ee. Considering the benefits of the removal of identified wilding exotic trees.

Earthworks and Hazards

- ff. Considering how earthworks can be undertaken in a manner which mitigates and remedies adverse effects from soil erosion and the generation of sediments into receiving environments.
- gg. Considering whether earthworks are likely to have adverse effects on landscape character or visual amenity values which cannot be avoided, remedied or mitigated.
- hh. Considering the extent to which subdivision will increase the risks associated with any natural hazard and/or how the subdivision avoids, remedies or mitigates any hazard prone area.
- ii. Considering the extent to which contaminated or potentially contaminated soil is able to be treated or disposed of.
- jj. Where the subdivision land includes waterbodies, considering the extent to which remediation measures and methodologies can be employed to avoid, remedy or mitigate any adverse effects on human health, water quality, and to the downstream receiving environment.

	<p>kk. <u>Considering whether consent notices or other protective instruments are needed to ensure that any hazard or contamination remediation measures and methodologies are implemented at the time of development.</u></p>
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27.8 Rules - Location Specific Standards

Delete.

~~27.8.6 — Ferry Hill Rural Residential sub-zone~~

~~27.8.6.1 — Notwithstanding any other rules, any subdivision of the Ferry Hill Rural Residential sub-zone shall be in accordance with the subdivision design as identified in the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.~~

~~27.8.6.2 — Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall be retained for Landscape Amenity Purposes and shall be held in undivided shares by the owners of Lots 1-8 and Lots 11-15 as shown on the Concept Development Plan.~~

~~27.8.6.3 — Any application for subdivision consent shall:~~

~~a — Provide for the creation of the landscape allotments(s) referred to in rule 27.8.6.2 above;~~

~~b — Be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in rule 27.8.6.2 above;~~

~~c — Be accompanied by a Landscape Plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. The landscape Plan shall ensure:~~

~~• That the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner that enhances naturalness; and~~

~~• That residential development is subject to screening along Tucker Beach Road,~~

~~27.8.6.4 — Plantings at the foot of, on, and above the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.~~

~~27.8.6.5 — Plantings elsewhere may include maple as well as indigenous species.~~

~~27.8.6.6 — The on-going maintenance of plantings established in terms of rule 27.8.6.3 above shall be subject to a condition of resource consent, and given effect to by way of consent notice that is to be registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.~~

~~27.8.6.7 — Any subdivision shall be subject to a condition of resource consent that no buildings shall be located outside the building platforms shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. The condition shall be subject to a consent notice~~

~~that is registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.~~

~~27.8.6.8 — Any subdivision of Lots 1 and 2 DP 26910 shall be subject to a condition of resource consent that no residential units shall be located and no subdivision shall occur on those parts of Lots 1 and 2 DP 26910 zoned Rural General and identified on the planning maps as a building restriction area. The condition shall be subject to a consent notice that is to be registered and deemed to be a covenant pursuant to section 221(4) of the Act.~~

27.13 Structure Plans and Spatial Layout Plans

Amend 27.13.3 Waterfall Park Structure Plan



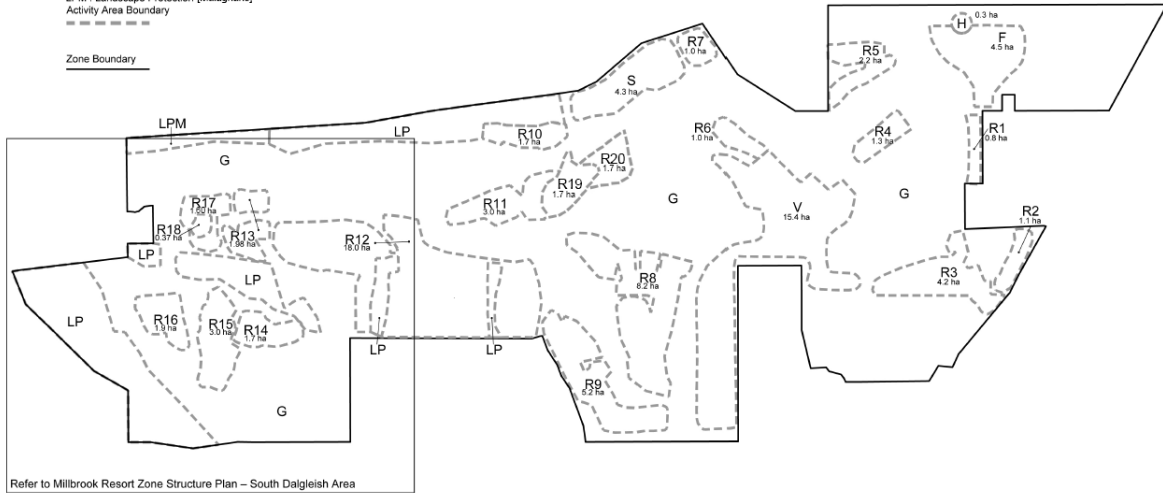
Amend 27.13.4 Millbrook Structure Plan



Structure Plan Legend

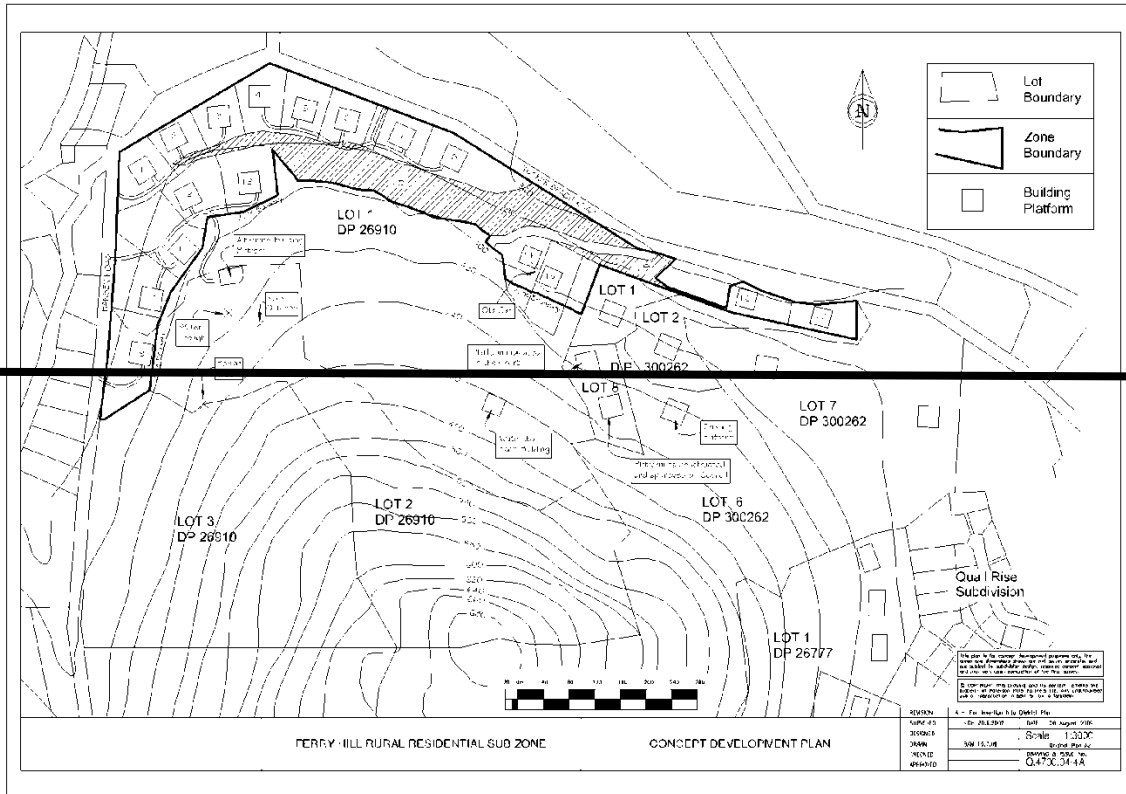
- R : Residential
- V : Village
- F : Recreational Facilities
- S : Resort Services
- G : Golf Course and Open Space
- H : Helipad
- LP : Landscape Protection
- LPM : Landscape Protection (Malaghans)
- Activity Area Boundary

Zone Boundary



MILLBROOK RESORT ZONE - STRUCTURE PLAN
 REFERENCE 2423-3K40 - SCALE = 1:5000 AT A1 - 1:10000 AT A3 - December 2018

27.13.1 Ferry Hill Rural Residential Subzone



Variation to Stage 1 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
	Activity or sound source	Assessment location	Time	Noise limits	
36.5.1	<u>Wakatipu Basin Rural Amenity Zone</u>	Any point within the notional boundary of a residential unit.	0800h to 2000h	50 dB LAeq(15 min)	NC
			2000h to 0800h	40 dB LAeq(15 min) 75 dB LAFmax	NC
36.5.2	<u>Wakatipu Basin Lifestyle Precinct</u>	Any point within any site	0800h to 2000h	50 dB LAeq(15 min)	NC
			2000h to 0800h	40 dB LAeq(15 min) 75 dB LAFmax	NC

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report and Recommendations of Independent Commissioners Regarding
Chapter 24 and Wakatipu Basin Planning Maps

Report 18.1

Commissioners

Denis Nugent (Chair)

Rachel Dimery

Trevor Robinson

Quentin Smith

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Appendix 1: Chapter 24 as Recommended

Appendix 2: Variations to Chapters 2, 22, 27 and 36 as Recommended

Appendix 3: Recommendations on Submissions and Further Submissions Lodged on Chapter 24 and Associated Variations to Stage 1 Chapters

Appendix 4: Recommendations on Submissions and Further Submissions Transferred from Stage 1 to Chapter 24

Appendix 5: Recommendations to Stream 15 Hearing Panel on Submissions and Further Submissions on Variation to Stage 1 Chapter 6

1. PRELIMINARY

1.1 Terminology in the Report

1. In this and accompanying Reports 18.2-18.11 inclusive, we use the following abbreviations:

Act	The Resource Management Act 1991 as at 23 November 2017 unless otherwise stated
Clause 16(2)	Clause 16(2) of the First Schedule to the Act
Council	Queenstown Lakes District Council unless otherwise stated
Decisions Version	The Proposed District Plan as modified by Council Decisions notified on 5 May 2018
LCU	Landscape Character Unit
NPSET	National Policy Statement for Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2014 (as amended in 2017)
NPSUDC	National Policy Statement on Urban Development Capacity 2016
NZTA	New Zealand Transport Agency
ONF	Outstanding Natural Feature
ONL	Outstanding Natural Landscape
Partially Operative RPS 1998	Those parts of the Otago Regional Policy Statement 1998 that have not been revoked as a result of the approval of the Partially Operative Otago Regional Policy Statement 2019
Partially Operative RPS 2019	The Partially Operative Otago Regional Policy Statement made operative on 14 January 2019
Precinct	Wakatipu Basin Lifestyle Precinct
Proposed District Plan (Stage 1)	The Proposed District Plan as modified by Council Decisions notified on 5 May 2018
Proposed District Plan (Stage 2)	The Proposed District Plan provisions (including maps and variations to previously notified provisions) notified on 23 November 2017

Proposed District Plan (or PDP)	The combination of the Proposed District Plan (Stage 1) and the Proposed District Plan (Stage 2).
Proposed RPS	The Proposed Regional Policy Statement for the Otago Region as at the date of this Report
QAC	Queenstown Airport Corporation
Rural Amenity Zone	Wakatipu Basin Rural Amenity Zone
Stage 1	The Proposed District Plan as modified by Council Decisions notified on 5 May 2018
Stage 2	The Proposed District Plan provisions (including maps and variations to previously notified provisions) notified on 23 November 2017
WB Landscape Study	The Wakatipu Basin Land Use Planning Study dated March 2017 authored by Barry Kaye, Kerrin Norgrove and Bridget Gilbert

1.2 Background

2. This is the first of a series of reports regarding the matters considered by the independent commissioners appointed by Queenstown Lakes District Council to hear the submissions and further submissions on that part of the Council's Proposed District Plan related to the Wakatipu Basin. More precisely, the submissions and further submissions heard comprise:
- a. Submissions and further submissions specific to the text and planning maps relating to the Wakatipu Basin (including Arrowtown and the Crown Terrace) deferred from the relevant Stage 1 hearing streams;
 - b. Submissions and further submissions on the text of Chapter 24 of the Proposed District Plan, publicly notified on 23 November 2017;
 - c. Submissions and further submissions on variations publicly notified on 23 November 2017 regarding:
 - i. The definition of 'site' in Chapter 2 of the Proposed District Plan;
 - ii. Chapter 22 of the Proposed District Plan - to delete provisions relevant to the Wakatipu Basin;
 - iii. Chapter 27 of the Proposed District Plan - to both delete provisions of that Chapter related to the Wakatipu Basin and to insert new provisions;
 - iv. Chapter 36 of the Proposed District Plan - to insert provisions relevant to the Wakatipu Basin.
 - d. Submissions and further submissions on planning maps publicly notified on 23 November 2017¹;
 - e. Submissions and further submissions related to Table 24.2 of the Proposed District Plan which was the subject of a variation publicly notified on 9 August 2018²;
 - f. Further submissions lodged in relation to the submission of Millbrook Country Club Ltd that was inadvertently omitted from the summary of submissions originally notified, and which was notified on 26 July 2018.

¹ Other than in respect of matters considered as part of the Stream 15 hearing

² The circumstances giving rise to that variation are discussed further at section 1.6

3. The submissions and further submissions described in a-f above were collectively labelled 'Stream 14'. A separate hearing stream (Stream 15) is devoted to consideration of submissions and further submissions on the balance of Proposed District Plan provisions notified on 23 November 2017.

1.3 Appointment of Commissioners

4. By Council resolutions dated 23 March and 3 May 2018³:
 - a. Denis Nugent was appointed Chair of the Hearing Panels for Stage 2 of the Proposed District Plan with delegated authority to hear and determine procedural and jurisdictional matters relating to the Proposed District Plan;
 - b. A Panel of Commissioners was appointed for Stage 2 of the Proposed District Plan from which Rachel Dimery and Trevor Robinson were drawn to sit on the Stream 14 Hearing Panel;
 - c. All Councillors on the Council who had completed the Ministry for the Environment "*Making Good Decisions*" course were appointed as a pool of commissioners for Stage 2 of the PDP, from which Quentin Smith was drawn to sit on the Stream 14 Hearing Panel.
5. Messrs Nugent and Robinson had previously been appointed Chair and Commissioner respectively for the Proposed District Plan (Stage 1) by Council resolutions dated 29 October and 26 November 2015.

1.4 Hearing Arrangements

6. Stream 14 occupied eleven days of hearing commencing 9 July 2018 at Queenstown. We sat 9-12 July (inclusive), 17-18, 23-26 July (inclusive) and 24 October 2018.
7. Parties we heard from were:

Council

- Sarah Scott and Heidi Baillie⁴ (Counsel)
- Craig Barr
- David Smith
- Anita Vanstone
- Helen Mellsop
- Andrea Jarvis
- Vaughn Crowther
- Marcus Langman
- Glenn Davis
- Luke Place
- Bridget Gilbert

Middleton Farm Trust⁵

- Jayne Macdonald (Counsel)
- Ben Espie

³ Pursuant to sections 34A(1) and (2) of the Act

⁴ Appeared for Council on 24 October 2018 only

⁵ Submission 2332

- Neil McDonald
- Mike Copeland
- Jason Bartlett
- Nick Geddes

Queenstown Lakes Community Trust⁶

- Julie Scott
- Tim Williams

Tony McQuilkin⁷

- Ben Espie

Bloomfield Family⁸

- Evan Bloomfield

Millbrook Country Club⁹

- Ian Gordon (Counsel)
- Ben O'Malley
- Andrew Craig
- Joanna Fyfe

Ladies Mile Consortium (GW Stalker Family Trust, Mark Tylden, Sam Strain)¹⁰; Bill and Jan Walker Family Trust¹¹; Felzar Properties Limited¹²)

- Rosie Hill (Counsel)
- Nick Geddes

Spruce Grove Trust¹³

- Rebecca Holden
- Robin Miller

Dave Boyd¹⁴

- Daniel Thorne

Robert and Marie Wales¹⁵

- Marie Wales

⁶ Submission 2299
⁷ Submission 459
⁸ Submission 2423
⁹ Submissions 2295 and 2605; Further Submission 2773
¹⁰ Submissions 535 and 2489;
¹¹ Submission 532
¹² Submission 229
¹³ Submission 560
¹⁴ Submission 838
¹⁵ Submission 2270

Michaela Meehan¹⁶

- Warwick Goldsmith (Counsel)
- Paddy Baxter

Arcadian Triangle Limited¹⁷

- Warwick Goldsmith (Counsel)

Oasis in the Basin¹⁸

- Warwick Goldsmith (Counsel)

Dalefield Trustees Limited¹⁹

- Nicola Sedgley

Spruce Grove Trust²⁰ and Boundary Trust²¹

- Josh Leckie (Counsel)
- Nicola Smetham
- John McCartney
- Amanda Leith

Burgess Duke Trust²² and Ashford Trust²³

- Josh Leckie (Counsel)
- Stephen Skelton
- Ben Farrell

Philip Smith²⁴

- Rosie Hill (Counsel)
- Ben Farrell

Debbie MacColl²⁵ and Roger Monk²⁶

- Debbie MacColl
- Roger Monk
- Ben Espie
-

Morven Residents Society Incorporated²⁷

- Debbie MacColl

¹⁶ Submission 526

¹⁷ Submission 497

¹⁸ Further Submission 1289

¹⁹ Submission 2097

²⁰ Submissions 2512 and 2513

²¹ Submission 2444

²² Submissions 669 and 2591

²³ Submission 2535

²⁴ Submission 2500

²⁵ Submission 2350

²⁶ Submission 2281

²⁷ Submission 2490

- Ben Espie

D Hamilton and L Hayden²⁸

- Tony Milne
- Amanda Leith

J B French, CR French and ME Burt²⁹

- John French

Susan Todd³⁰ and Alan Hamilton³¹

- Susan Todd

Geoffrey Clear³²

WK and FL Allen³³

- Bridget Allen
- King Allen

Katie Dunlop and SA Green³⁴

- Sandy Dunlop

Skipp Williamson³⁵; Wakatipu Investments Limited³⁶; D Broomfield and Woodlot Properties Limited³⁷; Richard and Jane Bamford³⁸; Martin McDonald and Sonya Anderson³⁹

- Carey Vivian

Boxer Hill Trust⁴⁰ and Trojan Helmet Limited⁴¹

- Rebecca Wolt (Counsel)
- Emma Hill
- Richard Tyler
- Stephen Peakall
- Anna Marie Chin
- Yvonne Pflüger
- Anthony Penny
- Fraser Colegrave

28 Submission 2422
 29 Submission 2417
 30 Submission 2439
 31 Submission 2260
 32 Submission 2264
 33 Submission 2482
 34 Submission 2609
 35 Submission 2272
 36 Submission 2275
 37 Submission 2276
 38 Submission 492
 39 Submissions 451 and 454
 40 Submissions 2385 and 2386
 41 Submissions 437 and 2387; Further Submission 1157

- Jeff Brown

Andrew and Ursula Davis⁴²

- Andrew Davis

P Blakely and M Wallace⁴³

- Phillip Blakely

David Shepherd⁴⁴

Waterfall Park Developments Limited⁴⁵

- Warwick Goldsmith (Counsel)
- Gary Dent
- Jayne Richards
- Dr Ruth Goldsmith
- Andy Carr
- Paddy Baxter
- Stephen Skelton
- Jeff Brown

Spark New Zealand Trading Limited⁴⁶; Vodafone New Zealand Limited⁴⁷; Chorus New Zealand Limited⁴⁸

- Matthew McCallum-Clark

New Zealand Transport Agency⁴⁹

- Nicky McIndoe (Counsel)
- Matthew Gattenby
- Anthony MacColl
- Tony Sizemore

Jon Waterston⁵⁰

- Paddy Baxter
- Alyson Hutton

⁴² Submission 2028

⁴³ Submission 2499

⁴⁴ Submission 2135

⁴⁵ As successor to Ayrburn Farm Estate Limited (Submission 430) and Submission 2388

⁴⁶ Submission 2195

⁴⁷ Submission 2478

⁴⁸ Submission 2194

⁴⁹ Submission 2538

⁵⁰ Submission 2308

Darby Planning LP⁵¹; Lake Hayes Limited⁵²; Lake Hayes Cellar Limited⁵³;Glencoe Station Limited⁵⁴; Crown Investment Trust⁵⁵

- Maree Baker-Galloway (Counsel)
- Chris Ferguson
- Ben Espie (Lake Hayes Cellar Ltd only)

Queenstown Airport Corporation⁵⁶

- John Kyle
- Rachel Tregida

Keri and Roland Lemaire-Sicre⁵⁷

- Keri Lemaire-Sicre

A Feeley, E Borrie and LP Trustees Limited⁵⁸

- Adam Feeley
- John Kyle

BSTGT Limited⁵⁹

- Rebecca Wolt

Bridesdale Farm Developments Limited⁶⁰

- Warwick Goldsmith (Counsel)
- Paul Faulkner
- Gary Dent
- Hayden Knight
- Stephen Skelton
- John Duthie

Friends of Lake Hayes Society Inc⁶¹

- Mike Hanif
- Dr Marc Schallenberg

Barnhill Corporate Trustee Limited and DE, ME Bunn and LA Green⁶²; Morven Ferry Limited⁶³

- Maree Baker-Galloway and Vanessa Robb (Counsel)
- Debbie MacColl

51 Submission 2376
52 Submission 2377
53 Submission 2378
54 Submission 2379
55 Submission 2307
56 Submission 433; Further Submission 1340
57 Further Submission 1068
58 Submission 2397
59 Submission 2487; Further Submission 2719
60 Submission 655
61 Submission 2140
62 Submission 2509
63 Submission 2449

- Susan Cleaver
- Carol Bunn
- James Hadley
- Jason Bartlett
- Ben Espie
- Scott Freeman

Upper Clutha Environmental Society Incorporated⁶⁴

- Julian Haworth

McGuinness Pa Limited⁶⁵

- Mark McGuinness

Wendy McGuinness⁶⁶

- Hamish Wilton

Bendemeer Residents Group⁶⁷

- Ben Farrell

Lake Hayes Investments Limited⁶⁸; Crosby Developments⁶⁹; L McFadgen⁷⁰; Slopehill Joint Venture⁷¹

- Rosie Hill (Counsel)
- Jeff Brown
- Ben Espie (Lake Hayes Investments Ltd only)

Stoneridge Estate Limited⁷²; R Dayman⁷³; D Duncan⁷⁴;

- Ben Espie
- Jeff Brown

M McGuinness⁷⁵; DJ Robertson⁷⁶; G Wills and T Burdon⁷⁷; P Chittock⁷⁸;

- Jeff Brown

64 Submission 2016
 65 Submission 2447
 66 Submission 2603
 67 Further Submissions 1369 and 2794
 68 Submission 2291
 69 Submissions 2526 and 2527
 70 Submission 2296
 71 Submission 2475
 72 Submission 2314
 73 Submission 2315
 74 Submission 2319
 75 Submission 2292
 76 Submission 2321
 77 Submission 2320
 78 Further Submission 2787

A J Robins, AJ Robins and HJM Callaghan⁷⁹; TJ and MA Harrison⁸⁰; Tui Trustees (2015) Ltd⁸¹; Mandeville Trust and S Leck⁸²; C Batchelor⁸³; Waterfall Park Developments Limited⁸⁴; JC Martin, CJ Doherty and KW Fergus⁸⁵

- Ben Espie

Hogans Gully Farm Limited⁸⁶

- Graeme Todd (Counsel)
- Simon Beale
- Ryan Brandeburg
- Adam Vail
- Jason Bartlett
- Paddy Baxter
- Jeff Brown

X-Ray Trust Limited and Avenue Trust⁸⁷

- Jayne Macdonald (Counsel)
- Phillip Blakely
- Jayne Richards
- Emma Hutchinson
- Louise Taylor

Tucker Beach Residents Society Incorporated⁸⁸ and James Muspratt⁸⁹

- Graeme Todd (Counsel)

Underdown Trust⁹⁰ and PH Archibald⁹¹

- Vanessa Robb (Counsel)
- Carey Vivian

Robert Stewart⁹²

- Vanessa Robb (Counsel)

Michael and Maureen Henry⁹³

- Graeme Todd (Counsel)

⁷⁹ Submission 2104

⁸⁰ Submission 2163

⁸¹ Submission 2316

⁸² Submission 2317

⁸³ Submission 2318

⁸⁴ Submission 2389

⁸⁵ Submission 2517

⁸⁶ Submission 2313; Further Submission 2786

⁸⁷ Submission 2619

⁸⁸ This entity appeared as the successor to Further Submission 2802.

⁸⁹ Further Submission 2714

⁹⁰ As successor to submission 2580

⁹¹ Submission 2501

⁹² Further Submission 1297

⁹³ Submission 2426

Banco Trustees Limited, McCulloch Trustees 2004 Limited & Others⁹⁴

- Graeme Todd (Counsel)
- Stephen Skelton
- Nick Geddes

R and M Donaldson⁹⁵

- Graeme Todd (Counsel)
- Jeff Brown

Wakatipu Equities Limited⁹⁶

- Maree Baker-Galloway (Counsel)
- Stephen Skelton
- Ben Farrell

Slopehill Properties Limited⁹⁷

- Stephen Skelton
- Ben Farrell

SYZ Investments Limited⁹⁸

- Ben Farrell

Simon Botherway⁹⁹

United Estates Ranch Limited¹⁰⁰

- Vicki Jones
- Jeff Brown

Rebecca Hadley¹⁰¹

- Rebecca Hadley
- James Hadley

Lesley and Judith Nelson¹⁰²

- Graeme Todd (Counsel)

Maxwell C Guthrie¹⁰³

- Graeme Todd (Counsel)

⁹⁴ Submissions 403 and 2400

⁹⁵ Submission 2229; Further submission 2797

⁹⁶ Submissions 515 and 2479/Further submissions 1298 and 2750

⁹⁷ Submissions 854 and 2584

⁹⁸ As successor to submission 693

⁹⁹ Submission 2610

¹⁰⁰ Submission 2126

¹⁰¹ Submission 2559; Further submission 2772

¹⁰² Submission 2403; Further submission 2762

¹⁰³ Submission 2412; Further submission 2717

GM Todd, JW Todd, JE Todd and Michael Brial¹⁰⁴

- Graeme Todd (Counsel)

Rohan and Di Hill¹⁰⁵

- Rohan Hill

Aircraft Owners and Pilots Association (NZ) Inc¹⁰⁶

- Robert J Tapper

Skipp Williamson¹⁰⁷

- Vanessa Robb (Counsel)
- Stephen Quin
- Carey Vivian

8. In addition to the witnesses listed above, we received pre-circulated evidence but did not require to hear from:
- Brendan Allen for Trojan Helmet Limited
 - James Hadley for A Feeley, E Borrie and LP Trustees Limited
 - Dr Shayne Galloway for Barnhill Corporate Trustee Limited and DE, ME Bunn and LA Green, and Morven Ferry Limited
 - Ciaran Keogh for Waterfall Park Developments Limited
9. We also received tabled representations from Dame Elizabeth and Mr Murray Hanan¹⁰⁸ opposing the submissions of Trojan Helmet Limited and Banco Trustees and Ors, and from Mr David Cooper on behalf of Federated Farmers of New Zealand¹⁰⁹.
10. Lastly, we note receipt of written submissions from Mr Vance Boyd on behalf of Aircraft Owners and Pilots Association (NZ) Inc¹¹⁰ attaching a bundle of material relevant to the Association's submission following reinstatement of part of that submission (discussed in the next section of this report), provided in lieu of a further appearance.
11. The Council responded in writing to Mr Boyd's submissions (and related material), filing the planning evidence of Ms Christine Edgley and acoustic evidence of Dr Stephen Chiles.
12. During the course of the hearing we asked a number of parties to supply us with additional information that we have also considered. Through this route, we received the following:
- a. From Council:
 - i. A list of submitters on parts 6.2 and 6.4 of the Variation;

¹⁰⁴ Submission 2576

¹⁰⁵ Submission 2123

¹⁰⁶ Submission 2663

¹⁰⁷ Further Submission 2522

¹⁰⁸ Further submission 1004

¹⁰⁹ Submission 2540; Further submission 2746

¹¹⁰ Submission 2663

- ii. A map of the land the subject of submissions supported by evidence;
 - iii. Clarification of the additional capacity identified in the Waikato Basin Land Use Study as provided by the proposed Precinct Zone compared with that identified in Mr Barr's evidence;
 - iv. Clarification of the difference between Mr Barr's estimated additional capacity in the Proposed Precinct Zone compared with the baseline capacity which had formed the basis of Mr Smith's modelling;
 - v. Advice as to the formed width of Mooney Road compared to the requirements of Council's land development and subdivision code of practice;
 - vi. A clearer copy of the land the subject of submission by Jane and Richard Bamford;
 - vii. A clearer copy of the final approved subdivision plan for the Bridesdale development;
 - viii. Examples of land use consent for properties within the Bridesdale development;
 - ix. A map showing Area 5(c) in the Shotover Country Zones;
 - x. A copy of the subdivision decision that relates to the land the subject of submission by Broomfield and Woodlot;
 - xi. An annotated photograph showing the notified and recommended ONL lines at the south eastern extent of Slopehill¹¹¹;
 - xii. A map showing the outline of the Lake Hayes Catchment, the location of water and wastewater consents issued by Otago Regional Council and areas covered by Council or private sewer schemes¹¹²;
 - xiii. A revised version of the Lake Hayes Catchment as above¹¹³;
 - xiv. Information regarding the width of the Mooney Road reserve and the requirements of the Council's Land Development and Subdivision Code of Practice¹¹⁴
- b. For Tony McQuilkin, a series of additional drone shots of the land the subject of submission provided by Mr Espie;
 - c. For Millbrook Country Club Limited:
 - i. A map of the 440masl contour on the Williamson property¹¹⁵;
 - ii. Proposed Plan provisions to be inserted into Chapter 27¹¹⁶;
 - d. For Spruce Grove Trust¹¹⁷, a tabulation of residential and non-residential land uses in the Block contained within Arrow Lane, Wiltshire Street and Berkshire Streets provided by Ms Holden;
 - e. For Michaela Meehan:
 - i. Three resource consent decisions related to the land the subject of submission, together with an Environment Court consent order resolving an appeal against one of those decisions;

¹¹¹ All provided under cover of a Memorandum of Counsel dated 24 July 2018

¹¹² Provided under cover of a Memorandum of Counsel dated 27 July 2018

¹¹³ Provided under cover of a Memorandum of Counsel dated 29 August 2018

¹¹⁴ Provided under cover of a Memorandum of Counsel dated 26 October 2018

¹¹⁵ Provided under cover of a Memorandum of Counsel dated 13 July 2018 which also provided information and commentary regarding the scope of the submitter's submission and further submissions and advice as to visibility of rock outcrops on the Spruce Grove Trust land on Malaghans Road

¹¹⁶ The subject of a Joint Memorandum of Counsel for Millbrook Country Club Limited and R & Donaldson dated 7 August 2018

¹¹⁷ Submission 560

- ii. A map showing competing ONL lines in relation to consented building platforms and existing dwellings on the land the subject of submission, and on the adjacent Northridge land;
- iii. Annotated versions of the Stage 1 planning maps (decisions version) showing locations where the ONL boundary does not follow a zone boundary¹¹⁸;
- f. For Burgess Duke Trust and Ashford Trust, a three-dimensional topographical model of the area north and north-west of Slope Hill prepared by Mr Skelton¹¹⁹;
- g. For Trojan Helmet Limited:
 - i. Previous resource consent decisions relating to developments of the site the subject of the submission;
 - ii. Revised provisions for the proposed Hills Resort Zone;
 - iii. A plan showing vegetation taken into account in the visibility maps provided in the evidence, including a notation as to any protection provided for said vegetation, together with an indicative layout of two of the proposed activity areas¹²⁰;
 - iv. Photo montages of various aspects of the proposed development on the Hills site together with a revised structure plan, including an amended location for House Site 5¹²¹;
- h. For Waterfall Park Developments Limited:
 - i. Revised provisions for the proposed Ayrburn Zone;
 - ii. Additional plans showing flood prone areas of the site the subject of submission;
 - iii. An amended structure plan for the proposed Ayrburn Zone, together with covering comments by Mr Skelton on the implications of the amendment for the opinions he expressed at the hearing¹²²;
- i. For Jon Waterston, copies of the two Environment Court decisions relating to development of the site the subject of submission;
- j. For Bridesdale Farm Developments Limited, plans of the lots sought to be rezoned, showing existing and proposed contour levels¹²³;
- k. For Barnhill Corporate Trustee Limited, DE and ME Bunn and LA Green and Morven Ferry Limited:
 - i. A plan of existing and stopped unformed legal roads across the sites the subject of submission;
 - ii. A revised plan of the proposed Morven Ferry Road Visitor Precincts;
 - iii. Amended plan provisions showing proposed text providing for Morven Ferry Road Visitor Precincts¹²⁴;
- l. For Hogans Gully Farm Limited:
 - i. A revised set of provisions of the proposed Hogan's Gully Zone;
 - ii. A monitoring report dated November 2017 detailing progress of ecological regeneration on a site at Walter Peak;
 - iii. A number of plans showing the location of height profile poles on the site;

¹¹⁸ Provided under cover of a Memorandum of Counsel dated 25 July 2018

¹¹⁹ Provided under cover of a Memorandum of Counsel dated 30 July 2018

¹²⁰ Provided under cover of a Memorandum of Counsel dated 27 July 2018

¹²¹ Provided under cover of a Memorandum of Counsel dated 3 August 2018

¹²² The latter together with the flood plans referred to in point ii. above provided under cover of a Memorandum of Counsel dated 26 July 2018

¹²³ Provided under cover of a Memorandum of Counsel dated 26 July 2018

¹²⁴ All provided under cover of a Memorandum of Counsel dated 26 July 2018

- iv. A photo montage of the proposed development of the site the subject of submission, viewed from the top of the Crown Range zigzag;
 - m. For Underdown Trust and Archibald, a revised version of Chapter 43 of the Proposed Plan showing the suggested amendments overlaid on an updated version of the underlying chapter provisions¹²⁵;
 - n. For Wakatipu Equities Limited, a plan of the area Mr Skelton considered could support rural living development at a 4 hectare minimum lot size together with an estimate of the likely capacity of this land¹²⁶.
13. A number of parties also supplied a copy of the relief sought at our request ¹²⁷ in digital form. The responses were collated and forwarded to us under cover of a memorandum of counsel for the Council dated 31 August 2018, noting in each case the compatibility (or otherwise) of the information supplied with the Council GIS system.

1.5 Procedural Steps

14. Prior to the hearing, the Chair issued directions in relation to the following matters affecting the submissions and further submissions we heard:
- a. By a Decision dated 13 March 2018, an application by GW Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain (Submission 535) and Bill and Jan Walker Family Trust (Submission 532) for a waiver of time to amend portions of the respective submissions was granted in part to enable the zoning sought in relation to the submitters' land to be amended to Waikato Basin Lifestyle Precinct, and to amend the minimum lot size and setback distance from State Highway 6 applying to the sites the subject of submission.
 - b. By a Decision dated 2 April 2018 a waiver of time was granted to enable us to consider the following:
 - i. McGuinness Pa Limited¹²⁸;
 - ii. C Dagg¹²⁹;
 - iii. Kim Fam¹³⁰;
 - iv. M & C Burgess¹³¹;
 - v. Heather Moore & Szigetvey Trustee Services¹³²;
 - vi. Wendy McGuinness¹³³;
 - vii. Turi Edmonds¹³⁴;
 - viii. Millbrook Country Club Limited¹³⁵;
 - ix. John Martin¹³⁶;
 - x. Goldcrest Farming Limited¹³⁷;

¹²⁵ Provided under cover of a Memorandum of Counsel dated 26 July 2018

¹²⁶ Provided under cover of a Memorandum of Counsel from Mr Skelton dated 27 July 2018

¹²⁷ In a Minute dated 31 July 2018

¹²⁸ Submission 2447

¹²⁹ Submission 2586

¹³⁰ Submission 2589

¹³¹ Submission 2591

¹³² Submission 2596

¹³³ Submission 2603

¹³⁴ Submission 2604

¹³⁵ Submission 2605

¹³⁶ Submission 2606

¹³⁷ Submission 2607

- xi. Scott Carran¹³⁸;
 - xii. KT Dunlop & SA Green¹³⁹;
 - xiii. Simon Botherway¹⁴⁰.
- c. By a Decision dated 4 April 2008, a waiver of time was granted to the following submitters in relation to lodgement of replacement submissions for Stream 14 submissions lodged within time:
- i. Hogans Gully Farm Limited¹⁴¹;
 - ii. Waterfall Park Developments Limited¹⁴²;
 - iii. Ladies Mile Consortium¹⁴³.
- d. By a Decision dated 13 April 2018, a waiver was granted in order that the submission of Guenther Radler¹⁴⁴ might be considered;
- e. By a Decision dated 13 April, a waiver of the was granted in order that additional landscape material might form part of the submission of Trojan Helmet Limited¹⁴⁵.
15. In a Memorandum by Counsel for the Council dated 12 April 2018, our attention was drawn to a number of submissions that counsel considered were not “on” Stage 2 of the Proposed District Plan. The Chair issued an initial Minute indicating that he proposed to strike out any submissions found not to be on the provisions notified and inviting the submitters to respond to the Council’s Memoranda.
16. By a Decision dated 17 May 2018, having considered the responses that had been filed by a number of submitters, the following submissions were struck out in whole or in part pursuant to Section 41D of the Act as not being “on” Stage 2 of the District Plan review and consequently disclosing no reasonable or relevant case:
- i. J & L Bagrie¹⁴⁶;
 - ii. R & J Kelly¹⁴⁷;
 - iii. D Stanhope & G Burdis¹⁴⁸;
 - iv. G Burdis¹⁴⁹;
 - v. D Stanhope¹⁵⁰;
 - vi. G Oudhoff & J Hennessey¹⁵¹;
 - vii. P Blakely and M Wallace¹⁵²;
 - viii. Vanderwood Trustees and Others¹⁵³;

138 Submission 2608
 139 Submission 2609
 140 Submission 2610
 141 Submission 2313
 142 Submission 2388
 143 Submission 2489
 144 Submission 2657
 145 Submission 2387
 146 Submission 2246
 147 Submission 2251
 148 Submission 2253
 149 Submission 2541
 150 Submission 2542
 151 Submission 2326
 152 Submission 2499.6
 153 Submission 2523.1

- ix. Second Kawerau Bridge Group¹⁵⁴;
 - x. Upper Clutha Environmental Society Inc¹⁵⁵;
 - xi. Glenpanel Developments Limited¹⁵⁶.
17. By a further Decision dated 2 June 2018, a waiver of time was granted to Tucker Beach Residents¹⁵⁷ to enable its further submission to be considered.
18. By a Minute dated 1 May 2018, the Chair issued timetable directions for both Stream 14 and 15. The Chair's Minute also provided guidance on a number of other aspects of the hearings. In relation to Stream 14, the relevant dates were:
- a. Section 42A Reports and other Council evidence – 28 May 2018;
 - b. Submitters' evidence – 11 June 2018;
 - c. Rebuttal evidence – 27 June 2018;
 - d. Council Reply – 10 August 2018.
19. The timetabling directions for the hearing were subsequently varied in the following respects:
- a. By a Minute dated 28 May 2018, the Chair granted an extension for the Council to lodge and distribute the Section 42A Reports on 30 May 2018.
 - b. By a Minute dated 4 June 2018:
 - i. The Council was given until 6 June 2018 to lodge replacement planning and landscape evidence in relation to Submission 2387;
 - ii. The date for submitter evidence (unless otherwise specified) was varied to 13 June 2018;
 - iii. The date for the evidence in respect of Submissions 2386, 2400 and 2513 was amended to 15 June 2018;
 - iv. The planning and landscape evidence in relation to Submission 2387 was amended to 19 June 2018;
 - v. The date for rebuttal evidence unless otherwise specified was amended to 27 June 2018;
 - vi. The date for rebuttal evidence in respect of Submissions 2386, 2400 and 2513 was amended to 29 June 2018;
 - vii. The date for rebuttal planning and landscape evidence in respect of Submission 2387 was amended to 4 July 2018;
 - c. By a Minute dated 10 June 2018, submitter 2387 was given leave to lodge additional architectural evidence by 19 June 2018.
20. Following the commencement of the Stream 14 hearing, the Chair made additional directions regarding submissions and further submissions allocated to Stream 14, as follows:
- a. By a Decision dated 2 August 2018, the following Stream 14 submissions were struck out under Section 41D of the Act in whole or in part:
 - i. Don Moffat and Brian Dodds¹⁵⁸ in respect of that part relating to the Shotover Country Special Zone;

¹⁵⁴ Submission 2568

¹⁵⁵ Submission 2016.2

¹⁵⁶ Submission 2548.1

¹⁵⁷ Further Submission 2802

¹⁵⁸ Submission 239

- ii. Sanderson Group Limited¹⁵⁹ in relation to that part relating to the Shotover Country Special Zone;
 - iii. Woodlot Properties Limited¹⁶⁰ in relation to that part relating to the Quail Rise Special Zone;
 - iv. Shotover Country Limited¹⁶¹ in relation to that part related to the Shotover Country Special Zone;
 - v. Sean Brennan¹⁶²;
 - vi. Kirstie Jean Brustad¹⁶³ in relation to that part seeking amendments to Chapter 21 of the Proposed District Plan;
- b. By a Decision dated 8 August 2018, further submission 2802 (Tucker Beach Residents) was struck out under Section 41D of the Act. Tucker Beach Residents Society Inc objected to that decision under section 357(2) of the Act. By decision of Commissioner Taylor acting for the Council dated 14 December 2018 that objection was upheld with the result that Further Submission 2802 was reinstated, and Tucker Beach Residents Society Inc confirmed as successor of Tucker Beach Residents;
 - c. By a Decision dated 31 August, further submission 2821 (Millbrook Owner- Members Committee) was struck out under Section 41D of the Act in so far as it sought relief in respect of Lot 3 DP 20693.
21. During the course of the hearing, the Chair made a number of procedural directions regarding the day to day management of the hearing. We note specifically the Chair's direction that a brief of evidence filed in the name of Ross John Healy in support of further submission 2802 (Tucker Beach Residents) not be presented by the witness by reason of its content and late submission. That decision was confirmed by a Minute dated 30 July 2018.

1.6 Residual Hearing Issues

22. During the course of the hearing, the Chair sought comment from Counsel for the Council regarding the fact that as originally notified (on 23 November 2017), Chapter 24 did not include Table 24.2 (Rules 24.4.25-24.4.29 inclusive). We were advised that this omission was corrected shortly thereafter in the electronic and hard copy versions of Chapter 24 available to the public. The content of Table 24.2 was the subject of submissions by a number of parties we heard from, but the concern we had was that those consulting the notified version of Chapter 24 immediately upon its release might have incorrectly concluded that it was of no relevance to them by reason of the omission, and not been alerted to the subsequent change. The Council addressed this potential problem by renotifying Table 24.2 as a separate variation on 9 August 2018.
23. One submission¹⁶⁴ was filed on the notified variation. By a decision of the Chair dated 30 September 2018, parts of that submission were struck out. The submitter objected to that decision under section 357(2) of the Act and by a decision of Commissioner Taylor for the Council dated 10 December 2018, the parts of the submission that had been struck out were

¹⁵⁹ Submission 404

¹⁶⁰ Submission 501

¹⁶¹ Submission 528

¹⁶² Submission 2353

¹⁶³ Submission 2577

¹⁶⁴ Submission 2663 (Aircraft Owners and Pilots Association of New Zealand Inc)

reinstated. By a memorandum dated 16 January 2019, the Chair directed that the submitter confirm whether or not it wished to be heard in relation to the reinstated parts of its submission and file any material it wished considered by the Panel by 28 January. As above, the submitter filed submissions by Mr Boyd attaching a bundle of relevant material, including commentary from an acoustic expert (Mr George van Hout), and advised it did not require to be heard. The additional material provided by the submitter has accordingly been considered on the papers, along with the evidence of Ms Edgley and Dr Chiles filed by the Council in accordance with the directions of the Chair, in response.

24. The same issues did not arise in relation to the other submitter who had lodged a successful objection (Tucker Beach Residents Society Inc) as its submission had been heard without prejudice to the objection that had been made to its standing and that was, at that point, yet to be determined.
25. In addition, as noted above, the Council identified that the Summary of Submissions notified by it had omitted one submission relevant to Stream 14 (that of Millbrook Country Club Limited¹⁶⁵). The omission was corrected by notification of an Addendum to the Summary of Submissions on 26 July 2018, with the result that two additional further submissions were received¹⁶⁶. One of those further submissions (that of Millbrook Owner/Members Committee) was subsequently struck out in part, as discussed in section 1.5 above.

1.7 Declaration of Interest by Commissioners

26. During the course of the hearing, commissioners made the following declarations:
 - a. Commissioner Dimery recorded that her partner is a director of the environmental consultancy Boffa Miskell Ltd, two of whose senior employees (Mr Chris Ferguson and Ms Yvonne Pflüger) gave evidence before us;
 - b. Commissioner Robinson recorded that he was advising NZTA in respect of High Court appeals on two Auckland motorway projects;
 - c. Commissioner Smith recorded that he had been involved in his capacity as a Councillor in the Council decisions adopting a Lead Policy for the Ladies Mile area.
27. No party made objection to the continued participation of any of the Commissioners in the hearing following these declarations.

2. GENERAL ISSUES

2.1 General Approach to Stream 14 Submissions and Further Submissions

28. Section 1.6 of Report 1 on the Stage 1 provisions of the District Plan Review summarises in some detail the statutory requirements for consideration of submissions and further submissions on the Proposed District Plan derived generally from the Environment Court's decision in *Colonial Vineyard Limited v Marlborough District Council*¹⁶⁷, as supplemented by subsequent higher order decisions, including but not limited to the decision of the majority of the Supreme Court in *Environmental Defence Society v The New Zealand King Salmon Company Limited*¹⁶⁸.

¹⁶⁵ Submission 2295

¹⁶⁶ FS2821 (Millbrook Owner-Members Committee) and FS2822 (Skipp Williamson)

¹⁶⁷ [2014] NZ EnvC 55

¹⁶⁸ [2014] NZSC 38 ("*King Salmon*").

29. Both Report 1 and the cases it cited related to the Act as it stood prior to enactment of the Resource Legislation Amendment Act 2017. We therefore inquired of counsel for the Council when she opened the Council's case, as to which version of the Act we should apply given the amendments to it in 2017. Her response, which we agree with, is that in relation to the submissions made on Stage 1 of the PDP we hear, we must refer to the Act as it was in 2015, when those provisions were publicly notified. However, in respect of the provisions notified in November 2017, the correct version of the Act is that applying as at 1 October 2017, that is to say, incorporating the amendments made to the Act by virtue of the Resource Legislation Amendment Act 2017. Ms Scott identified the relevant changes as between these different versions of the Act to be:
- a. The incorporation of reference in Section 6(g) to *"the management of significant risks from natural hazards"* (which we are required to recognise and provide for);
 - b. The addition of a specific function for the District Council (in Section 31(1) related to *"the establishment, implementation and review of objectives, policies and methods to ensure that there is sufficient development capacity in respective housing and business land to meet the expected demands of the district"*;
30. No other party drew any additional aspects of the 2017 amendments to our attention as requiring our consideration, and, having reviewed the content of 2017 Amendment Act ourselves, we did not identify any other material changes that we need to factor into our decision-making process.
31. We therefore find that subject to the potential relevance of those two additional matters that we need to bear in mind when considering the provisions notified in November 2017, the principles set out in Report 1 remain applicable to our consideration of submissions and further submissions.
32. When applying these principles, however, we need to take account of changes that have occurred in the interim to the higher-order provisions of relevance to our task.
33. Report 1 discussed the status of the Proposed Regional Policy Statement for the Otago Region as at the date that report was finalised (28 March 2018). Paragraph 46(e) recorded that large sections of the Proposed Regional Policy Statement were the subject of unresolved appeals to the Environment Court, lessening the weight that could be placed on it.
34. When Ms Scott opened the Council case, she advised us that that position had changed.
35. Ms Scott supplied us with copies of Environment Court consent orders relating to the following parts of the Proposed RPS:
- a. Chapter 1 (Resource Management in Otago is Integrated);
 - b. Chapter 2 (Kai Tahu);
 - c. Chapter 4.1 (Natural Hazards);
 - d. Chapter 4.2 (Climate Change);
 - e. Chapter 4.4 (Energy);
 - f. Chapter 4.5 (Urban Growth);
 - g. Chapter 4.6 (Hazardous Substances);
 - h. Chapter 5.1 (Public Access);
 - i. Chapter 5.2 (Historic Heritage);

- j. Policy 5.3.2 and related Method 3 (Land Use Change in Dry Catchments);
 - k. Policy 5.3.3 (Distribution of Commercial Activities);
 - l. Policy 5.3.4 (Industrial Land);
 - m. New Policy 5.3.6 (Tourism and Outdoor Recreation);
 - n. Chapter 5.3 (Infrastructure);
 - o. Chapter 5.4 (Offensive or Objectional Discharges, Precautionary Approach, Pest Plants and Animals, and Activities in the Coastal Marine Area).
36. As counsel for the Council observed, the effect of these orders of the Court was to amend the Proposed RPS with immediate effect. We also accept counsel for the Council's submission that these amended provisions did not have "*full legal weight*" so as to entirely replace the previously operative RPS¹⁶⁹. At least in theory, unless and until the Proposed RPS was made operative, the relevant legal obligation was for us to have regard to the Proposed RPS as amended by the Environment Court consent orders¹⁷⁰ and continue to give effect to the Operative RPS¹⁷¹, notwithstanding that in relation to those parts of the Proposed RPS the subject of consent orders, the document was effectively beyond challenge.
37. Ms Scott also provided us with draft consent order documentation relating to a further three aspects of the Proposed RPS being:
- a. A revised description of the Takata Whenua of the Otago Region;
 - b. Proposed amendments to Policy 5.3.1 (Rural Activities);
 - c. Proposed amendments to Chapter 3 of the Proposed RPS (Otago has High Quality Natural Resources and Ecosystems).
38. While, at the time of our hearing, the amendments proposed in these memoranda had no legal significance, the fact that they had been submitted to the Environment Court by consent meant that the likelihood was, in practice, that the Proposed RPS would be amended substantially in the manner set out in the draft consent documentation.
39. A number of parties made submissions on the implications of the amendments to the Proposed RPS noted above (including those of the subject of draft consent orders) and the Council witnesses included a commentary on the implications of the changes to the Proposed RPS in their reply evidence. Accordingly, while initially we felt it might be necessary to offer parties the opportunity to make submissions on the changed Proposed RPS, by the end of the hearing, we had concluded that this would not be necessary, unless the Environment Court issued orders directing further changes to the Proposed RPS materially at variance from the draft consent orders. We advised the parties of our conclusion in this regard by a Minute dated 31 July 2018.
40. Following completion of the hearing, we were supplied with two additional consent orders of the Environment Court dated 5 September 2018, making the amendments proposed in the consent memoranda related to Takata Whenua and Policy 5.3.1 (Rural Activities).

¹⁶⁹ As contended by Counsel for Boxer Hills Trust and Trojan Helmet Limited

¹⁷⁰ Pursuant to Section 74(2)(a)(i) of the Act

¹⁷¹ Pursuant to Section 75(3)(c) of the Act

41. On 7 January 2019, we received a Memorandum of Counsel from Ms Hockley advising us that the Regional Council had resolved to make the proposed RPS partially operative on 14 January 2019¹⁷². Attached to this memorandum was a copy of the 1998 RPS identifying those parts which would be revoked as a result of the Partially Operative RPS 2019 coming into effect. A copy of the partially operative RPS 2019 was also attached. As a result, at the date at which we make our recommendations to the Council, there is a Partially Operative RPS 1998, a Partially Operative RPS 2019, and consent order documentation relating to proposed amendments to Chapter 3 of the Proposed RPS (Otago has High Quality Natural Resources and Ecosystems). Our recommendations reflect the obligation on the Council to give effect to the Operative Regional Policy Statement, and have regard to the remaining portions of the Proposed RPS.
42. As noted in the Stage 1 Report 1, however, the fact that the Partially Operative RPS 1998 predates all of the National Policy Statements that we also have to give effect to means that the significance of that legal difference is somewhat lessened.
43. The Hearing Panel's Report 1 also considered¹⁷³ the potential relevance of Chapters 3-6 as recommended by the Hearing Panel in Stage 1. Those Chapters provide strategic direction for the balance of the Proposed District Plan. The conclusion reached by the Hearing Panel in Stage 1 was that while those chapters were not 'settled', they represented the recommendations of the relevant Hearing Panels as to what was required to meet the relevant legal obligations. Accordingly, in the words of that Report:
- "While reference still needs to be made to the relevant higher order documents where relevant to ensure they are given effect, absent issues of scope which might have constrained the Hearing Panel (e.g. from recommending an amendment the Panel felt was required to give effect to a relevant higher order document or to make a provision consistent with Part 2 of the Act) or genuine exceptions not covered (or not fully covered) by the strategic chapters, reference back to Part 2 of the Act, and the higher order documents noted above, is effectively a cross-check in those circumstances, to ensure that this is the case¹⁷⁴"*
44. Since that Report was released, the Council has confirmed the Hearing Panel's recommendations and appeals have been filed on the Strategic Chapters. Some parties argued that we should place little or no weight on the Decisions Version of the Strategic Chapters in light of the large number of appeals that have been filed. This issue came sharply into focus when we discussed with counsel for a number of a parties how we should approach submissions seeking rezoning of particular properties.
45. Counsel for the Ladies Mile Consortium, for instance, submitted to us that the number of appeals on those Strategic Chapters meant that they fell within the "uncertainty" caveat in *King Salmon*. We had difficulty understanding how this might be the case. The situation the Supreme Court was addressing in relation to uncertainty was where a Plan provision is

¹⁷² Memorandum of Counsel on Behalf of the Queenstown Lakes District Council Regarding the Otago Regional Policy Statement, dated 7 January 2019

¹⁷³ At paragraph 48

¹⁷⁴ Compare *Turners and Growers Horticulture v Far North District Council* [2017] NZHC 764 at [48]

uncertain in meaning¹⁷⁵. We do not see that the effect of multiple appeals on the Strategic Chapters is to make the wording of those provisions uncertain. Obviously, the wording of the provisions may change, but that does not make the wording of the Decisions Version uncertain in the sense the Supreme Court was referring to. The position might have been different if one of the parties had submitted to us that the wording of any actual provision was uncertain, but that was not the case.

46. Accordingly, we prefer the view put to us by Mr Todd, when appearing as counsel for Hogans Gully Farms Limited, who submitted that it was an issue of weight, with the weight given to the Stage 1 provisions existing in a continuum starting at the point when the Plan was notified at one end, to the point that it is operative at the other. Mr Todd described the position as one where as the process is worked through and the Plan provisions are tested, more weight is progressively placed on the Proposed Plan provisions.
47. Counsel for Trojan Helmet Ltd and Boxer Hills Trust, Ms Wolt, also identified it as an issue of weight, suggesting to us though that we could put "*little or no weight*" on the provisions in the strategic chapters given the number and nature of the appeals on them. We disagree with that position. Among other things, section 32 requires us to test plan provisions against the objectives of the PDP. It is clearly inappropriate for us to second-guess what views the Environment Court might have regarding the objectives in Chapter 3 (or any other provision the subject of appeal for that matter). As Ms Wolt accepted when we discussed it with her, we necessarily have to reference back to the Decisions Version of the PDP at this point.
48. The Council has produced an annotated version of the Stage 1 Decisions Version indicating which provisions are the subject of appeal. This indicates that Chapter 5 is not the subject of appeal. Accordingly, in our view, we can give it considerable weight to the extent that it is relevant to our recommendations. By contrast, virtually all of Chapters 3, 4 and 6 are the subject of appeal and must be approached somewhat more cautiously. Again, however, for the limited number of matters in those chapters that have not been challenged in the Environment Court, we think that we can give them considerable weight. Among others, our attention was drawn to the fact that while initially the subject of appeal, the definitions of "*urban development*" and "*resort*" are not now the subject of appeal¹⁷⁶.
49. We proceed on the basis that we should give those parts of the Decisions Version of the strategic chapters the subject of appeal more than "*little or no weight*" but, as Mr Todd submitted, not "*total*" weight. We agree that we have to be alive to the potential that the appeals will be successful, and therefore test any tentative conclusions based on the Strategic Chapters against both the higher order policy and plan provisions that we are required to implement, and to Part 2 of the Act. We remain of the view, however, that the Stage 1 Report 1 correctly described this process as a cross check.
50. Counsel for Ladies Mile Consortium also submitted that we are duty bound to consider every element of Part 2 in relation to every rezoning application (and by implication, every disputed provision of Chapter 24) because of the "*uncertainty*" of the strategic chapters. Counsel took issue in particular with a reference in Stage 1 Report 16 to the need to look beyond the

¹⁷⁵ See [2014] NZSC38 at [90]

¹⁷⁶ Email of Warwick Goldsmith dated 5 October 2018

strategic chapters in the PDP to the higher-level planning documents and Part 2 of the Act “*as appropriate*”.

51. While it might have been helpful if the Stream 12 Hearing Panel had given some examples of when such reference would be appropriate (and vice versa), we reject counsel’s submission in this regard.
52. Stating the obvious, Part 2 has many elements. Some elements are clearly irrelevant to any of the matters before us. Insofar as section 6(a) of the Act refers to preservation of the natural character of the coastal environment (and its protection from inappropriate subdivision, use and development), notwithstanding the statutory instruction that we recognise and provide for that matter, we think we are on safe ground putting it to one side in the situation of a land-locked District.
53. Similarly, section 6(b) of the Act, addressing the protection of outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development, is only engaged in the small number of submissions deferred from Stage 1 dealing with areas categorised as ONFs and ONLs.
54. More generally, the Supreme Court’s decision in *King Salmon* tells us that if we are giving effect to a directory provision of the Operative RPS or of a National Policy Statement, it is not permissible to look to Part 2 for additional and potentially contradictory direction, absent any suggestion that the directory instrument is invalid, incomplete or uncertain in meaning.
55. In the same way, the need to refer to higher order documents depends on the context. We think we can safely assume that the National Policy Statement for Renewable Electricity Generation is unlikely to provide useful guidance on a submission seeking rezoning of rural land in the Wakatipu Basin for rural living. Perhaps less obviously, the NPSUDC is only potentially relevant to those submissions seeking to facilitate urban development.
56. We also think that it is relevant that the Proposed District Plan needs to be internally consistent. We had discussed that point with counsel for the Ladies Mile Consortium who agreed that the Panel should be trying to produce a Plan that is internally consistent. We consider that that is an important consideration against the background of Section 31(1)(a) which makes integrated management a key District Council function. This means in our view that we need to take a ‘top-down’ approach, seeking first, consistency with the strategic chapters that provide high level guidance as to the outcomes the Proposed District Plan is seeking to achieve, and secondly with the balance of the Proposed District Plan.
57. In the case of Wakatipu Basin rezoning issues, the zoning we recommend also needs to fit within the framework of Chapter 24. Counsel for Trojan Helmet Ltd submitted that we ought to test (under section 32 of the Act) the provisions that submitter contended for against the objectives in the strategic chapters rather than those of Chapter 24. However, that was in the context of a submission seeking a special zone, with its own framework of objectives, policies and rules. In that specific context, we agree with the submission. In other rezoning matters, however, the objectives of Chapter 24 are relevant to the inquiry, and so it is important that we form a firm view on the submissions seeking changes to those objectives before going on to address the subsidiary provisions, including zoning provisions.

58. We discussed a related point with Ms Louise Taylor, giving planning evidence for X-Ray Trust Limited and Avenue Trust, who suggested that we needed to analyse the rezoning proposal that submitter advanced by reference to the purpose of the proposal (i.e. whether the proposed rezoning is the most appropriate way to achieve the purpose of the proposal). This appeared somewhat circular to us, and Ms Taylor agreed that there was an initial critical step, determining whether the purpose of the proposal is itself appropriate. Ms Taylor’s view was that that question had to be tested against the direction provided in the strategic chapters. We agree that the latter are the primary reference point, but because the X-Ray Trust Limited and Avenue Trust proposal involved the use of both the Precinct sub-zone, and the Rural Amenity zone, the objectives we recommend for Chapter 24 are also relevant.
59. Looking more generally at the considerations identified in Stage 1 Report 1 as being relevant to our analysis of the submissions and further submissions we heard, we should note the submission made by counsel for Lake Hayes Investments Limited, Crosby Developments, L McFadgen and Slopehill Joint Venture drawing our attention to the Environment Court’s decision in *Royal Forest and Bird Protection Society of New Zealand Inc v Whakatane District Council*¹⁷⁷, where the Court emphasised that the application of section 32 of the Act, where it directs an inquiry as to the “*most appropriate*” provisions, should be read as requiring an examination of the reasonably practicable options to identify the least restrictive regime that meets the purpose of the Act and the objectives of the Plan¹⁷⁸. Provided that guidance is kept in mind, we regard the summary set out in the Stage 1 Report 1 as still generally applicable, subject to the considerations discussed above, except for minor changes able to be made under Clause 16(2), and we have applied it on that basis.
60. Turning to the particular issue of rezoning that took up much of the hearing, this also was the subject of commentary in the Stage 1 Reports. In particular, Reports 16 and 17.1 contain a discussion of general principles which we regard as equally applicable to the rezoning submissions we heard¹⁷⁹.
61. As with those Reports, and for the same reasons, we have taken the view that where a submission seeking rezoning of land is unsupported by evidence (either of Council or the submitter), we have no basis on which to undertake the section 32AA evaluation required of us. Accordingly, such submissions must necessarily be rejected.
62. Report 17.1 also found it helpful to refer to and apply a set of zoning principles and other factors applied to the consideration of the most appropriate zoning for particular land. These were summarised at paragraph 132 of the Report as follows:
- “a. whether the change implements the purpose of the PDP Strategic chapters and in particular the Strategic Direction, Urban Development and Landscape Chapters;*
 - b. the overall impact the rezoning gives to the O[perative] RPS;*
 - c. whether the objectives and policies of the proposed zone can be implemented on the land;*

¹⁷⁷ [2017] NZEnvC 051

¹⁷⁸ See the discussion at [59]

¹⁷⁹ See in particular Report 16 at Section 2 and Report 17.01 at Section 2

- d. *economic costs and benefits are considered;*
- e. *changes to the zone boundaries are consistent with the maps in the PDP that indicate additional overlays or constraints (e.g. Airport Obstacle Limitation Surfaces, SNAs, building restriction areas, ONLs/ONF);*
- f. *changes should take into account the location and environmental features of the site (e.g. the existing and consented development, existing buildings, significant features and infrastructure);*
- g. *zone changes are not inconsistent with long term planning for the provision of infrastructure and its capacity;*
- h. *zone changes take into account effects on the environment of providing infrastructure onsite;*
- i. *there is adequate separation between incompatible land uses;*
- j. *rezoning in lieu of resource consent approvals, where a portion of the site has capacity to absorb development does not necessarily mean another zone is more appropriate;*
- k. *zoning is not determined by existing use rights, but these will be taken into account.”*

63. The Report also identified as relevant local context factors:

- “a. the layout of streets and the location of public open space and community facilities;*
- b. land with physical challenges such as steep topography, poor ground conditions, instability or natural hazards;*
- c. accessibility to centres and the multiple benefits of providing for intensification in locations with easy access to centres; and*
- d. the ability of the environment to absorb development.”*

64. The submissions we heard from the parties did not directly challenge the zoning principles set out in Report 17.1. However, we should address at this point the legal submissions for Lake Hayes Investments Limited, Crosby Developments, L McFadgen and Slopehill Joint Venture that our analysis *“should be an effects-based decision, rather than based upon a desired outcome or directive planning purpose and should take into account the existing consented and developed environment on the ground rather than providing a zone which makes that existing environment and development incongruous within the Proposed DPR Zone¹⁸⁰”*.

65. Addressing first the extent to which zones must be effects-based rather than being based on a desired future outcome, counsel relied on the Environment Court’s decision in *Cerebos Greggs Limited v Dunedin City Council*¹⁸¹ as authority for this proposition. We think that the case is of limited relevance to us for a number of reasons. Firstly, the factual context is quite different. The respondent city council had sought to provide for the growth of three educational institutions with more favourable zone provisions for their activities. The Court found that there was no evidence that the three institutions needed access to the land in question (there was evidence that two of the institutions did not) and was clearly concerned

¹⁸⁰ Paragraph 4(d) of Counsel’s legal submissions

¹⁸¹ See 169/2001

that the zoning purported to provide for activities based on who was undertaking them, rather than what was being provided for.

66. While the Environment Court expressed a concern that the zoning mechanism being used was not based around adverse effects, but rather around a directive planning approach adopted by the Council¹⁸², that was in the context of the wording of section 32 of the Act prior to 2003 which focussed attention on whether objectives, policies, rules or other methods were “*necessary*” in achieving the purpose of the Act. The version of section 32 that we have to apply focusses on whether objectives are the most appropriate way to achieve the purpose of the Act and whether other provisions are the most appropriate way to achieve the objectives, implying a broader frame of reference¹⁸³.
67. Last, but by certainly no means least, subsequent authority confirms that a directive planning approach may indeed be appropriate, where supported by appropriate evidence. We note, for instance, the emphasis given by the Supreme Court in *King Salmon* to the “*forward looking and management focus*” of the RMA¹⁸⁴ and the Supreme Court’s discussion of Policy 7 of the New Zealand Coastal Policy Statement that provides for strategic planning of the coastal environment¹⁸⁵.
68. As regards to the second element of the passage from counsel’s submissions quoted above, we think the proposition put to us requires qualification. Counsel cited the Environment Court’s decision in *Milford Centre v Auckland Council*¹⁸⁶ as support for the proposition advanced. At the paragraph referred to us, the Environment Court stated that it saw no proper basis to draw a distinction between the environment for the purpose of resource consent and a Plan Change and accordingly adopted the approach of the Court of Appeal in the well-known decision of *Queenstown Lakes District Council v Hawthorn Estates Limited*¹⁸⁷.
69. However, we note that the Environment Court’s view in this respect is clearly contrary to the conclusion reached by the High Court in *Shotover Park Limited v Queenstown Lakes District Council*¹⁸⁸ which held that “*when deciding the content of a plan for the future, as distinct from the grant of a particular resource consent, the Court is not obliged to confine “environment” to the “existing environment”, as defined in [84] of Hawthorn*”¹⁸⁹.
70. In our view, the two points made by counsel are linked. Clearly, the environment one sees on the ground is relevant to the Plan provisions that are put in place, but the content of a plan is forward looking. It needs to reflect the environment sought to be achieved over the life of the Plan, not (or not just) the environment that already exists.

¹⁸² At paragraph [21] as noted in counsel’s submissions.

¹⁸³ Even given the fact that the word “*necessary*” in the version of s32 applying prior to 2003 had not been interpreted literally, as a synonym of “*essential*” for instance

¹⁸⁴ [2014] NZSC 38 at [21]

¹⁸⁵ Ibid at [53]-[54]

¹⁸⁶ [2014] NZ EnvC 23

¹⁸⁷ [2006] NZRMA 424

¹⁸⁸ [2013] NZHC 1712

¹⁸⁹ Ibid at [4]

71. This was brought into sharp focus by the number of submissions we heard seeking that areas previously zoned for Rural Residential density development should continue to have the benefits of that zoning (or equivalent) because of the expectations that had been built up among the land owners concerned. Some counsel suggested that land owners had a right to develop their land based on the zoning in previous plans. We do not accept that that is the case. As we will discuss in greater detail in the relevant reports, where past planning decisions have had unsatisfactory outcomes, we believe it is contrary to the purpose of the Act to perpetuate the status quo and facilitate further unsatisfactory outcomes unless there are cogent reasons to do so.
72. We might have had greater cause for pause had the evidence identified specific ways in which the ongoing operation of established activities would be materially impeded by a change in zoning – that was the situation the Environment Court found to exist in the *Cerebos* decision counsel referred to us, for instance. Evidence to that effect would clearly need to be considered carefully in the assessment of costs and benefits section 32 requires, but to the extent effects on existing activities were addressed in the submissions and evidence we heard, this tended to be expressed at a broad philosophical level, along the lines of the passage from counsel’s submissions quoted above. The focus of the submissions was clearly on the ability to undertake new development rather than the ability to continue existing land use activities. Restricting new development is not without cost (it has obvious opportunity costs that need to be considered under section 32), but such costs are in our view generally less pressing than restrictions on the ability to continue existing activities.
73. In summary, we believe that Report 17.1 pitched the position correctly; that zoning moving forward is not determined by existing use rights, but they are relevant to our deliberations.
74. We acknowledge that some of the principles and other factors identified in Report 17.1 reflected the scope of the Stream 13 hearing, which included submissions related to urban zonings. In addition, the particular context of the Wakatipu Basin introduces additional considerations to rezoning matters that we needed to take into account. We will discuss some of those issues shortly at a general level. In addition, our ability to apply some of the zoning principles is hampered by lack of evidence. The Council did not produce any evidence as to economic costs and benefits. When queried, Ms Scott told us that the Council’s position was that it was not practicable to do so. Only two submitters produced economic evidence, being Middleton Family Trust and Waterfall Park Developments Limited¹⁹⁰, and the evidence for Middleton Family Trust did not include any quantification of economic costs and benefits.
75. Accordingly, except where we had specific evidence as above, our consideration of this particular principle is both qualitative and somewhat generic in nature.
76. However, we consider that the zoning principles and other factors set out in Report 17.1 are of general assistance and we have looked to them in the consideration of particular submissions.
77. The key additional considerations that we regard as relevant to submissions seeking rezoning of land in the Wakatipu Basin relate to the cumulative effects of the development of the Basin

¹⁹⁰ That of Mr Michael Copeland and Mr Fraser Colegrave respectively.

that has occurred to date (mostly for rural living purposes) and the effects of future development; both the development that will result from utilisation of building platforms that are already registered on titles throughout the Basin, and future development that might be facilitated by the zoning provisions that we recommend.

78. Chapter 3 of the Proposed District Plan seeks to provide general guidance for rural living development in the District by means of the following policies:

“3.3.22 Provide for rural living opportunities in areas identified in the District Plan maps as appropriate for rural living developments.

3.3.23 Identify areas in District Plan Maps that are not within Outstanding Natural Landscapes or Outstanding Natural Features and that cannot absorb further change, and avoid residential development in those areas.

3.3.24 Ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character.”

79. As we will discuss in greater detail shortly, although Chapter 24 and the related planning maps were publicly notified before release of the Hearing Panel recommendations on Chapter 3 (and the Council decisions accepting same), the approach taken in Chapter 24 of an Amenity zoning applying to the whole of the Basin (with strong policies and rules seeking to limit further residential development) and a Precinct sub-zone applying to defined parts of the Basin (where rural living development need pass a significantly lower regulatory hurdle before being approved), reflects the intent of the Chapter 3 policies quoted above¹⁹¹.

80. Ms Gilbert observed when she gave evidence before us that the balance between the amount of land within the Lifestyle Precinct Sub-Zone and that the subject of the more stringent Rural Amenity Zone provisions, is the key to its success. Ms Gilbert suggested that were we to recommend significant additional areas of Lifestyle Precinct land be zoned within the Wakatipu Basin, this would risk disturbing that balance and consequently, risk not achieving the intent of Policy 3.3.24.

81. A number of landscape experts appearing before us similarly suggested that the areas of Precinct in the Basin could be expanded at various locations without raising concerns regarding cumulative adverse effects.

82. The cumulative effect, if all of the submissions seeking up-zoning were granted, would clearly alter the pattern of zoning in the Wakatipu Basin substantially from the position notified. Our initial impression was that there would be very little Rural Amenity Zone land left, certainly on the floor of the Basin¹⁹². We asked Mr Barr whether our impression was correct and his pithy description of the area of Rural Amenity Zoned land that would be left was, “*not a lot*”. Subsequently, the Council supplied us with a map showing just the areas the subject of

¹⁹¹ Acknowledging that both Policy 3.3.23 and 3.3.24 are the subject of appeal to the Environment Court. From the Council’s annotated version of the PDP, it appears that Policy 3.3.22 is not the subject of appeal.

¹⁹² That is to say, excluding the Crown Terrace

evidence where up-zoning was sought. Substantial areas are involved, particularly in the eastern half (east of Lake Hayes) of the Basin.

83. None of the landscape witnesses we had before us, apart from Ms Gilbert, had undertaken an overall assessment of the Wakatipu Basin, which would have equipped them to provide us with an assessment of the cumulative effect of widespread up-zoning of the Rural Amenity Zone areas.
84. Many of those witnesses, however, have a longstanding familiarity with the Wakatipu Basin and we invited them to express an opinion on how much development of the Basin is too much.
85. Mr Stephen Skelton¹⁹³, for instance, expressed the view in response to our question that greater provision for rural living could be made provided the 'important' areas were protected. He emphasised that the floor of the Basin has a rural living character already. However, aside from some areas of the properties which were the subject of his evidence, Mr Skelton did not identify what other areas might be considered important.
86. We consider that there is a tipping point beyond which further rural living (and other) development will have significant adverse effects on the rural character and amenity values of the Wakatipu Basin¹⁹⁴. As always in relation to cumulative effects, the trick is to identify exactly where and when that tipping point is reached.
87. In our view, part of the answer is to recognise that there is both an overall tipping point for the Basin, and multiple tipping points within the Basin; that is to say discrete areas within the Basin that have already reached their absorptive capacity¹⁹⁵.
88. Viewed Basin-wide, we prefer the evidence of Ms Gilbert to the landscape witnesses who suggested that there is significant scope for additional rural living development. Ms Gilbert had the advantage of having undertaken an overall assessment of landscape capacity that identified significant Precinct areas facilitating further rural living development already¹⁹⁶. By contrast, the landscape witnesses we invited to comment on the cumulative effects of large-scale up-zoning, while endeavouring to assist us, were necessarily expressing an off the cuff view.
89. It follows that our consideration of the most appropriate zoning for individual properties or areas takes place against that background. That does not mean that submitters faced an insuperable obstacle. We have considered each submission carefully against the relevant statutory tests discussed earlier in this section, but the effect of site-specific zoning on the

¹⁹³ Giving expert landscape evidence for Wakatipu Equities Ltd and Slopehill Properties Ltd

¹⁹⁴ Compare *Lakes District Rural Landowners Society Inc v Queenstown Lakes District Council* C75/2001 where the Environment Court expressed that view (at [47])

¹⁹⁵ We note that the Council's decision on a subdivision consent (RM160571) dated 31 January 2017 provided to us by counsel for M Guthrie identified that proposal as reaching the tipping point in the area south of the State Highway and east of Morven Hill.

¹⁹⁶ Mr Barr estimated (in his rebuttal evidence at Appendix C) that the additional rural living development potentially able to be undertaken in the notified Precinct Areas as being 520 residential units, an increase of approximately 90% from existing consented residential capacity in those areas.

overall capacity of the Wakatipu Basin to absorb further development is an important factor for us to consider.

90. Lastly, we should record that we have taken the same approach to the implementation of section 32AA as in the Proposed District Plan Stage 1 recommendation reports¹⁹⁷. Our reasoning for recommending amended provisions is set out in the body of our reports, and incorporates the additional section 32 evaluation required, rather than that appearing in a tabulated form within or external to our reports.

2.2 Site-Specific Plan Provisions

91. The submissions we heard sought a variety of relief. While some submitters were content to seek rezoning of their land on the basis of the zone provisions applying generally across the Wakatipu Basin, a number sought relief that was tailored to the situation of their particular property. This varied from submissions that sought stand-alone zones¹⁹⁸ to site specific rules proposed to be inserted into the more general provisions. Most commonly, this involved a reduced density to be considered as a restricted discretionary activity from that the subject of the provisions of the Proposed District Plan (Stage 2) as notified.
92. The Hearing Panels considering rezoning matters in relation to the Proposed District Plan (Stage 1) faced a similar position¹⁹⁹. We take the same view as those reports, namely that while no issue can be taken regarding the jurisdiction to insert site-specific plan provisions if a submission sought that relief, a proliferation of such site-specific provision, raises issues in terms of plan administration, potentially causing the plan to lose overall direction and coherence, and adversely affecting its usability.
93. More generally, having considered the submissions on Chapter 24 and made recommendations, as appropriate, to vary those provisions, we think that we ought to apply the zones as recommended unless there is good reason not to do so.
94. As we noted earlier in our Report, the provisions of Proposed District Plan (Stage 1) recognise that a Resort, as defined, is an activity to be distinguished from Urban Development. While we were advised that the objectives and policies applying to Resorts are the subject of appeal, our understanding is that the essential elements of a Resort, as captured by the definition of that term, is not now the subject of appeal.
95. There is no general Resort Zone. To the extent that the Proposed District Plan recognises Resorts, it is by way of, in each instance, a zone specific to that resort²⁰⁰.
96. Accordingly, this is one situation where, were we to be satisfied that there is a good case for the Proposed District Plan (Stage 2) to recognise a new Resort, it would appear logical to do so by way of a discrete zone of its own
97. In other situations, we have, in each case, considered whether the proposed provisions give effect to and implement the strategic direction chapters, having appropriate regard to

¹⁹⁷ See Report 1 at Section 1.8

¹⁹⁸ E.g. Middleton Family Trust, Waterfall Park Developments, Trojan Helmet Limited, Hogans Gully Farms

¹⁹⁹ See Report 16 at Section 2.5 and Report 17.01 at Section 2.3

²⁰⁰ Millbrook Resort Zone, Chapter 43 and Waterfall Park Zone, Chapter 42

(implementing as required) the higher level directions contained in the various documents relevant to our recommendations (and Part 2 of the Act where applicable) together with the effect on the environment of applying the proposed zone. We have also considered whether the proposed provisions have been drafted in a manner consistent with the resource management approach of the Proposed District Plan.

2.3 Background to Chapter 24

98. The version of Stage 1 of the Proposed District Plan notified in 2015 had both similarities and differences to the then Operative District Plan. Among other things, recognition of Visual Amenity Landscapes (VALs) and Other Rural Landscapes (ORLs) in the Operative District Plan was overtaken by identification of non-outstanding rural land as being within the Rural Landscape Classification²⁰¹ with a separate set of objectives policies and other provisions applying to it. Policy 6.3.1.2²⁰² stated that the Rural Landscape Classification related to landscapes zoned Rural in the district.
99. Like the Operative District Plan, the notified version of the Stage 1 Proposed District Plan retained a general Rural Zone covering much of the District, supplemented by zones intended to facilitate rural living at different densities (principally the Rural Residential and Rural Lifestyle Zones).
100. As with the Operative District Plan, the Stage 1 Proposed District Plan did not specify a minimum density for subdivision and residential development within the general Rural Zone. Subject to specified exceptions, applications for subdivision and residential development were discretionary activities. Again paralleling the provisions in the Operative District Plan in this regard, provisions of the Stage 1 Proposed District Plan as notified sought to displace any inference that might have been taken from that activity classification, to the effect that subdivision and development was generally appropriate in the Rural Zone²⁰³.
101. During the course of its hearing of submissions on the chapters of the Proposed District Plan containing the rules implementing this general structure, the Stream 2 Hearing Panel formed the view that further work was required to evaluate the extent to which the Proposed District Plan (as notified), as it affected the floor of the Wakatipu Basin, was the most appropriate method to manage the natural and physical resources within that area. More specifically, in a Minute dated 1 July 2016, the Hearing Panel stated:

“In the course of the hearing, based on the evidence from the Council and submitters, we came to the preliminary conclusion that continuation of the fully discretionary development regime of the Rural General Zone of the ODP, as proposed by the PDP, was unlikely to achieve the Strategic Direction of the PDP in the Wakatipu Basin over the life of the PDP. We are concerned that, without careful assessment, further development within the Wakatipu Basin has the potential to cumulatively and irreversibly damage the character and amenity values which attracts residents and other activities to the area.”²⁰⁴

²⁰¹ Renamed Rural Character Landscape in the Decisions Version of the Proposed District Plan (Stage 1)

²⁰² Renumbered 6.3.1 in the Decisions Version

²⁰³ See notified Policy 6.3.1.4 of the Stage 1 Proposed District Plan as notified and compare section 1.5.3(iii) of the Operative District Plan

²⁰⁴ At paragraph 8

102. The Hearing Panel recommended to the Council that a detailed study of the floor of the Wakatipu Basin was required, among other things, to:
- “Determine whether, given the residual [sic] development already consented, there is any capacity for further development in the Wakatipu Basin floor and, if there is, where it should be located and what form it should take.”*
103. The Council accepted that recommendation with the result that submissions relevant to subdivision and development of the Wakatipu Basin were deferred and were not the subject of recommendation or decision as part of the Stage 1 Proposed District Plan, pending the results of the study that the Council commissioned.
104. The resulting Wakatipu Basin Land Use Planning Study²⁰⁵ concurred with the Hearing Panel’s preliminary conclusion quoted above. Having undertaken a comprehensive analysis of the Wakatipu Basin, the report writers identified 25 landscape character units (LCUs) with varying capacity to absorb additional development; ranging from very low to high. The Report recommended a rating of moderate-high as an appropriate threshold for upzoning and expressed the opinion that up-zoning units with lower ratings ran the risk of *“...detracting from the high amenity values of the study area; undermining the impression of informal nodes of rural residential development interspersed with swathes of more open, rural areas; and/or detracting from the neighbouring ONFL [Outstanding Natural Features and Landscape] context.”*²⁰⁶
105. This Report (which we will refer to hereafter as the WB Landscape Study) provided the methodological basis for Chapter 24 and the accompanying planning maps, the subject of the submissions we heard. Specifically, the WB Landscape Study provided the basis for the Wakatipu Basin Rural Amenity Zone (“Rural Amenity Zone”) with a specified minimum lot size of 80 hectares and buildings requiring consent as a restricted discretionary activity, but subject to the Wakatipu Basin Lifestyle Precinct (“Precinct”) being embedded within the broader Rural Amenity Zone with a significantly smaller lot size and its own additional objectives, policies, rules and assessment criteria (replacing the Rural Residential and Rural Lifestyle Zones previously applying to discrete areas within the Wakatipu Basin). The descriptions in the WB Landscape Study of each LCU, including their respective absorptive capacities, are annexed to Chapter 24 and cross referenced in the text of the chapter.
106. The WB Landscape Study is an impressive piece of work and we were assisted by being able to discuss the landscape considerations underpinning it with one of its principal authors, Ms Gilbert. She provided evidence explaining some of the differences between recommendations in the WB Landscape Study and the notified Stage 2 Proposed District Plan provisions.
107. Among other things, Ms Gilbert explained to us the further analysis that led to the recommendation that the minimum lot size in the Precinct should be 6000m² rather than 4000m².

²⁰⁵ Final Report dated March 2017, Authors Barry Kaye, Kelvin Norgrove and Bridget Gilbert

²⁰⁶ WB Landscape Study at 1.18

108. The WB Landscape Study recommendations were not accepted by Council in two notable respects:
- a. The Study recommended a Ladies Mile Gateway Precinct providing for a density of development at the same levels as the Low or Medium Density Residential Zones in the Proposed District Plan, subject to a 75 metre building setback control from the State Highway. The concept recommended by the Study was of an urban parkland type development character with amenity, landscape and infrastructure issues required to be addressed through a Structure Plan process. The Council determined instead that the eastern end of the Ladies Mile area be zoned Rural Amenity, and that the balance of Ladies Mile should be left zoned Rural, as per the Proposed District Plan (Stage 1) as notified, pending further investigation.
 - b. The study recommended a separate Arrowtown Precinct be identified for the areas west of McDonnell Road not forming part of the Hills Golf Course property, together with the area east of McDonnell Road and south of the current Urban Growth Boundary of Arrowtown, with provision for density of development at the same levels as the Low or Medium Density Residential Zones. As with Ladies Mile, the Landscape Study suggested an urban parkland approach was appropriate for this area with a structure plan process to address amenity, landscape and infrastructure issues. The Council determined that aside from the land the subject of the Arrowtown South Special Zone, which was left unchanged, the balance of the area the Landscape Study had proposed make up the Arrowtown Precinct be rezoned Rural Amenity.
109. Understandably, a number of submitters with interests in the land the WB Landscape Study had recommended form one or other of these two precincts sought to rely on the reasoning of the WB Landscape Study in key respects. We discuss those submissions in much greater detail in the relevant reports.
110. More generally, the evidence we heard from submitters largely accepted the methodology the WB Landscape Study had employed although it was suggested to us that the study was too broad brush and needed to have provided more finely grained recommendations as to the particular areas deserving greater protection²⁰⁷.
111. We record specifically that the criticisms of the WB Landscape Study in the submission of the Darby Partners LP²⁰⁸, among other things, that suggested it was so flawed that Chapter 24 should be withdrawn, were not backed up by expert evidence, or pursued when the submitter appeared. We compare the expert evidence of Ms Yvonne Pflüger²⁰⁹, who advised us that in her opinion, the WB Landscape Study was well done, and she supported its conclusions.
112. Clearly, the WB Landscape Study was not accepted on all points. A number of other aspects of the WP Landscape Study were the subject of evidence challenging specific aspects of the study. The competing expert evidence we heard, however, tended to focus on the specific areas the subject of submission and its immediate environs, rather than putting the landscape issues in the broader context of the entire Basin. While we accept that a compartmentalised

²⁰⁷ See e.g. the landscape evidence of Mr Stephen Skelton for Burgess Duke Trust and Ashford Trust

²⁰⁸ Submission 2376

²⁰⁹ For Trojan Helmet Ltd and Boxer Hills Trust

analysis of landscape issues is useful, and in some cases might be determinative, the absence of a broadscape review, showing how the more detailed analysis fitted into the bigger picture, rather lessened the weight we felt we could give to that evidence in many cases where it conflicted with Ms Gilbert’s more comprehensive analysis of the issues. The exception in this regard was Ms Rebecca Hadley who, although not able to present her views as those of an *independent* expert, did give us an alternative overall concept (to that of Ms Gilbert) to ponder in respect of the central area of the Basin.

113. Our discussion of the more specific issues that we had to determine should be read in the light of these more general comments.

2.4 General Challenges to Chapter 24

114. Mr Barr identified a number of general provisions opposing Chapter 24 noting specifically:
- a. The submission of Jane Shearer²¹⁰ also sought that the variation ceases and a full review of the zoning in rural areas is undertaken;
 - b. The submission of Bruce McLeod²¹¹ who opposed the variation creating Chapter 24 and critiquing the research analysis underlying it. Mr McLeod also made a number of requests for specific changes to Chapter 24 that we will discuss in that context;
 - c. The submission of Phillip Blakely and Mary Blakely-Wallace²¹² who sought that the subdivision rules proposed in Chapter 24 are more similar to the Rural Zone rules with no minimum lot size and subdivision being a discretionary activity, and that the merging of the Rural Residential and Rural Lifestyle Zones into the Precinct is reconsidered;
 - d. The submission of Anna-Marie Chin²¹³ who opposed Chapter 24 to the extent that it puts more restrictions on being able to build than the “*present zone*”;
 - e. The submission of David Shepherd²¹⁴ who sought that the Precinct be abandoned, and the existing minimum lot sizes remain;
 - f. The submission of Kaye Eden²¹⁵ who opposed both the Rural Amenity Zone and the Precinct and sought that subdivisions be considered on their merits, that the minimum lot size in the Rural Amenity Zone be significantly reduced and that the minimum lot size in the lifestyle area be increased (to 2 hectares);
 - g. The submission of Roger Monk²¹⁶ who sought that the Rural Amenity Zone be rejected, and the status quo of no minimum lot area and a discretionary activity status be substituted;
 - h. The submission of John Martin²¹⁷ who sought that the variation be withdrawn, and asserted both that the Landscape Study findings are flawed and that there is no resource management rationale for the 80 hectare minimum lot size in the Rural Amenity Zone.

²¹⁰ Submission 2055

²¹¹ Submission 2231: Supported by FS 2734, FS2744, FS2750, FS2770, FS2741, FS2745, FS2748, FS2749, FS2784, FS2741 and FS2783

²¹² Submission 2499

²¹³ Submission 2241

²¹⁴ Submission 2135: Opposed by FS2797

²¹⁵ Submission 2360

²¹⁶ Submission 2281: Supported by FS2716, FS2769, FS2795 and FS2796. Mr Barr noted a number of other submissions to similar effect, seeking retention of the Operative District Plan zoning regime

²¹⁷ Submission 2606

115. Mr Barr noted a group of submissions filed by resource management firm Southern Planning Group that opposed the entirety of Chapter 24, but also sought specific changes to provisions that are addressed later in this Report²¹⁸.
116. Mr Barr also identified a large group of submissions filed by Anderson Lloyd Solicitors in identical terms which sought a similar regime to the Operative District Plan with no minimum lot size or specified density requirement in the Amenity Zone Area²¹⁹. Mr Barr referred us to the submissions of DJ Robertson²²⁰, Timothy Roberts²²¹, C Dagg²²² and Kim Fam²²³ to similar effect.
117. Most of the submitters generally opposing Chapter 24 did not appear in support of their submission. In addition, to the extent that their position rested on criticism of the WB Landscape Study, as already noted, this was not generally supported by the expert landscape witnesses that we heard from.
118. For his part, Mr Barr gave evidence firmly supporting the general approach of Chapter 24 including the 80 hectare minimum density standard for the Rural Amenity Zone, and non-complying status for applications not meeting that standard. He relied on the WB Landscape Study and the section 32 analysis supporting Chapter 24 and recommended that the submissions generally opposing Chapter 24, or key elements such as the Rural Amenity Zone density standard and activity status, be rejected.
119. The evidence of Mr Ben Farrell for Wakatipu Equities Limited and Slopehill Properties Limited, and Mr Jeff Brown for Lake Hayes Investments Limited, Stoneridge Estate Limited, D Duncan, R Daymon, Crosby Developments, L McFadgen, Slopehill Joint Venture, R & M Donaldson, United States Ranch Limited, M McGuinness, DJ Robertson, Trojan Helmet Limited, Hogans Gully Farm Limited, Burdon & Wills, Boxer Hill Trust and P Chittock advanced contrary positions.
120. Mr Brown noted that he had been involved in the Environment Court case in which the operative regime for rural subdivision and development had originated and advised that he continued to support a discretionary regime distinguishing between Section 6 and Section 7 landscapes, with no minimum lot size. He considered that in the nearly 20 years of its operation the regime had been successful and that no problems had been identified justifying the change to the non-complying/80 hectare regime in Chapter 24.
121. Mr Brown recommended, therefore, that it should be replaced by a fully discretionary regime, as per the Rural Zone of Stage 1 of the PDP, comprising suitable objectives, policies and assessment matters that promote appropriate subdivision and development and the sustainable management of the natural and physical resources of the Wakatipu Basin.
122. In his view:

²¹⁸ See for instance the submission of Speargrass Trust: Submission 2410

²¹⁹ See e.g. the submission of Morven Ferry Limited: Submission 2449

²²⁰ Submission 2321

²²¹ Submission 2477

²²² Submission 2586

²²³ Submission 2589

“Even taking into account the ONL/ONF areas, the Basin has the potential to absorb some additional development at a scale and form that is compatible with the existing character of the landscape and in a way that would not contribute to any perceived adverse, actual or cumulative effect on landscape values and rural character. Across the Basin and in many individual properties there is a variety of locational attributes, topographies, and degrees of potential visibility. This variety justifies a regulatory approach to subdivision and development that does not impose a blanket “one size fits all” control.”

123. For his part, Mr Farrell noted that Chapter 24 addressed a key issue he had raised in his evidence in relation to the Proposed District Plan (Stage 1) by provision of a separate policy framework for the Wakatipu Basin. However, he was of the view that the benefits of rural living were not satisfactorily recognised and provided for through the objectives, which inappropriately sought to protect significant amenity landscape values rather than maintain or enhance them.
124. Mr Farrell supported the proposed policy framework in Chapter 24 insofar as it introduces a description of the respective land units but in his view, the landscape descriptions and associated policy framework do not adequately identify the landscape qualities and characteristics which should be maintained or enhanced. He supported the discretionary regime for subdivision and development, subject to an exception for development within identified sensitive landscape areas where, in his view, it was more appropriate to manage subdivision and land use as a non-complying activity. Mr Farrell relied on the landscape evidence of Mr Skelton for the identification of the areas where this exception should apply.
125. Hogans Gully Farms suggested a variation of the approach supported by Mr Farrell as alternative relief in its submission. This would involve a discretionary activity status for subdivision and development in the Landscape Character Units identified as having a “moderate” absorption capacity in the WB Landscape Study²²⁴.
126. We also had legal submissions from a number of parties in relation to the issues canvassed in Messrs Brown and Farrell’s evidence. We refer in particular to the legal submissions for Barnhill Corporate Trustee Limited, Bunn, Green and Morven Ferry Limited that analysed the provisions of Chapter 24 relative to the revised provisions of the Proposed RPS (including those the subject of draft consent orders, but at that point not confirmed by the Environment Court), and concluded that Chapter 24 goes beyond what is now required by the Proposed RPS. Counsel emphasised also the decision in *Royal Forest and Bird Protection Society of New Zealand Inc v Whakatane District Council*²²⁵ already referred to insofar as it confirmed that where the purpose of the Act and the objectives of the Plan can be met by a less restrictive regime, then that regime should be adopted.
127. In his evidence in reply, Mr Barr analysed the revised RPS provisions relied on by counsel for Barnhill Corporate Trustee Limited and others and expressed the view that Chapter 24:

²²⁴ The WB Landscape Study identified LCU’s 15 (Hogans Gully Farm), 22 (The Hills) and 23 (Millbrook) as being in this category

²²⁵ [2017] NZ EnvC 051

- a. Accords with and assists with the strategic directions of the PDP to give effect to Objective 1.1 and Policies 1.1.1 to 1.1.2 and Objective 1.2 and Policy 1.2.1 (as revised)²²⁶; and
 - b. Gives effect to Proposed Revised RPS Policy 3.2.6(a) by the provision of a relatively strict policy and rule framework expressly providing for rural living in locations where the landscape has been identified as having capacity for additional rural living development in areas identified as Lifestyle Precinct²²⁷.
128. In her Reply submissions, counsel for the Council drew attention to the language used by counsel for submitters, emphasising that they did not go so far as to say Chapter 24 does not give effect to the Proposed RPS, but rather used language such as that quoted above – provide very little support for, goes beyond what is required, etc.
129. The starting point for analysis of these competing positions is the reasoning of the Environment Court putting in place the discretionary activity regime Council now seeks to depart from. The key decision is that the Environment Court in *Wakatipu Environmental Society Inc v Queenstown Lakes District Council*²²⁸. The Court there recorded the pros and cons of a minimum lot size coupled with non-complying status for exceedances versus a discretionary regime with no minimum lot size. Many of the points summarised in the Court’s decision were the same as those have been put to us. The Court concluded on balance that it agreed with those (including Mr Brown) supporting the latter. It noted as a key factor the fact that the policies of the Rural General Zone expressly contemplated that there would be locations in which development may be appropriate, because the landscape in question could absorb change. Accordingly, the question for the Court was whether such development was better guided by broad brush District-wide policies (as on non-complying activities) or by finer grained criteria (on a discretionary regime). It came down on the side of the latter but noted that “*we remain alert to the considerable problems with controlling subdivision and rural residential development as discretionary activities and hope to deal with those in what follows.*”²²⁹
130. What followed was a discussion of the fact that discretionary activities were used in the then Proposed Plan in a specialised way. The Court commented:
- “The “Special Discretionary Activity” should be defined so as to make it clear that there is a presumption that resource consent will be difficult to obtain because in the Rural General Zone the activity being considered is more likely to be inappropriate than appropriate. The revised Plan (and the Transitional Plan) have not worked satisfactorily in our view to control cumulative effects, and particular care needs to be taken over this issue now.”*²³⁰
131. In a subsequent decision, having reflected on it further, the Court decided that a definition of discretionary activity was not required so long as the reasons for classifying activities as discretion included a statement that activities had been classified as such where they were not suitable in most locations in a zone or part of a zone, but might be suitable in a few locations²³¹.

²²⁶ Barr Reply at 3.9

²²⁷ Barr Reply at 3.41

²²⁸ C186/2000

²²⁹ Ibid at [21]

²³⁰ Ibid at [23]

²³¹ See *Lakes District Rural Landowners Society Inc v Queenstown Lakes District Council* C75/2001 at [44]

132. The second key control that the Court put in place was a series of assessment criteria focussing on the extent of development within a defined radius of an application site. This went through various iterations in the Court decisions. As the Court noted in the later decision already referred to²³²:

“One of the most difficult issues to determine is how to prevent residential development in the VAL and/or ORL becoming gradually so dense that the Wakatipu Basin loses its rural character.”

133. In a later decision again²³³, the Court described the final form of the so called “radius” criterion as being “one of a unseverable set that we regard as the minimum which might just, possibly, achieve the purpose of the Act”²³⁴.
134. Considering the extent to which the Environment Court’s reasoning remains valid, we think it is fair to say that both the policy regime in Chapter 24 and the evidence of the Council (particularly that of Ms Gilbert) would support the view that there is scope to absorb some development within the Rural Amenity Zone. As was the case in 2000-2001, the issue is how the Rural Amenity Zone is best managed to identify those areas with further development potential and to exclude development in areas where that is inappropriate.
135. In terms of the success or otherwise of the operative regime in managing cumulative effects, Mr Vivian offered us the view, when presenting his evidence for a group of submitters including Skipp Williamson, Wakatipu Investments Limited, Broomfield and Woodlot, that the radius criterion had not been successful. Certainly, it has not been retained in the assessment criteria in Chapter 21 of the Decisions Version (governing the Rural Zone).
136. Considering Mr Brown’s view that the existing regime has nevertheless worked well and should be retained, we note that the Stream 1B Panel did not agree that subdivision, use and development should be the subject of case by case merits assessment, and considered that it was past time for the Proposed District Plan to pick up on the Environment Court’s 1999 finding that there were areas of the Wakatipu Basin that required careful management, because they were already and/or very close to the limit at which over domestication would occur²³⁵. Strategic Policies 3.3.22-24 reflect that view.
137. We have already quoted from the Minute of the Stream 2 Hearing Panel dated 1 July 2016 indicating its preliminary view that the continuation of the existing regime governing the Rural General Zone was unlikely to achieve the strategic direction of the Proposed District Plan.
138. The WB Landscape Study came to the same view.
139. Trying to rationalise the differences of opinion, we wonder whether Mr Brown (and others who expressed a like view regarding the relative success of the existing regime) have fully taken into account the extent of latent development in the Wakatipu Basin authorised by

²³² C75/2001 at [47]

²³³ *Lakes District Rural Landowners Society Inc v Queenstown Lakes District Council* C162/2001

²³⁴ *Ibid* at [60]

²³⁵ See Report 3 at Section 2.11

building platforms registered on Computer Freehold Registers that have not yet been actioned. In its 2004 decision, *Hawthorn Estate Limited v Queenstown Lakes District Council*²³⁶, the Environment Court accepted as a fact “that it is practically certain that approved building sites in the Wakatipu basin will be built on”²³⁷. Absent a change in the planning framework governing construction within approved building platforms (about which we will have more to say later in this Report), we have no reason to doubt that that remains the case. Accordingly, assessments of the success or otherwise of the existing regime governing development in the Basin, as the WB Landscape Study has done, need to take account, not just the extent of development visible on the ground, but that which is in reality in train.

140. We also note that the minimum lot size proposed in the Rural Amenity Zone of 80 hectares is quite a different beast to that which was under consideration in the Environment Court’s 2000 decision. There, the proposed minimum lot size in the Rural General Zone was 4 hectares, and the arbitrary nature of that limit, together with the potential for it to encourage people to subdivide down to the minimum level in an inefficient manner, were identified as potential reasons not to pursue that as an option.
141. An 80 hectare minimum lot size does not have those same implications. Mr Barr’s evidence was that there are in practice only three or four properties in the Basin with lot sizes greater than 160 hectares that could take advantage of such a minimum lot size. Indeed, that was one of the criticisms made of the approach in Chapter 24 by submitters. Mr Barr identified the 80 hectare minimum lot size as effectively limiting subdivision potential to boundary adjustments.
142. We think that such a large minimum lot size sends a clear message that for those properties not zoned within the Precinct, applications for subdivision and development will need to be particularly well thought out and justified to stand any prospect of success.
143. Ultimately, we think that that was the message the Environment Court was trying to send with its “special” discretionary activity status.
144. We also note that Mr Farrell did not oppose the approach taken in Chapter 24 in principle. His issue, as we understood it, was that the Zone was too large and the area where subdivision and development was to be considered as a non-complying activity consequently also too large. We regard that as turning on the view one takes of the landscape evidence rather than a difference in planning principle.
145. Turning to the arguments put to us based on what is now the Partially Operative RPS 2019 put to us by counsel for Barnhill Corporate Trustee Limited and others, counsel emphasised the new chapter of the Partially Operative RPS 2019 which she described as “seeking to specifically recognise the enabling aspects of Part 2 without qualification of protective provisions”. Working through those new provisions, Objective 1.1 reads:

“Otago’s resources are used sustainably to promote economic, social and cultural wellbeing for its people and communities.”

²³⁶ C83/2004

²³⁷ Ibid at [21]

146. Policy 1.1.1 reads:

“Provide for the economic wellbeing of Otago’s people and communities by enabling the resilient and sustainable use and development of natural and physical resources”.

147. We do not accept counsel’s submission that these provisions offer unqualified support to use and development. In both cases, reference to sustainable use qualifies the provisions. In an RMA context, in the absence of a clear intention to the contrary, any reference to sustainability imports reference to section 5 of the Act. As the Supreme Court noted in *King Salmon*, section 5 focuses on the use, development **and protection** of natural and physical resources.

148. In *King Salmon*, the Supreme Court also identified that the obligation to give effect to higher order policy documents has varying force in practice depending on what it must be given effect to. The Supreme Court’s point was that the obligation to give effect to policies might be highly prescriptive if a policy is framed in a specific and unqualified way, but much less prescriptive if the policy is worded at a higher level of abstraction²³⁸. In our view, an objective and policy framed around the concept of sustainable use and development is at the less prescriptive end of the spectrum.

149. Policy 1.1.2 of the Partially Operative RPS 2019 is also framed in the language of sustainable management, providing for the social and cultural wellbeing and health and safety of Otago’s people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by a range of steps. It is not framed in a way suggesting that the listed steps are the only ways in which social and cultural wellbeing and health and safety are provided for.

150. Counsel referred us also to the provisions of Chapter 3 which, at that point, was the subject of a draft consent order lodged with the Environment Court, but not signed off, and in particular to Policy 3.2.6²³⁹. That Policy needs to be read in the context of Objective 3.2 as suggested to be revised the draft consent order to read:

“Otago’s significant and highly-valued natural resources are identified, and protected or enhanced where degraded.”

151. The evidence for the Council that the rural areas of the Wakatipu Basin are amenity landscapes and highly valued was not, we think, the subject of any challenge and so this objective is directly applicable to it. The policies of Section 3.2 of the Proposed RPS distinguish between Outstanding Natural Features and Outstanding Natural Landscapes (addressed under Policy 3.2.4) and highly valued Natural Features and Landscapes (addressed under Policy 3.2.6). As put to the Court, Policy 3.2.6 indicates an intention to maintain or enhance highly valued natural features, landscapes and seascape by all of the following:

- a. Avoiding significant adverse effects on those values that contribute to the higher value of the natural feature, landscape or seascape;*
- b. Avoiding, remedying or mitigating other adverse effects;*

²³⁸ See [2014] NZSC 38 at [80]

²³⁹ That remains the position as at the date of finalisation of this report

c. *Encourage enhancement of those values that contribute to the high value of the natural feature, landscape, or seascape.”*

152. We agree with Mr Barr’s evidence in reply²⁴⁰ that the land within the Rural Amenity Zone not identified as Precinct has a generally low threshold for additional adverse cumulative effects from residential subdivision and land use, although varying from area to area; some areas are more sensitive than others. The WB Landscape Study, and Ms Gilbert’s evidence supports the view that unless managed particularly carefully, those cumulative effects will be significant and in terms of the revised Policy, need to be avoided.
153. Even if this were not the case, we would still be of the view that Chapter 24 gives effect to the revised Policy 3.2.6 because the instruction to avoid, remedy or mitigate other adverse effects in Policy 3.2.6(b) gives the Council a wide discretion as to how exactly such effects are managed. We suspect that this is why counsel’s submissions did not assert that Chapter 24 does not give effect to the Proposed RPS in this regard but rather *“goes beyond what is required by the RPS”*.
154. We find that, considered at a high level, Chapter 24 is consistent with the Proposed RPS and gives effect to the Partially Operative RPS 2019.
155. In summary, we were not persuaded by the merits of the submissions and evidence opposing Chapter 24 generally, and/or seeking a reversion to the current regime governing subdivision and development in the Rural Zone (either under the Operative District Plan or the Proposed District Plan (Stage 1)). Given the comprehensive and convincing analysis contained in the WB Landscape Study, at this general level, we prefer the submissions and evidence for Council supporting the notified Chapter 24.
156. We have considered potential compromise positions such as that supported by Mr Farrell, or the alternative relief in the Hogans Gully Farm submission. The difficulty with Mr Farrell’s option is that Mr Skelton had focussed only on the land of Wakatipu Equities and Slopehill Properties. His evidence did not purport to be a complete review of the Basin to identify the sensitive areas within it. Nor did Mr Farrell provide us with a complete set of Plan provisions that would implement the split regime (part Discretionary, part Non-Complying) that he supported. The Hogans Gully alternative would overcome the limitation in geographical scope, because it utilises the analysis in the WB Landscape Study. However, it was unsupported by planning evidence that would have both fleshed out the Plan provisions required to implement it and provided the basis of an analysis under section 32.
157. In summary, neither compromise option is a viable alternative that we might seriously consider for the reasons set out above.
158. Our conclusion is therefore that the Rural Amenity Zone should be retained, supported by non-complying status for exceedances of the specified minimum lot density, leaves open the question of what the specified minimum lot density is. We will discuss submissions on that point when we come to the detailed provisions of Chapter 24, although our conclusions as to the appropriate role of the Rural Amenity Zone mean that a significant reduction in the

²⁴⁰ At 3.40

minimum lot density (e.g. to 4ha) would be inconsistent with that role (as well as introducing one of the deficiencies identified by the Environment Court in 2000 that was relevant to its decision to adopt the regime in the Operative District Plan). It also leaves open the question of whether the Precinct continues to have the role of a sub-zone enabling greater opportunities for rural living within the Rural Amenity Zone, in substitution for the separate Rural Residential and Rural Lifestyle Zones previously applying to rural land in the Wakatipu Basin in the Proposed District Plan (Stage 1).

159. We have already noted some of the general submissions on this point that Mr Barr drew to our attention. The Precinct was the subject of a number of other submissions that opposed it in principle and sought retention of the status quo. In some cases, this was clearly motivated by opposition to the effective up-zoning of parts of the Wakatipu Basin²⁴¹. Insofar as the motivation for these submissions was to oppose Precinct Zoning of particular properties, we will deal with that in the appropriate report. Similarly, to the extent that the motivation for this submission lay in the minimum lot density specified within the Precinct areas, we will address that in the context of our discussion of the particular provisions of Chapter 24. The submitters did not, however, present a case in support of their more general opposition to the Precinct that would provide us with the basis to take a different view from the evidence presented for the Council.
160. The submission of Wakatipu Investments Limited²⁴² took a different stance, seeking that the Rural Amenity Zone and the Precinct each be subzones of an overarching Wakatipu Basin Zone with distinct visions. The submission did not suggest what those visions should be and when Mr Carey Vivian presented planning evidence for the submitter, it appeared to us that his concern was more with the potential inconsistency of the objectives and policies applying to the Rural Amenity Zone and the Precinct respectively. This submission, if accepted, would require a radical restructuring of Chapter 24. In the absence of a clearly stated outline as to how such a restructuring should be undertaken, and with what end result, it is not possible to undertake a section 32 analysis of the relief sought. It would be inappropriate to recommend it be taken further.
161. Our recommendation is therefore that the essential structure of Chapter 24 be retained. This means that we necessarily accept Mr Barr's recommendation²⁴³ that the submissions lodged as part of the Proposed District Plan (Stage 1) and deferred to the Stream 14 hearing relating to the application of the Rural, Rural Residential and Rural Lifestyle Zones in the Wakatipu Basin have effectively been overtaken by Chapter 24, except in those few areas of Rural Zone land (principally on Ladies Mile) that were not included within the notified Proposed District Plan (Stage 2).
162. Save in the case of submissions addressing those areas, those submissions do not require further consideration.

²⁴¹ See e.g. Submissions 2084, 2122, 2192, 2193, 2206, 2209, 2530 and 2656

²⁴² Submission 2275; Opposed by FS2732. See also submissions 2272 and 2276 to like effect.

²⁴³ See Section 7 of his Section 42A Report

163. There were also a number of general submissions focussing on the procedural underpinning for Chapter 24. A number of submissions sought, for instance that further assessments be undertaken prior to the hearings for Chapter 24²⁴⁴ or that the section 32 analysis be revised²⁴⁵.

164. Such submissions do not relate to matters within our jurisdiction and must necessarily be rejected.

2.5 Amendments to Chapters 3 and 6

165. We have already discussed the significance of the 'Strategic Chapters' of the Proposed District Plan²⁴⁶ in Section 2.1. In summary, those chapters provide higher level direction for the more detailed chapters of the Proposed District Plan that follow.

166. Apart from two sections of Chapter 6, the Proposed District Plan (Stage 2) did not include any additions or amendments to the strategic chapters.

167. We note that those two amendments were not listed for hearing as part of Stream 14, but they were the subject of evidence in Mr Barr's Section 42A Report.

168. Having initially submitted we should make no recommendation on those changes, because they were not properly before us, Ms Scott for the Council noted that most but not all of the submitters on the two Chapter 6 changes were parties to Stream 14. She therefore suggested that we might provide comments on those suggested changes for the benefit of the Stream 15 Hearing Panel. We understand that the Stream 15 Hearing Panel did not receive any additional evidence from submitters on this subject and so it may be helpful if we set out our views, as Ms Scott suggested. We will do after dealing with the submissions on other aspects of Chapters 3 and 6.

169. A number of submitters sought changes to both Chapter 3 and Chapter 6 that were not the subject of variation by the Proposed District Plan (Stage 2). Such submissions give rise to an initial legal issue, as to whether they are "on" the provisions notified so that we might consider their merits. Case law is clear that where the subject matter of a Plan Change or Variation is limited, submissions cannot provide jurisdiction to expand the scope of the Plan Change/Variation²⁴⁷.

170. In this particular case, there is the additional consideration that the appeals on the Proposed District Plan (Stage 1) put practically all of Chapters 3 and 6 in issue, so that the wording of provisions in those chapters is a matter for the Environment Court, and not for us.

²⁴⁴ See e.g. Submissions 2246, 2251 and 2332: Supported by FS2765 and FS2766; Opposed by FS2714 that sought that a housing and business development capacity assessment be completed and released, prior to the hearings

²⁴⁵ See Submission 2332; Opposed by FS2714

²⁴⁶ Chapters 3-6 inclusive

²⁴⁷ See e.g. *Clearwater Resort Limited v Christchurch City Council* High Court AP34/02; *Palmerston North City Council v Motor Machinists Limited* [2013] NZHC 1290. Compare *Albany North Landowners and others v Auckland Council* [2016] NZHC 138 per Whata J at [129]-[131] emphasising the difference when submissions are made on a full district plan review (in that case the Proposed Auckland Unitary Plan).

171. Ms Scott for the Council submitted to us that submissions might properly seek amendments to the strategic chapters by way of addition, provided those additions are specific to the areas of the Wakatipu Basin the subject of Chapter 24 and do not impact on the application of the existing provisions in those chapters to the balance of the District.
172. Ms Scott specifically took issue with amendments to the strategic chapters suggested by Mr Farrell in his evidence for Wakatipu Equities Limited and Slopehill Properties Limited on the basis that they would not satisfy that test.
173. Applying the approach suggested by Ms Scott, Mr Barr's Section 42A Report concluded that it was desirable to add a series of additional policies to Chapter 6 to ensure Chapter 24 implements Chapter 6 and achieves Chapter 3²⁴⁸.
174. We will discuss Mr Barr's recommendations shortly. First though we need to address the extent of our jurisdiction, because Counsel for Boxer Hills Trust and Trojan Helmet Limited, Ms Wolt, took issue with Ms Scott's submissions for Council. She argued that there was no scope to add additional provisions to Chapter 6 of the Proposed District Plan because, with the exceptions we have noted above, the higher order chapters were not addressed by the Proposed District Plan (Stage 2), and it would cause significant prejudice to submitters, including Trojan Helmet Limited if the Proposed Plan were amended by a "side wind". Counsel also recorded that it had been obvious to Trojan Helmet Limited that there was no clear connection between Chapter 24 and the higher order strategic chapters, but the submitter considered there was no jurisdiction to make a submission on these chapters.
175. We found that submission somewhat curious given that Boxer Hills Trust, which we understood to be a related entity to Trojan Helmet Limited and for whom counsel was also making legal submissions, was one of a number of submitters whose submission sought as relief that Chapters 3 and 6 be amended so that the Wakatipu Basin Rural Amenity Zone and the Wakatipu Basin Lifestyle Precinct "are integrated with and have higher order authority from those chapters". The submission noted specifically that that would include new objectives and policies within those chapters. Counsel did not explain how she was able to reconcile the conflicting positions between the parties for whom she was appearing²⁴⁹.
176. We agree with Ms Scott's submissions on the extent of our jurisdiction. Clearly, we have no ability to recommend amendments to provisions that are now before the Environment Court. To the extent that Mr Farrell sought to persuade us of the merits of different objectives and policies in the strategic chapters, we think that evidence was misconceived. It follows also that Submission 2244, which opposed Chapters 3 and 6, along with the Morven Ferry et al submissions that proposed amendments to a number of provisions in Chapters 3, 6 and 21 that were not the subject of variation, must necessarily be rejected as being out of scope²⁵⁰.
177. By the same token, however, we do not think that the fact that new provisions are located within Chapter 6 (or Chapter 3 for that matter) is decisive.

²⁴⁸ Refer paragraphs 38.19-38.21

²⁴⁹ The position adopted for Trojan Helmet Ltd is also difficult to reconcile with its support in FS2796 for Submission 2505 which sought specified amendments to Chapter 3.

²⁵⁰ See also the submission of Queenstown Trails Trust (#2575) repeating submissions made on the Proposed District Plan (Stage 1) that is out of scope for the same reason.

178. Ms Wolt accepted that we might have scope to put higher level provisions in Chapter 24 (depending on their wording). If additional provisions properly relate to the subject matter of Chapter 24, it does not seem to us that it should matter that those new provisions are located in other parts of the Proposed District Plan, if that better fits with the structure of the PDP.
179. Beyond that, however, to advance our consideration of Mr Barr’s recommendations, we need to review the other submissions that might give jurisdiction for those additional policies.
180. There were a large number of submissions on this aspect of the PDP, but they fell into quite discrete groups.
181. The first group of submissions were either in exactly the same or substantially the same form as the Boxer Hills Trust submission quoted above and sought non-specific amendments to Chapters 3 and 6 so as to provide higher order policy support for Chapter 24, and in many cases also, integration of the Chapter 24 zones with Chapters 3 and 6²⁵¹.
182. A separate group of submissions²⁵² sought amendments to the provisions of Chapters 3 and Chapter 6:

“To provide appropriate objective and policy support for the zone [referring to the Rural Amenity Zone], to:

- *Recognise that the Wakatipu Basin has landscape qualities distinct from the Rural Landscape Classification;*
- *Identify the characteristics and amenity values of the Wakatipu Basin through a proper and comprehensive mapping of the landscape character areas within it;*
- *Provide for areas of rural living within the Wakatipu Basin through identification of the lifestyle precinct;*
- *Recognise and provide for areas of commercial activities within the basin and provide for them through a new commercial precinct (“Lakes Hayes Cellar Precinct”);*
- *Provide an appropriate policy structure in support of the proposed areas of landscape character and guidelines underpinning Chapter 24;*
- *Ensure that the landscape categories within Chapter 6 do not apply within the Lifestyle and Commercial Precincts.”*

183. Submissions 2377 and 2378 particularised that relief; they sought new policies in Chapter 3 reading as follows:

“Recognise the Wakatipu Basin as having landscape qualities distinct from the Rural Landscape Classification of the District;

²⁵¹ See Submissions 2291, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320 and 2389: supported by FS2708, FS2709, FS2725, FS2748, FS2750, FS2765, FS2766, FS2781, FS2783, FS2784, FS2787 and FS2792; opposed by FS 2794.

²⁵² Submissions 2376, 2377 and 2788: supported by FS2782, FS2783 and FS2784

Identify the characteristics and amenity values of the Wakatipu Basin through the mapping of areas of landscape character and the formulation of associated landscape guidelines.

Provide areas for rural living within the Wakatipu Basin through identification of a lifestyle precinct located within those parts of the landscape having higher capacity to absorb change.

Opportunities for low density housing are enabled within a rural setting to provide greater access to open space recreation, nature conservation and rural amenity values.”

184. Submission 2307 sought the particularised relief quoted above, but not the more general relief.

185. A further group of submissions²⁵³ sought variously:

a. An amendment to notified Objective 3.2.5.5 so that it would read:

“The character of the district’s landscapes is maintained by ongoing agricultural land use and land management where landscape character is derived from predominantly agricultural use.”

b. A new policy in Chapter 3 worded as follows:

“Recognise and provide for the amenity, social, cultural and economic benefits of rural living development.”

c. Amendment to the Policy originally notified as 6.3.1.3 to delete any reference to the Wakatipu Basin.

d. Amendment to the Policy originally notified at 6.3.1.6 to read:

“Encourage rural living subdivision and development where this occurs in areas where the landscape can accommodate change.”

e. Insertion of a new Policy in Chapter 6 reading:

“Recognise the distinctive character of the Wakatipu Basin and the amenity benefits of rural living development in this area.”

186. In his Section 42A Report, Mr Barr considered that no changes to Chapter 3 were necessary. In his view, the notified provisions of Chapter 24 achieve the Chapter 3 strategic directions²⁵⁴.

²⁵³ Submissions 2449, 2475, 2479, 2488, 2489, 2490, 2500, 2501, 2505, 2509, 2525, 2526, 2529, 2550, 2553, 2562, 2577: supported by FS2708, FS2709, FS2711, FS2712, FS2721, FS2722, FS2734, FS2740, FS2743, FS2747, FS2749, FS2765, FS2770, FS2781, FS2782, FS2783, FS2784, FS2792, FS2795 and FS2796; opposed by FS 2715

²⁵⁴ Refer paragraph 38.18

He recommended, however, a new policy to be inserted in Chapter 6 after Policy 6.3.3 (numbered 6.3.XA), worded as follows:

“Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zone, within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply.” (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.3.20-24, 3.3.32)

187. The numbering at the end of Mr Barr’s suggested policy follows the structure of the Decisions Version of the Chapter 6 policies, cross referencing the relevant provisions in Chapter 3.
188. Mr Barr recommended a new section be inserted in Chapter 6 to follow Policy 6.3.33, reading²⁵⁵ as follows:

“Managing Activities in the Wakatipu Basin Rural Amenity Zone.

- 6.3.34 *Avoid urban development and subdivision to urban densities.*
- 6.3.35 *Enable continuation of the contribution low-intensity pastoral farming on large landholdings makes to the District’s landscape character.*
- 6.3.36 *Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District’s distinctive landscapes.*
- 6.3.37 *Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity of the land use or the retirement of productive farm land.*
- 6.3.38 *Ensure that subdivision and development adjacent to Outstanding Natural Features does not have more than minor adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s).*
- 6.3.39 *Encourage any landscaping to be ecologically viable and consistent with the established character of the area.*
- 6.3.40 *Require the proposals for subdivision or development for rural living take into account existing and consented subdivisional development in assessing the potential for adverse cumulative effects.*
- 6.3.41 *Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads.*

²⁵⁵ The cross references to Chapter 3 provisions recommended by Mr Barr are omitted for convenience.

- 6.3.42 *Ensure incremental changes from subdivision and development do not degrade landscape quality or character, or important views as a result of activities associated with mitigation of the visual effects of proposed developments such as screen planting, mounding and earthworks.*
- 6.3.43 *Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.*
- 6.3.44 *In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.*
- 6.3.45 *Avoid adverse effects on visual amenity from subdivision, use and development that:*
- a. *Is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or*
 - b. *forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads.*
- 6.3.46 *Avoid planting and screening, particularly along roads and boundaries that would degrade openness where openness is an important part of its landscape quality or character.*
- 6.3.37 *Encourage development to utilise shared accesses and infrastructure and to locate within parts of the site where it will minimise disruption to natural land forms and to rural character”.*
189. As Mr Barr made clear, the origins of these 14 suggested new policies lay firmly in the Decisions Version of Chapter 6. Most of the suggested policies are identical to existing policies in that chapter and apply to Rural Character Landscape land. Where policies have been amended, this was only to delete inapplicable elements.
190. The rationale for reproducing all of these policies arises from the fact that Policy 6.3.1 states that the classification of Rural Character Landscape land occurs in “*Rural Zoned*” landscapes in the District. While the amendments to Chapter 6 forming part of the Proposed District Plan (Stage 2) deleted other provisions in the notified Chapter 6 reinforcing that the landscape classifications shown on the planning maps applied only in the Rural Zone, the Hearing Panel observed in Section 8.4 of its Stream 1B Report that Policy 6.3.1 (notified Policy 6.3.1.2) was not the subject of variation and has that end result in any event.
191. The effect of the Proposed District Plan (Stage 2) is to rezone almost all of the non-outstanding parts of the Wakatipu Basin as Rural Amenity. Accordingly, to the extent that the provisions of Chapters 3 and 6 provide guidance as to the management of activities occurring on Rural Character Landscape land, those provisions largely do not apply in the Wakatipu Basin.
192. It was that position that Mr Barr sought to address with his recommended additional policies. Mr Barr made it clear that his preference would have been to amend Chapter 6 to provide that the policies relevant to the Rural Character Landscape areas also applied within the Wakatipu

Basin, but given the inability to do so in this process, he suggested a new section effectively mirroring those existing policies.

193. In the case presented to us for the Council, two lines of argument were advanced to support our ability to accept Mr Barr's recommendations. The first, from Mr Barr, referenced the submissions on the point that we have summarised above and suggested that if not expressly sought, the relief recommended by Mr Barr addressed the substance of the submissions.
194. The second line of argument was that the policies that Mr Barr recommended already applied to the Wakatipu Basin at notification of the Proposed District Plan (Stage 2), by virtue of the variations to Chapter 6 contained therein, but that the Hearing Panel's Stage 1 decisions altered that position. Accordingly, it was suggested that Mr Barr's recommendations merely take the Proposed District Plan back to the position it was in at the time the variation of Parts 6.2 and 6.4 were notified.
195. We do not accept the second point. The reasoning of the Hearing Panel considering submissions on the strategic chapters (Stream 1B) was that the limitation on the application of the (renamed) Rural Character Landscape to Rural Zoned land was contained in notified Policy 6.3.1.2. That policy was not the subject of variation as part of the Proposed District Plan (Stage 2) and no submissions sought that it be amended to have the result apparently sought by Council. It remained in Chapter 6, renumbered as Policy 6.3.1. From an answer Mr Barr gave to our questions, we rather understood that the Council deliberately chose not to amend Policy 6.3.1.2 by way of variation because of the difficulty that would have placed the Stream 1B Hearing Panel in seeking to arrive at recommendations in relation to the balance of Chapter 6. Be that as it may, the renumbered Policy 6.3.1 states when the landscape categories apply in terms that, as above, mean that the policies governing Rural Character Landscape land largely do not apply in the Wakatipu Basin. In our view, moving from that position is a substantive change that could only be achieved by way of a submission clearly seeking that relief.
196. Having said that, we agree with Mr Barr's view, and the submissions from a number of parties, that the end result is a disconnect between the higher-level provisions in the Strategic Chapters and the general approach taken in Chapter 24.
197. We disagree with the submissions (and the evidence of Mr Chris Ferguson) that that disconnect extends to Chapter 3. Policies 3.3.22-3.3.24 inclusive are framed in a way that is not specific to Rural Character Landscape land and provides policy direction that in our view, Chapter 24 sits neatly within. The disconnect arises rather with Chapter 6.
198. We find that Mr Barr's suggested Policy 6.3.XA would resolve the problem and fits fairly within the submissions seeking integration of the Chapter 24 Zones with Chapters 3 and 6 noted above. It sets Chapter 24 up as providing a standalone set of provisions, in much the same way as the Gibbston Character Zone.
199. We note that Mr Ferguson also supported that recommendation as providing necessary integration into Chapter 6. The position is not nearly so clear, however, as regards the other policies recommended by Mr Barr.

200. The suggested policies cover a range of issues. However, because they mirror the policies applying to Rural Character Landscape land, they clearly do not respond to Submissions 2377, 2378 and 2703, that sought to emphasise the differences between the Wakatipu Basin and land classified as Rural Character Landscape. Likewise, it difficult to reconcile the recommended relief with the relief sought by the group of submitters including Submission 2449 quoted above, for the same reason.
201. Nor do we think it would be appropriate to rely on the submissions such as 2291 seeking higher level policy guideline and/or integration. The suggested policies are not “*higher-level*”, because they are not framed at a higher level of abstraction than the objectives and policies in Chapter 24. Rather, they provide more detailed policy guidance on a range of points, some of which overlap with objectives and policies in Chapter 24, and some covering discrete issues. Nor are they obviously required to integrate Chapters 6 and 24 in the way that is suggested by Policy 6.3.XA .
202. There is a second problem relying on these policies as a jurisdictional basis for extensive changes to Chapter 6. The relief sought is expressed very generally. While we do not accept the legal argument put to us by Trojan Helmet Limited that no amendments to Chapter 6 could be made based on submissions on the Proposed District Plan (Stage 2), we do agree that if amendments are to be made, they need to be made on the basis of submissions that are more specific as to the relief sought than such general relief. We do not think that an interested party reading a submission seeking higher level policy direction would contemplate that that might provide a basis for some 14 quite specific new policies overlaying Chapter 24. In summary, while we agree that Mr Barr’s recommendation has merit, we do not consider that we have the scope to accept it.
203. Turning to the balance of the specific relief sought by submitters that is summarised above, we do not think that a policy inserted into Chapter 3 indicating that the Wakatipu Basin has landscape qualities distinct from Rural Character Landscape land adds much to Mr Barr’s suggested Policy 6.3.XA. It would also introduce an inconsistency because other areas with ‘special’ provisions like Gibbston Valley are not the subject of policies in Chapter 3.
204. Of the three other policies suggested by Submissions 2307, 2377 and 2378, we do not consider that they are necessary having regard to the policy we have recommended already providing that the Rural Amenity Zone has a standalone regulatory regime. We consider also that the third policy referring to opportunities for low density housing is expressed too generally. To be within jurisdiction, it needs to be specific to the Wakatipu Basin. If it were made more specific, we do not think a policy stating that opportunities for Low Density Housing are enabled adds anything to notified Objective 24.2.5.
205. Looking at the more general relief sought by Submissions 2376, 2377 and 2378, specific reference to one new Commercial Precinct is the opposite of higher-level policy guidance. If recognition of such a new Commercial Precinct has merit (which we discuss further later in this Report) it can be done through specific policies in Chapter 24.
206. Turning then to the relief sought by the group of submissions including Submission 2449 quoted above, the suggested amendments to Chapter 3 supported by Mr Farrell are outside the scope of the hearing for the reasons discussed above. The same point could be made about the suggested amendment to notified Policy 6.3.1.3, but in any event, the submission

- has been overtaken by the Stage 1 decisions on Chapter 6. The relevant policy (renumbered 6.3.12) does not refer to the Wakatipu Basin.
207. The suggested amendment to notified Policy 6.3.1.6 is expressed too generally to be within scope. We do not think it would add anything to Chapter 24 if made specific to the Wakatipu Basin.
208. Turning to the amendments to Chapter 6 forming part of the Proposed District Plan (Stage 2), three provisions were the subject of amendment.
209. The first amendment was to delete a paragraph formerly part of Part 6.2. When the Proposed District Plan (Stage 1) was notified, that paragraph read:
- "Landscapes have been characterised into three classifications within the Rural Zone. These are Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF), where their use, development and protection are a matter of national importance under Section 6 of the RMA. The Rural Landscapes Classification (RLC) makes up the remaining Rural Zoned land and has varying types of landscape character and amenity values. Specific policy and assessment matters are provided to manage the potential effects of subdivision of development in these locations."*
210. The second amendment was to delete the first sentence of a rule (Notified Rule 6.4.1.2) which read:
- "The landscape categories apply only to the Rural Zone. The Landscape Character and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue."*
211. The third suggested amendment was to Notified Rule 6.4.1.3.
212. As notified, that rule read:
- "The landscape categories do not apply to the following within the Rural Zones:*
- a. Ski Area Activities within the Ski Area Sub Zones.*
 - b. The area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps.*
 - c. The Gibbston Character Zone;*
 - d. The Rural Lifestyle Zone;*
 - e. The Rural Residential Zone."*
213. The amendments to this Rule were to substitute "assessment matters" for "categories" in the first line, deletion of the "s" at the end of the first line so the rule refers to "Rural Zone", and deletion of c, d, and e.
214. These changes were the subject of a large number of submissions.
215. Addressing first the deletion of the paragraph quoted above from Part 6.2, Crown Investments et al sought that the paragraph be retained. Morven Ferry et al sought that it be retained but with reference inserted to make it clear that the Rural Residential, Rural Lifestyle, Rural

Amenity Zones, together with the Precinct, are excluded from the Rural Landscape Classification. We also note submission 805 that Transpower lodged as part of the Proposed District Plan (Stage 1), seeking that this particular paragraph include recognition of the national grid.

216. The submissions on the Proposed District Plan (Stage 1) are relevant by virtue of clause 16B(1) of the Act.
217. Crown Investments et al sought also that Rule 6.4.1.2 be returned to the position as notified save that reference be added to objectives and policies related to the landscape classifications applying only in the Rural Zone. We also note a number of submissions filed as part of the Proposed District Plan (Stage 1) process seeking clarification that the landscape classification objectives and policies do not apply to the Rural Lifestyle, Rural Residential and Millbrook Resort Zones²⁵⁶. The submission of Arcadian Triangle²⁵⁷ is also worthy of note; that submission suggested that reference to Chapter 3 (i.e. the Strategic Direction Chapter) might be deleted because its application across the district was, in the view of the submitter, obvious.
218. A number of submissions also sought that Rules 6.4.1.2 and 6.4.1.3 be combined. Specifically, the Morven Ferry et al submissions sought that a combined rule be restated to focus on the landscape categories, providing that those categories do not apply in the five listed zones, together with the Precinct.
219. Many of the Donaldson et al submissions sought that Rule 6.4.1.3 be amended to similar effect, but the way that the relief in the submission is formulated leaves it unclear as to whether it is suggested that it should relate to the landscape categories or to assessment matters, or both.
220. Crown Investments et al sought that Rule 6.4.1.3 focus on the landscape classifications together with the objectives, policies and assessment matters relevant to those classifications, specify the Gibbston Character Zone as a Rural Zone for this purpose and state, for the avoidance of doubt, that the Rural Zone does not include the Rural Amenity Zone, the Precinct, the Rural Lifestyle Zone or the Rural Residential Zone.
221. The submission of BSTGT Limited²⁵⁸ appears to have sought²⁵⁹ that Rule 6.4.1.3 include reference to the Rural Amenity Zone in the list of zones to which the Rule does not apply. The submission of Slopehill Properties Limited²⁶⁰ was to similar effect. Stage 1 submissions specifically related to Rule 6.4.1.3 included those of Contact Energy Limited²⁶¹ and Queenstown Trails Trust²⁶² seeking that the Hydro Generation Zone and any trail (respectively) be added to the list of specific exclusions.

²⁵⁶ See Submissions 669, 694, 696 and 712

²⁵⁷ Submission 836

²⁵⁸ Submission 2487: Supported by FS2782

²⁵⁹ The actual relief refers to Rule 6.4.5.1, which does not exist, either in the notified or the Decisions Version of Chapter 6

²⁶⁰ Submission 2484

²⁶¹ Submission 580

²⁶² Submission 671

222. Mount Cardrona Station Limited²⁶³ and Arcadian Triangle Limited²⁶⁴ also sought that the exclusion in Rule 6.4.1.3(a) not be limited to Ski Area Activities.
223. In his Section 42A Report²⁶⁵, Mr Barr explained the rationale of the Chapter 6 variations as relating in part to the fact that the Proposed Open Space and Recreation Zone forming part of the Proposed District Plan (Stage 2) had been identified both on land classified as ONLs and ONFs in terms of Section 6 and on land classified as visual amenity in terms of Section 7, and in part because reference to rural assessment criteria not applying to the Gibbston Character Zone, the Rural Lifestyle Zone and the Rural Residential Zone was unnecessary; the assessment matters are contained in Chapter 21, which relates only to the Rural Zone. By contrast, Mr Barr advised that the varied provisions sought to make it clear that the landscape assessment criteria would apply to activities not classified as Ski Area Activities if undertaken within the Ski Area Sub-Zones (i.e. the opposite of the position sought by submissions 407 and 836).
224. Mr Barr, however, noted that the initial intention underlying the variations in this latter regard had been overtaken by the Stage 1 decisions which²⁶⁶ provide that the landscape categories, and the policies of Chapter 6 related to those categories, do not apply within the Ski Area Sub-Zones.
225. Having reviewed other aspects of the Decisions Version of Chapter 6, Mr Barr concluded²⁶⁷ that the variation text has been entirely overtaken. In his view, given that all of the relevant policies in the Decisions Version are the subject of appeal, there was no merit in discussing the text as varied further. Accordingly, the Chapter 6 text Mr Barr recommended was that as notified, together with the suggested additional policies discussed above.
226. Our reading of Decisions Version Policies 6.3.1-6.3.3 is that:
- a. The landscape categories (and consequently the policies related to those categories) apply only in the Rural Zone;
 - b. Within the Rural Zone, the Ski Area Sub-Zone and the area of Frankton Arm identified in Policy 6.3.2 are not the subject of landscape classification and the policies of Chapter 6 do not apply to them, insofar as they relate to those categories;
 - c. The Gibbston Character Zone, the Rural Residential Zone, the Rural Lifestyle Zone and the various Special Zones are not subject to the landscape categories or to the policies of Chapter 6 related to those categories unless otherwise stated.
227. To those provisions should be added our recommended additional policy stating that the Rural Amenity Zone (including the Precinct) are in the same category as the zones listed in (c) above.
228. It follows, in our view, that the text proposed to be deleted in Part 6.2 is unnecessary. Were it to be retained, then consistently with the new policy we have recommended as above, then reference would need to be added to the Rural Amenity Zone. But we think the position is perfectly clear, as it is.

²⁶³ Submission 407

²⁶⁴ Submission 836

²⁶⁵ At Section 37

²⁶⁶ In Policy 6.3.2

²⁶⁷ At 37.20

229. The only reason one would retain that text would be if it were felt necessary to make the addition requested by Transpower, so that the text refers to the National Grid. However, we do not believe that that is necessary either. The context of Part 6.2 is one of a general introduction. If any provisions specifically related to the National Grid are required, they need to be addressed in the substantive provisions of the Chapter.
230. Mr Barr inferred from the Hearing Panel’s report on Chapter 6 that that Hearing Panel would have deleted Rules 6.4.1.2 and 6.4.1.3 if they had not been the subject of variation. We think that is a fair inference.
231. We likewise consider that given the Decisions Version policies as they stand, together with the additional policy we propose, Rules 6.4.1.2 and 6.4.1.3 are unnecessary. The only additional element they provide is the statement that Chapter 3’s objectives and policies are relevant and applicable in all zones. We agree with the Stage 1 submission of Arcadian Triangle that that is obvious on the face of the Plan and does not need to be stated. If it were to be stated, then we think that the existing text would need to be revised because Chapter 3 contains many provisions that are not related to landscape values.
232. In summary, we recommend to the Stream 15 Hearing Panel that:
- a. The text of Part 6.2 the subject of variation be deleted as proposed;
 - b. Rules 6.4.1.2 and 6.4.1.3 (renumbered 6.4.1 and 6.4.2 in the Decisions Version) might be deleted.
233. Obviously, with the vast bulk of Chapter 6, including Policies 6.3.1-6.3.3 inclusive, the subject of appeal, the position we have described and on which we have based our recommendation might change. However, in our view, it is preferable to take that position as the starting point, and make the provisions affected by Stage 2 consistent with it, in order that the Environment Court might have a complete package of provisions to review and amend, as appropriate.
234. Summarising our conclusion on the matters that are within our jurisdiction under this heading, we recommend the addition of a new policy to follow 6.3.3, numbered 6.3.3A, and worded as follows:
- “Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zone, within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply.”*
(3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32)
235. We believe that this additional policy is the most appropriate way to integrate Chapter 24 into the balance of the Proposed District Plan and thereby to achieve the objectives of the Proposed District Plan.

2.6 Scope Issues

236. One side effect of the staged Proposed District Plan process is that we had a number of submissions before us deferred from the Stage 1 process related to the location of ONL or ONF boundaries variously at Arthurs Point, Slope Hill, Crown Terrace and Morven Hill and which, if accepted, would leave areas of Rural Zoned land the subject of a Rural Character Landscape notation in the Proposed District Plan. This in turn raises the legal issue as to whether we have

scope in that instance to rezone that land Rural Amenity, in order that the land in question not sit as small islands on the Wakatipu Basin planning maps.

237. Ms Scott addressed the point in her submissions in reply. She referred us to the recent High Court decision in *Albany North Landowners v Auckland Council*²⁶⁸ for the tests of when an amendment to a plan is in scope. The key question is whether a change can fairly be said to be the foreseeable consequence of any changes directly proposed by a submitter.
238. As counsel observed, rezoning land Rural Amenity Zone could not have been a foreseeable consequence at the time the relevant submissions were lodged, because that zone did not exist until notification of the Proposed District Plan (Stage 2).
239. The answer to the question therefore turns on whether the Rural Amenity Zone is sufficiently similar to the Proposed District Plan Rural Zone (when subject to a Rural Character Landscape notation) to make rezoning a minor change within Clause 16(2).
240. We posed that question to Mr Barr and his answer, having reflected on it, was that the provisions governing the Rural Zone/Rural Character Landscape are less restrictive of subdivision and development than the Rural Amenity Zone. Mr Barr's opinion reflected his recommendations regarding the final form of the Rural Amenity Zone provisions, which include non-complying activity status for subdivision and development of sites less than 80 ha against a background of restrictive objectives and policies. As discussed in Section 2.4 of our report above, we believe that the essential elements of the Rural Amenity Zone should be retained. On that basis, we concur with Mr Barr's view, and therefore with the submissions of counsel for the Council that rezoning land excluded from an ONL or an ONF by reason of our recommendations on submissions would not be within scope.
241. We should address at this point one variation to the scope question we have posed above, that Ms Scott also canvassed in her submissions in reply.
242. This relates to whether changes could be made to the boundaries of Landscape Character Units in Schedule 24.8 along with changes to the text of that Schedule explaining each LCU.
243. Ms Scott's submission was that these changes, when made in conjunction with an associated change from a submission, are consequential alterations to the Proposed District Plan that properly fall within clause 10(2)(a) of the First Schedule to the Act. We agree with that submission although we need to qualify its potential application. It seems to us that the submission in question must validly seek rezoning of land as either Rural Amenity Zone or Precinct. While Schedule 24.8 extends to some land not the subject of either the Rural Amenity Zone or Precinct, the role of that Schedule under the Objectives and Policies of Chapter 24 is to guide consideration of activities within the Rural Amenity Zone, including the Precinct and so we think it is only when a submission validly seeks rezoning to either of them that amendments to Schedule 24.8 might be seen as a foreseeable consequence of the changes sought by a submitter.

2.7 Protect and/or Maintain and/or Enhance?

244. Notified Objective 24.2.1 read:

²⁶⁸ [2016] NZHC 138

“Landscape and visual amenity values are protected, maintained and enhanced.”

245. A number of policies in Chapter 24 also refer to protection, maintenance or enhancement of landscape character and visual amenity values.
246. This aspect of Chapter 24 was the subject of consistent criticism by submitters, both as part of the general opposition to Chapter 24 noted above, and in the specific contexts where it arose. The thrust of the submissions and evidence we heard was that protection is appropriate for ONLs and ONFs (in line with the language of Section 6), but not for “amenity” landscapes such as the balance of the Wakatipu Basin, whose values should be maintained and enhanced (in line with language of Section 7).
247. As we pointed out to counsel for the Council, that reasoning could draw support from the reasoning of the report of the Stream 1B Hearing Panel, if not from the actual words of the Strategic Chapters²⁶⁹.
248. The submissions of counsel for the Council in Reply sought to persuade us that the Stream 1B Hearing Panel had accepted a submission (for Trojan Helmet Limited) that presented a flawed view of the authority relied upon (the Environment Court decision in *Calveley v Kaipara District Council*²⁷⁰). Counsel also pointed out that the introduction to both Sections 6 and 7 of the Act refers to management of the “*use, development, and protection of natural and physical resources*”. Counsel’s submission was that protection is an option in determining how to best maintain the amenity value of a landscape.
249. In his reply evidence, Mr Barr drew our attention to provisions in the recently finalised Christchurch District Plan that utilised avoidance policies in some cases in order to maintain rural amenity landscapes and to a paragraph in the reasons for an objective in the Canterbury Regional Policy Statement that suggested that both protection (of views) and the maintenance (of a particular aspect of amenity) might be employed in the implementation of a more general objective.
250. Neither counsel for the Council nor Mr Barr, however, explained to us clearly what the difference is between an objective or policy directing protection of some aspect of the environment, as opposed to its maintenance (or enhancement).
251. Counsel for Barnhill Corporate Trustee & Ors referred us to a helpful passage from the key Environment Court decision underlying the Operative District Plan²⁷¹:

“An important point in respect of Section 7 landscapes is that that Act does not necessarily protect the status quo. There is no automatic preference to introduced grasses over pine forest. Nor should it be assumed (on landscape grounds) that existing rural uses are preferable in sustainable management terms to subdivision for lifestyle blocks which could include restoration of indigenous bush, grasses or wetlands, especially where predator controls are

²⁶⁹ Refer Report 3 at [340]

²⁷⁰ [2014] NZEnvC 182

²⁷¹ *Wakatipu Environmental Society Inc v Queenstown Lakes District Council* C180/99 at [91]

introduced. Just to show how careful one has to be not to be inflexible about these issues we raised the question whether it is possible that a degree of subdivision into lifestyle blocks might significantly increase the overall naturalness of a landscape... Logically there is a limit: the law of diminishing returns where too much subdivision leads to over-domestication of the landscape”.

252. Counsel for Wakatipu Equities Limited referred us also to litigation in the early years of the act on the correct interpretation of Section 7(c). Counsel cited *Shell New Zealand Limited v Auckland City Council*²⁷² as stating:

“If the adverse effects are minor they can be treated as inconsequential and so, broadly speaking, the environment is “maintained””.

253. Neither the Court of Appeal nor Temm J, whose High Court judgment the Court of Appeal was quoting from in the cited report, actually made that statement²⁷³. Temm J was addressing the proposition that every resource consent application must demonstrate that the activity in question will maintain and enhance amenity values. The Judge rejected that proposition, holding that the Act contemplated applications for consent *“that not only do not enhance an amenity but also do not even maintain it”*. Explaining the apparent inconsistency, Temm J said:

“Perhaps the Legislature intended to convey that if the adverse effects are minor they can be treated as inconsequential and so, broadly speaking, the environment is “maintained” in the sense that a minor incursion about it is not significant.”

254. It seems to us that Temm J was just suggesting this as a possible explanation for the then framework of the Act rather than making a positive holding to that effect²⁷⁴.

255. Be that as it may, the Supreme Court’s decision in *King Salmon* is clearly authority for the proposition that irrespective of the openness of the language of Part 2, its provisions can take on a more prescriptive meaning if incorporated in policy statements and plans.

256. Even accepting that *“maintenance”* admits of minor adverse effects though, we do not think that takes matters much further. The Stream 1B Hearing Panel found that the appropriate test for Outstanding Natural Landscapes and Outstanding Natural Features should provide for minor adverse effects²⁷⁵.

257. Counsel for Barnhill Corporate Trustee Limited and others also sought to press on us authority confirming the subjective nature of amenity values. We accept the point made, but again, if it is correct to describe amenity values as *“subjective”* it is clear that ONLs and ONFs likewise have subjective elements by reason of reference in the classic *Pigeon Bay* criteria to anthropocentric considerations.

²⁷² [1996] NZRMA 189 (CA)

²⁷³ Noting that counsel also provided us with a quotation from the Court of Appeal judgment correctly setting out what was said in the High Court’s decision.

²⁷⁴ The Court of Appeal’s decision does not materially assist. Although the Court of Appeal quoted from the High Court decision it found that the issue before was moot as no party sought to support the then Planning Tribunal’s position on the sole point of appeal

²⁷⁵ See Report 3 at Section 2.11

258. We sought the assistance of a number of the counsel who appeared before us, and the expert planning witnesses who gave evidence, as to whether there is indeed a difference between “*protection*” and “*maintenance*”, and if so, exactly what it is.
259. It is fair to say, we think, that although many counsel and planning witnesses²⁷⁶ started with the feeling that there was a difference, and “*protection*” connoted a greater level of restriction than does “*maintenance*”, all struggled to identify what the difference is. Mr Ferguson, giving planning evidence for Darby Planning LP and others, suggested for instance that when the terms are used in Sections 6 and 7, the difference is not so much between those terms, but how the statute qualifies them – in Section 6(c) by referring to appropriate subdivision, use and development and in Section 7(c), by reference to amenity values. Counsel for Trojan Helmet Limited and Boxer Hill Trust, Ms Wolt, suggested it was probably more perception than any substantive difference between the two terms, although like Mr Ferguson, she noted there was a difference in how Part 2 requires the different matters be addressed.
260. On the issue as to whether there is a difference between “*protect*” and “*maintain*”, the decision of the Environment Court in *Housing New Zealand Corporation v Auckland Council*²⁷⁷ released after our hearing implied that there was a difference²⁷⁸ in the context of provisions related to special character areas in the Proposed Auckland Unitary Plan. The Court did not, however, explain what the difference is.
261. Helpfully, the difference between these various terms was canvassed in the Environment Court in *Port Otago Limited v Dunedin City Council*²⁷⁹. There, the Court adopted the meaning of “*protect*” as “*keep safe from harm or injury*”. It did not view that concept as carrying with it maintenance of the continuing original or existing state in perpetuity. The Court cited dictionary meanings of “*maintain*” that suggested it should be read as “*keep it the same level or rate*”, “*keep in existence*”, “*keep in proper or good condition*”.
262. The Environment Court therefore held that the word “*maintain*” includes the meaning of “*protect*”. The Court also held specifically that protection is a method by which a Plan can have regard to amenity values under Section 7(c) of the Act²⁸⁰.
263. It follows that we accept the submissions and evidence we had from the Council that it is permissible to provide for the protection of amenity landscapes if that is the option that best meets the requirements of section 32 of the Act, and the other statutory matters canvassed above feeding into our recommendations. Equally, because of the overlap in meaning of these different terms, we do not think it is helpful to use them in a combined phrase (protect, maintain and enhance). We note in this regard that the Environment Court described addition of an objective seeking “*protection*” (of historic heritage) to one already seeking maintenance and enhancement (of character and amenity values) as creating the potential for confusion in the *Housing New Zealand* decision noted above²⁸¹. We also consider that the decision as to

²⁷⁶ Including Mr Barr, giving evidence for the Council

²⁷⁷ [2018] NZ EnvC 186

²⁷⁸ See paragraphs [60] and [250]

²⁷⁹ C4/2002

²⁸⁰ Ibid at [41]-[42]

²⁸¹ Paragraph [214]

which term is appropriate depends on what it is that is sought to be protected and/or maintained.

264. In this regard, we agree with counsel for Darby Planning LP and others who suggested to us that it does not really make sense to talk about protecting amenity values from harm. Maintaining makes much more sense in that context. Similarly, when talking about something physical (like a landscape or an ecosystem) it makes more sense to refer to protecting that landscape from harm than it does to talk about maintaining it. We acknowledge though that, other than as a matter of grammatical “*fit*”, finding reasons for either position is elusive.
265. The other reason why it is important to be clear about what it is that has to be protected and/or maintained is because if not used carefully, both might connote preservation in the sense of unchanged retention. We take on board the Environment Court’s observation from its 1999 decision on the Operative District Plan quoted above, that, at least in the context of amenity values, change may be beneficial.
266. We also consider that it is unhelpful to use the combined phrase “*maintain and enhance*” in an objective or policy. Reading those terms literally, an action which enhances amenity values (for instance) does not keep those amenity values at the same level or rate. In other words, depending on the context, if the two terms are used conjunctively, the resulting direction is internally contradictory.
267. The same contradictions do not arise in the context of Section 7(c) because these are matters to which we must have particular regard. As noted as long ago as Temm J’s judgment in the *Shell* case already quoted, read in that context, it may be permissible to not maintain, let alone enhance amenity values in a particular situation.
268. Read in a Plan context, however, we think it is desirable in principle to use these instructions in the alternative: maintain **or** enhance.

2.8 Lake Hayes Water Quality Issues

269. In his Section 42A Report, Mr Barr noted three submissions that sought varying relief by reason of the impact intensification of land uses would have on the water quality of Lake Hayes. The Friends of Lake Hayes Society Inc²⁸² sought that the District Plan restrict any further residential or commercial subdivision and building in the Lake Hayes Catchment until suitable reticulated sewerage infrastructure is installed to prevent increased inputs of nutrients and contaminants to the lake. Peter Goulston²⁸³ sought that there be an immediate halt on rezoning and further development of the area around Lake Hayes and Mill Stream, until among other things a full and independent environmental impact assessment can be carried out on the impact on those water bodies and the surrounding water catchment area. Catherine Dumarchand²⁸⁴ opposed the Precinct Zone as a whole, by reason of effects on the Lake Hayes Catchment.
270. Mr Barr drew our attention to provisions in the Regional Plan: Water for Otago related to Lake Hayes water quality issues. The rules of that Plan require on-site wastewater treatment systems within the catchment of Lake Hayes to obtain a resource consent that is assessed as

²⁸² Submission 2140

²⁸³ Submission 2095; supported by FS2727

²⁸⁴ Submission 2150

a full discretionary activity. Mr Barr also referred us to the evidence of Ms Jarvis for the Council, who expressed confidence that on-site wastewater servicing can be achieved on properties with a minimum allotment size of 6000m².

271. While we were initially somewhat sceptical as to whether the regional rules are being observed in this regard, Ms Jarvis advised us that her experience was that people were indeed making applications to the Regional Council; she had acted for a number of applicants herself. She also observed that in practice, the Regional Council requires secondary treatment, or more advanced treatment still, for wastewater discharges in the Lake Hayes Catchment.
272. The evidence of Dr Ruth Goldsmith for Waterfall Park Developments Limited included a lengthy technical paper authored by Dr Marc Schallenberg and Ms Lena Schallenberg discussing water quality in the Lake Hayes Catchment (*"The Schallenberg Report"*). The Schallenberg Report recorded that Lake Hayes is a highly-valued lake that has suffered from algal blooms for many decades, that those blooms worsened since 2006 with lake health and fishing deteriorating markedly. The report sought to analyse the link between worsening of algal blooms over the period from 2006 and the decrease which had occurred over the same period in external and internal nutrient loads. It concluded that the lake might be approaching a tipping point where, with appropriate restoration measures, stable improvements in summer water clarity, reduction in algal biomass and reoxygenation of the bottom waters of the lake might be achieved. Accordingly, the Schallenberg Report recommended a focus on land use activities in the catchment *"to further reduce nutrient and sediment losses from land to water"*.
273. Dr Goldsmith summarised the Schallenberg Report for us as well as providing her findings on the water of Mill Creek, concluding that the latter's existing water quality is generally good but groundwater inputs elevate nitrogen concentrations and faecal bacteria concentrations at times. She attributed that to the primary catchment land use of beef and sheep grazing on exotic pasture and golf course management.
274. The evidence of Mr Davis for the Council was consistent with the position described in greater detail in the Schallenberg Report, and by Dr Goldsmith. Mr Davis reported, importantly, that State of the Environment water quality monitoring for Lake Hayes and Mill Creek reports consistent exceedances of nutrient related water quality limits in the Regional Plan: Water for Otago.
275. Mr Davis also confirmed that agricultural activities would not be the sole source of nutrients and that nitrates, in particular, would be coming from Rural Residential properties in the catchment.
276. We also heard from the Friends of Lake Hayes Inc in support of its submission. Helpfully, the Chair of the Society (Mr Hanff) was accompanied by Dr Schallenberg and we were able to clarify aspects of the Schallenberg Report with the lead author. Dr Schallenberg's evidence was that we could not assume that conversion of pastoral sheep farming to rural living or urban living would necessarily have a positive effect on nutrient inputs to the catchment and he firmly supported a requirement that new development be linked to existing reticulated wastewater systems. In Dr Schallenberg's view this was always preferable to onsite disposal of wastewater, irrespective of the level of treatment.

277. To assist our understanding of these issues, we requested that the Council supply us with information on the extent of the Lake Hayes Catchment, the extent of existing reticulated wastewater services, and the location of onsite wastewater disposal facilities consented by Otago Regional Council.
278. After an initial false start, this information was sourced from Otago Regional Council and supplied to us under cover of a memorandum dated 29 August 2018.
279. In his reply evidence, Mr Langman noted advice from the Regional Council that approximately six consents had been granted by Otago Regional Council for wastewater discharge in the Lake Hayes catchment. Mr Langman described that number, somewhat euphemistically, as “*surprising*”, given that there are no existing use rights for discharges with the Regional Plan: Water for Otago having been operative for a number of years²⁸⁵. While the information subsequently supplied to us on 29 August suggests that the number of wastewater discharge consents issued by Otago Regional Council with the Lake Hayes Catchment may be greater than that advised to Mr Langman, it is apparent to us that there are a number of rural residential and rural lifestyle properties within the Lake Hayes catchment that do not have access to reticulated wastewater schemes and that have not obtained a discharge permit as required by the Regional Plan. Against that background, it is difficult to conclude that the Regional Plan is operating as intended, or to have confidence that the contribution wastewater discharges make to the degraded water quality of the Lake Hayes Catchment is being properly managed.
280. We discussed both with counsel for the Council and with Mr Barr the potential relevance of the National Policy Statement for Freshwater Management 2014 (NPSFM) to our deliberations. Both agreed that it was relevant. Mr Barr’s view was that this was the case irrespective of whether wastewater discharges required resource consents from the Regional Council. He thought that was particularly the case at the plan formulation stage.
281. Ms Scott returned to the issue in her submissions in reply confirming her initial response that although the policies in the NPSFM direct Regional Council actions, the objectives are worded broadly in a manner that is not specific to Regional Councils. She noted specifically Objective C1 of the NPSFM:
- “To improve integrated management of freshwater and the use and development of land in whole catchments, including the interactions between freshwater, land, associated ecosystems, and the coastal environment”.*
282. Ms Scott also drew our attention to the guidance provided by the Ministry for the Environment on implementation of the NPSFM which suggests that this objective is relevant to territorial authorities, both in the context of resource consent applications for land use and subdivision and in the context of District Plan reviews “*to exercise their function for integrated management under section 31(1)*”.

²⁸⁵ Langman Reply at 3.9

283. Given Mr Davis’s evidence, which indicates that the Lake Hayes catchment is over-allocated²⁸⁶, we consider that Objective A2(c) is also relevant to our deliberations. That objective seeks that the overall quality of freshwater within a freshwater management unit is maintained or improved while *“improving the quality of freshwater in water bodies that have been degraded by human activities to the point of being over-allocated”*.
284. In his evidence in reply, Mr Langman also drew our attention to the provisions of Objective 3.1 and Policy 3.1.1 of the Proposed Regional Policy Statement. These were among the provisions that were the subject of consent memoranda submitted to, but not yet approved by the Court as at the date of Mr Langman’s evidence. That remains the position and they reinforce the NPSFM focus on enhancing degraded water quality.
285. The control of discharges of contaminants into or onto land or water and the control of the use of land for the purpose of maintenance and enhancement of the quality of water in water bodies are Regional Council functions²⁸⁷.
286. Territorial authorities, however, have the function of establishing, implementing and reviewing objectives policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the District²⁸⁸.
287. Where subdivision and development has the potential to impact on water quality, there is an overlap between the regional and territorial functions. Particularly in a case such as this where the Regional Council has already put regulation in place purporting to manage the relevant activities, we need to be confident that an additional layer of regulation in the District Plan would meet the section 32 tests focussing on the efficiency of those provisions.
288. In his evidence in reply, Mr Barr recommended to us that we might insert an advice note into Chapter 24, pointing out to people the need to obtain a resource consent from Otago Regional Council for onsite wastewater treatment systems within the Lake Hayes catchment, but considered that that was as far as the text of Chapter 24 could go because the control of contaminant discharges is a Regional Council function.
289. We agree with Mr Barr’s view. We do not believe that it would be permissible to control wastewater discharges directly through the mechanism of District Plan Rules.
290. In his reply evidence, Mr Langman discussed the relevance of this issue to the extent of Precinct Zoning within the Lake Hayes Catchment. As he observed, the WB Landscape Study, on which the notified zoning was based, did not consider the consequential effects of subdivision and development on water quality²⁸⁹.

²⁸⁶ Defined in the NPSFM to include allocation to users beyond a water quality limit

²⁸⁷ Under section 30 of the Act

²⁸⁸ Section 31(1)(a) of the Act

²⁸⁹ Although Friends of Lake Hayes sought that the Landscape Study be broadened in this respect, we have no ability to direct amendments to it. We can and should, however, take account of its limitations, which was Mr Langman’s point.

291. In addition to the nutrient effects that we have already discussed, Mr Langman also commented on evidence provided by the Friends of Lake Hayes as to the adverse effects of sediment on lake water quality. He referred in particular to significant land disturbance activities at Waterfall Park and commented that the degree of earthworks on that site would likely result in sediment being transported into Mill Creek during heavy rainfall events.
292. Ultimately Mr Langman put it to us in the following terms:
- “If the Panel is satisfied that the impacts of earthworks can be managed through the Earthworks Chapter of this Plan, and onsite wastewater disposal can be adequately managed through the discretionary regional consenting process for wastewater, then it is my view that the areas identified for Precinct in the Lake Hayes Catchment are appropriate.”*
293. He regarded the answer to that question as uncertain and therefore falling within the ambit of Policy 5.4.3 of the now Partially Operative RPS 2019 directing that a precautionary approach be applied.
294. We consider that there is evidence that the earthworks provisions of the Operative District Plan are not working effectively to control earthworks effects on water quality in the Lake Hayes Catchment. We observed the extent of earthworks on the Waterfall Park site that were the subject of Mr Langman’s evidence and have no reason to take a different view from him regarding the efficacy of sediment control measures on that site. Whether it is possible to put a more effective regime in place will be a matter for the Stream 15 Hearing Panel considering submissions and further submissions on the Earthworks Chapter of the Proposed District Plan, and so we should not assume the current situation will continue.
295. As regards nutrients, however, we think that if anything, Mr Langman understated the position. The evidence we have discussed already clearly indicates to us that whatever the position in theory, the Regional Plan is not currently being enforced in a manner that gives us any confidence that the objectives we have quoted from the NPSFM will be achieved, as they relate to Lake Hayes.
296. Even if it were being enforced, Ms Jarvis told us that the Regional Plan has no hard and fast limits and the level of treatment required is much less than for sensitive catchments in the Waikato and Bay of Plenty Regions (Lake Taupo and Rotorua Lakes respectively). We asked Mr John McCartney, giving evidence for Spruce Grove Trust, about the efficacy of advanced on-site wastewater treatment. He told us that modern systems would minimise nutrients reaching groundwater, but he could not give us an absolute assurance that no additional nutrients would flow into Mill Creek (reflecting the location of the site the subject of his evidence) and thence to Lake Hayes.
297. We also note the view expressed to us by Mr Davis that intensification within in the Lake Hayes Catchment needs to be considered particularly carefully because of the condition and sensitivity of the Lake.
298. We consider that the appropriate course is to alter the notified Precinct Zoning to rezone land within the Lake Hayes catchment Rural Amenity Zone except where it is served by a reticulated wastewater treatment scheme.

299. That exclusion differs slightly from that recommended by Mr Langman²⁹⁰. Mr Langman suggested that an appropriate exclusion would be for areas either served by existing community wastewater schemes or within areas that are developed to approximately rural residential developed levels of density (below 2ha).
300. The information supplied to us by Council identified both community and private sewer schemes. While the areas the subject of private scheme were not before us, we think that in principle, the issue is the efficacy of a scheme in removing nutrients from the Lake Hayes Catchment rather than the governance arrangements for it.
301. Mr Langman did not explain the rationale for his second exception and on the basis that further degradation of Lake Hayes as a result of subdivision and development is, in our view, to be avoided, we do not think it is appropriate.
302. We concur with Mr Langman's view that the time to consider up-zoning these areas to Precinct is when it can be demonstrated that such a zoning would not result in any further degradation of water quality feeding into Lake Hayes, and that this approach gives effect both to the NPSFM and to the Partially Operative RPS 2019 provisions noted above.
303. We note that we have relied on the delineation of the Lake Hayes Catchment provided to us under cover of the Council's 29 August 2018 Memorandum. The area identified appears to follow the surface water catchment of Lake Hayes, which is influenced by the Arrow Irrigation Scheme water race. This gives rise to some concerns because, when seeking to control nutrient inputs in a catchment, one also has to consider the ambit of the groundwater catchment, which may not coincide with the surface water catchment. The lay evidence of Mr Rohan Hill suggested that the Regional Council map of the catchment may not accurately reflect the extent to which groundwater on the south side of Mooney Road flows ultimately into Lake Hayes. We also note that the Schallenberg Report defined a broader area as representing the catchment. However, Dr Schallenberg made it clear that his expertise was in water quality rather than groundwater hydrology, and so we were unable to explore with him the basis for his map of the catchment. We suspect, therefore, that the catchment map we have relied upon may be conservative, but with due respect to Mr Hill, it is the best information available to us at this time.

2.9 Transport Network Capacity

304. The expert evidence of David Smith for the Council was that the State Highway bridge over the Shotover River is approaching capacity and any increase in density of development in the Wakatipu Basin will exacerbate congestion at the bridge. While he accepted that many of the submissions we heard related to relatively small increases in activity which on their own would have no noticeable effect on the performance of the transport network, he opposed all submissions seeking to increase residential density beyond that provided for in the notified Chapter 24 by reason of their cumulative adverse effect.
305. For similar reasons, Mr Smith did not oppose submissions²⁹¹ seeking to downzone Mooney Road. Mr Smith also drew to our attention the difficulty assessing when improvements to Mooney Road and its intersection with Hunter Road are required in a resource consent context

²⁹⁰ In his Reply Evidence at paragraph 3.17

²⁹¹ Submissions 2129 and 2171

and to justify recovery of the costs thereof, if utilisation of the proposed Precinct sub-zone proceeds incrementally.

306. Mr Smith's evidence was generally supported by the evidence and legal submissions for NZTA. NZTA's evidence was that if anything, Mr Smith's assessment was conservative and that more recent data than he had relied on indicated that Mr Smith's modelling (predicting that the Shotover bridge would reach capacity between 2023 and 2035 depending on the extent of additional development beyond that provided for in the Proposed District Plan that occurred on Ladies Mile) was conservative, because it underestimated both baseline traffic and the level of growth that had occurred in the interim. It was noted that there were some time periods where the bridge was already at capacity. NZTA's position was that further land use intensification should only occur as part of an integrated process addressing transport network capacity.
307. A number of submitters called expert traffic evidence that disputed Mr Smith's conclusions as to the level of impact the proposed development would have on the transport network generally, and the Shotover Bridge in particular. In some cases, Mr Smith accepted in his rebuttal evidence that the evidence for submitters had merit, but he remained of the view that any intensification would have an adverse effect on capacity at the Shotover Bridge and should not be permitted except through an integrated planning process.
308. The expert evidence for submitters also suggested to us that our permitting further development in the Wakatipu Basin would assist NZTA to justify enhancement of the network, including an improved crossing over the Shotover River²⁹². The legal submissions for submitters similarly took issue with Mr Smith's recommended approach, emphasising that his modelling did not suggest an insuperable problem within the ten year life of the Proposed District Plan and arguing that the Council would in fact be assisted by knowing what zonings are in place, so that a case might be made to bring forward transport network enhancements that will inevitably be required in any event²⁹³.
309. For its part, NZTA firmly rejected the idea that it might be assisted by additional development putting greater pressure on the road transport network.
310. The submissions relying on the predicted timing of over-capacity problems were also undercut to a degree by the subsequent evidence we received from NZTA indicating that capacity problems at the Shotover Bridge are likely understated by Mr Smith's modelling and the congestion problems he was concerned about would occur within the life of the Proposed District Plan.
311. Curiously, given Mr Smith's evidence, the position taken for Council, both in its legal submissions and planning evidence²⁹⁴, was not to advance arguments that no further development can be permitted by reason of the capacity of the roading network. Ms Scott described Mr Smith's evidence as raising a wider issue that cannot be solved in this hearing.

²⁹² See e.g. the evidence of Mr Jason Bartlett for Hogans Gully Farm Limited

²⁹³ See e.g. the legal submissions of Counsel for Ladies Mile Consortium

²⁹⁴ See Vanstone EIC at 15.13

312. As regards the legal position, Ms Scott referred us to submissions she had made in the Stage 1 Stream 12 hearing on the interrelationship between zoning and infrastructure capacity. Those submissions are addressed at Section 2.8 of Report 16. That report notes the leading decision of *Foreworld Developments Limited v Napier City Council*²⁹⁵, where the Court held that it is contrary to the purpose of the Act to zone land for an activity when the necessary infrastructure to allow that activity to occur without adverse environmental effects does not exist and there is no commitment to providing it.
313. Report 16 suggested that a distinction might be drawn between infrastructure capacity as it relates to the three waters (potable water, wastewater and stormwater) and transport infrastructure because the latter does not have the same binary characteristics as the three waters. Ms Scott was inclined to accept that point as a general proposition, but she pointed out to us that there is some commentary about road capacity in the *Foreworld* Decision.
314. This is correct. While the Court’s focus was clearly on sewage infrastructure, it noted that Transit (NZTA’s predecessor) had expressed concern about the potential for unintegrated development placing the State Highway “*under capacity and access pressure*”. The Court’s comment is limited to a single sentence agreeing that that was a valid concern for the same reasons as those in relation to sewerage infrastructure. There is no commentary in the Environment Court’s decision as to the extent of the transport issues that might have been created or whether they might have been determinative in the absence of other infrastructure capacity issues.
315. We discussed with counsel for some of the parties whether the then recently revised Proposed RPS might assist in this context given that renumbered Policy 4.5.2 directs that the design and development of infrastructure be co-ordinated with land use change “*in growth and redevelopment planning*”. Counsel for Philip Smith suggested to us that this policy might be of general application. Mr Langman, in his reply evidence for Council²⁹⁶, was likewise of the opinion that this policy applies to all development. However, it is located in a section of the Partially Operative RPS 2019 related to urban growth development. That is the focus of Objective 4.5 and while Policy 4.5.2 is generally expressed, if read more widely than applying to urban development, it would not be a course of action designed to achieve the objective in that regard. It does not seem likely to us that that outcome would be intended.
316. Irrespective of the correct interpretation of the Partially Operative RPS 2019, we take on board the desirability emphasised both by Mr Smith and the witnesses for NZTA of an integrated approach to development and transport infrastructure planning. We were left unclear, however, why the District Plan review process could not be the vehicle for such integrated planning, given that integrated management is a key District Council function under the Act.
317. We also tend to agree with counsel for Barnhill Corporate Trustee Limited, Bunn, Green and Morven Ferry Limited that a requirement for co-ordination does not preclude development in advance of infrastructure provision. We understand from NZTA’s evidence that planning of transport infrastructure upgrades is a complicated process, and we should not rely on upgrades occurring in any particular timeframe where they are not already the subject of firm

²⁹⁵ Environment Court Decision W8/2005

²⁹⁶ At 2.9

commitments (clearly the case for the Shotover River crossing). Similarly, while we were informed that it was not practicable to modify the existing bridge due to engineering considerations, we were also told that it should not be assumed an upgrade would necessarily take the form of a new bridge. NZTA would look at all options seeking “*modal neutrality*”. Importantly, NZTA did not tell us that there was no prospect of an upgrade of the Shotover River crossing, which its counsel, Ms McIndoe, accepted was the relevant legal test.

318. While, as already noted, the representatives of NZTA strenuously resisted any suggestion that intensification of development would assist the Agency to make a case for enhancement to the Shotover State Highway Bridge, it did appear to us from their description of the transport network planning process that it responds to demand. Mr Sizemore told us, for instance, that the Kawarau River crossing was only upgraded when the existing historic one-way bridge became inadequate for the level of traffic demand crossing the river. He said it would similarly be traffic demand that would necessitate an upgrade to the Shotover River bridge, albeit that because the investment at the Shotover crossing would be greater than had been required for the Kawarau River, the traffic situation would have to be significantly worse than it had been in relation to the Kawarau upgrade before an investment would be triggered.
319. Ultimately, this appeared to us to be a classic “*chicken and egg*” position. While we take on board the concerns expressed in the evidence of Mr Smith for Council and Messrs MacColl and Gattenby for NZTA, counsel for NZTA told us that the Agency was not trying to provide a complete snooker to further development. That was also the position put to us by counsel for the Council. Accordingly, we take the view that while transport infrastructure issues, including but not limited to the capacity of the Shotover River Bridge, might perhaps be a consideration were we to conclude that large-scale intensification might occur across the Wakatipu Basin, it ought not to prevent incremental development of parts of the Wakatipu Basin, if that is appropriate for other reasons.
320. We did not find the traffic issues Mr Smith identified specific to particular submissions as being critical to the recommendations we have made, with one exception. This was in the case of Mooney Road. As discussed in greater detail in Report 18.5, the additional information supplied by Council following the 24 October hearing indicated that the existing road reserve is insufficient to meet the requirements of the Council’s Land Development and Subdivision Code of Practice. While Mr Langman suggested to us in his verbal reply on 24 October that road upgrading issues could be addressed within a resource consent context (given the Restricted Discretionary Activity Status for new development in the Precinct sub-zone), Mr Smith did not support leaving resolution of the need for roading improvements to the consent process in his evidence in chief²⁹⁷. For our part, we do not regard it as satisfactory to facilitate a relatively large-scale intensification of an area serviced by a narrow country lane with limited scope for upgrading unless either the landowners who have opposed the Precinct sub-zone agree to contribute land from their respective frontages to permit widening of the legal road (on the face of the matter, an unlikely proposition) or the Council compulsorily acquires that land. In the absence of clear expert evidence suggesting that the end result of utilisation of the existing legal road width would be satisfactory, we consider further rural living development should be discouraged.

²⁹⁷ Section 14

2.10 Queenstown Airport Reverse Sensitivity Issues

321. The Proposed District Plan (Stage 1) identifies noise boundaries around Queenstown Airport and provides for restrictions on development within those boundaries. Those boundaries roll over the outcome of Plan Change 35. A sliding scale is applied, with decreasing constraints on development, depending on whether development is within the Air Noise Boundary shown on the planning maps or within the Outer Control Boundary shown on those maps. None of the land the subject of submission before us is within the Air Noise Boundary. A small corner of one property the subject of submission by R & R Jones²⁹⁸ is within the Outer Control Boundary.
322. QAC filed further submissions in opposition to a number of submissions seeking rezoning of land in the Wakatipu Basin. By the time its planning witness, Mr Kyle appeared before us, its opposition was restricted to three submissions only, those of Shotover Country Limited²⁹⁹, Scott Crawford³⁰⁰ and R and R Jones³⁰¹.
323. Mr Kyle advised us that the existing Air Noise and Outer Control Boundaries were based on modelling predicting the operation of the airport at 2035, but that recent rapid growth in airport traffic meant that the modelled noise contours would likely be reached within another 3 to 4 years i.e. more than ten years earlier than predicted. He emphasised to us the recognition given to the airport in the Proposed Regional Policy Statement; it is identified as regionally significant infrastructure and revised Policy 4.3.5 of the Proposed Regional Policy Statement directs that regionally significant infrastructure be protected by:
- “a. Restricting the establishment of activities that may result in reverse sensitivity effects;
b. Avoiding significant adverse effects on the functional needs of such infrastructure;
c. Avoiding, remedying or mitigating other adverse effects on the functional needs of such infrastructure...”*
324. Mr Kyle’s evidence was that reverse sensitivity effects do not stop at the currently identified noise boundaries and that QAC was seeking to anticipate the rapid growth in airport traffic with revised noise boundaries. Mr Kyle provided us with material identifying those revised noise boundaries that as at the date of our hearing, were the subject of consultation with a view to having revised provisions publicly notified by the end of 2018.
325. On that basis, Mr Kyle supported QAC’s opposition to each of the three submissions noted as above.
326. The evidence of Ms Vanstone for the Council addressing the submissions QAC opposed noted that QAC had advanced a similar position in the context of the Proposed District Plan (Stage 1) and that the Stream 13 Hearing Panel had formed the view that it was neither appropriate nor necessary for the Proposed District Plan to go beyond the limitations rolled over from the Plan Change 35 process. She supported that view and accordingly, while recommending that each of the three submissions the subject of QAC’s further submissions be rejected, explicitly

²⁹⁸ Submission 850

²⁹⁹ Submission 528

³⁰⁰ Submission 842

³⁰¹ Submission 850

recorded that she did not do so by reason of reverse sensitivity effects on Queenstown Airport³⁰².

327. The Stream 13 Hearing Panel's Report recorded³⁰³ that the noise boundaries shown on the planning maps are also limitations on the amount of noise that aircraft operations at Queenstown Airport can create, because they are conditions on QAC's designation. It followed, in the Hearing Panel's view, that a new hearing process would be required before those conditions could be amended. As the Hearing Panel observed, there could be no certainty that the community would accept increased noise at the airport.
328. This point was the subject of a discussion we had with Mr Kyle. He accepted that it was not inevitable that the existing noise contours would be breached and that there was an alternative scenario in which the number of aircraft flights might be capped, to ensure that noise levels remain within the designation conditions.
329. We agree with the stance of the Stream 13 Hearing Panel. While that Panel was focussing on the requirements of land for urban development, which introduces additional considerations³⁰⁴, we likewise take the view that it is not sound resource management practice to limit development potential in the face of the uncertainties around the future operation of Queenstown Airport. We think that the existing restrictions implement Partially Operative RPS 2019 Policy 4.3.5 given the constraints on aircraft operations already imposed by the designation conditions. We also consider that it would be inappropriate to anticipate the outcome of a future First Schedule process that has not been the subject of section 32 analysis.
330. This view was reinforced after the hearing by our observing media reports that QAC had put its proposed expansion plans on hold following the feedback received during its consultation process that was reported to be overwhelmingly negative. While little weight can of course be placed on media reports, and it was clear from the quoted comments of QAC's Chief Executive that it was pausing rather than abandoning its proposed changes to Airport noise boundaries, these reports emphasised to us the uncertainties that lay at the heart of the recommendations of the Stream 13 Hearing Panel.
331. Accordingly, we put no weight on the concerns expressed by QAC in its evidence before us, other than as regards the portion of the Jones property within the Outer Control Boundary³⁰⁵. We heard no evidence in support of the Jones submission so do not discuss this matter any further.

3. TEXT OF CHAPTER 24

3.1 General Approach to Discussion of Submissions

332. In his Section 42A Report, Mr Barr identified that a number of submissions had sought identical, or very similar relief, for identical or very similar reasons. Mr Barr adopted the drafting technique, in his Section 42A Report, of referring to these groupings collectively. To

³⁰² Refer Vanstone EIC at 19.15, 23.20 and 24.23

³⁰³ Report 17.1 at Section 5.3

³⁰⁴ Among other things the NPSUDC comes into play.

³⁰⁵ Submission 850, opposed by FS1071, FS1340

avoid lengthening our report unnecessarily, we propose to do the same where we refer to the relief sought by submitters.

333. The groupings are as follows:
- a. The submissions of Chorus New Zealand Limited³⁰⁶, Spark Trading Limited³⁰⁷ and Vodafone New Zealand Limited³⁰⁸ are referred to as “*the Telco submissions*”.
 - b. A group of submissions lodged by resource management firm Southern Planning Group comprising Alexander Morcom, Jaqueline Davies & Veritas (2013) Limited³⁰⁹, Robert Fisk & Webb Farry Trustees 2012 Limited³¹⁰, A K Robins, Anderson Lloyd Trustee Co Limited & RB Robins³¹¹, Speargrass Trust³¹², B Hamilton & L Hayden³¹³, Bendall Family Land Trust³¹⁴, Shotover Trust³¹⁵, AEM Property (2017) Limited³¹⁶, are collectively referred to as “*Morcom et al.*”
 - c. A group of submissions lodged by Boffa Miskell Limited comprising Crown Investments Trust³¹⁷, Darby Planning LP³¹⁸, Lake Hayes Limited³¹⁹ and Lake Hayes Cellar Limited³²⁰ are collectively referred to as “*Crown Investments et al.*”
 - d. A group of submissions lodged by Anderson Lloyd Solicitors including Morven Ferry Limited³²¹, Peter Hale³²², Ray Ferner³²³, Slopehill Joint Venture³²⁴, Wakatipu Equities Limited³²⁵, Julie QT Limited³²⁶, Morven Residents Association Inc³²⁷, Philip Smith³²⁸, Phillipa Archibald³²⁹, Arrowtown Village Joint Venture³³⁰, Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green³³¹, Lake Hayes Estate Properties Limited³³², Crosby

306	Submission 2194
307	Submission 2195
308	Submission 2478
309	Submission 2334
310	Submission 2338
311	Submission 2398
312	Submission 2410
313	Submission 2422
314	Submission 2424
315	Submission 2437
316	Submission 2496
317	Submission 2307
318	Submission 2376
319	Submission 2377
320	Submission 2378
321	Submission 2449
322	Submission 2458
323	Submission 2464
324	Submission 2475
325	Submission 2479
326	Submission 2488
327	Submission 2490
328	Submission 2500
329	Submission 2501
330	Submission 2505
331	Submission 2509
332	Submission 2525

Developments Limited³³³, Len McFadgen³³⁴, Goldcrest Farming Limited³³⁵, GW Walker Family Trust³³⁶, Kirstie Jean Brustad³³⁷ and John Edward Griffin³³⁸ are collectively referred to as "*Morven Ferry et al*";

- e. The group of submissions lodged by Brown and Company Planning Group including those of R & M Donaldson³³⁹, Lake Hayes Investments Limited³⁴⁰, Stoneridge Estate Limited³⁴¹, RG Dayman³⁴², Tui Trustees (2015) Limited³⁴³, Mandeville Trust/S Leck³⁴⁴, C Batchelor³⁴⁵, BD and J Duncan³⁴⁶, G Wills and T Burdon³⁴⁷, Waterfall Park Developments Limited³⁴⁸, are collectively referred to as "*Donaldson et al*";
- f. The group of submissions lodged by Clark Fortune McDonald & Associates Limited, surveyors including the submissions of J & L Bagrie³⁴⁹, E, J, R & S Dennison³⁵⁰, D Gallagher³⁵¹, M K Greenslade³⁵², Anna Hutchinson³⁵³, R & J Kelly³⁵⁴, Sarah Lawrence³⁵⁵, DM Stanhope and G Burdis³⁵⁶, L M Topp³⁵⁷, Antony, Sarah and Samuel Strain³⁵⁸, Don Andrew, Kathleen Andrew and Roger Macassey³⁵⁹, L McFadgen³⁶⁰, P & J McLeod³⁶¹, R and S McLeod³⁶², NT McDonald³⁶³ and Middleton Family Trust³⁶⁴ are collectively referred to as "*Bagrie et al*";

333	Submission 2527
334	Submission 2529
335	Submissions 2550 and 2551
336	Submission 2553
337	Submission 2577
338	Submission 2580
339	Submission 2229
340	Submission 2291
341	Submission 2314
342	Submission 2315
343	Submission 2316
344	Submission 2317
345	Submission 2318
346	Submission 2319
347	Submission 2320
348	Submission 2389
349	Submission 2246
350	Submission 2247
351	Submission 2248
352	Submission 2249
353	Submission 2250
354	Submission 2251
355	Submission 2252
356	Submission 2253
357	Submission 2254
358	Submission 2255
359	Submission 2256
360	Submission 2296
361	Submission 2298
362	Submission 2300
363	Submission 2303
364	Submission 2332

- g. The submissions lodged by Resource Management firm Vivian + Espie Limited for Skipp Williamson³⁶⁵, Wakatipu Investment Limited³⁶⁶ and D Bromfield and Woodlot Properties Limited³⁶⁷ are collectively referred to as "*Williamson et al*".

3.2 Part 24.1: Purpose

334. Chapter 24 commences with a lengthy outline of the contents of the Chapter under the heading "*Purpose*". This introductory discussion is the subject of numerous submissions.
335. Morven Ferry et al provided a complete rewrite of the section so that it would align with the relief they sought on the balance of the Chapter. Key points of emphasis that we identified were:
- a. Clarification that the Precinct is part of the Rural Amenity Zone;
 - b. Removal of reference to protection of the values of the Wakatipu Basin;
 - c. Emphasising that productive farming is not a dominant activity in the Basin;
 - d. Introduction of reference to the Landscape Classification Units;
 - e. Removal of reference to the Basin being a rural landscape;
 - f. Softening the description of potential adverse effects from development in the Precinct;
 - g. Emphasising the enabling aspects of the Precinct;
 - h. Deletion of reference to setbacks from identified landscape features;
 - i. Deletion of discussion of how effects of development near ONLs and ONFs are managed;
 - j. Deletion of reference to specific minimum densities in the Precinct, substituting discussion of a range of densities reflecting different factors applicable within the Precinct areas.
336. Many of these points overlapped with the relief sought in other submissions. So, for instance, amendment so the text that describes the Precinct as providing for a range of lot sizes was sought in the Donaldson et al submissions, many (but not all) of which also sought generally that the Zone purpose better provide for rural living. Crown Investments et al similarly sought removal of reference to protection of landscapes and deletion of the description of development in the Precinct as being "*limited*".
337. Debbie MacColl³⁶⁸, Phillip Bunn³⁶⁹ and Steven Bunn³⁷⁰ sought deletion of reference to an 80 hectare minimum lot size in the Rural Amenity Zone. Boxer Hills Trust³⁷¹ and Trojan Helmet Limited³⁷² sought deletion of reference to both minimum and average lot sizes. Peter Dennison and Stephen Grant³⁷³ sought better explanation of the differences between the Rural Amenity Zone and the Precinct. Williamson et al sought related relief, suggesting there be a distinct vision for the Rural Amenity Zone in the Precinct.

³⁶⁵ Submission 2271

³⁶⁶ Submission 2275

³⁶⁷ Submission 2296

³⁶⁸ Submission 2350

³⁶⁹ Submission 2355

³⁷⁰ Submission 2356

³⁷¹ Submissions 2385: Supported by FS2743, FS2749, FS2769 and FS2784and 2386;

³⁷² Submissions 2387: Supported by FS2701, FS2733 and FS2769

³⁷³ Submission 2301: Supported by FS2745, FS2795 and FS2796

338. Raising a different point, Tonnie and Erna Spijkerbosch³⁷⁴ sought removal of what they described as “*monotone colour requirements*” on the grounds that it is creating a boring landscape.
339. The Telco submissions sought reference to utilities as an activity contemplated in the District.
340. Queenstown Trails Trust³⁷⁵ sought reference be made to the public trail network and to encouragement of expansion of same.
341. Slopehill Properties Limited³⁷⁶ sought that the zone purpose be made shorter, reference the benefits of rural living and signal that significant landscape character has been or need to be identified before it can be protected, maintained or enhanced.
342. Mr Barr accepted that the purpose statement is relatively long compared to some other chapters of the Proposed District Plan, but he pointed to the comparable section in Chapter 21 as being of similar length. He considered that the detail provided was of value, albeit that there was potential to prune unnecessary text.
343. Mr Barr recommended changes to Part 24.1 both in response to submissions and to our discussion of aspects of the section with him, including:
- a. Clarification that the Precinct is a sub-zone of the Rural Amenity Zone;
 - b. Inclusion of reference to an opportunity to reduce the prescribed minimum lot size (consistent with a recommendation he made in relation to that provision);
 - c. Amendment to the reference to landscape features to retitle them “*Escarpment, Ridgeline and River Cliff Features*”;
 - d. Introduction of the Landscape Character Units as a means to define relevant values and assist effects assessment;
 - e. Deletion of the notified paragraph describing management of subdivision related issues as being unnecessary duplication;
 - f. Deletion of the statutory advice as to rules with immediate legal effect on the basis that it will be unnecessary once decisions on submissions are issued.
344. Before embarking on a discussion of the submissions in relation to Part 24.1, we think it is valuable to set out our understanding as to the role of this kind of introductory statement.
345. First we do not see it as a summary of the content of the Chapter, other than at the very high level. To attempt to do otherwise is to invite submissions like those of the Telcos querying why the matter of particular interest to them in the Chapter has not been mentioned (the “*what about me*” syndrome).
346. We also think that it is important that the zone purpose not be expressed in a way that leaves room for doubt as to whether it provides some sort of over-riding objective, noting a recent comment from the Environment Court regarding the lack of clarity as to the role of the zone purpose in Chapter 21 of the Proposed District Plan³⁷⁷.

³⁷⁴ Submission 2133

³⁷⁵ Submission 2575

³⁷⁶ Submission 2584

³⁷⁷ See *Ballantyne Barker Holdings Limited v QLDC* [2018] NZ EnvC 181 at [164]

347. We see the zone purpose rather as a very high level outline of the content of the Chapter that serves to assist interpretation of the elements of the chapter with regulatory force; the objectives, policies and rules.
348. It follows that we rather tend to agree with Mr Carey Vivian, giving planning evidence for Williamson et al, that even with clarification of the interrelationship between the Rural Amenity Zone and the Precinct recommended by Mr Barr (which Mr Vivian supported):
- “The zone purpose... is still confusing and cumbersome to read through. In my opinion, the zone purpose should be focussed on the overall purpose of the zone. There is no need to repeat the rules (i.e. minimum lot sizes), or matters contained in other district wide sections of the Plan (i.e. natural hazards). Simply put, the zone purpose is an introduction to the objectives, policies and rules which follow.”³⁷⁸*
349. Mr Vivian recommended that subject to there being jurisdiction to do so, this section could be simplified into three paragraphs only:
- a. Stating what the chapter applies to;
 - b. Stating the overall purpose of the zone;
 - c. Explaining the role of the Precinct and its interrelationship with the Rural Amenity Zone.
350. Comparing the Slopehill Properties submission, which clearly did seek a material shortening of the zone purpose section, the three paragraphs suggested in that submission were:
- a. A statement of the purpose of the zone (as being to provide rural living opportunities);
 - b. Describing the other activities anticipated in the zone;
 - c. Referring to the need to manage the risks of natural hazards.
351. Interestingly, if one were looking for candidates for deletion in order that Part 24.1 might more succinctly state the purpose of the zone, the single sentence in the notified version noting that the district is subject to natural hazards that have to be managed is an obvious target. Aside from being a statement of the blindingly obvious, natural hazards are managed under Chapter 28. The single sentence relating to natural hazards in Part 24.1 says nothing that is not in Chapter 28 and reference to this topic raises obvious questions as to why other matters like tangata whenua issues (managed under Chapter 5) and heritage issues (managed under Chapter 26) are not similarly referenced.
352. Mr Barr did not identify any submissions specifically on the paragraph related to natural hazards. Presumably this is because it is so anodyne that in a process where almost everything else is the subject of submission, no submitter felt the need to make any comment about it. For the same reason, we think it can and should be deleted as a minor change in terms of Clause 16(2).
353. Looking at what a cut down version of Part 24.1 might say, the starting point is to describe what the chapter applies to. Because it applies to the Rural Amenity Zone and the Precinct, we agree with the submissions seeking that the relationship between the two needs to be made clear.

³⁷⁸ Vivian EIC at 2.10

354. We do not agree with Slopehill Properties that the purpose of the Rural Amenity Zone (as distinct from the Precinct) is to provide rural living opportunities. That may be a consequence of implementation of the zone provisions, but non-complying activity status for virtually all subdivision and development (which we support) indicates that it is not its purpose.
355. Consistent with the discussion in Section 2.7 of this Report, we accept the submissions seeking deletion of specific reference to “*protection*” in the combined phrase “*protect, maintain and enhance*” character and amenity. While we would prefer that maintenance and enhancement be stated as alternatives for the reasons discussed in Section 2.7, as far as we can identify, none of the submissions on Part 24.1 seek that amendment.
356. We believe that the purpose of the zone is therefore to maintain (and enhance) the character and amenity values of the Wakatipu Basin. Rather than attempt to describe those values, we agree with the submissions (and Mr Barr’s recommendation) that reference should be made to Schedule 24.8 that has a detailed breakdown of the landscape character and amenity values sought to be maintained and enhanced.
357. Although currently directed at the Precinct, the existing text on the use of controls on the location, nature and visual effects of buildings might usefully be introduced as an adjunct to implementation of Schedule 24.8.
358. Discussing the Precinct, we agree with submissions suggesting deletion of reference to specific controls on development in the Rules. We also accept that it is not helpful to describe opportunities for development in the Precinct as being “*limited*”. We disagree however, with submissions such as Morven Ferry et al that seek to emphasise the enabling elements of the Precinct and to de-emphasise the landscape character and amenity outcomes that must be achieved. The evidence of Mr Brown, for instance, was that reference to limited opportunities should be deleted “*because the primary purpose of the WBLP is Rural Residential living, and therefore the opportunity for subdivision for this purpose should be encouraged and enabled*”³⁷⁹.
359. When we discussed it with him, Mr Brown amplified on this position, suggesting to us that if the objective is to enable development, then that needs to be clear. He also clarified his evidence as starting from the proposition that the Precinct applies to areas with levels of absorption capacity that means that effects are able to be managed. This is an important point. When we discussed the rationale for the Precinct areas with Ms Gilbert, she told us that not every potential site within the recommended Precinct areas would be able to be developed consistently with the objectives and policies of the Plan, and if this was not clear, the policies might need to be tweaked to make it clear that a development outcome is not a given in every situation. Mr Brown frankly admitted that he had not put his mind to the potential position where sites were not able to be subdivided.
360. It seems to us, therefore, that it is important to characterise the Precinct as being more enabling of development than the balance of the Rural Amenity Zone, but not “*open slather*”.

³⁷⁹ Brown EIC for Lake Hayes Investments Ltd and Others at 2.3(a)

361. Continuing the comparison of the Precinct with the balance of the Rural Amenity Zone, while we consider it unhelpful to seek to describe the range of activities anticipated in the Rural Amenity Zone (as above, it invites complaints from those whose activities are omitted), we think at this general introductory level, it is helpful to be clear that there are a range of activities anticipated. The objectives, policies and rules provide guidance as to what is and is not anticipated within that range.
362. The other aspect of Part 24.1 that we consider worth retaining is the discussion of development near ONLs or ONFs given the statutory instruction to recognise and provide for their protection from inappropriate subdivision, use and development. We also think it is important to mention the landscape feature lines shown on the planning maps outside ONLs and ONFs since we heard from at least one submitter (Mr Bloomfield appearing for his family³⁸⁰) who had misunderstood reference to those lines as relating to ONF or ONL lines. While we agree with Mr Barr's suggestion that they might more accurately be described as Escarpment, Ridgeline and River Cliff Features, we think it is valuable that Part 24.1 describe them in a way that makes the difference clear.
363. Lastly, we think that the title to this section should be amended so that it is consistent with the other chapters of the Proposed District Plan and read "*Zone Purpose*", and that the Wakatipu Basin Rural Amenity Zone should be shortened to Rural Amenity Zone. Referring to "*the Zone*" invites confusion when sites on the margin of other zones are the subject of application. Our recommendations on the balance of Chapter 24 adopt that non-substantive change without further comment.
364. In summary, therefore, we recommend that Part 24.1 be amended to read:

"Zone Purpose

This Chapter applies to the Wakatipu Basin Rural Amenity Zone (Rural Amenity Zone) and its sub-zone, the Wakatipu Basin Lifestyle Precinct (Precinct). The purpose of the Rural Amenity Zone is to maintain and enhance the character and amenity of the Wakatipu Basin. The Wakatipu Basin has been subdivided in Schedule 24.8 into Landscape Character Units to assist identification of the particular landscape character and amenity values sought to be maintained and enhanced. Controls on the location, nature and visual effects of buildings are used to provide a flexible and design led response to those values.

The purpose of defining the Precinct is to identify areas within the broader Rural Amenity Zone that have the potential to absorb rural living and other development, while still achieving the overall purpose of the Rural Amenity Zone. The balance of the Rural Amenity Zone is less enabling of development, while still providing for a range of activities suitable for a rural environment.

While the Rural Amenity Zone does not contain Outstanding Natural Features or Landscapes, it is a distinctive and high amenity value landscape located adjacent to, or nearby to, Outstanding Natural Features and Landscapes. There are no specific setback rules for development adjacent to Outstanding Natural Features or Landscapes. However, all buildings except small farm buildings and subdivision require resource consent to ensure that

³⁸⁰ Submission 2423

inappropriate buildings and/or subdivision does not occur adjacent to those features and landscapes. Buildings and development are also required to be set back from the Escarpment, Ridgeline and River Cliff Features shown on the planning maps.”

3.3 Part 24: Relationship Between Objectives

365. There are five objectives in the notified version of Part 24.2. An Introductory statement records that the first four objectives (24.2.1-4 inclusive) apply both to the Rural Amenity Zone and to the Precinct. Objective 24.2.5 and its related policies are stated to apply to the Precinct only.
366. Williamson et al sought that this Introductory statement be deleted. Giving evidence for the submitters, Mr Vivian explained that his concern was that differences in wording as between some of the provisions in Part 24.2.5 (purportedly applying to the Precinct only) and those in the balance of Part 24.2 (purportedly applying to the Rural Amenity Zone as a whole) introduced confusion as to which objectives and policies should be given weight in the consideration of a resource consent application. Mr Vivian suggested, as a solution, adding a statement to the Introductory description of the inter relationship between the objectives and policies that in the event of conflict between them, Objective 24.2.5 takes precedent.
367. Initially, Mr Barr recommended rejection of the Williamson et al submission. In his rebuttal evidence, he analysed the areas of inconsistency Mr Vivian had suggested and sought to reconcile the different provisions.
368. We think that it is fair to observe that the apparent inconsistency Mr Vivian had identified was reduced by amendments Mr Barr recommended to a number of objectives and policies. Nevertheless, by his reply evidence, Mr Barr had come round to the view that a clarification statement along the lines of that suggested by Mr Vivian might assist. We agree. As Mr Barr observed in his rebuttal evidence³⁸¹, it is a basic principle of Plan interpretation that a specific provision should prevail over a general provision where they differ. A statement to that effect on the face of the Proposed District Plan can only assist its proper implementation.
369. Mr Barr recommended a slightly reframed statement from that suggested by Mr Vivian but essentially with the same effect, located immediately following Objective 24.2.5. Mr Barr’s wording is simpler and clearer than that suggested by Mr Vivian. We also agree that this clarification is better located with Objective 24.2.5. We therefore recommend that that Objective be followed by the statement:

“Objective 24.2.5 and Policies 24.2.5.1 to 24.2.5.6 apply to the Precinct only. In the event of a conflict between Objective 24.2.5 and Objectives 24.2.1 to 24.2.4, Objective 24.2.5 prevails.”

370. We do think, however, that consistent with the submissions that sought clarity as to the relationship between the Rural Amenity Zone and the Precinct discussed in Section 3.2, some rewording of the initial statement at the commencement of Section 24.2 is required. At present, the statement refers to *“the Zone and Precinct”*. While that is how they are shown on the planning maps, it does not capture the concept of a sub-zone embedded within the broader Rural Amenity Zone. We recommend that the first sentence be reworded to read as follows:

³⁸¹ At 5.11

“Objectives 24.2.1 to 24.2.4 and related policies apply to the Precinct and to the balance of the Rural Amenity Zone.”

3.4 General Approach to Submissions on Objectives and Policies

371. There were many submissions on the objectives and policies of Chapter 24. Our view on some of those submissions has already been set out in the preceding discussion of more general issues, either explicitly or implicitly. There were many requests for additional objectives and policies. The way we intend to approach our task is to consider first the submissions on the notified objectives of Chapter 24. Having completed that task, we will consider submissions that sought additional objectives, making recommendations as appropriate.

372. Having finalised a set of objectives for Part 24 in our minds, we will then consider the appropriate policies to achieve those objectives, starting with the policies in the notified chapter, and then considering submissions suggesting new policies.

3.5 Objectives

373. As notified, Objective 24.2.1 read:

“Objective - Landscape and amenity values are protected, maintained and enhanced.”

374. We note first a general submission by Walrus Jack Trustee Limited³⁸² that sought to ensure that the benefits of Rural Living are recognised and appropriately anticipated, subject to good design. This was a theme of many other submissions, most of which, however, sought to achieve the same end result through new provisions that we will discuss in due course. Submission 2480, however, is generally framed and needs to be borne in mind in our review of each provision.

375. More specific submissions included:

- a. Support for the objective as it stands from the Telcos;
- b. A request from Williamson et al that the objective be amended to be specific to the Rural Amenity Zone and refer to landscape *“character”*
- c. A request from Crown Investments et al that reference to *“protection”* be deleted. Slopehill Properties³⁸³ also sought to delete reference to protection;
- d. Federated Farmers³⁸⁴ sought that the objective refer to values being *“maintained or enhanced”*;

376. Mr Barr recommended acceptance of the Williamson et al submission that sought reference be to landscape *“character”*, noting that in the policies supporting the objective, that is the focus. Otherwise, Mr Barr did not recommend any change.

377. For our part, for the reasons set out in Section 2.7, we recommend that a submission seeking deletion of the reference to protection be accepted and that maintenance and enhancement be referred to as alternatives, as sought by Federated Farmers. We emphasise that we do not

³⁸² Submission 2480, opposed in part by FS2720, FS2723 and FS2724

³⁸³ Submission 2584: Supported by FS2719

³⁸⁴ Submission 2540

imply by recommending deletion of reference to “*protection*” any intention to soften or water-down the outcome sought to be achieved.

378. We agree with Mr Barr that it would not be appropriate to limit the objective to apply only in that part of the Rural Amenity Zone that is not Precinct. Equally, however, we think that there is value in being clear where it applies; not, for instance, within ONLs or ONFs or within special zones like Millbrook.

379. Accordingly, we recommend that Objective 24.2.1 be amended to read:

“Landscape character and visual amenity values in the Wakatipu Basin Rural Amenity Zone are maintained or enhanced.”

380. We consider that this form of objective is the most appropriate means to achieve the purpose of the Act in the Wakatipu Basin areas not identified as outstanding or zoned for some other purpose. For the reasons set out in Section 2.7 of our Report above, we also consider that this formulation gives effect to the Proposed Regional Policy Statement.

381. As notified, Objective 24.2.2 read:

“Objective - Non-residential activities are compatible with infrastructure, and maintain and enhance landscape character and amenity values.”

382. The Telcos, Otago Fish and Game Council³⁸⁵ and NZTA³⁸⁶ supported the objective.

383. There appear to be no submissions that sought the objective be amended.

384. We discussed with Mr Barr what the reference to activities being “*compatible with infrastructure*” meant. He accepted that it was potentially ambiguous given that it might relate to the ability to service activities or to the effects on infrastructure. Mr Barr accepted, however, that the policies of the section offered little assistance other than notified policy 24.2.2.4, which relates to effects on road safety or efficiency.

385. Having reflected on our comments, Mr Barr recommended that the objective be amended to refer to compatibility with infrastructure “*constraints*”. He suggested to us that NZTA’s submission provided scope for that change.

386. We regard the notified objective as unsatisfactory; both because of the ambiguity in its meaning that we discussed with Mr Barr and because it is not at all apparent to us why compatibility with infrastructure should be a specific target in relation to non-residential activities, but not (implicitly) in relation to residential activities. While we appreciate that Mr Barr was seeking to address the first at least through his suggested amendment, we disagree that the NZTA submission provides scope for the suggested change. NZTA sought that the objective be retained as proposed. That does not seem to leave much room for amendment to us.

³⁸⁵ Submission 2455

³⁸⁶ Submission 2538: Supported by FS2760; Opposed by FS2765 and FS2766

387. Given the submissions we have to work with, we consider that the only permissible change to the objective is if the requirements of Clause 16(2) can be met. As a result of the recommended amendments to Objective 24.2.1, that objective already provides for maintenance or enhancement of landscape character. Therefore, reference to landscape character can be deleted from Objective 24.2.2 as a minor change. The same is not the case for amenity values. Objective 24.2.1 relates to visual amenity values which are a subset of the broader concept of amenity values. While it is not obvious to us why non-residential activities should have a focus on the full range of amenity values while residential activities have a narrower focus, the difference between the two is material and in our view cannot be altered under Clause 16(2).
388. For the reasons set out in section 2.7, we would prefer that maintenance and enhancement were stated as alternatives, but given the limited scope for amendment, we do not consider we can recommend that change.
389. Similarly, if *“compatibility with infrastructure”* is read as related to the efficient provision of infrastructure, which the sole policy relevant to infrastructure in Part 24.2.2 would suggest, there is an obvious overlap with Objective 24.2.4 that already seeks that efficient provision of infrastructure be ensured. We consider that the best approach is to delete reference to compatibility with infrastructure from this objective and shift Policy 24.2.2.4 into Part 24.2.4. We consider that because of the duplication between provisions, these are minor changes.
390. In summary, therefore, we recommend that Objective 24.2.2. be amended to read:
- “Non-residential activities maintain and enhance amenity values.”*
391. We consider that given the limited options open to us, this is the formulation that is the most appropriate means to achieve the purpose of the Act.
392. Turning to Objective 24.2.3, as notified, it read:
- “Objective - Reverse sensitivity effects are avoided or mitigated where rural living opportunities, visitor and tourism activities, community and recreation activities occur.”*
393. Aside from the submission of Otago Fish & Game Council³⁸⁷ that supported the objective, the only other submission we need to note is that of Federated Farmers³⁸⁸ that sought the word *“occur”* at the end of the objective be deleted and substituted by the phrase *“conflict with pre-existing activities”*.
394. Mr Barr did not disagree with the thinking underlying the Federated Farmers submission but considered that the suggested amendment was unnecessary, because it is inherent in the concept of reverse sensitivity that the objective is addressing the effects new activities might have on pre-existing activities. He therefore recommended that the objective remain as notified.

³⁸⁷ Submission 2455

³⁸⁸ Submission 2540

395. We note that Mr Cooper’s tabled evidence for Federated Farmers did not address the Society’s submission on this particular objective, which we read as acceptance of Mr Barr’s reasoning³⁸⁹. We agree with Mr Barr’s recommendation. We think that it is implicit in a reference to reverse sensitivity effects that this relates to new activities having an effect on pre-existing activities.
396. Accordingly, we recommend that the objective remain as notified on the basis that this is the most appropriate way to achieve the Act, having regard to the alternatives open to us.
397. Objective 24.2.4, as notified, read as follows:
- “Objective - Subdivision and land use development maintains and enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.”*
398. The Department of Conservation³⁹⁰, Otago Fish and Game Council³⁹¹ and NZTA³⁹² all supported the objective.
399. Submissions we noted that sought substantive change to the objective included:
- a. Transpower New Zealand Limited³⁹³ that sought the objective be amended to include reference to the protection of the National Grid.
 - b. Morven Ferry et al that sought the objective be amended to remove reference to *“land use”*.
 - c. Federated Farmers³⁹⁴ that sought maintenance and enhancement be expressed as alternatives.
 - d. Slopehill Properties Limited³⁹⁵ that sought the objective be deleted.
400. Mr Barr did not consider it was necessary that specific reference be made to protection of the National Grid. He noted that the National Grid is not located on land the subject of the Proposed District Plan (Stage 2), but acknowledged that further upgrades might alter that position. While we accept Mr Barr’s evidence that the National Grid is not actually on land that has been rezoned may well be correct (we had no evidence to the contrary), it appears to us that the existing National Grid Line comes very close to the margins of the Rural Amenity Zone east of Morven Hill. More substantively, Mr Barr considered that the National Grid fell within notified Policy 24.2.4.6, it being an item of regionally significant infrastructure, as well as being provided for in Chapter 30 of the Proposed District Plan. He did not support the requested addition.
401. Mr Barr initially supported the Morven Ferry et al submission on the basis that *“subdivision and development”* is a defined term. However, having discussed it with us, he recommended

³⁸⁹ Consistent with paragraph 31 of Mr Cooper’s evidence

³⁹⁰ Submission 2242

³⁹¹ Submission 2455

³⁹² Submission 2538: Supported by FS2760; Opposed by FS2765 and FS2766

³⁹³ Submission 2442; Opposed by FS2746

³⁹⁴ Submission 2540

³⁹⁵ Submission 2584: Supported by FS2719

that specific reference was still required to land uses in addition to subdivision and development³⁹⁶ .

402. We agree with Mr Barr’s reasoning on the latter point. If all reference to land use were omitted, there would be no indication of the desired outcome when land uses have the potential to affect water quality. This would not give effect to the NPSFM provisions discussed in Section 2.8 of this Report that relate to District Council functions or to the strategic direction in Part 3.2.4.

403. Mr Barr did not discuss the Federated Farmers submission, but we agree that, for the reasons set out in Section 2.7 above, maintenance and enhancement should be alternatives.

404. We also agree that no specific reference is required to the National Grid in this context either to implement the NPSET or otherwise. We put little weight on Mr Barr’s point regarding Policy 24.2.4.6 since that relates to the establishment and operation of regionally significant infrastructure so as to achieve appropriate landscape and amenity outcomes, rather than its protection from the activities of third parties. We think the better answer is that the provisions of Chapter 27 and 30 already provide protection for the National Grid. Objective 24.2.3 also addresses reverse sensitivity effects and efficient provision of infrastructure in terms of Objective 24.2.4 clearly includes its ability to operate free from direct adverse effects. We consider further references to protection of infrastructure unnecessary.

405. In summary, therefore, we recommend that this objective be revised to read:

“Objective 24.2.4

Subdivision and development, and use of land, maintains or enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.”

406. We consider that of the options available to us, this formulation is the most appropriate way to achieve the purpose of the Act.

407. Objective 24.2.5 as notified read as follows:

“The landscape character and visual amenity values of the Precinct are maintained and enhanced in conjunction with enabling rural residential living opportunities.”

408. Otago Fish and Game Council³⁹⁷ supported the objective in its existing form.

409. We noted the following submissions that sought substantive amendments to it:

- a. Williamson et al sought that the objective be amended to acknowledge the landscape character and visual amenity values of the Precinct will change over time.
- b. Donaldson et al sought that the objective be amended to read:

“Enable Rural Residential Living opportunities while managing the effects of subdivision and development on the landscape character and visual amenity values of the Precinct.”

³⁹⁶ See Barr Reply at 11.21

³⁹⁷ Submission 2455

- c. Slopehill Properties Limited³⁹⁸ sought that the objective be deleted.
410. Mr Barr addressed the submissions on this objective at Section 25 of his Section 42A Report. Summarising his response to the Williamson et al and Donaldson et al submissions, it is that the objective already contemplates landscape change while setting a high bar to ensure that the development is the most appropriate.
411. Giving evidence for Williamson et al, Mr Vivian agreed with Mr Barr's reasoning. Mr Brown, however, presenting evidence for the Donaldson et al group, suggested a reformulation of the objective from that sought in the submissions, worded as follows:
- "Rural residential living opportunities are enabled while effects of subdivision and development on the landscape character and visual amenity values of the Precinct are managed."*
412. Mr Brown's reasoning³⁹⁹ was that while expansion of existing rural residential development might fairly be required to maintain and if possible enhance the established character, greenfield areas where the established character and visual amenity values are not based on rural residential development would pose difficulties, because a change to rural residential development would change the existing character and visual amenity substantially.
413. He supported amended wording, because it stated up front what the Precinct is intended to enable and *"it seeks to manage (i.e. avoid, remedy, or mitigate) effects on the landscape character and visual amenities of the Precinct."*
414. In his rebuttal evidence⁴⁰⁰, Mr Barr expressed the view that if the objective is reduced to *"manage"* only, this does not provide sufficient guidance as to the desired end-state of the environment, leading to the likelihood that the Precinct will be managed, but in a way that produces sub-optimal outcomes.
415. We discussed Mr Barr's reasoning with Mr Brown, seeking to tease out the environmental outcome the latter was trying to achieve. His response was that in some respects, it was that setbacks be achieved and that buildings be constructed that are sympathetic with colours and amenities of the natural environment and associated buildings. He mooted the potential to add reference to building design, appearance and setbacks as a result. He remained of the view however, that the objective needed to be qualified, because maintenance or enhancement of amenity values would not be achieved in a zone anticipating change.
416. We share Mr Barr's concern that an objective identifying effects to be *"managed"* is an invitation for unsatisfactory outcomes in an area under intense development pressure. Substituting the phrase *"avoid, remedy or mitigate"*, which Mr Brown regarded as synonymous with *"managed"*, would be no better.

³⁹⁸ Submission 2584: Supported by FS2719

³⁹⁹ Refer Section 3 of his Evidence in Chief for Lake Hayes Investments Ltd and others

⁴⁰⁰ At 8.5-8.8

417. Likewise, expressing the objective conditionally using qualifiers like “*if possible*” or “*wherever practicable*” (that we also discussed as possibilities with Mr Brown) would leave too much leeway to applicants and create too great a potential for unsatisfactory outcomes.
418. Ultimately, we come back to the rationale underlying identification of the Precinct areas which, as explained to us by Ms Gilbert, is that those areas have greater capacity to absorb subdivision and development than does the balance of the Rural Amenity Zone. We asked Ms Gilbert if there was a relationship between absorption and the maintenance of visual amenity values, and in particular whether, if an area could absorb development, that meant that visual amenity values could be maintained in that area, and vice versa; i.e. that absorption and maintenance of visual amenity values are two sides of the same coin. She confirmed that was her view.
419. As discussed already, when we put that proposition to him, Mr Brown accepted that he had not considered the potential that sites would not be able to be developed within the Precinct area because development on them could not actually be absorbed.
420. As we have already discussed in the context of the zone purpose, this is a key theme underlying Chapter 24 that we will return to in the discussion of subsequent provisions. For present purposes, however, we think that the objective needs to specify as a minimum that landscape character and visual amenity values be maintained. It follows that our response to Mr Brown’s rhetorical question (whether we are anticipating change or not) is that if those values cannot be maintained, then development should not occur.
421. For the reasons set out in section 2.7 of this Report, the prospect that those values might be enhanced should be an alternative (maintained or enhanced).
422. We have no difficulty with reversing the order of the objective, as Mr Brown suggested, so long as it is clear that opportunities are enabled if and only if landscape character and visual amenity values are at minimum maintained.
423. Mr Barr suggested in the reply version of his objective that reference be made to rural living opportunities rather than “*rural residential living opportunities*”. Although his reply evidence does not mention it specifically, we infer that this suggested change is designed to avoid any confusion with the Rural Residential Zone, and the minimum development density therein (a point we discussed with Mr Barr in other contexts).
424. Mr Barr suggested that this might be considered a minor grammatical amendment. Given the relief sought by Slopehill Properties (seeking deletion of the objective), we think that it can be fairly attributed to that submission.
425. It follows from the discussion above, however, that we do not support deletion of this objective. We do not consider that would be consistent either with section 7(c) of the Act or with the strategic direction of the Proposed District Plan. The Slopehill Properties suggested relief of deletion of the objective was, however, premised on an alternative objective which would state:

“The benefits of rural living in the Wakatipu Basin are recognised and promoted”.

426. Mr Ben Farrell gave evidence for Slopehill Properties Limited. He sought to put the issue in a broader context of the evidence he had previously given on the Proposed District Plan (Stage 1). While he supported a new objective along the lines sought in the Slopehill Properties submission, other aspects of his evidence suggested to us that he recognised the need, at an objective level, to balance enablement of development opportunities with an appropriate environmental outcome required to be achieved.
427. Mr Farrell told us, for instance, that he had supported an objective in Chapter 22 worded:
- “The District’s landscape, quality, character, and visual amenity values are maintained and enhanced while rural living opportunities in areas that can absorb development within those landscapes are enabled.”*
428. That is certainly our view. We do not support an objective focussing solely on the benefits of rural living without reference to the environmental standards that must be achieved in conjunction with that development.
429. In summary, we believe that the appropriate objective for the Precinct should be worded as follows:
- “Rural living opportunities are enabled in the Precinct, provided landscape character and visual amenity values are maintained or enhanced.”*
430. We believe that this formulation gives effect to the Proposed RPS provisions summarised in Section 2.4 of this Report seeking sustainable land use outcomes and is consistent with the strategy direction established in Chapter 3, including but not limited to Policy 3.3.24. We also believe that it is the most appropriate of the options open to us to achieve the purpose of the Act.
431. Slopehill Properties was one of a number of submissions that in various ways sought greater recognition of rural living developments through a new objective. This varied from very general requests such as those of WK and FL Allen⁴⁰¹ who sought *“a new objective and policies which specifically recognise and provide for the benefits of rural living in the Wakatipu Basin”* to the more detailed relief sought by Morven Ferry et al; a new objective worded as follows:
- “Existing development rights and additional rural living opportunities are recognised and provided for.”*
432. Donaldson et al sought a similarly worded objective framed as follows:
- “The benefits arising from rural living activities, and existing property rights, are recognised and provided for.”*
433. The Morven Ferry et al submission stated that the intention of the suggested new objective (and the policies that were intended to go with it) is to provide for the positive and enabling elements of Part 2 that following the Supreme Court’s decision in *King Salmon* might not

⁴⁰¹ Submission 2482: Supported by FS2717

otherwise be able to be considered. The Donaldson et al submissions referred to the extent of investment by landowners in their properties, suggesting that changes of zoning from the former Rural Residential or Rural Lifestyle zoning to the Rural Amenity Zone has the potential to undermine that investment and introduce considerable uncertainty for owners “*particularly those who have not exercised the rights afforded by the existing zonings, including the construction of a dwelling, or subdivision*”.

434. Mr Barr addressed these submissions at Section 21 of his Section 42A Report. Having analysed the additional policies suggested in the Morven Ferry et al submission, Mr Barr found that all of the matters canvassed are recognised and provided for in the framework of Chapter 24 already, which in his view, creates development rights that were not afforded in the Operative District Plan Rural General Zone. He likewise did not consider similar relief sought by Donaldson et al as providing any great benefit, noting that he had addressed the concern apparently underlying these submissions through a recommendation that residential activities within building platforms could be facilitated.
435. As far as we could identify, the new objectives sought by these submissions were not the subject of supportive planning evidence, other than in the general way in which Mr Farrell addressed these issues (discussed above). We did, however, receive legal submissions from a number of submitters emphasising to us the importance of recognising existing property rights.
436. We asked Ms Hill, who appeared before us as counsel for a number of different submitter groups, exactly what established rights she was referring to in her submissions and she identified the removal (in the notified version of Chapter 24) of the ability to develop existing building platforms as controlled activities. As we will discuss in context of submissions on the rules in Chapter 24, this particular aspect of Chapter 24 is problematic, and we will recommend how it might best be addressed later in this report.
437. We do not believe that the appropriate course is to recommend a very general reference in an objective to “*existing development rights*” or “*existing property rights*”.
438. There is an inherent tension between the operation of the Act in relation to land uses and common law property rights. The latter would permit a landowner to do virtually anything they wished on their land, provided it does not give rise to a common law “*nuisance*”. At least since the enactment of the Town and Country Planning Act 1953, the exercise of common law “*rights*” of landowners has been the subject of greater scrutiny and control.
439. The Act seeks to recognise landowners “*rights*” in two principal ways. First, Section 9 of the Act generally⁴⁰² only restricts the use of land where that contravenes a District Rule, a Regional Rule or a National Environmental Standard. Second, section 32 of the Act requires an evaluation of Plan provisions against the criteria in that section. As already noted in this report, case law indicates that where a Plan contains restrictions, the correct interpretation of section 32 requires adoption of the least restrictive alternative meeting the purpose of the Act and the objectives of the relevant Plan.

⁴⁰² Land the subject of designations or heritage orders, or where the processes to obtain same have been formally commenced is the subject of additional controls

440. While landowners may have placed some reliance on more favourable zoning of their land under the Operative District Plan and/or the Proposed District Plan (Stage 1) we do not regard such zoning as creating development or property “rights” if the landowner has not made application for a resource consent under the relevant rules (so as to bring section 88A of the Act into play). At most, it can only be an expectation. That expectation must, however, be considered against the background that it is inherent in the process of review of District Plans that, subject to the requirements of section 32 being met, the end result may be a greater level of restriction on land uses than had formerly been the case under the previous District Plan. Looked at broadly, this may arise in a range of circumstances; most obviously, this might arise, where past development under the existing provisions has had unsatisfactory consequences or where cumulative effects of past development are approaching a threshold beyond which development either should not proceed, (or should only proceed if the subject of a greater level of scrutiny).
441. Based on the WB Landscape Study and the evidence that we have heard, principally but not solely from Ms Gilbert, we believe that both of those is the case in the Wakatipu Basin.
442. To an extent, this issue overlaps with our discussion in Section 2.4 of this Report. For much the same reasons, we do not recommend an objective recognising existing development rights and/or existing property rights.
443. As regards the potential for an objective recognising “additional rural living opportunities” and/or “the benefits arising from rural living activities”, our response is largely the same as for the parallel relief suggested by Slopehill Properties. It would not be appropriate to provide such recognition without indicating what environmental standard has to be achieved in conjunction with additional rural living.
444. Stepping back, Chapter 24 already recognises the benefits of rural living through identification of the enhanced rights of development for that purpose in the Precinct, which in turn has been identified by reason of its ability to absorb that development, principally from a landscape perspective, but taking into account (in our recommendations, to the extent we are able to do so based on the evidence we have heard and the scope provided by submissions) other environmental constraints.
445. In the balance of the Rural Amenity Zone, rural living development is deliberately made more difficult. That is part of the structure of the chapter that we have already recommended be retained. It does not, however, make it impossible. The WB Landscape Study identifies a sliding scale of absorption capacity across the Basin. While applications will need to meet the high bar posed by a non-complying activity status, that may well still be possible on an appropriate site with a carefully designed development proposal.
446. We also note that the point made in the Morven Ferry et al submission regarding the application of the Supreme Court’s decision in *King Salmon* now needs to be read in the light of the subsequent decision of the Court of Appeal in *RJ Davidson Family Trust v Marlborough District Council*⁴⁰³ indicating that there is greater scope to refer back to Part 2 of the Act on a

⁴⁰³ [2018] NZCA 316

resource consent application than in the plan setting that was the subject of the Supreme Court's decision.

447. In summary, we recommend that the submissions seeking greater recognition for rural living and/or existing development/property rights through a new objective not be accepted.
448. There are two other submissions seeking new objectives that we need to address at this point. The first is that of a number of the runanga of Kai Tahu with manawhenua status in the District⁴⁰⁴ who suggested the need for objectives, policies and rules to recognise and address the effects of landfills, cemeteries and crematoriums on tangata whenua values and the effects of activities more generally on the values of mapped Wahi Tupuna areas.
449. The runanga did not appear before us to amplify their concerns and the submission was non-specific as to how such an objective(s) might be framed.
450. Mr Barr drew our attention to the relevant provisions of the two iwi management plans that we need to take into account⁴⁰⁵. We note in particular policy direction seeking to discourage subdivision and building in culturally sensitive landscapes.
451. In his discussion of the runanga submission⁴⁰⁶, Mr Barr noted that the submission is made in the context of general support for Chapter 24. In terms of the specific relief, Mr Barr drew our attention to notified Policy 24.2.1.12 and Assessment Matter 27.7.2(aa) as already addressing the concern expressed. Mr Barr also noted that the notified rules would make crematoriums, landfills or cemeteries non-complying activities.
452. We agree with Mr Barr that the issues raised by the runanga appear to be addressed already by the notified provisions. To the extent that the notified provisions operate in conjunction with Chapter 5, the submitters did not of course have the benefit of seeing the Decisions Version of that Chapter (which is now beyond appeal) when framing their submission. When we get to submissions on Policy 24.2.1.12, we will have some more to say about the adequacy of how that policy is framed, but in the absence of evidence identifying exactly what form an objective might take or analysing it in terms of section 32, we do not think we can take the runanga submission further. Insofar as it seeks an objective, we recommend that it be rejected.
453. Queenstown Trails Trust⁴⁰⁷ sought a new objective and two new policies recognising and enabling the benefits from public walking and cycling trails. Mr Barr drew our attention to the provisions of Chapter 3⁴⁰⁸ already providing for the trail network, together with notified Policy 24.2.1.10. He did not recommend additional provisions be inserted.
454. We concur. We had no evidence from the submitter that would enable us to satisfy the requirements of section 32 and we agree with Mr Barr's reasoning⁴⁰⁹ that while the merits of

⁴⁰⁴ Submission 2329

⁴⁰⁵ See C Barr, Section 42A Report at 5.16-5.19

⁴⁰⁶ C Barr, Section 42A Report at 9.7 and following

⁴⁰⁷ Submission 2575

⁴⁰⁸ Specifically Objective 3.2.4.5 and Policy 3.3.28

⁴⁰⁹ C Barr, Section 42A Report at 11.10-11.11

the trail network are clear (and would likely result in a well-designed and located trail being approved), it is important that trails do not degrade an amenity landscape. We are also concerned that the suggested objective (seeking to recognise and enable the benefits of land development) is expressed far more generally than the submitter's reasons would support, and might have anticipated adverse effects if expressed as baldly as the submitter has proposed

455. The remaining submission we should address is that of Wakatipu Reforestation Trust⁴¹⁰. That submission sought a new objective be added to Chapter 24 worded as follows:

"Subdivision and land use development protects and enhances biodiversity values with special regard to ecological links across the Basin."

456. The submission included a map of ecological corridors to assist understanding of the relief sought. The submitter did not, however, appear before us to provide greater detail and evidential support for the relief sought. In his discussion of this submission⁴¹¹, Mr Barr drew our attention to its related submission that sought explicit provision for development incentives for the protection and establishment of indigenous biodiversity values similar to those contained within the Auckland Unitary Plan.
457. Mr Barr supported a focus on the restoration and enhancement of indigenous biodiversity in the area of the Wakatipu Basin. He considered that that would assist the Council to give effect to its statutory function to maintain indigenous biodiversity. However, he did not support changes seeking to shift the focus of Chapter 24 from landscape character and visual amenity values derived from the existing Wakatipu Basin landscape to one of providing development rights in exchange for the enhancement of indigenous biodiversity values. Mr Barr's view, based on the landscape evidence provided in the Proposed District Plan (Stage 1) hearings, was that the landscape character and visual amenity values sought to be maintained or enhanced under Chapter 24 are not derived from indigenous vegetation attributes. Rather, the vegetation types and patterns that contribute to the character and visual amenity of the Basin are primarily derived from exotic vegetation.
458. Mr Barr's recommendation was that the submission should be addressed by enhanced policy recognition for retention and enhancement of indigenous vegetation, but not an additional objective in the terms sought.
459. While we did not have the benefit of evidence from the submitter, we did consider a rezoning proposal (that of Hogans Gully Farms Limited) that proffered a significant indigenous biodiversity enhancement programme as part of its overall proposal, thereby giving us an indication of what benefits might be derived from greater recognition of indigenous biodiversity. What that proposal illustrated to us is that while undoubtedly of benefit from an ecological perspective, there is potential for large scale indigenous biodiversity enhancement to have negative effects on landscape character and visual amenity if not undertaken in a way that replicates natural indigenous biodiversity, and builds on what indigenous biodiversity there is left in the Basin. From that perspective, we accept Mr Barr's caution in embracing

⁴¹⁰ Submission 2293: Opposed by FS2746

⁴¹¹ At his Section 42A Report, Section 12

indigenous biodiversity measures in an environment whose values are not principally driven by indigenous biodiversity.

460. In summary, we recommend that the Reforestation Trust submission seeking a new objective not be accepted, largely for the reasons set out in Mr Barr's Section 42A Report.

3.6 Part 24.2.1: Policies

461. The notified Part 24.2.1 had 12 policies supporting the objective discussed above. The first of those policies (24.2.1.1) read as follows:

"Implement minimum and average lot sizes within the Wakatipu Basin Rural Amenity Zone and the Wakatipu Basin Lifestyle Precinct to protect landscape character and visual amenity values."

462. Most of the focus in the submissions was on the reference to protection of landscape character and visual amenity values. Submitters on the point sought either that reference be to maintaining those values or to maintaining and enhancing them⁴¹².
463. The Slopehill Properties submission⁴¹³ also suggested deletion of reference to the purpose of the policy entirely, saying that the reason why minimum and average lot sizes are employed could be contained in background material such as the section 32 analysis. Slopehill Properties also suggested that the policy apply to unspecified parts of the Wakatipu Basin.
464. Williamson et al sought that the policy be reworded to be specific to the Rural Amenity Zone with a similar policy specific to the Precinct under Objective 24.2.5.
465. In his evidence in support of the Williamson et al submissions, Mr Vivian pointed out that the Policy was factually incorrect because there is no average lot size applicable to the Rural Amenity Zone under the rules of Chapter 24.
466. In his rebuttal evidence, Mr Barr acknowledged Mr Vivian's point and suggested rewording to address it.
467. Clearly, as Mr Barr recognised, the notified policy wording has to be changed. Having identified that there are different mechanisms in place for the Precinct than for the balance of the Rural Amenity Zone, we think that the sensible course is to follow the suggestion of the Williamson et al submissions and have a separate policy for the Precinct in Section 24.2.5.
468. We also consider that the Slopehill Properties submission has merit. While the submission is correct and there is no need to say why a particular policy mechanism has been put in place on the face of the policy, we think in this particular instance there is a second and more pressing reason why we should recommend the acceptance of the submission. One of the issues that troubled us throughout the hearing was whether, given the restricted discretionary activity status of subdivision and development in the Precinct, that might be seen as a de facto controlled activity status for applications meeting the minimum lot size and the minimum

⁴¹² See Submissions 2307, 2376, 2377, 2540 and 2584: Supported by FS2717, FS2746, FS2795 and FS2796; Opposed by FS2732

⁴¹³ Submission 2584: Supported by FS2719

average lot size standards. We asked a number of planning witnesses for their opinion on the point. Many of them pointed to the legal position, that of course a restricted discretionary activity consent can be refused. Mr Ferguson, however, giving planning evidence for Crown Investments et al expressed rather more cautiously, saying that “*in theory*” the assessment matters would still give the ability to decline an application. Mr Philip Blakely, giving landscape evidence for X-Ray Trust Limited and Avenue Trust told us, however, that the very term “*Precinct*” implies a level of development can proceed. Ms Louise Taylor, giving planning evidence for the same submitters, responded to our query as to whether she agreed with Mr Blakely by pointing us to the objective and related policies that she regarded as enabling. The end result is that, in our view, there is an unsatisfactory ambiguity as to the extent to which development is enabled within the Precinct. Our recommendation in relation to Objective 24.2.5 was partly based on a desire to make the intention clearer, namely that while enabling to a degree, development of the Precinct is not a given. A case still needs to be made. As already discussed, not every site within the Precinct will be able to be subdivided and/or built on.

469. It follows that we do not want a policy flagging standards that have to be met to imply that if those standards are met, the desired result (protection or maintenance of landscape, character and visual amenity values as the case may be) will necessarily be achieved.
470. We do not, however, consider that the policy would be assisted by the additional amendment proposed by Slopehill Properties, given the lack of clarity that would result as to when it applied.
471. In addition, given that the relevant standards are based on minimum net site areas and (in the Precinct) minimum average net site areas, we think that that same terminology should be utilised. We also consider that the actual minimum net site area specified in the Rules for the balance of the Rural Amenity area not within the Precinct should be stated. Because this is clear in the rules, we regard that as a minor change assisting lay readers of the Plan.
472. While we will return to it in the context of the density standards in Part 27.5.1 of the Proposed District Plan, we do not support the submissions who sought reconsideration of the minimum lot size in the Rural Amenity Zone, without nominating an alternative they supported⁴¹⁴. As discussed in section 2.4 above, a significant reduction in the minimum lot size would indicate a difference in approach that we do not support. A more minor reduction would require evidence assessing relative costs and benefits, and indicating how it fitted into the overall structure of Chapter 24 that we did not have.
473. In summary, we recommend that Policy 24.2.1.1 be worded as follows:
- “Require an 80 hectare minimum net site area be maintained within the Wakatipu Basin Rural Amenity Zone outside of the Precinct.”*
474. We will discuss the wording of the policy covering this point in relation to the areas within the Precinct in the context of our discussion of the policies of Part 24.2.5.

⁴¹⁴ See e.g. some of the Bagrie et al submissions

475. Notified Policy 24.2.1.2 read as follows:

“Ensure subdivision and developments are designed (including accessways, services, utilities and building platforms) to minimise modification to the landform, and maintain and enhance the landscape character and visual amenity values.”

476. The Department of Conservation⁴¹⁵ and Federated Farmers⁴¹⁶ supported the Policy as is.

477. Submissions that sought material amendments to the Policy included:

- a. Wakatipu Reforestation Trust⁴¹⁷ sought addition of reference to indigenous vegetation so its removal would be minimised along with landform modifications;
- b. Peter Dennison and Stephen Grant⁴¹⁸ sought rewording of the policy to recognise that landform modifications are acceptable provided landscape character and visual amenity values are maintained or enhanced, and to provide for temporary modification of landforms;
- c. Morven Ferry et al sought a grammatical change to refer to subdivision and development, rather than subdivisions and developments, and to insert reference to *“inappropriate”* landform modifications;
- d. Slopehill Properties Limited⁴¹⁹ sought that the policy be deleted.

478. In his discussion of the submissions on this policy, Mr Barr recommended that the grammatical change sought by Morven Ferry et al be accepted, but otherwise the policy remain unchanged. His view⁴²⁰ was that the concern of the Reforestation Trust was better addressed by a new policy inserted in Part 24.2.4. We concur and will discuss Mr Barr’s suggested policy in that context. We also note that Policy 24.2.1.7 that we will discuss shortly already directs control of vegetation clearance.

479. Mr Barr did not specifically address the Dennison and Grant submission, but in relation to the Morven Ferry et al request for reference to inappropriate modification, he considered⁴²¹ that that amendment would read as though a range of effects from modification were anticipated, and that the policy only needs to ensure inappropriate activities are minimised *“and that these would be confined to activities involving unacceptable or intolerable modification effects”*. He did not support that change. Considering whether the policy was too absolute, he concluded, in summary, that it was not. He thought that a requirement to minimise modification provided sufficient leverage for the nature and scale of rural living and other activities to occur.

480. Mr Barr disagreed with the contention in the Slopehill Properties submission that the matters within the policy are not required to achieve the objective. We agree with that view. Landscape modification associated with subdivision and development is an obvious way in which landscape, character and visual amenity values can be degraded, if not properly controlled. This can occur in a number of ways. We heard evidence describing unsatisfactory

⁴¹⁵ Submission 2242

⁴¹⁶ Submission 2540

⁴¹⁷ Submission 2293

⁴¹⁸ Submission 2301: Supported by FS2745, FS2795 and FS2796

⁴¹⁹ Submission 2584: Supported by FS2719

⁴²⁰ Barr s42A Report at 12.16-18

⁴²¹ C Barr, Section 42A Report at 20.27

effects of uncontrolled formation of new access roads from Mr James Hadley. We also note Policy 6.3.23 focussing on potential effects as a result of activities associated with mitigation of proposed development. While that policy relates to activities in Rural Character Landscape areas, Policy 24.2.1.2 is obviously responding to the same concern as underlies Policy 6.3.23. We should note, in that regard, the submission of Tonnie & Erna Spijkerbosch that sought limitation on the use of earth bunds to hide developments on the basis that they create an unnatural landscape. We think that Policy 24.2.1.2 responds to that concern also.

481. Having said that, we consider that the Slopehill Properties submission might be accepted in part to delete the reference at the end to maintaining and enhancing landscape character and visual amenity values. We think that element of the policy is better addressed in the following policy that provides guidance as to what values are relevant.
482. We also do not share Mr Barr’s confidence that the policy is not framed too absolutely. On the face of the matter, a policy directing minimisation of all modifications to the landform irrespective of scale, duration or effect would seem to go too far. We think it unwise to attempt to categorise exceptions in any exclusive manner, as suggested by the Dennison/Grant submission. We think the starting point is to focus on modifications to the “natural” landform on the basis that modifications to developed areas are less of an issue. Secondly, we recommend acceptance of the Morven Ferry et al submission that sought the use of appropriateness as a qualification. Application of the guidance from the Supreme Court’s decision in *King Salmon* would indicate that appropriateness is judged as to whether it achieves the objective, and so we do not consider this lacking clarity.
483. Lastly, we agree with Mr Barr’s recommendation that the grammatical change suggested by Morven Ferry et al be accepted. Subdivision and development is a defined term, and the specific reference to accessways, services and utilities suggest that that is what is being referred to.
484. In summary, therefore, we recommend that the policy be reworded to read:
“Ensure subdivision and development is designed (including accessways, services, utilities and building platforms) to minimise inappropriate modification to the natural landform”.
485. As notified, Policy 24.2.1.3 read:
“Ensure that subdivision and development maintains and enhances the Wakatipu Basin landscape character and visual amenity values identified for the landscape character units as described in Schedule 24.8”.
486. The Department of Conservation⁴²² and Federated Farmers⁴²³ supported the policy as is.
487. Williamson et al suggested that the policy be made specific to the Rural Amenity Zone and include reference to protection of landscape character and visual amenity values.
488. Morven Ferry et al suggested that reference to Schedule 24.8 be deleted.

⁴²² Submission 2242

⁴²³ Submission 2540

489. Slopehill Properties Limited⁴²⁴ suggested that reference to the landscape character units be deleted.
490. Mr Barr recommended that the reference in the policy to the landscape character units be capitalised (as also suggested by Morven Ferry et al) and that reference to protection be added, as suggested by Williamson et al in order to be consistent with the objective.
491. Addressing the last point, the same logic would suggest that “*protect*” not be inserted as a result of our recommended wording for the relevant objective.
492. We agree that Landscape Character Units should be capitalised. The Morven Ferry et al submission did not provide any reason for deleting reference to the Schedule, and like Mr Barr, we see no reason why the Schedule should not be referred to. Moreover, omitting reference to it might leave open the inference that the relevant landscape character and visual amenity values might not be those stated in the Schedule.
493. We also see no necessity to describe the relevant values as the “*Wakatipu Basin*” landscape character and visual amenity values. The relevant values are those identified in the Schedule.
494. Slopehill Properties Limited suggested in its submission that the extent of each landscape unit, the values identified within each unit and the District Plan provisions managing the units “*require finer transparency and evaluation*”. While consistent with the evidential case that the submitter presented, which argued that the boundaries of the landscape character units and planning treatment for areas within them needed to be more finely grained, we have difficulty seeing how the submitter’s objective is achieved by the suggested amendment of deleting reference to the landscape character units.
495. Ultimately, the solution to the submitter’s problem is to amend the Schedule.
496. However, we think that there is merit in the submitter’s suggestion for another reason. The way the policy is framed might suggest that only the landscape character and visual amenity values for the landscape character unit within which a site is located are relevant. While that will obviously be the primary focus, particularly for sites on the margins of landscape character units, the values of the adjacent unit may also be relevant.
497. As previously, we would have preferred to refer to maintenance and enhancement in the alternative, but the submissions on this policy do not give scope for that change.
498. For these reasons, we recommend that Policy 24.2.1.3 be worded as follows:
- “Ensure that subdivision and development maintains and enhances the landscape character and visual amenity values identified in Schedule 24.8 – Landscape Character Units”.*
499. The use of Schedule 24.8 in Policy 24.2.1.3 to provide guidance as to the landscape character and visual amenity values in the component areas of the Rural Amenity Zone (including the Precinct) means that we do not support proposals such as those in the Dennison and Grant

⁴²⁴ Submission 2584

submission⁴²⁵ that objectives and policies be developed for subparts of the Basin identified as more able to absorb developments.

500. As notified Policy 24.2.1.4 read as follows:

“Maintain and enhance the landscape character and visual amenity values associated with the Zone and Precinct and surrounding landscape context by controlling the colour, scale, form, coverage, location (including setbacks from boundaries and from identified Landscape Features) and height of buildings and associated infrastructure, vegetation and landscape elements”.

501. Submissions that sought material changes to this policy included:

- a. Williamson et al suggested that it be made specific to the Rural Amenity Zone (albeit accompanied by a submission that there be an equivalent policy in the Precinct);
- b. Morven Ferry et al suggested deletion of reference to boundary setbacks and setbacks from identified Landscape Features;
- c. Federated Farmers⁴²⁶ sought to make enhancement an alternative to maintenance and to insert reference to controls *“where necessary”*;
- d. Slopehill Properties Limited⁴²⁷ sought deletion of the policy.

502. Mr Barr recommended deletion of the reference to *“Precinct”* to avoid confusion as to the status of other policies intended to apply both in the Precinct and the balance of the Rural Amenity Zone and clarification of the reference to Landscape Features, so as to clearly differentiate them from ONFs.

503. Mr Barr did not recommend the amendments suggested by Federated Farmers. He observed that controls on the specified elements of buildings are always necessary to ensure proper oversight of the buildings. He observed that that does not mean that buildings not meeting the standards cannot be the subject of consent.

504. We agree with Mr Barr’s reasoning. We think that that is also the answer to the more general submission of Tonnie & Erna Spijkerbosch⁴²⁸ that we have already noted, and which sought the removal of monotone colour requirements. While the submitter may be justified in expressing a personal view that the result is *“boring”*, we have observed enough architectural statements in the Wakatipu Basin to agree with Mr Barr regarding the need for controls on building colours and materials to ensure that proposals that will stand out are subject to a degree of scrutiny before they are approved.

505. For the same reason, we recommend rejection of the Slopehill Properties submission.

506. We do recommend, however, the second amendment proposed by Federated Farmers, making enhancement as an alternative, essentially for the reasons set out in Section 2.7 above.

⁴²⁵ Submission 2301: Supported by FS2745, FS2795 and FS2796

⁴²⁶ Submission 2540

⁴²⁷ Submission 2584

⁴²⁸ Submission 2133

507. No reason was given in the Morven Ferry et al submission for deletion of reference to setbacks. Based on the evidence of Ms Gilbert, clearly there are features outside ONLs and ONFs that require protection through provision of appropriate setbacks, and Mr Skelton noted in his evidence for Banco Trustees that the area between dwellings is a key element in retention of rural character.
508. We think, however, that the policy would read more clearly if the Landscape Features were referred to separately from other setbacks.
509. As regards submissions on the reference in the notified policy to both the Rural Amenity Zone and the Precinct, we do not think the clarification sought is required, but to avoid any room for future argument, we suggest some rewording.
510. In summary, we recommend that Policy 24.2.1.4 be reworded to read:
- “Maintain or enhance the landscape character and visual amenity values associated with the Rural Amenity Zone including the Precinct, and surrounding landscape context by:*
- a. controlling the colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements;*
 - b. setting development back from Escarpment, Ridgeline and River Cliff Features shown on the planning maps.”*
511. Notified Policy 24.2.1.5 read as follows:
- “Require all buildings to be located and designed so that they do not compromise the qualities of adjacent or nearby Outstanding Natural Features and Outstanding Natural Landscapes, or identified landscape features”.*
512. Peter Dennison and Stephen Grant⁴²⁹ sought that the word “nearby” be deleted or replaced with a term that is more well defined. United Estates Ranch⁴³⁰ made a similar submission.
513. Federated Farmers⁴³¹ sought to soften the opening words to refer to management of location and design of buildings with specified purposes.
514. Slopehill Properties⁴³² sought that the words “adjacent and” be deleted along with the reference to identified landscape features.
515. Mr Barr did not support the relief sought by Federated Farmers, taking the view that it is necessary to be strict in this instance.
516. Mr Barr likewise did not recommend amendment to delete “nearby” buildings. He noted that activities in the foreground of an ONF, but not necessarily adjacent to it, could compromise views of the ONF.

⁴²⁹ Submission 2301: Supported by FS2745, FS2795 and FS2796

⁴³⁰ Submission 2126: Supported by FS2706, FS2745 and FS2791

⁴³¹ Submission 2540

⁴³² Submission 2584: Supported by FS2719

517. The only amendment he recommended was to clarify the reference to identified landscape features in the same manner as above.
518. We agree with Mr Barr’s comment that a strict approach is required in this context because of the statutory instruction to recognise and provide for protection of ONLs and ONFs from inappropriate subdivision, use and development. However, we consider that Federated Farmers submission might partly be met by being more specific about what qualities of ONLs and ONFs are relevant in this context. Objective 3.2.5.1 and Strategic Policy 3.3.20 focus on the landscape and visual amenity values, and natural character of ONLs and ONFs. Consistent with that, we recommend that should be the focus of this policy. As regards the location of buildings, we agree with Mr Barr that the focus should not just be on buildings immediately adjacent to ONLs and ONFs. On the other hand, we also have sympathy for the view that a focus on “nearby” buildings introduces a level of uncertainty. On one view, every location in the Wakatipu Basin is nearby to an ONL or an ONF, but if this were intended, the policy could have been non-specific regarding the location of buildings. Mr Barr emphasised the need to exercise control over buildings in the foreground of ONFs. As he noted⁴³³ Policy 6.3.26(b) specifically addresses subdivision use and development forming the foreground for an ONF or ONL. The latter policy applies in the Rural Character Landscape areas. In Section 2.5, we concluded that we did not have scope to recommend a new section in Chapter 6, adopting (with modifications) all of the Rural Character Landscape policies from Chapter 6, but this is one policy that could appropriately be tailored for adoption in this context.
519. Lastly, we agree with the Slopehill Properties submission that suggested deletion of reference to landscape features, although not for the reasons stated in the submission. What are shown on the maps are lines identifying the top of escarpments and river cliffs and particular ridgelines. The setback prescribed in the rules and recognised in the preceding policy seeks to protect more than the identified “feature” and so the policy does not correctly capture what the setbacks seek to achieve. Given that it is already covered in Recommended Policy 24.2.1.4, we think further reference to these features can be deleted from this policy.
520. If we had recommended retention of “nearby” as a descriptor, then we would have agreed with the Slopehill Properties submission that it was not necessary to cover buildings adjacent to ONLs and ONFs; something that is adjacent is necessarily also nearby. Given our conclusion that rather than utilising an imprecise distance requirement, the focus should be on a visual perspective, we think that the policy should still cover adjacent buildings. Adjacent buildings might not be in the foreground of the view of an ONF, but still have adverse effects on it.
521. In summary, we therefore recommend that Policy 24.2.1.5 be revised to read:
- “Require all buildings to be located and designed so that they do not compromise the landscape and amenity values and the natural character of Outstanding Natural Features and Outstanding Natural Landscapes that are either adjacent to the building or where the building is in the foreground of views from a public road or reserve of the Outstanding Natural Landscape or Outstanding Natural Feature.”*

522. Notified Policy 24.2.1.6 reads:

⁴³³ C Barr, Section 42A Report at 20.40

“Ensure non-residential activities avoid adverse effects on the landscape character and visual amenity values.”

523. The Telcos and Slopehill Properties Limited⁴³⁴ sought that this policy be deleted. Federated Farmers⁴³⁵ sought to soften the policy so that non-residential activities are consistent with landscape character and visual amenity values.
524. Morven Ferry et al sought that the policy be reworded to read:
“Ensure the scale and location of non-residential activities maintains or enhances landscape character and visual amenity values.”
525. Mr Barr was of the view that an avoidance policy poses too high a bar in this context. He thought that commercial activities could be appropriate throughout the Rural Amenity Zone, including the Precinct areas, and could even enhance the environment if suitably located, designed and scaled. He also drew our attention to the overlap with Policy 24.2.5.3. That policy is specific to the Precinct and provides for non-residential activities that ensure the amenity, quality and character of the Precinct is retained.
526. Mr Barr recommended that the Policy be modified generally as sought by Morven Ferry et al, except that he considered the element of design needed to be included.
527. We discussed with Mr Barr whether this policy was appropriately located, given that Part 24.2.2 addresses non-residential activities. In his reply evidence, Mr Barr took on board that point and suggested that the policy as he recommended it be amended be located as new Policy 24.2.2.7. Having reflected on it further, we think that the policy also overlaps with notified Policy 24.2.2.1. We will discuss that policy shortly but in summary, given Mr Barr’s recommendation that the policy be moved from a strict avoidance approach (which we agree with), we think that it can properly be deleted. We therefore recommend that the Telco and Slopehill Property submissions be accepted.
528. Notified Policy 24.2.1.7 read:
“Control earthworks and vegetation clearance so as to minimise adverse changes to the landscape character and visual amenity values.”
529. Slopehill Properties Limited⁴³⁶ sought deletion of this policy on the basis that the matters covered in it are addressed in other District Plan Chapters.
530. Federated Farmers⁴³⁷ sought that the policy manage earthworks and vegetation clearance, rather than control those activities.
531. Morven Ferry et al sought that the reference in the policy should be to minimising adverse effects on landscape character and visual amenity values rather than adverse changes.

⁴³⁴ Submission 2584: Supported by FS2719

⁴³⁵ Submission 2540

⁴³⁶ Submission 2584: Supported by FS2719

⁴³⁷ Submission 2540

532. Wakatipu Reforestation Trust⁴³⁸ sought that the policy focus should be on native vegetation clearance (rather than all vegetation).
533. Mr Barr disagreed with the suggestion that the policy be removed. He considered that the matters covered by it are relevant, because of the potential adverse impact that poorly designed subdivision and development could have on the Wakatipu Basin.
534. Mr Barr did not see any meaningful difference between controlling and managing the activities covered by the policy and therefore saw no advantage in adopting the Federated Farmers relief. While he tended to think the same was true of the Morven Ferry et al relief, with “*adverse changes*” being virtually identical to “*adverse effects*”, he came to the opposite view on the basis that the relief sought provided greater certainty and better aligned the policy to an effects-based context.
535. For our part, while we agree that there is a clear overlap with the earthworks provisions in Chapter 25 of the Proposed District Plan, we tend to agree with Mr Barr that because of the importance of earthworks management to landscape outcomes in a sensitive amenity landscape, it is worth reinforcing that point. In addition, Chapter 33 deals with indigenous vegetation and biodiversity. The Proposed Plan does not have a policy approach to exotic vegetation that is not specifically protected (under Chapter 32) or Wilding (addressed under Chapter 34). In an amenity landscape that depends in part for its visual amenity values on exotic vegetation, we consider that it is important to provide policy direction in relation to that vegetation. That is also the reason why we recommend rejection of the Reforestation Trust submission that would limit the policy to indigenous vegetation.
536. Like Mr Barr, we are ambivalent as to whether the policy should manage or control the relevant activities. While there is no magic in the existing text so that a submitter needs to have good reason to change it, we note that the rationale for the Federated Farmers submission was that the submitter perceived the existing text to provide a stronger regulatory approach. We are by no means sure that is correct, but if there is a difference, we prefer the stronger approach in this context. We do not consider it to be inconsistent with the rules that provide for earthworks and vegetation clearance as a permitted activity. The control is exerted by the standards applying to those rules.
537. We likewise share Mr Barr’s view that although perhaps a marginal call, reference to adverse “*effects*” is to be preferred to adverse “*changes*”.
538. We also think that a minor grammatical change might be made to express the policy more simply.
539. In summary, we recommend that Policy 24.2.1.7 be reworded as:
- “Control earthworks and vegetation clearance to minimise adverse effects on landscape character and visual amenity values”.*

⁴³⁸ Submission 2293

540. As a result of insertion of additional policies under this objective that we will discuss shortly, this policy will be renumbered 24.2.1.9.
541. Notified Policy 24.2.1.8 read:
- “Ensure land use activities protect, maintain and enhance the range of landscape character and visual amenity values associated with the Zone, Precinct and wider Wakatipu Basin area.”*
542. Mr Barr noted Morven Ferry et al as having sought that this policy be removed. He recommended⁴³⁹ that this submission be accepted on the basis that the policy duplicates more specific Policies 24.2.1.3 and 24.2.1.4. This also necessarily addressed the submissions of Crown Investments et al and Federated Farmers that sought to soften the extent of the regulatory direction it provided.
543. We agree with Mr Barr’s analysis, essentially for the same reasons. Accordingly, we too recommend that Policy 24.2.1.8 be deleted.
544. Notified Policy 24.2.1.9 read:
- “Provide for activities that maintain a sense of openness and spaciousness in which buildings are subservient to natural landscape elements.”*
545. Federated Farmers⁴⁴⁰ sought acceptance of this policy. Peter Dennison & Stephen Grant⁴⁴¹ sought that this policy not apply to the Operative Rural Residential zoned land at North Lake Hayes on the basis that it does not exhibit openness and spaciousness currently.
546. Crown Investments et al sought deletion of the policy on the basis that the terms openness and spaciousness are capable of wide interpretation and are in any event characteristics of ONLs.
547. Morven Ferry et al sought that reference to buildings be replaced with *“built form”* and that *“subservient”* be replaced with *“complements”*.
548. Mr Barr did not accept that the policy was uncertain. He considered that it would be interpreted in the context of the objectives, rules and other provisions.
549. As regards the Morven Ferry et al submission, he did not consider that referring to *“built form”* would offer any advantage over *“buildings”*. He was more definite in his preference for the existing wording as regards subservience. Mr Barr considered they would provide clearer direction about the outcomes sought and therefore better achieve the objective.
550. Mr Barr did not discuss the Dennison/Grant submission.

⁴³⁹ Section 42A Report at 20.56

⁴⁴⁰ Submission 2540

⁴⁴¹ Submission 2301: Supported by FS2745, FS2795 and FS2796

551. For our part, while it is something of a marginal call, we think that there is some minor improvement if the policy were to refer to “*built form*” since that draws attention to the way in which buildings are designed and located in the landscape rather than their very existence.
552. We share Mr Barr’s view, however, that the policy should provide a greater level of direction, seeking that built form is “*subservient*” to natural landscape elements.
553. As regards spaciousness and openness, however, we think that the Dennison/Grant submission makes a valid point. As they observe, the discussion of the characteristics of Landscape Character Unit 8 (Speargrass Flat) in Schedule 24.8 contrasts different parts of the unit, referring to the juxtaposition of open and spacious areas with more intensively developed rural residential areas.
554. We also note Policy 6.3.27 that focusses on openness in the Wakatipu Basin “*where such openness is an important part of its landscape quality or character*”.
555. While that policy has been rather overtaken by rezoning the bulk of the Wakatipu Basin as Rural Amenity Zone (including the Precinct Sub-zone), we consider it offers useful guidance as to how the Dennison/Grant submission might be accommodated.
556. In summary, therefore, we recommend that Policy 24.2.1.9 be renumbered 24.2.1.11 and reworded as follows:
- “Provide for activities whose built form is subservient to natural landscape elements and that, in areas Schedule 24.8 identifies as having a sense of openness and spaciousness, maintain those qualities.”*
557. Notified Policy 24.2.1.10 read:
- “Facilitate the provision of walkways, cycleway and bridle path networks.”*
558. Queenstown Trails Trust⁴⁴² supported the policy as is.
559. Williamson et al sought that bridle paths should be limited to appropriate areas.
560. C Dagg⁴⁴³ sought unspecified amendments to manage reverse sensitivity effects on farming activities, particularly from walking tracks.
561. Mr Vivian gave evidence for the Williamson et al group. He suggested to us that bridle paths need high levels of maintenance and have less potential for public use and therefore that walkways and cycleways should be prioritised over bridle paths. He suggested rewording the policy to read:
- “Facilitate the provision of walkway and cycleway networks, and in appropriate locations, bridle path networks.”*

⁴⁴² Submission 2575

⁴⁴³ Submission 2586

562. In his rebuttal evidence, Mr Barr accepted the distinction Mr Vivian had made was valid and adopted Mr Vivian's suggested wording. We discussed it with Mr Barr because it appeared to us that the revised wording raised more questions than it answered: it gave no indication as to what locations might be appropriate and it implied that walkway and cycleway networks might be facilitated in inappropriate locations.

563. In his reply evidence, Mr Barr suggested a further alternative worded:

"Facilitate the provision of walkway and cycleway networks, and encourage opportunities for bridle path networks."

564. None of these alternatives address the point made in the Dagg submission. While we did not hear from the submitter, we did hear evidence from Ms Debbie MacColl on the problems establishment of the trail network at Barnhill Farm has had for ongoing farming operations. In the absence, however, of a clear option as to how a policy might be amended to address the submission, we have no basis to take it further and accept Mr Barr's revised wording. We would note, however, that the policy seeks to facilitate walkway and cycleway networks rather than require them.

565. In summary, we recommend the wording annexed to Mr Barr's reply evidence for this policy, as quoted above, and renumbered 24.2.4.6, to reflect the fact that it sits more appropriately under Objective 24.2.4, given the focus of that objective on recreation values.

566. Notified Policy 24.2.1.11 read:

"Manage lighting so that it does not cause adverse glare to other properties, roads, public places or the night sky."

567. Mr Barr noted Morven Ferry et al as having sought that the word "adverse" in this policy be replaced with "inappropriate" and that Federated Farmers⁴⁴⁴ sought the policy be amended to refer to significant or permanent glare.

568. Mr Barr's view was that adverse glare is necessarily inappropriate and that if anything the policy is already less restrictive than the provisions in other chapters of the Proposed District Plan.

569. We agree with Mr Barr's analysis in the absence of any evidence to the contrary. The only amendment we recommend is a minor change to ensure consistency with Policy 6.3.5 applying to other Rural Zones: refer to degradation of views of the night sky. We regard this as a minor clarification because the only way that the night sky can actually be affected is if views of it are degraded.

570. In summary, therefore, we recommend that Policy 24.2.1.11 be renumbered 24.2.1.12 and reworded as follows:

⁴⁴⁴ Submission 2540

“Manage lighting so that it does not cause adverse glare to other properties, roads, public places or degrade views of the night sky.”

571. As notified, Policy 24.2.1.12 read:

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

572. Mr Barr noted Morven Ferry et al as having sought that this policy cross reference to Chapter 5. We also note the submission of a number of Kai Tahu runanga⁴⁴⁵ who sought consistent cross referencing to Chapter 5 and mapped wahi tupuna areas. Mr Barr’s view was that Chapter 5 would clearly be the first point of reference for guidance in implementing this policy. He did not consider a specific cross reference to be necessary. While we take Mr Barr’s point, the policy is very generally expressed, and, on this occasion, we think there is value in highlighting that the way in which the spiritual beliefs, cultural traditions and practices of tangata whenua need to be factored into resource management decision making is in the manner directed in Chapter 5. That will necessarily incorporate any mapped areas of wahi tupuna in the future, since those areas will doubtless be referred to in a revised version of Chapter 5.

573. In summary, therefore, we recommend that Policy 24.2.1.12 be renumbered 24.2.1.13 and revised to read:

“Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua in the manner directed in Chapter 5: Tangata Whenua.”

574. Turning to the question of new policies that might be inserted in Part 24.1, a number of submitters sought additional policies to enable and/or recognise the benefits of rural living. These varied from generally expressed relief that sought to enable development from Bagrie et al to specific policy wording provided in the Donaldson et al and Morven Ferry et al submissions.

575. Slopehill Properties Limited⁴⁴⁶ suggested an alternative set of policies to enable rural living and soften any environmental standards such development might need to meet.

576. Our consideration of these requests overlaps with the related submissions seeking new objectives on the same subject, discussed in Section 3.5 above. For the reasons set out in that section, we consider that additional policies on this subject in Part 24.2.1, applying to all of the Rural Amenity Zone, and therefore including that land zoned Rural Amenity outside the Precinct, is inconsistent with the structure of Chapter 24, which seeks to set a high bar for further development outside the Precinct areas. We note that Mr Farrell, giving expert evidence for Slopehill Properties, did not provide any support for the policies sought in its submission.

⁴⁴⁵ Submission 2329

⁴⁴⁶ Submission 2584: Supported by FS2719

577. Having said that Chapter 24 sets a high bar, we note Mr Barr’s evidence⁴⁴⁷ that many of the matters sought to be the subject of policy guidance are inherently recognised and provided for within the framework of the rule structure of Chapter 24. Accordingly, we recommend that these submissions be rejected.
578. A related request from Morven Ferry et al was for a new policy that would recognise that the amenity and landscape characteristics of the Rural Amenity Zone “*are derived from historical rural and rural living subdivision and development*”.
579. We also note the submission of Bruce McLeod⁴⁴⁸ who sought that the history of the Rural Lifestyle and Rural Residential Zones be taken into account. While not explicitly seeking an additional policy, Mr McLeod seemed to be making the same point.
580. For his part, Mr Barr did not disagree with the thinking underlying the Morven Ferry et al submission, but he did not consider an additional policy to be necessary because the existing objectives, policies, rules and other provisions already provide adequate recognition of the historic patterns of development.
581. We would go further and say that the requested policy is positively unhelpful, because of its generality. The analysis of landscape, character and visual amenity values in Schedule 24.8 is quite specific. It recognises where rural living development has occurred in a way that has altered the landscape character and visual amenity of identified parts of the Basin. It also identifies where rural use continues to predominate. We think that this is preferable to a more general policy that is non-specific as to the areas where rural living development, for instance, has influenced landscape, character and visual amenity.
582. It follows that we recommend that this submission not be accepted.
583. There were also many submissions seeking policy recognition of existing development rights. Again, we have already addressed the submissions seeking new objectives on this subject. In our discussion of that aspect in Section 3.5, we recommended rejection of generally expressed objectives referring to property rights or development rights. We also noted counsel’s advice that the relevant development rights were those conferred by existing building platforms. We consider that that should be the focus of any new policy, rather than some more general description of existing rights.
584. In that regard, Crown Investments et al sought a new policy worded:
“Recognise established residential building platforms and enable buildings subject to achieving appropriate standards.”
585. This formulation was supported by Mr Ferguson in his planning evidence for the submitters.
586. The use of building platforms as a means to identify the potential location of residential homes in the rural environment was a feature of the Operative District Plan. As a result, there are

⁴⁴⁷ Section 42A Report at Section 21

⁴⁴⁸ Submission 2231: Supported by FS2734, FS2741, FS2743, FS2744, FS2745, FS2748, FS2749, FS2750, FS2770, FS2783, and FS2784

now a large number of building platforms registered on Computer Freehold Registers for land in the Wakatipu Basin that have been onsold to purchasers on the understanding that while not uncontrolled, those building platforms provide a guaranteed right to build a house. We did not have evidence quantifying the implications of that understanding for the value of property but, from our own knowledge, we understand this to be a valuable right. Certainly, that was the submission made to us by counsel for a number of parties.

587. We discussed the difference between a right and an expectation in Section 3.5. While the identification on a Computer Freehold Register of the Building Platform does not, of itself, provide a right to build a dwelling on the property (that can only be conferred by the District Plan), it is something quite tangible that has been ascribed considerable value up to now.
588. The legal submissions we received suggested that we ought not to undermine that value without good reason.
589. In this case, the WB Landscape Study appears to have treated building platforms that are unbuilt as part of the baseline environment; e.g. in the assessment of the capacity of LCUs to absorb further development. Certainly, that was the case for other assessments undertaken by the Council's expert witnesses⁴⁴⁹. We note the concern expressed by Ms Gilbert⁴⁵⁰ that at least some of the approved and unbuilt platforms within the Basin are likely to have been consented before the standard suite of development controls that have been applied in more recent years became widely used. However, in the absence of a quantification of what proportion that part might represent, we are not able to factor that into our assessment of costs and benefits of the competing positions.
590. We do not regard the policy formulation in the Crown Investments et al submission as satisfactory given that the word "*established*" could refer to building platforms established in future. For the reasons that we will discuss in the context of the rules, we think that whatever the merits of recognising building platforms shown on Computer Freehold Registers up to now, the position is rather different going forward: there is, in our view, a greater reason for increased controls over buildings constructed in the future. We agree, however, that whichever building platforms are contemplated by a new policy, they should be subject to the standards in Chapter 24, in order to address at least in part Ms Gilbert's concerns about too wide a latitude given to those seeking to build within existing building platforms.
591. For his part, Mr Barr suggested a reframed policy reading:
- "Enable residential activity within building platforms created prior to 23 November 2017 subject to achieving appropriate standards."*
592. We think that Mr Barr's wording is preferable to the Crown Investments et al relief insofar as a policy seeking only to recognise something lacks direction as to what is in fact intended to be done. Mr Ferguson agreed with that view, and that the desired course of action might be expressed more simply. We consider, however, that adopting the date of notification of the

⁴⁴⁹ See the analysis of different estimates of future capacity within the notified Chapter 24 provided under cover of the Memorandum of Counsel for the Council dated 24 July 2018

⁴⁵⁰ At paragraph 65.13 of her Evidence in Chief

Proposed District Plan (Stage 2) is unnecessarily restrictive (not to mention retrospective). We consider that the relevant date should be the date of decisions on the Proposed District Plan (Stage 2), which will coincide with all of the rules in Chapter 24 having legal effect (pursuant to section 86B(1) of the Act).

593. We therefore recommend a new policy numbered 24.2.1.10 be inserted into Chapter 24.2.1 worded as follows:

“Enable Residential Activity within building platforms created before [insert decision date] subject to achieving appropriate standards.”

594. Another new policy suggested for Part 24.2.1 was contained in the submission of Wakatipu Wilding Conifer Group Inc⁴⁵¹ and worded:

“To utilise legal mechanisms at the time of subdivision or land use consent to require landowners to prevent the ongoing establishment of trees and plants with wilding potential.”

595. Mr Barr did not support this policy⁴⁵² on the basis that Chapter 34 of the Proposed District Plan better addresses the Society’s point than would a new policy.

596. We concur, essentially for the same reasons.

597. Before leaving Part 24.2.1, we should note the Telco submissions that sought rationalisation of the policies in this section to remove overlaps and inconsistencies.

598. Mr Barr discussed this submission⁴⁵³ and was satisfied that the policies were addressing different issues and did not conflict. Mr Mathew McCallum-Clark gave planning evidence for Telcos. He reiterated the submission, suggesting to us that this was an opportunity that ought not to be missed to rationalise and reorganise the objectives and policies. While he accepted there was no harm in a complex policy mix, in his opinion it increased interpretation issues and inefficiencies particularly at the time of consenting. The recommendations that we have already made to delete notified Policy 24.2.1.8 and to shift notified Policy 24.2.1.6, accept the Telco submissions in part. The amendments we have recommended to Policy 24.2.1.2 remove the overlap with the following policy that the Telcos highlighted. We have likewise recommended an amendment to Policy 24.2.1.5 that removes the overlap with the previous policy. We do not agree that, as amended, Policy 24.2.1.5 is surplus to requirements.

599. In summary, therefore, we think that if our recommendations are accepted, the Telco submission is best described as accepted in part.

3.7 Part 24.2.2: Policies

600. Notified Policy 24.2.2.1 read as follows:

“Support commercial, recreation and tourism related activities where these activities protect, maintain or enhance the landscape character and visual amenity values.”

⁴⁵¹ Submission 2190: Supported by FS2746

⁴⁵² Refer Barr s42A Report at 17.17

⁴⁵³ C Barr, Section 42A Report at 19.4-19.8

601. BSTGT Limited⁴⁵⁴ and Department of Conservation⁴⁵⁵ supported the policy as notified.
602. Fire and Emergency New Zealand⁴⁵⁶ sought that the policy be amended to include community activities, so as to provide policy support for strategically placed fire stations to be located in the Rural Amenity Zone.
603. Morven Ferry et al sought that the policy be reworded as follows:
- “Provide for a range of non-residential activities, including commercial, recreational and tourism related activities which rely on the rural land resource and maintain or enhance the landscape character and visual amenity values identified in the relevant Landscape Classification Unit.”*
604. Federated Farmers⁴⁵⁷ also sought supported removal of reference to protection.
605. Wakatipu Reforestation Trust⁴⁵⁸ sought that reference be made on the end of the policy to native habitat restoration.
606. Mr Barr discussed the Reforestation Trust’s submission more generally, recommending a new policy that we will discuss further in section 3.9 below as the appropriate means to address the submission.
607. Mr Barr did not support the Fire & Emergency New Zealand submission. He felt that given the definition of community activities in the Proposed District Plan, the Rural Amenity Zone was not an obvious choice for their location over the life of the Plan. Rather, he considered that a location within the Urban Growth Boundaries and close to transport routes were likely to be preferable.
608. Mr Barr likewise did not support broadening of the range of non- residential activities. He drew our attention to the fact that the rules make industrial activities not associated with wineries a non-complying activity.
609. He did think, however, that reference to reliance on the rural land resource was a useful addition to the policy.
610. Lastly, Mr Barr did not consider the reference to Landscape Classification Units to be necessary because in his view, the policy has a broader application than the matters that might be identified in the Landscape Classification Units. He did however, make a minor grammatical recommendation (delete “the” in the last line of the policy).
611. We discussed with Mr Barr the fact that the policy omits reference to the most obvious non-residential activity which might take place in rural areas, namely farming, and whether this

⁴⁵⁴ Submission 2487: Supported by FS2782

⁴⁵⁵ Submission 2242

⁴⁵⁶ Submission 2660

⁴⁵⁷ Submission 2540

⁴⁵⁸ Submission 2293: Opposed by FS2746

was consistent with the permitted activity status farming has under the Chapter 24 Rules. Having reflected on the point, Mr Barr recommended that farming be referenced in the policy based on the general submissions of Federated Farmers supporting recognition and provision for primary production activities. We agree with that suggestion. We also agree with Mr Barr that qualifying the policy so as to require some reliance on rural land resources is a useful amendment which makes the policy more consistent with the Rules that only provide favourably for a limited range of commercial activities.

612. With that addition, however, we think that Mr Barr’s reasoning for not accepting the Fire and Emergency submission seeking reference to community activities rather falls away. If community activities can demonstrate a reliance on the rural land resource, then we think it is legitimate that it be given some policy recognition. We regard this also as consistent with the rules that, as Mr Barr pointed out, would make such activities a discretionary activity.
613. We agree, however, with Mr Barr that making the list of activities inclusive, and thereby potentially assisting industrial activities that the Plan classifies as non-complying, would not be appropriate.
614. We also agree that support for indigenous habitat restoration is better dealt with as a discrete topic.
615. Although Mr Barr did not specially address it, we also consider that the word “*protect*” should be deleted since the relevant objective does not use it.
616. Looking at the interrelationship between this policy and the objective, as we have recommended it be amended, there are two clear inconsistencies. The first is that we have recommended that reference to landscape character values be deleted from the objective (to remove duplication between it and Objective 24.2.1). Second, the objective refers to amenity values, whereas the policy focuses on visual amenity values. The latter are of course a subset of the former. We think that the solution is to shift this policy, as amended, so it sits under Objective 24.2.1, with which it would be consistent.
617. Accordingly, we recommend that Policy 24.2.2.1 be relocated in Part 24.2.1, numbered 24.2.1.6, and worded:

“Provide for farming, commercial, community, recreation and tourism related activities that rely on the rural land resource, subject to their maintaining or enhancing landscape character and visual amenity values.”

618. Notified Policy 24.2.2.2. read as follows:

“Ensure traffic, noise and the scale and intensity of non-residential activities do not adversely impact on the landscape character and visual amenity values or affect the safe and efficient operation of the roading and trail network or access to public places.”

619. The sole submission Mr Barr noted on this policy was that of Slopehill Properties Limited⁴⁵⁹, who sought that the policy be qualified to refer to significant adverse impacts. Mr Barr did not recommend acceptance of that submission. He thought a limitation to significant effects would go too far and that as worded, it could not be construed as a “no effects” policy. While we agree with Mr Barr that a limitation to significant impacts would go too far, we have less confidence than him that it could not be interpreted as a no effects position. We therefore recommend insertion of a “no more than minor” test.
620. More fundamentally, the reference to landscape character and visual amenity values raises the same issues with the previous policy, as discussed above. On the face of the matter, it might also be transferred to Part 24.2.2.1. However, unlike Policy 24.2.2.1, it is not clear to us that this policy is correctly focused on landscape character and visual amenity values. It is difficult to conceive how traffic and noise for instance could have adverse effects on landscape character and visual amenity values. Such matters are much more obviously related to maintenance of the broader range of amenity values that the objective is focussed on.
621. The absence of any submissions giving us scope to further amend the policy to align it with the objective puts in something of a quandary, because our reading of the intent of the policy would align it with Objective 24.2.2. We therefore do not recommend that it be shifted. Rather, we recommend that it be renumbered 24.2.2.1 and amended to read:
- “Ensure traffic, noise and the scale and intensity of non-residential activities do not have an adverse impact on landscape character and visual amenity values that is more than minor, or affect the safe and efficient operation of the roading and trail network or access to public places.”*
622. We further recommend that if the Council shares our view that this policy should more correctly be focussed on amenity values, rather than landscape character and visual amenity values, then it notify a variation to make that change.
623. As notified, Policy 24.2.2.3 read:
- “Restrict the type and intensity of non-residential activities to those which are compatible in visual amenity terms and in relation to other generated effects (e.g. traffic, noise, and hours of operation) with surrounding uses and the natural environment.”*
624. Mr Barr drew to our attention the submission of Morven Ferry et al that sought this policy be deleted. The submission argues that there is no justification for compatibility or comparability of non-residential activities and suggests that the different scale and nature of effects generated from non-residential use means that the policy could not often be achieved in most instances. It is also suggested that the policy repeats the “reverse sensitivity concerns” addressed in Policy 24.2.2.2.
625. Slopehill Properties Limited⁴⁶⁰ also suggested that the policy was not necessary for implementing relevant objectives given the overlap with other proposed policies.

⁴⁵⁹ Submission 2584: Supported by FS2719

⁴⁶⁰ Submission 2584: Supported by FS2719

626. Mr Barr thought that there was utility in the policy, particularly in an environment dominated by rural living land uses. He thought that a focus of the Rural Amenity Zone should be on managing and maintaining amenity generally, while recognising that farming occurs, but a relatively lower intensity than in the Rural Zone elsewhere in the district.
627. Addressing the concerns expressed in the Morven Ferry et al submission, the policy does not say that effects should be comparable with surrounding uses, but rather that they should be *“compatible”*. We think that if, by contrast, the effects of a proposed non-residential use are incompatible with the surrounding uses, those are certainly something we consider worthy of policy direction.
628. In terms of the suggested duplication with notified Policy 24.2.2.2, we agree that there is a level of duplication that should be addressed, because both focus on visual amenity issues, but because this policy addresses the wider range of amenity effects, we consider that there is a role for it. We might have had a different view had we had the ability to focus Policy 24.2.2.2 on the full range of amenity effects but, for the reasons discussed above, that is not the position.
629. In summary, we recommend that this policy be renumbered 24.2.2.2 and amended to read:

“Restrict the type and intensity of non-residential activities to those which are compatible in relation to generated effects (e.g. traffic, noise, and hours of operation) with surrounding uses and the natural environment.”
630. Notified Policy 24.2.2.4 read:

“Ensure traffic generated by non-residential development does not individually or cumulatively compromise road safety or efficiency.”
631. Slopehill Properties Limited⁴⁶¹ sought that this policy be deleted on the basis that it is not necessary to implement the relevant objectives, given the overlap with other proposed policies.
632. NZTA supported the policy, but sought that it refer to the safety and efficiency of the entire transport network, including pedestrians, cyclists, active networks: i.e. not just the road.
633. Mr Barr recommended acceptance of the NZTA submission. He did not specifically address the Slopehill Properties request, but obviously concluded it was not justified.
634. For our part, we think there is a role for this policy because it is the only policy addressing cumulative effects on the road network. However, having recommended deletion of reference to infrastructure in this objective, we think this policy is more appropriately placed in Part 24.2.4.

⁴⁶¹ Submission 2584: Supported by FS2719

635. However, we do not agree that its scope needs to be broadened beyond the road network and its users, including pedestrians and cyclists. The policy focusses on “*traffic*” effects. We did not have any evidence suggesting that traffic generated by non-residential activities has the potential to adversely affect use of pedestrian walkways and cycle trails, and we do not consider that it can be read, sensibly, as including pedestrian or cycle traffic on such trails.
636. In summary, we recommend that notified Policy 24.2.2.4 be shifted and renumbered 24.2.4.7, but otherwise be left unchanged.
637. Notified Policy 24.2.2.5 read:
- “Ensure non-farming activities with the potential for nuisance effects from dust, visual, noise or odour effects are located a sufficient distance from formed roads, neighbouring properties, water bodies and any residential activity.”*
638. Consequent on other recommended amendments, we recommend this be renumbered 24.2.2.3.
639. Federated Farmers⁴⁶² supported this policy.
640. Mr Barr noted the submission of C Dagg⁴⁶³ as being relevant in this context. As previously noted, that submission sought amendments to policies to ensure that reverse sensitivity effects of establishing activities in close proximity to farming units in established rural residential properties are considered.
641. Morven Ferry et al sought deletion of the policy as being repetitive of notified Policy 24.2.2.2.
642. Slopehill Properties Limited⁴⁶⁴ sought that the policy be amended to refer to non-farming commercial activities so as to exclude the potential nuisance effects from rural living activities.
643. Mr Barr did not agree with the Morven Ferry et al submission. He considered that it is more specific to the natural resources that amenity is derived from within the Basin.
644. As regards the Dagg submission, Mr Barr noted the absence of specificity as to what exactly was sought and concluded that in the absence of additional information from the submitter, the existing reverse sensitivity policies in Chapter 24 are the most appropriate. Accordingly, he recommended retention of the policy unchanged.
645. We did not hear any evidence in support of the Dagg submission, and thus are in no better position to augment the reverse sensitivity provisions of the chapter based on it than was Mr Barr.
646. We also disagree with the Morven Ferry et al submission, essentially for the same reasons as discussed above: because the existing form of Policy 24.2.2.2 does not address amenity values other than visual amenity values, there is a role for this policy.

⁴⁶² Submission 2540

⁴⁶³ Submission 2586

⁴⁶⁴ Submission 2584: Supported by FS2719

647. We do not accept the relief sought by Slopehill Properties Limited. Inserting the word “*commercial*” would potentially permit industrial activities with nuisance effects to establish in the Rural Amenity Zone, which we do not regard as either desirable or consistent with Objective 24.2.2. We do agree, however, that the submitter has a point and that, in this regard at least, rural living activities should be classed along with farming. We think that this can be done more directly with some suitable rewording as follows:

“Ensure non-residential activities other than farming, with the potential for nuisance effects from dust, visual, noise or odour effects, are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.”

648. Consequent on other recommended amendments, this Policy would be 24.2.2.3.

649. Notified Policy 24.2.2.6 read:

“Ensure informal airports are located, operated and managed to maintain the surrounding rural amenity, having regard to the differing densities of the Zone and Precinct.”

650. Mr Barr noted only the submission of Slopehill Properties Limited⁴⁶⁵ as being relevant to this policy. That submission sought that the words “*having regard to the differing densities of the Zone and Precinct*” be deleted as superfluous. Mr Barr did not agree with that submission. He noted⁴⁶⁶ that there are not likely to be sites created under the Precinct that could meet the permitted activity standard that requires a 500 metre separation from the boundary of a residential unit.

651. That would seem likely as a matter of fact⁴⁶⁷. However, we had difficulty following Mr Barr’s reasoning linking that to the wording of the policy. We understood him to be saying that informal airports are not likely to be able to be located in a manner that maintains the surrounding rural amenity (using the 500 metre separation as a proxy for maintenance of rural amenity).

652. However, the difficulty with the existing policy wording is that it could be read as suggesting that a lesser standard of separation is appropriate in the Precinct areas, having regard to the higher density of development envisaged as potentially occurring in that sub-zone. For reasons that we will discuss further in relation to Submission 2663 on Rules 24.4.12, 24.4.28, and 25.5.18, we do not think that is appropriate. Accordingly, we recommend that Policy 24.2.2.6 be renumbered 24.2.2.4 and amended as sought by the Slopehill Properties submission to read:

“Ensure informal airports are located, operated and managed to maintain the surrounding rural amenity.”

⁴⁶⁵ Submission 2584: Supported by FS2719

⁴⁶⁶ Section 42A Report at 22.30

⁴⁶⁷ Given a one hectare site is nominally 100m x 100m

3.8 Part 24.2.3: Policies

653. Mr Barr did not identify any submissions opposing Policy 24.2.3.1, which relates to reverse sensitivity effects on informal airports. We need therefore not consider it further, and recommend it be adopted as notified.

654. Policy 24.2.3.2 as notified, read:

“Ensure reverse sensitivity effects on residential lifestyle and non-residential activities are avoided or mitigated.”

655. Slopehill Properties Limited⁴⁶⁸ sought that the words *“residential lifestyle”* be replaced by *“rural living”*. The stated rationale for the submission is to address a lack of clarity as to what is meant by *“residential lifestyle”*.

656. Mr Barr did not specifically discuss this submission other than to the extent that the tables attached to his Section 42A Report recommended its rejection.

657. For our part, the revised wording sought in this submission would result in the wording of the policy better aligning with the objective. However, we have a more substantive problem with the policy as stated. As discussed above in the context of submissions on Objective 24.2.3, reverse sensitivity issues arise when a new more sensitive activity locates in proximity to an existing activity, giving rise to adverse effects that had not previously been an issue. Residential activities, including in the rural environment, are typically regarded as a sensitive activity with the potential to give rise to reverse sensitivity effects. We cannot currently conceive of a more sensitive activity whose establishment adjacent to a residential activity in the rural environment might give rise to reverse sensitivity effects.

658. We therefore wonder whether Policy 24.2.3.2 is round the wrong way, and what is in fact meant to be ensured is that reverse sensitivity effects resulting from new rural living and non-residential activities are avoided or mitigated. The way the objective is framed would suggest that to be the case.

659. Be that as it may, the limited scope for amendment provided by submissions means that if the policy does not capture the intended course of action, it will need to be addressed by way of variation. We recommend that the Council consider what this policy is seeking to achieve with that possibility in mind.

660. As it is, however, we recommend that the sole submission on it be accepted and that the policy be reworded to read:

“Ensure reverse sensitivity effects on rural living and non-residential activities are avoided or mitigated.”

⁴⁶⁸ Submission 2584: Supported by FS2719

661. The sole submission on Policy 24.2.3.3, which seeks to support productive farming activities, is that of Federated Farmers⁴⁶⁹ which supported the retention of the policy unchanged. We recommend it be adopted as notified.

3.9 Part 24.2.4: Policies

662. As notified, Policy 24.2.4.1 read:

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

663. The only submission we have identified on this policy is that of Slopehill Properties Limited that sought that all of the policies in this section of Chapter 24 be deleted on the basis that any matter addressed in them could be captured in the alternative policy framework suggested seeking to provide for rural living. The Slopehill Properties Limited submission was the subject of expert planning evidence from Mr Farrell who provided no evidential support for the alternative policies set out in the submission. We infer that he did not support the relief sought. On that basis, we do not think it necessary to consider the submission further as it related to Policy 24.2.4.1, or indeed the policies in the balance of this section of the chapter.

664. We therefore recommend that Policy 24.2.4.1 be adopted as notified.

665. As notified, Policy 24.2.4.2 read:

“Provide for improved public access to and the maintenance and enhancement of the margins of waterbodies including Mill Creek and Lake Hayes.”

666. Aside from the Slopehill Properties Limited submission noted above, the sole submission specifically on this policy is that of Federated Farmers⁴⁷⁰, who sought that it be reworded as follows:

“At the time of subdivision or land use change, provide for improved public access to and the maintenance or enhancement of the margins of water bodies including Mill Creek and Lake Hayes, as development occurs.”

667. This submission pointed out that there may be practical difficulties in improving public access over or in proximity to farm land.

668. Mr Barr did not consider the suggested amendments to be required. He noted⁴⁷¹ that the Proposed District Plan generally, and Chapter 24 in particular, regulate development and cannot initiate courses of action until development is proposed. Thus, while he agreed with the point underlying the submission, he did not think an amendment to the policy was required.

⁴⁶⁹ Submission 2540

⁴⁷⁰ Submission 2540

⁴⁷¹ Section 42A Report at 24.8

669. We concur with Mr Barr's reasoning and note that Mr Cooper's tabled evidence for Federated Farmers did not seek to pursue the matter. However, for the reasons set out in section 2.7 above, we do support Federated Farmers submission insofar as it seeks that maintenance and enhancement be expressed as alternatives. We also consider the policy would read more easily with some punctuation. Accordingly, we recommend that the policy be amended to read:

"Provide for improved public access to, and the maintenance or enhancement of, the margins of waterbodies, including Mill Creek and Lake Hayes."

670. For reasons that will shortly become apparent, we recommend that this policy be renumbered 24.2.4.3.

671. As notified Policy 24.2.4.3 read:

"Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response."

672. Fire and Emergency New Zealand⁴⁷² sought that the words "fire service" be replaced by "emergency". Mr Barr supported that suggested change.

673. Morven Ferry et al sought that this and the following two policies be deleted and replaced by a cross reference to the provisions of Chapter 27. Mr Barr did not support that suggested change on the basis that Chapter 27 applies to subdivision and development, but not all development is derived from a subdivision. We agree with Mr Barr's recommendation, essentially for the same reasons. Having recommended that the objective relate both to subdivision and development and land uses not forming part of subdivision and development, it is important that the policies of this section of Chapter 24 provide guidance on infrastructure requirements related to land uses.

674. We likewise concur with Mr Barr's reasoning in relation to the Fire and Emergency New Zealand submission. We do not know if the requirements for access for fire engines differ from those of other emergency vehicles, but clearly the policy should provide for all emergency vehicles.

675. We therefore recommend that Policy 24.2.4.3 be renumbered 24.2.4.4 and amended to read:

"Provide adequate firefighting water and emergency vehicle access to ensure an efficient and effective emergency response."

676. As notified, Policy 24.2.4.4 read:

"Ensure development does not generate servicing and infrastructure costs that fall on the wider community."

677. Federated Farmers⁴⁷³ supported this policy.

⁴⁷² Submission 2660

⁴⁷³ Submission 2540

678. NZTA⁴⁷⁴ sought that the policy be amended to direct that costs not fall on infrastructure providers.
679. In his Section 42A Report, Mr Barr indicated that this policy was not intended to be a “no cost” policy to the Council, but rather to ensure that activities not otherwise contemplated by the Rural Amenity Zone framework do not place an undue burden on infrastructure providers. Accordingly, his initial recommendation was that the NZTA submission be accepted.
680. We discussed with Mr Barr whether the recommended policy set too high a bar for subdivision, development and land use. In his reply evidence⁴⁷⁵, Mr Barr accepted that as he had initially recommended it, the policy could be interpreted to say any cost generated by the development does not fall on the community. As he noted, costs associated with development do in practice fall on the community, but the Council has the opportunity to manage those costs through development contributions and rates set under the Local Government Act.
681. Mr Barr recommended that the policy be rephrased to align with the intention set out in Section 42A Report. His revised recommendation was that the policy be amended to read:
- “Ensure development has regard to servicing and infrastructure costs that fall on the wider community including infrastructure providers.”*
682. We agree with the intent of Mr Barr’s recommendation, but consider it can be better expressed if the policy were reworded to read:
- “Ensure that consideration of development has regard to servicing and infrastructure costs that are not met by the developer.”*
683. This formulation ensures that the focus of intention is on the processing of development applications and avoids any issue as to who the “wider community” might consist of. As Mr Barr observed, the Morven Ferry et al submissions that sought deletion of the policy provide scope for the changes recommended. As a consequence of other recommendations, the policy is renumbered 24.2.4.5
684. As notified, Policy 24.2.4.5 read:
- “Ensure development infrastructure is self-sufficient and does not exceed capacities for infrastructure servicing.”*
685. Aside from the Morven Ferry et al, this policy was the subject of two interrelated submissions from Public Health South⁴⁷⁶. The first submission sought that the words “self-sufficient” be deleted from the Policy as noted.
686. The second submission suggested addition of a new policy worded as follows:

⁴⁷⁴ Submission 2538: Supported by FS2760; Opposed by 2765 and FS2766

⁴⁷⁵ At 11.22

⁴⁷⁶ Submission 2040

“A reticulated water and wastewater system is preferentially installed in any new subdivision should it not be possible to join existing infrastructure.”

687. The Public Health South submission explained the rationale for the relief it sought as related to the natural ecological limits to the cumulative effects from onsite wastewater disposal systems in the district, given that the majority of LCUs with high capacity to absorb development are not connected to reticulated sewage or drinking water. The submitter supported a proactive approach to installing and connecting to reticulated systems to reduce ecological harm and to protect health. The submission also referred to the issues for Council if smaller satellite communities serviced by their own systems fail due to overloading, and therefore suggested a preference for joining existing schemes.
688. We discussed with Mr Barr whether, like the previous policy, Policy 24.2.4.5 sets too high a bar for subdivision and development, particularly given the stance the Council had taken on road infrastructure capacity.
689. Mr Barr addressed the issue in reply⁴⁷⁷ suggesting that the policy refer only to development infrastructure that is self-serviced. Mr Barr suggested also that the policy might refer to environmental capacity, so as to address in part the Friends of Lake Hayes Society⁴⁷⁸ submission discussed in Section 2.8.
690. While we understand the rationale for Mr Barr’s recommendation, we think this particular policy suffers from a lack of clarity as to what it is trying to achieve. Chapter 27 already has detailed policy direction regarding the capacity of water supply and wastewater disposal systems required as a result of subdivision to create new lots. While we have come to the view that some policy guidance needs to be provided for infrastructure associated with development that occurs other than as part of the subdivision, the lack of clarity as to the role of this policy does not suggest that it is required for that purpose.
691. We also note that Policy 27.2.5.6 already provides the preference for connection of new subdivisions to reticulated systems that Public Health South sought.
692. As regards the expansion of the policy to refer to environmental constraints, we consider that such a generally expressed policy instruction takes the Council potentially too far into the sphere that is properly that of Otago Regional Council.
693. In Section 2.8, we discussed the need for an additional layer of regulation over and above that provided by Otago Regional Council in the specific case of subdivision and development in the Lake Hayes Catchment. We formed the view that that level of additional regulation met the requirements of section 32 for the reasons stated above. The generality of the policy wording proposed by Mr Barr does not enable us to reach the same conclusion for the suggested policy.
694. In summary, therefore, we believe that Policy 24.2.4.5 might properly be deleted (as sought by Morven Ferry et al) and that the additional policy sought by Public Health South is not required either, given that it would only duplicate Policy 27.2.5.6.

⁴⁷⁷ At 11.25

⁴⁷⁸ Submission 2140

695. We believe that what is required is a more targeted policy providing a framework for the recommended zoning of properties within the Lake Hayes catchment discussed in section 2.8.
696. Such policy direction has to recognise and give effect to the Objectives of the NPSFM discussed in Section 2.8. Accordingly, the reference point is improvement in the water quality of a degraded catchment.
697. We therefore recommend a new policy be inserted in Part 24.2.4 as 24.2.4.2 reading:
- “Restrict the scale, intensity and location of subdivision, development and land use in the Lake Hayes catchment, unless it can occur consistently with improvement to the water quality in the catchment.”*
698. That policy aligns with the distinction we have drawn between development connected to reticulated wastewater disposal systems and that which does not. We regard the policy as consequential relief arising from our acceptance of the Friends of Lake Hayes submission.
699. Notified Policy 24.2.4.6 read:
- “Ensure that other utilities including regionally significant infrastructure are located and operated to maintain landscape character and visual amenity values, having regard to the important function and location constraints of these activities.”*
700. The Telcos suggested that this policy be shifted to either Part 24.2.1 or 24.2.2 and be amended to qualify the obligation to maintain character and visual amenity values *“to the extent practicable”*, together with other minor grammatical changes.
701. Transpower New Zealand Limited⁴⁷⁹ sought that rather than maintain landscape character and visual amenity values, adverse effects on those values be avoided, remedied or mitigated, and that the cross reference to constraints at the end of the policy include reference to technical constraints.
702. Mr Barr did not recommend shifting this policy. He was of the view that utilities, and more specifically regionally significant infrastructure, are linked to subdivision and development and that the policy therefore sits well with the other policies in Part 24.2.4 that address infrastructure associated with subdivisions.
703. As regards the request to soften the requirement to maintain landscape character and visual amenity values, Mr Barr did not consider the relief sought would achieve the objectives of Chapter 24. He considered that the provisions of Chapter 30 would provide sufficient leverage for utilities to be established notwithstanding the requirement to maintain landscape character and visual amenity values. Insofar as Transpower suggested that the NPSET required a different view, Mr Barr suggested that with no part of the National Grid actually within the

⁴⁷⁹ Submission 2442

Rural Amenity Zone, Policy 24.2.4.6 did not need to be recast to align with the NPSET “on the chance that the National Grid may one day extend into the Zone⁴⁸⁰”.

704. Mr Barr also did not see any meaningful difference between a functional and technical constraint so as to require reference to the latter.
705. In his rebuttal evidence, Mr Barr provided more commentary on these issues, addressing, in particular, the evidence of Mr McCallum-Clark for the Telcos that amendment to the wording of the policy was required to better align the policy with the RPS and with the provisions of Chapter 30.
706. Mr Barr analysed the provisions of Chapter 30 and observed that although Policy 30.2.7.1 includes a practicability exception, it provides better guidance as to why undertaking a certain approach for practicable reasons is likely to be appropriate.
707. Ultimately, Mr Barr considered that a “*where practicable*” approach for utilities within Chapter 24 could be warranted, but he did not support its use in the manner requested without further qualification⁴⁸¹. He did, however, recommend minor changes to the wording of the policy to better express the intent.
708. We did not have the benefit of evidence or legal submissions from Transpower New Zealand Limited, but Report 3 from the Proposed District Plan (Stage 1) hearing process contains helpful commentary on the NPSET, and what is required to give effect to it in the context of the District Plan⁴⁸².
709. While we understand Mr Barr’s reluctance to allow the NPSET to drive policy outcomes in the Rural Amenity Zone given that the National Grid line into Frankton does not traverse the Rural Amenity Zone, as we have observed already, it appears that the National Grid line comes quite close to the boundary of the Rural Amenity Zone east of Morven Hill and we could foresee a scenario in which the objectives and policies of the Rural Amenity Zone might come into play when considering modifications to that line.
710. Quite apart from the legal obligations we have (discussed in Section 2.1 above), we therefore think it is important that we be satisfied that the provisions that would apply to the National Grid give effect to the NPSET.
711. Having said that, as Mr Barr pointed out in his rebuttal evidence, Transpower’s relief (a simple “*avoid, remedy or mitigate*” approach) is neither required by, nor entirely consistent with, the NPSET that seeks (in Policy 8) that planning and development of the transmission system “*should seek to avoid adverse effects on ... areas of high natural character and areas of high recreation value and amenity...*”.

⁴⁸⁰ C Barr, Section 42A Report at 24.22

⁴⁸¹ C Barr, Rebuttal Evidence at 14.13

⁴⁸² See in particular Report 3 at sections 2.11, 8.6 and 8.7

712. We also need to consider the implications of the recently revised provisions of the Partially Operative RPS 2019 that require that the functional needs of infrastructure that has regional or national significance be provided for⁴⁸³.

713. In this context, Operative RPS Policy 4.3.4(c), addressing the adverse effects of nationally and regionally significant infrastructure, is also relevant:

“Avoid, remedy or mitigate, as necessary, adverse effects on highly valued natural features, landscapes and seascapes in order to maintain their high values.”

714. These provisions need to be read against a background where Policy 4.3.2 recognises the national and regional significance of, among other things, the National Grid, electricity sub-transmission infrastructure, telecommunication and radio communication facilities, roads classified as being of national or regional importance, and municipal infrastructure.

715. Against that background, we consider that a greater level of direction is required as to the extent to which landscape character and visual amenity must be maintained, or putting the issue in terms of the Partially Operative RPS 2019, the extent to which it is necessary to avoid, remedy or mitigate adverse effects on those values.

716. We share Mr Barr’s reluctance to countenance a general practicability exception without greater guidance as to what is actually required.

717. It seems to us that with minor amendments to properly align with the objectives of Chapter 24, Policies 6.3.24 and 6.3.25 might both provide the submitters with the flexibility that they seek while also ensuring that appropriate environmental outcomes are achieved. We therefore recommend that Policy 24.2.4.6 be replaced with two new policies worded as follows:

“Ensure that the location and operation of utilities including regionally significant infrastructure seeks to avoid significant adverse effects on landscape character and visual amenity values, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.

In cases where it is demonstrated that utilities cannot avoid significant adverse effects on landscape character and visual amenity values, such adverse effects shall be minimised.”

718. Lastly, we need to consider the appropriate location of these policies. Notwithstanding Mr Barr’s view that infrastructure is closely associated with subdivision and development, which we accept, we think that there is a case to recognise provision of utilities as a stand-alone issue requiring its own policy direction. We recommend that the two policies quoted above be located in Part 24.2.1 and numbered 24.2.1.7 and 24.2.1.8. That location will also assuage the concern expressed in the Telco submissions that utilities might be considered to be commercial activities falling within the notified Policy 24.2.2.1 that we have also recommended be shifted into Part 24.2.1. While Mr McCallum-Clark agreed with Mr Barr’s

⁴⁸³ Policy 4.3.3

interpretation of Policy 24.2.2.1 (that this was not the case), providing separately for utilities in the same section of Chapter 24 will put the matter beyond doubt.

719. Mr Barr recommended two additional policies for this part of Chapter 24. The first responds to the submission of the Wakatipu Wilding Conifer Group Inc⁴⁸⁴. The submitter sought a new policy worded:

“Avoid the retention of trees and plants with wilding potential as part of development proposals.”

720. Mr Barr thought that such a policy went too far and that there may be instances where an established tree that has a low risk of wilding spread makes a particularly important contribution to character or to mitigating the effects of development. As Mr Barr put it, management of wilding trees should not *“be at the expense of the amenity of the Zone and ability to achieve the objective of Chapter 24”*⁴⁸⁵.

721. By Mr Barr’s reply, he had settled on the following wording that he recommended to us:

“Encourage the removal of trees with wilding potential as part of development proposals, and where necessary, require non-wilding species as replacements to maintain landscape character and amenity values.”

722. The submitter did not appear, and so Mr Barr’s evidence is all we have to go on.

723. We agree with Mr Barr’s caution in adopting too directive an approach in this case. While wilding trees are clearly a problem in the District generally, there is a real danger that a policy requirement that trees and plants with wilding potential be removed as part of development proposals imposes an obligation which might be out of all proportion to the extent of the adverse effects of the proposal, particularly given that *“wilding potential”* exists in a spectrum ranging from the species listed in Chapter 34 whose planting is prohibited, to species with rather lower wilding potential. In addition, as Mr Barr notes, there may be instances in the Wakatipu Basin where trees and plants with wilding potential have visual amenity benefits as such that the benefits of their removal would be outweighed by the adverse effect on visual amenity values.

724. The submitter anticipated some of these issues and provided a definition of trees and plants *“with wilding potential”*. However, the definition provided rather tended to reinforce Mr Barr’s point, with examples of some of the species listed being listed as Protected under Part 32.7 of the Proposed District Plan (Stage 1).

725. We therefore think that Mr Barr pitched it correctly when he suggested encouraging removal of wilding trees. Once one gets to that point, however, we do not think one can very well *“require”* replacement of trees whose removal, the Council is encouraging. That is an invitation for wilding trees to remain, defeating the purpose of the policy.

⁴⁸⁴ Submission 2190

⁴⁸⁵ C Barr, Section 42A Report at 17.18

726. We therefore recommend that a new policy be added to Chapter 24.2.4, numbered 24.2.4.8 and reading:

“Encourage the removal of wilding exotic trees at the time of development.”

727. The second new policy Mr Barr recommended is derived from the submission of Wakatipu Reforestation Trust⁴⁸⁶. As discussed in Section 3.5 above, Mr Barr did not support acceptance of the Trust’s relief, but did recognise that there was a need for policy recognition of indigenous biodiversity maintenance and enhancement.

728. The policy Mr Barr recommended was worded as follows:

“Encourage the planting, retention and enhancement of indigenous vegetation including in locations that have potential for regeneration or to provide stability, and particularly where productive values are low, or in riparian areas or gullies.”

729. By contrast, the submitter sought some 4 new policies seeking to provide incentives for subdivision and land use development to protect and increase indigenous vegetation cover and implement pest and weed control regimes, facilitate the protection and enhancement of indigenous habitats within and outside identified ecological corridors and source areas, and to ensure native vegetation is appropriate to the area.

730. The submission enclosed a copy of the relevant provisions from the Auckland Unitary Plan, which are extensive. As Mr Barr noted, the Unitary Plan provisions are a wide-ranging chapter affecting all subdivision in rural areas throughout the Auckland Region, raising obvious questions as to which specific parts need to be incorporated. Mr Barr also drew attention to the lack of connection between the objectives in the Unitary Plan and the Chapter 24 objectives focussed on maintaining and enhancing an amenity landscape.

731. Perhaps even more importantly, from our point of view, we cannot assume that the section 32 analysis supporting the Auckland Unitary Plan provisions is equally applicable in the Wakatipu Basin and the submitter provided us with no evidence that would enable us to assess the costs and benefits of the relief it proposed.

732. In the absence of any material sufficient to enable us to undertake a section 32 analysis of the suggested new provisions, we agree with Mr Barr’s more modest proposal for recognition of the desirability of enhancement of indigenous vegetation.

733. Having said that, some aspects of the Reforestation Trust relief might usefully be incorporated in a new policy. As discussed in Section 3.5, we think that it is important that the indigenous vegetation encouraged in any policy is appropriate to the area and planted at a scale, density, pattern and composition that contributes to native habitat restoration, rather than appearing unnatural in the Wakatipu Basin environment.

734. In summary, we recommend inclusion of a new Policy numbered 24.2.4.9 into Chapter 24.2.4 reading as follows:

⁴⁸⁶ Submission 2293

“Encourage the planting, retention and enhancement of indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that contributes to native habitat restoration, particularly in locations such as gullies and riparian areas, or to provide stability.”

735. At this point, we should discuss another new policy suggested by the Wakatipu Reforestation Trust reading:

“Support innovative alternatives to traditional infrastructure such as Low Impact Development (LID), especially where those alternatives support ecological biodiversity and amenity values.”

736. Mr Barr did not appear to discuss this particular suggested policy in his Section 42A Report.

737. As already noted, the submitter did not appear at the hearing.

738. While the concept of “Low Impact Development” is superficially attractive, we have literally no evidence as to what it might involve, and its costs and benefits. It appears, however, to be something different to the low impact design methods now Operative RPS Policy 4.5.4 relates to. We do not think that we can take this suggestion further.

3.10 Part 24.2.5: Policies

739. We have already discussed the introductory wording to the policies of Part 24.2.5 and recommended revised wording⁴⁸⁷.

740. As notified, Policy 24.2.5.1 read:

“Provide for rural residential subdivision, use and development only where it protects, maintains or enhances the landscape character and visual amenity values as described within the landscape character unit as defined in Schedule 24.8.”

741. This policy was the subject of numerous submissions.

742. Slopehill Properties Limited⁴⁸⁸ sought that it be deleted (along with all of the other policies in this section) and replaced by the policies we have already discussed in Section 3.9 above.

743. Morven Ferry et al sought that the word “only” be deleted and that the reference to landscape character unit be capitalised.

744. Dalefield Trustee Limited⁴⁸⁹ sought that the word “only” be deleted and that rather than stating a requirement to protect, maintain or enhance the relevant values, the policy say that those values are not adversely affected.

745. Williamson et al sought recognition that the values described in Schedule 24.8 will change over time.

⁴⁸⁷ Refer Section 3.3 above

⁴⁸⁸ Submission 2584: Supported by FS2719

⁴⁸⁹ Submission 2097

746. Donaldson et al sought that the policy be reframed to read:

“Provide for rural residential subdivision use and development while taking into account and avoiding, remedying or mitigating any potential adverse effects on the landscape character and visual amenity values as described within the landscape character unit as defined in Schedule 24.8”.

747. Crown Investments et al sought that the policy be reworded to read:

“Provide for rural residential subdivision, use and development within the Wakatipu Basin Lifestyle Precinct.”

748. The submission stated that the Landscape Character Units are important for establishing the extent of the Precinct and for managing subdivision, use and development within the more sensitive areas of the Zone outside the Precinct. It opposed the uncertainty created through reference to those values within the Precinct.

749. Many of the submissions were the subject of expert planning evidence. In the case of Slopehill Properties Limited, as already noted, Mr Farrell’s evidence did not in fact support the revised policies sought in the submission in substitution for the notified policies. As with the parallel submission in relation to the policies in Part 24.2.4, we think that we need not therefore take that submission any further.

750. Mr Vivian’s evidence for Williamson et al reiterated the submission seeking acknowledgement of future changes to values and suggested that the word “*protect*” in the policy was not supported by the objective. Mr Vivian’s opinion was that anticipated landscape changes could not occur if existing landscape character and visual amenity values are protected.

751. Mr Jeff Brown, giving evidence for Donaldson et al, suggested a revised formulation of policies from that contained in the submissions that would combine elements of both notified Policy 24.2.5.1 and the following policy. As he described it, he sought to divide the themes of the policies into an enabling function (a new Policy 24.2.5.1) and a regulatory function (a new Policy 24.2.5.2). Read together the two suggested policies were:

“Provide for rural residential activities and promote, design-led and innovative patterns of subdivision, use and development.

Ensure that new subdivision, use and development avoids, remedies or mitigates adverse effects on, and wherever possible maintains and enhances, the landscape character and visual amenity values of the Precinct, taking into account the relevant values described in Schedule 24.8.”

752. Mr Brown reasoned that:

- a. Deletion of “*protect*” was necessary because otherwise it introduced a “*much more stringent test*” than the objective provides for;
- b. Deletion of “*maintain and enhance*” was necessary for the same reasons as Mr Brown had discussed in the context of the relevant objective: i.e. a specific activity has been provided for which will inevitably cause change;

- c. The new Policy 24.2.5.2 gave better effect to the objective;
 - d. Softening the significance of the Landscape Character Units in the assessment was appropriate given that they represent a snapshot view of the landscape at the time of the WB Landscape Study⁴⁹⁰.
753. Mr Ferguson’s evidence for Crown Investments et al put the amended wording suggested for Policy 24.2.5.1 in the context of a broader opposition to reference to protection of amenity landscapes but did not discuss the rationale for deleting reference to Schedule 24.8.
754. Mr Barr reviewed the evidence that was pre-lodged in his rebuttal evidence. He recommended only minor changes to the Policy. He opposed, in particular, the reframing of the policy supported by Mr Brown and Mr Ferguson that would omit any environmental test on the basis that such a policy could create conflict with the objectives and might be used to support a poorly designed proposal not achieving the specified density.
755. Mr Barr accepted that the objective did not explicitly seek the protection of landscape character and visual amenity values, but was of the view that the policy *“is more fine grained and is specific to the context of landscape character and visual amenity values as described in the Landscape Character Units in Schedule 24.8”*⁴⁹¹.
756. By his reply evidence, Mr Barr recommended the following formulation of the policy:
“Provide for rural living subdivision, development and land use only where it protects, maintains or enhances the landscape character and visual amenity values as described within the Landscape Character Unit as identified in Schedule 24.8.”
757. In our consideration of all of these matters, we start from the premise discussed in Section 3.5 that development of the Precinct will not occur unless it can be absorbed into the landscape, and if it can be absorbed into the landscape, it will not materially change the landscape character and visual amenity values of the area. We therefore do not recommend acceptance of the Williamson et al submission as above, or Mr Brown’s reformulation of Policy 24.2.5.2 to only maintain and enhance landscape character and visual amenity values where possible.
758. We agree with Mr Barr that a policy that only focuses on providing for rural residential development without reference to any environmental performance test is apt to be quoted out of context to support unsatisfactory proposals.
759. While we do not accept the evidence suggesting that a policy focus on protection imposes a significantly more stringent test than one requiring maintenance, for the reasons set out in Section 2.7 above, we agree with the planning evidence suggesting its deletion: we think it is preferable to align the language of the objective in the policy in this regard to avoid future arguments as to whether the difference between the two is material.
760. For the same reason, we reject Mr Brown’s suggested softening of the cross reference to Schedule 24.8. Having said that, we think that some amendment to that part of the Policy is required to make it clear it is the identification of landscape character and visual amenity

⁴⁹⁰ See J Brown, Evidence in Chief at 4.2

⁴⁹¹ C Barr, Rebuttal Evidence at 5.31

values that is the important element of the Schedule, rather than the latter's identification of LCUs. We recommend alignment of the language with that in Policy 24.2.1.3 in that regard.

761. We agree also with Mr Barr's suggestions as to minor improvements which might be made to the language of the policy. In particular, reference to "*rural residential*" development is apt to produce confusion with the Rural Residential Zone provisions of Chapter 22.
762. We agree with the requested deletion of the word "only". It seems to us that this adds only emphasis. This is not required, and because nothing similar has been used in the balance of Chapter 24, it invites suggestions that the lack of emphasis elsewhere might be significant.
763. We therefore recommend that Policy 24.2.5.1 be reworded to read:
- "Provide for rural living subdivision, development and use of land where it maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 – Landscape Character Units."*
764. Notified Policy 24.2.5.2 read:
- "Promote design-led and innovative patterns of subdivision and development that maintain and enhance the landscape character and visual amenity values of the Wakatipu Basin overall."*
765. Wakatipu Reforestation Trust⁴⁹² sought that the policy refer to ecological integrity, as well as the landscape character and visual amenity values.
766. Williamson et al questioned how subdivision and development can enhance landscape character and visual amenity values of the Wakatipu Basin overall. They sought that the policy be made specific to the Precinct only.
767. Donaldson et al sought that the policy be amended so that landscape character and visual amenity values are taken into account (rather than maintained and enhanced), and that the relevant values are those defined in Schedule 24.8.
768. We have already discussed the alternative version of Policy 24.2.5.2 that Mr Brown suggested, giving evidence for the Donaldson et al group of submitters.
769. Mr Vivian also gave evidence on this submission. Having reviewed Mr Barr's comments in his Section 42A Report, Mr Vivian suggested an intermediate position between the policy as notified and the relief sought by Williamson et al, namely that the focus be on the values of the Rural Amenity Zone.
770. In his rebuttal evidence⁴⁹³, Mr Barr expressed a preference to retain the notified wording because it enabled effects of development within the Precinct on land in other zones, including the ONLs and ONFs that are zoned Rural in the Proposed District Plan. We agree with Mr Barr's observation. This is also the reason why Schedule 24.8 is not the appropriate reference point;

⁴⁹² Submission 2293

⁴⁹³ At 5.34

that Schedule does not identify the landscape character and visual amenity values of the areas of the Wakatipu Basin identified as ONLs or ONFs. Accordingly, we recommend a limited amendment to this policy to express maintenance and enhancement as alternatives, for the reasons set out in Section 2.7 above.

771. The Donaldson et al submissions provide scope for that change given that it moves the end result a small distance towards the outcome that they sought.

772. We do not recommend the amendment suggested by the Reforestation Trust. The relevant objective does not provide an obvious platform for the amendment sought, and we consider the new policy recommended for Part 24.2.4 addresses the issue.

773. In summary, therefore, we recommend that the policy be reworded as:

“Promote design-led and innovative patterns of subdivision and development that maintain or enhance the landscape character and visual amenity values of the Wakatipu Basin overall.”

774. Notified Policy 24.2.5.3 read:

“Provide for non-residential activities, including restaurants, visitor accommodation, and commercial recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures that the amenity, quality and character of the Precinct is retained.”

775. Aside from the Slopehill Properties submission already discussed, the only submissions on this policy we heard appear to be those of Williamson et al, who supported the policy as currently framed.

776. To the extent that the policy refers to visitor accommodation, it fell within the scope of the Stream 15 Hearing Panel. However, there were no submissions on that aspect of the policy either and the Stream 15 Hearing Panel does not suggest any amendments to it.

777. Accordingly, we recommend that this policy remain unchanged.

778. Notified Policy 24.2.5.4 read:

“Implement minimum and average lot size standards in conjunction with building coverage and height standards so that the landscape character and visual amenity qualities of the Precinct are not compromised by cumulative adverse effects of development.”

779. Williamson et al supported this policy.

780. Donaldson et al sought that it be modified to read as follows:

“Implement lot size standards in conjunction with development standards so that the landscape character and visual amenity qualities as defined in Schedule 24.8 are not compromised by cumulative adverse effects of development.”

781. Morven Ferry et al sought that the policy be reworded to read:

“Implement minimum average lot size standards in conjunction with building coverage and height standards to enable development and variation in subdivision design and layout which reflects the characteristics identified in the applicable Landscape Classification Units”.

782. Mr Brown’s evidence for Donaldson et al suggested a third alternative incorporating only some of the changes sought in the submissions as follows:

“Implement lot size standards in conjunction with development standards so that the landscape character and visual amenity qualities of the Precinct are not compromised by cumulative adverse effects of development.”

783. In his evidence, Mr Brown explained the rationale for his suggested changes as being because:

- a. Given the spectrum of character and amenity within the Precinct, a standard approach with a minimum and average area is not appropriate for all of the Precinct;
- b. Building coverage and height are only two of the relevant standards that assist in managing effects.

784. Mr Barr did not agree with the Morven Ferry et al submission that sought to alter the stated purpose for minimum average lot size standards to delete reference to cumulative effects. In his view, while a minimum average enables a flexible approach to subdivision and development pattern, assisting with implementing design-led policies, the average density is the key influence on the environmental outcome. He also disagreed with deletion of reference to the minimum lot size. Although less significant as a determinant of environmental outcomes than the minimum average, in his view, it was also relevant.

785. Mr Barr however agreed with Mr Brown that a wider range of development standards might be referred to. Lastly, in reply, Mr Barr recommended reference be to landscape character and visual amenity “values” rather than “qualities” for consistency with the balance of the chapter. Mr Barr regarded that⁴⁹⁴ as a minor grammatical amendment, as do we.

786. We agree also with Mr Barr that the policy should retain reference to minimum and average lot size standards. While Mr Brown is correct and the absorption capacity of the Precinct varies, the minimum average lot size standard is, as Mr Barr identified, a key determinant to the ultimate environmental outcomes in the Precinct.

787. It is therefore important that that key standard has a policy underpinning to support it. That does not mean that it will be impossible to depart from the standard, but it does create a high bar, which we believe to be appropriate (not to mention consistent with non-complying status in the rules).

788. Mr Barr goes part way to recognising the force of Mr Brown’s point in his recommendations for a sliding scale of minimum lot sizes in the Rules. As will be seen in due course, we agree with that recommendation. In the present context, that means in our view that continued reference in this policy to minimum lot sizes is appropriate and that we do not agree with the Morven Ferry et al submission as to the point of minimum and minimum average lot sizes. We heard evidence from a number of landscape architects that an average lot size provides

⁴⁹⁴ Refer C Barr, Reply Evidence at 11.32

flexibility in design, and the greater the difference between the minimum lot size and the average, the more flexibility is created. We accept that evidence, but we regard that fact as a collateral benefit. The justification for minimum and average lot sizes being specified in the Plan is because they exert control over potential adverse effects, including cumulative adverse effects.

789. While we accept Mr Brown's point that relevant development standards extend beyond building coverage and height requirements, we think a generalised reference to "*development standards*" is unhelpful and that a more specific description of the key standards stands a better prospect of achieving the objective.

790. Lastly, we consider that it is helpful that the policy cross reference Schedule 24.8 rather than leaving it open as to which landscape character and visual amenity values are relevant.

791. Therefore, we recommend that the policy be reworded as follows:

"Implement minimum and average lot size standards in conjunction with standards controlling building size, location and external appearance, so that the landscape character and visual amenity values of the Precinct, as identified in Schedule 24.8 – Landscape Character Units, are not compromised by cumulative adverse effects of development."

792. Notified Policy 24.2.5.5 read:

"Maintain and enhance a distinct and visible edge between the Precinct and the Zone."

793. X-Ray Trust Limited and Avenue Trust⁴⁹⁵ supported this policy.

794. Morven Ferry et al sought its deletion although the submission appears to provide no clear reason for that relief and Mr Barr did not discuss that as a potential option.

795. We discussed the wording of this policy with both Mr Barr and Ms Gilbert. We queried Mr Barr as to whether the policy direction that a distinct and visible edge be maintained was consistent with a 50 metre setback from the landscape feature lines identified on the planning maps. Having reflected on it, he thought that they were consistent and that the rule (requiring the setback) could work to complement the policy. His concern was, if there was not a strong policy on this subject, the Council would field a succession of non-complying applications at the margin of the Precinct Zone.

796. Ms Gilbert's response was that it is preferable from a landscape perspective to align zone boundaries with clear geomorphological lines. In her view, the amenity characteristics of the Wakatipu Basin mean that it is not appropriate to allow development to creep. She emphasised the need for a strong defensible boundary.

797. We acknowledge Mr Barr's concern about the practical implications if this policy, or something very like it is not retained. Accordingly, we are not minded to recommend acceptance of the Morven Ferry et al submissions that sought its deletion.

⁴⁹⁵ Submission 2619: Opposed by FS2710

798. We are conscious, however, that while desirable, a geomorphological line may not be available in all cases. In addition, given the setbacks required in the rules, the edge will typically not be at the Precinct boundary, but rather set back from it. Lastly, we think it needs to be clear here, as elsewhere, that the Precinct is a sub-zone of the Rural Amenity Zone.
799. We also find it difficult to conceive how the edge between the Precinct and the balance of the Rural Amenity Zone can be enhanced.
800. Accordingly, we recommend that Policy 24.2.5.5 be amended to read as follows:
- “Maintain a defensible edge between areas of rural living in the Precinct and the balance of the Rural Amenity Zone.”*
801. Notified Policy 24.2.5.6 read
- “Retain vegetation where this contributes to landscape character and visual amenity values of the Precinct and is integral to the maintenance of the established character of the Precinct.”*
802. A number of submissions sought that the policy acknowledge in different ways, the desirability of clearance of wilding trees⁴⁹⁶. Most but not all of the Donaldson et al group sought that the words *“when carrying out development”* be inserted into the policy⁴⁹⁷. Crown Investments et al sought deletion of the policy.
803. Curiously, in view of the more limited relief sought in the relevant submissions, Mr Brown’s evidence for the Donaldson et al group took a strong position that the policy should be deleted. He thought that was necessary because the issue of new landscaping and/or the retention or otherwise of existing vegetation would be one of the factors addressed in subdivision design and in management of effects on the environment.
804. Mr Ferguson’s evidence for the Crown Investments et al group of submitters, referred to the monitoring report underlying the Proposed District Plan (Stage 2) which pointed to an increase of vegetation associated with lifestyle block development, including planting designed to mitigate individual consented developments. Mr Ferguson’s view⁴⁹⁸ was that there was no evidence to suggest that the existing planting is being removed, and in fact the evidence points in the opposite direction.
805. He referred also to the absence of any higher-level strategic policy mandating retention of existing exotic vegetation and pointed to Chapter 32 as providing a framework for the identification and protection of trees with high botanical, amenity and heritage values. He suggested that a second layer of regulation would produce confusion.
806. Mr Barr responded to Mr Ferguson’s points in rebuttal. Paraphrasing his evidence, it is that a focus on preservation of exotic indigenous vegetation for landscape character and visual

⁴⁹⁶ See for instance the submissions of Wakatipu Wilding Conifer Group Inc (#2190), Dennison & Grant (#2301)

⁴⁹⁷ Morven Ferry et al sought that it be expressed as encouraging retention of vegetation

⁴⁹⁸ EIC at 89

amenity reasons is not intended to address an existing issue, but rather to anticipate that the potential development rights afforded to some areas of the Precinct compared with previous District Plan provisions could result in vegetation being removed in an unsympathetic manner to facilitate development.

807. Mr Barr did, however, recognise that there was a potential inconsistency with the policy direction related to wilding trees that needed to be addressed. Because of the varying wilding potential of different species, he did not consider an absolute exclusion, as sought by the Wakatipu Wilding Conifer Group, to be justified. He suggested an exclusion for vegetation that does not present a high risk of wilding spread.
808. Mr Barr did not respond directly to the submission of the Donaldson et al group but his commentary on related submissions on the rules suggests that the rationale for not restricting the policy to operate solely at the point of development was to address unmanaged clearance prior to any application for a resource consent⁴⁹⁹.
809. We note Ms Gilbert's evidence⁵⁰⁰ in this regard, that exotic vegetation features make a significant positive contribution to the landscape character of the Precinct areas (and the Basin as a whole) and are a key aspect of the identity or 'sense of place' associated with the Wakatipu Basin.
810. We agree that the concern expressed by Mr Barr is legitimate, which is also the answer to Mr Brown's issue regarding potential duplication.
811. In summary, we agree with Mr Barr's recommendation that this policy serves a valuable purpose in assisting achievement of the objectives of Chapter 24 and, subject to a little redrafting to express the policy instruction more simply and clearly, we agree with Mr Barr's recommendations as to its content.
812. Accordingly, we recommend that Policy 24.2.5.6 be amended to read as follows:
- "Retain vegetation that contributes to landscape character and visual amenity values of the Precinct, provided it does not present a high risk of wilding spread."*
813. That brings us to the end of our discussion of submissions and further submissions on the policies of Chapter 24. We have discussed the reasons for our recommendations throughout. Suffice it to say that having reviewed the policies recommended individually and collectively, we believe that they are the most appropriate means to achieve the objectives that we have recommended.

3.11 Part 24.3.1: District Wide Provisions

814. This part of the Plan draws attention to the district wide chapters of the Proposed District Plan that might be of relevance. As far as we can identify, it was not the subject of submissions. Accordingly, we recommend that it be retained unaltered.

⁴⁹⁹ See C Barr, Section 42A Report at 17.10

⁵⁰⁰ Evidence in Chief at paragraph 66

3.12 Part 24.3.2.: Advice Notes

815. Part 24.3.2 as notified, contained five “*advice notes*” on a variety of subjects. Slopehill Properties Limited⁵⁰¹ sought that the first four advice notes be deleted on the basis that the Proposed District Plan should speak for itself. Alternatively, it sought that they be shifted to the beginning or end of the Chapter so as not to disrupt the flow of the key statutory provisions. A third option suggested was that they be put in a separate guideline document outside the statutory plan. Mr Barr did not discuss this submission specifically. However, subject to a point we will discuss shortly, we note that the format of Chapter 24 follows that of the other chapters in the Proposed District Plan. In addition, while it is desirable that the operative provisions of a District Plan speak for themselves, advice notes that provide clarification for lay readers of the District Plan can be of assistance, depending of course on their content. District Plans are not written solely for experts.
816. In summary, we recommend that this submission be rejected at the very general level at which it is pitched, although we will bear it in mind when reviewing the specific provisions.
817. Comparing these provisions with the comparable set in Chapter 21, the latter are headed “*Interpreting and Applying the Rules*”. We think that is a better description for most of these provisions, which are not “*Advice Notes*” in the strict sense.
818. The first “*advice note*” states:
- “A permitted activity must comply with all of the rules and any relevant district wide rules.”*
819. It does not appear to be the subject of any submission (other than the Slopehill Properties submission just discussed).
820. We think that this particular note is of relevance but requires clarification. It assumes that the reader will understand that the reference to “*all of the rules*” means the rules of Chapter 24. While we regard that as implicit and therefore arguably a minor change in terms of Clause 16(2), to the extent that it limits what is currently written, the Slopehill Properties submission provides jurisdiction to record that is the position.
821. We therefore recommend that provision 24.3.2.1 be amended to read:
- “A permitted activity must comply with all of the rules (in this case, of Chapter 24) and any relevant district wide rules”.*
822. “*Advice Note*” 24.3.2.2 as notified read:
- “The surface of lakes and rivers are zoned Rural, unless otherwise identified in the Planning Maps as zoned Wakatipu Basin Rural Amenity Zone.”*
823. This provision likewise was not the subject of specific submission. We discussed with Mr Barr whether the objectives and policies of the Rural Amenity Zone provided any guidance as to activities on the surface of lakes and rivers. He confirmed that it did not have the policy

⁵⁰¹ Submission 2584: Supported by FS2719

framework that the Rural Zone had on these matters. We also asked whether the planning maps were in fact clear (e.g. as to the zone Mill Creek is located in). On the second point, Mr Barr agreed that there was a problem identifying what the position is from the Planning Maps. In his reply evidence⁵⁰², Mr Barr therefore recommended that the language in 21.3.2.8 be used and that lakes and rivers should be zoned Rural. That provision states that the surface of and beds of lakes and rivers are zoned Rural unless otherwise stated. We agree with Mr Barr's observation that the Slopehill Properties Limited submission provides scope to change this advice note; if it were deleted, provision 21.3.2.8 would apply.

824. Accordingly, we recommend that this provision be amended to read:

"The surface of and bed of lakes and rivers are zoned Rural."

825. "Advice Note" 24.3.2.3 provides guidance as to the position as regards conditions on previous approvals. Point (a) states the requirements related to building platforms and conditions of consent.

826. Point (b) relates to applications to alter or cancel conditions on existing resource consents. Williamson et al sought that these advice notes be deleted on the basis that the requirements in relation to variations to past consents or consent notices in the Act should be relied upon.

827. In his discussion of this submission⁵⁰³. Mr Barr inferred that other recommendations he had made would meet the submitters' concern. He recorded his view, however, that an advice note cannot usurp the provisions of the Act but, in any event, he was of the view that the requirements of the Act were correctly stated.

828. Mr Vivian gave evidence for the submitters and agreed with Mr Barr's recommendation (that the Advice Note not be deleted). We discussed with Mr Barr, one aspect of this advice note; whether the reference in 24.3.2.3(b) to a "proposal" was sufficiently clear. In his evidence in reply, Mr Barr suggested that reference to a "resource consent" might be substituted as a minor change. We have some difficulty with that suggestion. While section 127(3) of the Act provides that an application for change and cancellation of consent conditions is treated as if it were an application for a resource consent, it is not correctly described as such. We think it would be clearer if the text referred to "an application".

829. In addition, the provision refers to the objectives and provisions of both the Rural Amenity Zone and the Precinct as being relevant to such an application. That will be the case for an application within the Precinct, but not where an application is located in the balance of the Rural Amenity Zone. We suggest a minor clarification of that point also.

830. The end result we recommend is accordingly that Provision 24.3.2.3 be amended so that sub-provision (b) reads:

"Applicants may apply to alter or cancel any conditions of an existing resource consent as a component of an application for resource consent for development. Whether it may be

⁵⁰² At 11.34 and 11.35

⁵⁰³ C Barr, Section 42A Report at 26.4

appropriate for the Council to maintain, or to alter or cancel these conditions shall be assessed against the extent to which an application accords with the objectives and provisions of the Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct (as applicable)."

Otherwise, we recommend that this advice note remain as notified.

831. "Advice Note" 24.3.2.4 advises the abbreviations used within the rules for the status of different activities. It is not the subject of any specific submission and accordingly, we recommend that it be retained unamended.
832. "Advice Note" 24.3.2.5 as notified read:
"Clarifications of the meaning of root protection zone, minor trimming of a hedgerow, minor trimming and significant trimming are provided in Part 32.3.2 of the Protected Trees Chapter 32.
833. The only submissions specifically on this provision were those of Morven Ferry et al who sought that it be deleted. Mr Barr observed that this relief is linked to the submitters' request to remove Rule 24.4.29 on the basis that it is ultra vires Section 76 of the Act. We will discuss that rule shortly but suffice it to say, we do not recommend that it be deleted. Accordingly, in our view, the provision serves as a useful purpose although, as Mr Barr notes, the cross reference needs to be altered to refer to Chapter 2 since that is where the relevant clarifications are now located. Mr Barr regarded this as a minor amendment within the scope of Clause 16(2), as do we.
834. Accordingly, we recommend that this provision be revised to read:
"Clarifications of the meaning of root protection zone, minor trimming of a hedgerow, minor trimming and significant trimming are provided in Chapter 2- Definitions."
835. Having observed that the provisions of Part 24.3.2 are mostly more correctly described as providing direction in interpreting and apply the Rules, this provision is arguably the exception and properly categorised as an advice note. We recommend it be placed in a separate part, as 24.3.3.1.
836. Transpower New Zealand Limited⁵⁰⁴ sought a new advice note to better recognise the National Grid and the particular rules for the National Grid contained in Chapter 30. Mr Barr did not consider this amendment to be necessary because Chapter 30 is already referenced. He also noted that if the provisions about utilities were to be specifically referenced, the relevant provisions of the earthworks chapter (Chapter 25) would also need to be noted.
837. Transpower did not appear before us to explain why this particular amendment was required and we agree with Mr Barr's reasoning. The provisions related to the National Grid, and indeed those related to utilities generally, are located in the District Wide provisions that Part 24.3.1 already directs the reader to. We do not believe that an additional advice note would assist readers of the Plan.

⁵⁰⁴ Submission 2442

838. Mr Barr did, however, recommend an additional advice note be inserted to direct readers of the Plan to the requirements of the Otago Regional Plan: Water in relation to wastewater treatment systems within the Lake Hayes catchment. While we have recommended more substantive relief in response to the submissions, in particular of the Friends of Lake Hayes, we think that the advice note suggested by Mr Barr is a useful adjunct. As discussed in section 2.7 above, the need to obtain resource consents for on-site wastewater disposal within the Lakes Hayes Catchment appears to have escaped many landowners, and it can do no harm to reinforce that statutory requirement. Because an advice note has no regulatory force, Mr Barr classified the suggested amendment as falling within Clause 16(2), or accordingly within the jurisdiction provided by the Friends of Lake Hayes submission. We agree with that advice, on both counts. This is an Advice Note in the strict sense, and we recommend it be labelled as such.

839. Accordingly, we recommend a new advice note, numbered 24.3.3.2 be inserted reading:

“On-site wastewater treatment is subject to the Otago Regional Plan: Water. In particular, Rule 12A.1.4 of the Otago Regional Plan: Water requires that within the Lake Hayes Catchment all on-site wastewater treatment systems obtain a resource consent from the Otago Regional Council.”

3.13 Part 24.3.3: General Rules

840. There is no apparent reason why the two ‘general rules’ in this Part are separated from the other rules we have recommended be under the heading indicating they relate to interpretation and application of the rules. We recommend a rearrangement accordingly.

841. Rule 24.3.3.1 seeks to explain the application of the Rules to the Rural Amenity Zone, including the Precinct. It was subject to two sets of submissions. The first from Williamson et al sought a consequential amendment consistent with their submissions that sought separation of the Rural Amenity Zone and the Precinct into separate zones. As discussed in section 2.4 above, we do not recommend separation of the Precinct into a separate zone, and we note that Mr Vivian (giving evidence for the submitters) supported Mr Barr’s recommendation that the Rule remain unchanged⁵⁰⁵.

842. The only other submission that we had identified on this rule is that of Darby Planning LP⁵⁰⁶ seeking consequential changes, consistent with the submitter’s request that a new Precinct for the Lake Hayes Cellars property be introduced. As discussed in Report 18.6, we do not recommend acceptance of that submission, and accordingly, the suggested consequential relief falls away.

843. We therefore recommend that General Rule 24.3.3.1 be relocated and renumbered 24.3.2.5, but apart from minor rewording for consistency, remain as notified.

844. There do not appear to be any submissions on General Rule 24.3.3.2, which describes the way in which Tables 24.1 to 24.3 are intended to operate, applying to all activities. Accordingly, we recommend that that too remain unchanged other than minor rewording for consistency and renumbering it 24.3.2.6.

⁵⁰⁵ Refer C Vivian, Evidence in Chief for Williamson et al at 2.62

⁵⁰⁶ Submission 2376: Supported by FS2782, FS2783 and FS2784

3.14 Part 24.4 – Table 24.1: Activities in the Wakatipu Basin Rural Amenity Zone.

845. The structure of Part 24.4 is that activities across the entire Rural Amenity Zone are the subject of the rules in Table 24.1. Table 24.2 provides a small number of rules that are specific to activities in the Precinct. Table 24.3 provides the standards that apply to all activities listed in the two previous tables.’
846. On general formatting matters, the notified rules utilised bullet points when specifying matters to which discretion was restricted in Restricted Discretionary Activity rules. As with the Stage 1 decisions, we think it is preferable to provide each element of the rule with a unique identifier. Mr Barr recommended an alphanumeric approach, which is consistent with the Stage 1 decisions. We have adopted that without further comment.
847. Before considering the detail of the rules, we should address the submission of Bruce McLeod⁵⁰⁷, who sought that all rules relating to activities be grouped together. In effect, the desired end result is to amalgamate the standards in Table 24.3 into the rules governing activities in Tables 24.1 and 24.2.
848. While we agree that this might assist readers at one level, in our view, it would result in significant duplication, as many of the standards apply to more than one rule. It also does not reflect the style of the balance of the District Plan. We therefore recommend that this submission be declined.
849. In this section we will address submissions on Table 24.1, working down the list of rules that Mr Barr recommended in his reply evidence. We will then address submissions seeking additional rules that Mr Barr did not recommend.
850. The first rule in Table 24.1 is rule 24.4.1 reading:
“Any activity not listed in Tables 24.1 to 24.3.”
851. Activities within the scope of this rule are non-complying.
852. BSTGT Limited⁵⁰⁸ and Slopehill Properties Limited⁵⁰⁹ sought that the activity status for this rule be *“permitted”*.
853. Boxer Hills Trust⁵¹⁰ and Trojan Helmet Limited⁵¹¹ sought that the default status be *“discretionary”*.
854. Williamson et al sought amendment to the rule to make it clear that Table 24.3 lists standards not activities.

⁵⁰⁷ Submission 2231: Supported by FS2734, FS2741, FS2743, FS2744, FS2745, FS2748, FS2749, FS2750, FS2770, FS2783 and FS2784

⁵⁰⁸ Submission 2487: Supported by FS2782

⁵⁰⁹ Submission 2584: Supported by FS2719

⁵¹⁰ Submission 2385: Supported by FS2784

⁵¹¹ Submission 2387: Opposed by FS2772 (although not apparently on this point)

855. None of the submitters seeking a materially different activity status to that in the notified rule presented evidence or legal submissions supporting that position. While the Slopehill Properties submission asserted that there was insufficient policy support or evidence to justify a non-complying activity status, we disagree. The structure of the Chapter 24 Rules is that while seeking to be comprehensive, they are not written as “*effects-based*” rules. Accordingly, there is potential for an activity not listed to have significant adverse effects. There is ample evidence that the areas covered by Chapter 24 are high value amenity areas. We think it would be unfortunate if an activity with significant adverse effects could establish as permitted because, though inadvertence, it had not specifically been listed in one or other table in the Chapter.
856. BSTGT Limited, did however, present legal submissions that the effect of the rule, combined with what was suggested to be a narrow definition of “*farming*” meant that the clearance of any vegetation for farming purposes would be non-complying. Mr Barr analysed the definition of farming in his reply evidence⁵¹². He pointed out that it focuses on the purpose of the use of land. In his view, if vegetation was being cleared for farming purposes, it falls within the definition. We agree. Certainly, we do not consider that the default status in the plan needs to be altered on that account, although to be fair, counsel for the submitter did not suggest that as the answer to the concern she was raising.
857. We therefore believe that non-complying status is appropriate in this instance.
858. If an appropriate activity is not listed is the subject of application then, in our view, it could pass one or both gateways in Section 104D of the Act and receive consent.
859. Mr Barr recommended that the Williamson et al submissions be accepted as the fundamental point being made is correct. Table 24.3 does not list activities. We concur. Accordingly, we recommend that Rule 24.4.1 be amended to read:
“Any activity not listed in Tables 24.1 and 24.2.”
860. Notified Rule 24.4.2 listed “*Farming*” as a permitted activity.
861. Associated with his discussion of the BSTGT submission in relation to the previous rule, Mr Barr suggested an amendment to Rule 24.4.2 so that it refers to “*Farming Activity*”. He considered that that would be a minor change in terms of Clause 16(2). We concur. Given that the only submissions we could identify on the rule were in support of its current form, we recommend that the sole change to Rule 24.4.2 be that it relate to “*Farming Activity*”.
862. Following Rule 24.4.2 there are a series of rules under the heading “*Buildings and Residential Activities*”. Given that the focus of Table 24.1 is on activities, we consider that the heading should be reversed. We recommend that it read “*Residential Activities and Buildings*”. We regard this as a minor change within Clause 16(2).
863. Rule 24.4.3 is a permitted activity rule. As notified, it read:

⁵¹² At section 6

“The use of land or buildings for residential activity except as provided for in Table 24.1 or Table 24.2.”

864. There do not appear to be any submissions specifically on this rule, but Mr Barr suggested some minor rewording of it to introduce reference to Table 24.3 (for clarification). Although that does no more than repeat General Rule 24.3.3.2 (and is therefore a minor change in terms of Clause 16(2)) the demand for residential activities in the Wakatipu Basin is such that we consider it needs to be made crystal clear that this particular activity is only permitted if it complies with all of the standards.
865. Mr Barr sought to find a formulation of words that collected together all of the tables, but we consider that some expansion is required to make it clear that readers need to look at the balance of Table 24.1 for additional activity rules that apply, but that the rule is in any event subject to the standards in Table 24.3.
866. Accordingly, we recommend that Rule 24.4.3 be amended to read:
- “The use of land or buildings for residential activity except as otherwise provided for in Table 24.1 or Table 24.2 and subject to the standards in Table 24.3.”*
867. The next rule in the notified Table 24.4 was unhelpfully numbered 24.3.4. It provided as a permitted activity, *“One residential unit per site”*.
868. This rule was the subject of a number of submissions. Morven Ferry et al sought that it be expanded to provide that there might also be one residential unit per residential building platform.
869. Peter Dennison and Stephen Grant⁵¹³ and Neil McDonald⁵¹⁴ sought that the rule be deleted.
870. The Dennison/Grant submission explained its reasoning as being based on the argument that residential units should be able to be developed consistent with the minimum lot size, in advance of subdivision, and if necessary, an additional rule should be provided to say just that.
871. Bruce McLeod⁵¹⁵ also opposed this rule, but on the basis that it creates the expectation of a development right on the number of rural sites with no current development right. He also noted the potential relevance of the amended definition of “site” for the application of this rule.
872. Mr Barr identified the issues created by these submissions as linked to the ability to create building platforms as a discrete land use activity. He noted the Morcom et al and Williamson et al submissions as having sought this relief. For our part, we observe that the Morcom et al submissions did not identify what activity status the proposed rule should have. Williamson et al suggested restricted discretionary activity status. Morven Ferry et al also sought a new rule to this effect, but suggested full discretionary status.

⁵¹³ Submission 2301: Supported by FS2745, FS2795 and FS2796

⁵¹⁴ Submission 2303

⁵¹⁵ Submission 2231: Supported by FS2734, FS2741, FS2743, FS2744, FS2745, FS2748, FS2749, FS2750, FS2770, FS2783 and FS2784

873. Ultimately, Mr Barr recommended deletion of the (mis-numbered) Rule 24.3.4, insertion of a new rule (24.4.XA) providing for identification of a building platform as a restricted discretionary activity and new rules (numbered 24.5.XA and 24.5.XB) located in Table 24.3 and providing density standards for residential activity in the Rural Amenity Zone and Precinct respectively.
874. We asked Mr Barr whether identification of a building platform is a land use in terms of section 9. Mr Barr thought it was, but he agreed that a land use rule providing for it was potentially not necessary. When we queried whether identification of a building platform served a resource management purpose, Mr Barr thought it did, namely to provide for development, but he agreed that that was what resource consents for buildings were for. He also noted that he had seen a lot of examples identifying a 1000m² building platform that just specified the height and colour of the building.
875. We pursued these questions with a number of other planning witnesses. Asked what the relevant land use is and how it is implemented, Mr Jeff Brown responded that the only implementation is by registering the building platform. He agreed that it is not a land use.
876. Mr Chris Ferguson responded to a similar question, saying that he thought that identification of a building platform as a land use is a residential activity. In his view, such a consent lapses if the building platform is not registered on the relevant Computer Freehold Register. He did accept however that there were shades between Mr Barr's suggested rule and outline development plans. He emphasised the fact that registration of a building platform creates a useable right, but he didn't disagree with the view that that right is a commodity and making provision for it to date has just created a commodity market. Ultimately, he tended to agree that the rule was not necessary and was just adding an unnecessary layer of consenting.
877. In his reply evidence⁵¹⁶, Mr Barr sought to address the concerns that were evident in our questions. He emphasised that the suggested rule specifically refers to the activity within the building platform authorised as a residential unit. He also referred us to decisions both of the Environment Court and of Council applying the rule in the Operative District Plan⁵¹⁷ enabling identification of a building platform without comment as to the appropriateness of such a rule.
878. Mr Barr remained of the view that the suggested rule was appropriate.
879. Looking back at the origins of the rule in the Operative District Plan on this subject, it appears to have arisen in the Environment Court's 2001 decision on the District Plan⁵¹⁸. At paragraph [76], the Court identified an anomaly in that an application as part of a subdivision for identification of building platforms was necessarily considered without reference to matters of house appearance or design⁵¹⁹, and a subsequent application to construct a dwelling was treated as a controlled activity the subject of limited matters of discretion, whereas an application for a resource consent to erect a dwelling on land that did not contain a building

⁵¹⁶ At Section 5

⁵¹⁷ Rule 5.3.3.(i)(b)

⁵¹⁸ C75/2001

⁵¹⁹ Referring to *Brookes v QLDC* C81/94 and *Darrington v Waitakere City Council* W68/96

platform would be the subject of much broader scrutiny with the ability of others to make submissions.

880. Subsequently, however⁵²⁰, the Court determined that the ability to impose land use conditions on a subdivision consent is more a question of reasonableness in the circumstances than of a sharp definition of powers⁵²¹, thereby providing an alternative route to avoid the identified anomaly. We have not identified any discussion by the Environment Court of the issue thereafter. Nor have we identified any discussion by the Court of the question that was troubling us; what exactly is the land use that the proposed land use rule provides for?
881. We do not think that the fact that subsequent decisions have taken the Operative District Plan Rule as a given and sought merely to apply it is significant. It is understandable that the Court, and indeed Council Hearing Panels, would apply the rules of the Operative Plan as stated, certainly unless the issue were drawn to their attention.
882. In addition, we have the guidance provided by the Environment Court in its decisions related to framework plans in the context of the Auckland Unitary Plan⁵²². Those decisions emphasised the need for rules in District Plans to relate to land uses, rather than to broader preliminary frameworks for land uses that are yet to be undertaken.
883. Applying those considerations, we find it difficult to identify what the relevant land use is. While, as Mr Barr noted, its purpose is to facilitate residential activity, the land use is clearly not a residential activity, because the only action taken as a consequence of consent being granted is the registration of a building platform. Ultimately, identification of a building platform is just a process of drawing lines on the Computer Freehold Register. It does not actually authorise construction of anything although, as discussed above, it does give rise to expectations that it will be possible to construct buildings within the identified area.
884. Put another way, if the relevant activity was a residential activity, the consent would lapse under Section 124 of the Act if the residential activity had not been undertaken within five years (or such other period as the consent might specify), and clearly this is not the case.
885. As both Mr Brown and Mr Fergusson observed, the consent in this case is treated as being implemented when the building platform is registered. To us, that creates a sound policy reason for not endorsing Mr Barr's proposed land use rule; it creates a land use consent that, so long as the building platform is registered, will never lapse. It sits on the Computer Freehold Register in perpetuity. A residential building may never be built. We regard that situation as contrary to the purpose underlying Section 124.
886. In addition, as Mr Ferguson frankly accepted, the ability to create building platforms with no time limit on construction of buildings facilitates a commodity market.
887. One of the problems the Council faces in exercising its statutory functions in the Wakatipu Basin is the extent to which past decisions enabling creation of building platforms have created

⁵²⁰ In its Operative District Plan Decision C100/2001

⁵²¹ See [43]

⁵²² *Re Application for declarations by Auckland Council* [2016] NZEnvC 056 and [2016] NZEnvC 65

an overhang of sites where residential homes may be built into the future. We do not consider it desirable to perpetuate that situation if it is not clearly necessary to do so.

888. In section 32 terms, we do not regard the suggested rule as being effective or efficient in achieving the objectives of the Proposed District Plan and we do not recommend that it be inserted into Chapter 24.

889. We do agree, however, with Mr Barr's recommendation that mis-numbered Rule 24.3.4 should be deleted. Quite apart from the legitimate substantive issues in the Dennison/Grant and McLeod submissions, it is not an activity. It is framed in the language of standards, and as currently framed, it is not consistent with the density standards proposed to be inserted into Chapter 27 governing subdivision in the Rural Amenity Zone, including the Precinct.

890. We recommend that it be deleted. We will discuss the standards that are inserted into Part 24.5 later in this Report.

891. Notified Rule 24.4.5 provided as a restricted discretionary activity:

"The construction of buildings including exterior alteration to existing buildings including buildings located within an existing approved/registered building platform area."

892. This rule was the subject of a very substantial number of submissions summarised by Mr Barr at Section 16 of his Section 42A Report. Submitters either sought that construction of buildings within a previously approved building platform be a controlled activity (as per the Operative District Plan) or a permitted activity, arguing that identification of a building platform either does create, or should be taken to have created, a guaranteed development right. As Mr Barr noted⁵²³, a number of submissions drew attention to the apparent inconsistency in the approach taken in this regard with the Proposed District Plan (Stage 1) provisions governing the construction and alteration of buildings within building platforms in the rural zones (which provide for this as a permitted activity).

893. Mr Barr acknowledged Ms Gilbert's contrary view (that a restricted discretionary activity consent at time of building allows for appropriate consideration of potential in adverse effects of a specific building design⁵²⁴) but concluded that it was insufficiently efficient to require a restricted discretionary activity resource consent to construct buildings within previously approved and registered building platforms.

894. Accordingly, Mr Barr recommended:

- a. The construction and alteration of residential buildings within a building platform either approved through the rule framework of Chapter 24 or any previous resource consent be a permitted activity;
- b. External alteration of existing buildings not located within a building platform up to 30% over a ten year period be a permitted activity subject to standards controlling colour and materials;
- c. Standards for fire-fighting emergency vehicle access be added to the Plan;

⁵²³ Section 42A Report at 16.6

⁵²⁴ B Gilbert, Evidence in Chief at section 65

- d. Standards relating to colour be added for alterations to buildings and omitted from conditions pertaining to building platforms.
895. Mr Barr's recommendations were largely supported by the planning witnesses (and legal submissions) we heard. Most of the evidence seeking further amendments related to the standards recommended by Mr Barr.
896. In Section 3.6 of this report, we discussed our support at a policy level for recognition of building platforms created before the date of decision on the Proposed District Plan (Stage 2). We need not repeat our reasoning in that regard. We should, however, note that our recommended policy focuses on building platforms that have been created by the trigger date. A building platform is 'created' when it is registered on the relevant Computer Freehold Register. If an earlier step in the process were adopted (such as the date resource consent was granted, as Mr Barr suggested), that would enable landowners to take the benefit of identification of a building platform without also accepting the conditions related to development of the platform that are registered on the Computer Freehold Register as Consent Notices contemporaneously with registration of the building platform.
897. Addressing the extent to which construction and alteration within building platforms should be enabled (Policy 24.2.1.10 that we have recommended) the status quo under the Operative District Plan is that such activities are controlled. We do not regard the decisions made on the provisions of the rural zones as part of the Stage 1 process as being determinative. Those decisions were largely addressing development outside the Wakatipu Basin, and it is within the Basin that the greatest pressure for residential development in rural areas is located. It is consequently the area where the greatest risk to degradation of the amenity values of a highly valued landscape (in terms of the Proposed RPS) exists.
898. While we respect Mr Barr's view that efficiency considerations should prevail over the desirability of exercising a higher degree of regulatory oversight over building construction and design in a highly valued landscape, we consider that Ms Gilbert expressed valid concerns that the relatively high level and broad brush consideration of controls exerted through the subdivision process have the potential to produce untoward adverse effects if the design and construction of buildings is not the subject of adequate control at the subsequent construction stage.
899. Mr Barr's evidence as to the limited extent of controls imposed in practice on many building platforms likewise indicate the need for caution in this regard.
900. We think that the risks of untoward outcomes is much less for alterations of existing residential buildings, and that provided adequate standards are imposed to limit the extent of alteration and ensure alterations are subject to appropriate standards governing colours, materials and height, it might appropriately be provided for as a permitted activity. We will discuss the relevant standards in section 3.16 of our report, below.
901. Morven Ferry et al also sought recognition (as a permitted activity) for building construction that would have been permitted or controlled as at notification of the Proposed District Plan (Stage 2). We discussed the extent to which prior Plan provisions could create legitimate development expectations in Section 3.6. For the reasons set out in that section, we do not regard the status under prior plans of activities that have not been exercised as being

determinative of their status under a new Plan, particularly where, as here, cogent landscape evidence supports a need for a greater level of control over development than hitherto. We do not recommend the suggested amendment.

902. In summary, therefore, we recommend insertion of two new rules. The first is permitted activity rule numbered 24.4.4 reading:

"The alteration of any lawfully established building used for residential activity".

903. The second new rule is a controlled activity rule, numbered 24.4.6, reading:

"The construction of buildings for residential activity that are located within a building platform approved by a resource consent and registered on the applicable Computer Freehold Register before [insert plan Decision date].

Control is reserved over:

- a. Landscape character;*
- b. Visual amenity values;*
- c. Access;*
- d. Infrastructure;*
- e. Landform modification, landscaping and planting (existing and proposed)."*

We have taken the proposed matters of control from our recommended Rule 24.4.7 that we will discuss shortly. The exception is natural hazards that would have already been considered in identification of a building platform.

904. Turning then to the position of construction of buildings within building platforms established in the future, we think that the balance of considerations shifts materially. First, the concerns about loss of existing development rights pressed on us by counsel for a number of submitters, do not arise.

905. Secondly, and unlike the Decisions Version Chapter 27 provisions⁵²⁵, Proposed Rule 27.7.6.1 governing subdivision in the Rural Amenity Zone, including the Precinct, does not explicitly enable consideration of landscape character and visual amenity values, either directly, or indirectly through control over the external appearance of buildings constructed within building platforms. The only relevant discretion is over the location of the building platform. In addition, as we will discuss when we get to that rule, there appear to be no submissions that would enable us to broaden the scope of inquiry when the building platform is created.

906. Accordingly, it follows that a greater degree of control is required at the point when consent is sought to construct buildings within building platforms if the objectives and policies of the Rural Amenity Zone, including the Precinct, are to be achieved.

907. The existing Rule 24.4.5 would make the construction of such buildings a restricted discretionary activity and we did not hear any evidence or legal argument which would suggest a need for a more restrictive activity status, at least where building is within a registered building platform.

⁵²⁵ See Rule 27.5.8

908. The position is, in our view, different where there is a building platform registered on the Computer Freehold Register, but it is proposed that buildings be located outside it. A number of the Donaldson et al group⁵²⁶ sought that residential buildings outside building platforms be non-complying. While Mr Brown did not refer to this aspect of their submissions in his evidence for these parties, it seems to us that there are good reasons why this should be the case. In particular, if a subdivision has been approved on the basis of the identified (and subsequently registered) building platforms, then it seems to us that departing from the basis of that approval should require greater justification than restricted discretionary activity status would imply. In addition, if building outside existing building platforms were not discouraged, it might facilitate sequential applications, first to build outside the building platform, and then to build a second dwelling (as a controlled activity) within the building platform.
909. We therefore recommend inclusion of a new non-complying activity rule (24.4.8) worded as follows:
- “The construction of buildings for residential activity outside a building platform approved by resource consent and registered on the applicable Computer Freehold Register on a site where there is such a building platform.”*
910. Rule 24.4.7 needs to be subject to that rule. Returning to the balance of Rule 24.4.7, taking the existing Rule 24.4.5 as the starting point, Mr Barr suggested a rationalised set of matters of discretion that we believe largely captures all relevant issues. The two exceptions are that Mr Barr deleted reference to landform modification, without materially expanding what was previously stated, and amended the matter of discretion previously referring to “*natural hazards*” so it just read “*hazards*”. As Mr Barr observed in reply⁵²⁷, the assessment criteria can flesh out the matter for inquiry and the end result is a more efficient set of matters of discretion. While landform modification would normally be considered as an aspect of landscape character and visual amenity values, such modification also has the potential to influence off-site water quality and so we consider it deserves specific mention. Likewise, the notified reference to planting in association with landform modification picked up issues around wilding trees and made specific reference to that, as sought by Wakatipu Wilding Conifer Group⁵²⁸, unnecessary. Mr Barr did not discuss the change to the scope of hazards. We consider it potentially significant and in the absence of a submission seeking that relief (we have not identified one), we consider it out of scope. With those qualifications, we regard Mr Barr’s suggested revisions as an improvement.
911. The notified version of the rule contained an explicit exclusion for farm buildings provided for in Rule 24.4.8. Limiting the rule to residential buildings removes the need for that exclusion, as well as removing potential inconsistency with the rules providing for other types of non-residential buildings.

⁵²⁶ See e.g. Donaldson (#2229), Lake Hayes Investments Ltd (#2281: Supported by FS2748, FS2750, FS2765, FS2766, FS2783, FS2784 and FS2787), Boxer Hills Trust (#2386; Supported by FS2769) and Trojan Helmet Ltd (#2387: Supported by FS2703, FS2753 and FS2779)

⁵²⁷ At 10.3

⁵²⁸ Submission 2190: Opposed by FS2746

912. Taking account of the suggested new permitted activity rule for building alteration, and the provisions for residential flats that we discuss next, we recommend a revised restricted discretionary activity rule numbered 24.4.7 reading:

"The construction of buildings for residential activity that are not provided for in Rule 24.4.5 or 24.4.6 and not listed in Rule 24.4.8.

Discretion is restricted to:

- a. Landscape character;*
- b. Visual amenity values;*
- c. Access;*
- d. Infrastructure;*
- e. Landform modification, landscaping and planting (existing and proposed);*
- f. Natural Hazards."*

913. Notified Rules 24.4.6 and 24.4.7 provided for residential flats. The first rule provided that such flats were permitted if attached to the Residential Unit and if they did not exceed 150m² gross floor area. The second rule provided for residential flats not attached to the residential unit as a restricted discretionary activity.
914. The only submission specifically on these rules we have identified was that of Slopehill Properties Limited⁵²⁹: it sought two additional matters of discretion be added, namely the benefits of the proposal and locational or other practical constraints.
915. Mr Farrell, who gave planning evidence for the submitter, did not address this particular submission, and the reasons set out in the submission are relatively uninformative. For our part, we think that the suggested additions are unnecessary, certainly in the absence of any cogent evidence to the contrary.
916. Mr Barr did suggest insertion of a qualification in Rule 24.4.7 to state that the requirement for a residential flat to be attached to a residential unit does not apply where the buildings are located within a building platform. He relied upon the numerous submissions seeking recognition for buildings within building platforms as permitted activities to provide jurisdiction for the suggested addition.
917. Given our suggested revisions to the rules to refer to buildings constructed for residential activity, we do not consider that this rule is still required. A detached residential flat will fall within Rule 24.4.6 if it is within an existing building platform or within Rule 24.4.7, if it is within a future building platform. If a detached residential flat is outside a building platform, it will be non-complying under our recommended new Rule 24.4.8. We believe that outcome is appropriate for the same reasons as set out above. If there is no building platform, Rule 24.4.7 will apply.
918. In summary, therefore, the only amendment we recommend to existing Rule 24.4.6 other than renumbering it 24.4.5 is to make it clear that the rule relates to construction of a building, rather than just an activity. The renumbering reflects a general reorganisation of the rules we recommend so that, like the tables of rules in other chapters in the Proposed District Plan,

⁵²⁹ Submission 2584: Supported by FS2719,

permitted activity rules under each rule heading are grouped, followed by controlled activities, working down progressively to the greatest level of restriction.

919. The recommended wording for Rule 24.4.5 is therefore:
- “The construction of a residential flat not exceeding 150m² and attached to the residential unit.”*
920. Our suggested wording for Rule 24.4.7 inserts a cross reference to this rule to ensure it will operate as intended.
921. As above, we recommend deletion of notified Rule 24.4.7.
922. Before leaving the rules related to residential flats, we should draw Council’s attention to a more general issue that we noted during preparation of this report.
923. The definition of the term *“residential flat”* includes limits on floor areas – 150m² in the Rural Zone and the Rural Lifestyle Zone, 70m² in all other zones. Stage 1 Report 14 noted that a number of definitions in Chapter 2 are quasi-rules because they include standards, and recommended Council address this by variation. This is another example.
924. Notified rules 27.4.6 and 27.4.7 (and indeed Rules 27.4.25 and 27.4.26 that we are yet to come to) relate to *“residential flats”* up to 150m² in floor area. This creates an internal contradiction within the Plan. Residential flats within the Rural Amenity Zone, including the Precinct, greater than 70m² in area are not residential flats, as defined. As a result, it could be argued that other aspects of the definition (e.g. that there can only be one residential flat per residential unit) similarly to not apply. This is unsatisfactory. We note that this particular definition is not the subject of appeal and we recommend it be addressed by a variation. The obvious interim solution is to insert reference in the definition to the Rural Amenity Zone.
925. Notified Rule 24.4.8 provided that *“farm buildings”* were permitted.
926. The submissions of Williamson et al supported this rule but sought clarification that construction of small farm buildings is anticipated to occur outside of building platforms.
927. Bruce McLeod⁵³⁰ opposed permitted activity status for farm buildings. Mr McLeod’s submission queried the difference of effects on the landscape of farm buildings, as compared to dwellings within building platforms, along with the efficacy of the proposed standards.
928. Mr Barr did not believe the clarification requested by Williamson et al was required. We agree. Our suggested Rules 24.4.6, 24.4.7 and 24.4.8 relate only to residential buildings.
929. The key difference between farm buildings and residential dwellings justifying permitted activity status for the former is that they are subject to a 50m² floor area standard. We think it safe to assume no permanent dwelling would be constructed in the Wakatipu Basin at that size.

⁵³⁰ Submission 2231: Supported by FS2734, FS2741, FS2743, FS2744, FS2745, FS2748, FS2749, FS2750, FS2770, FS2783 and FS2784

930. Mr McLeod presented no evidence to suggest that the concerns he expressed about the efficacy of the standards on farm buildings were well founded, nor any suggestions as to how the issues he had identified around a proliferation of small farm buildings might be addressed. In the circumstances, we do not consider we have a proper basis to recommend substantive amendments to the Chapter 24 rules governing farm buildings. However, we recommend that Council monitor implementation of these rules to identify if this is a material issue, and if so, insert further controls by way of variation.
931. Accordingly, we agree that this rule should be retained unamended. Mr Barr identified, however, that the rule did not sit appropriately under a heading related to residential buildings. He suggested that it be shifted to sit with other non-residential activities. We agree with that suggestion. As a result, the rule should be relocated to follow the heading “Non-residential activities and buildings” and renumbered 24.4.9 consequential on insertion of new Rule 24.4.8, but otherwise be retained unamended.
932. Notified Rule 24.4.9 provided as a full discretionary activity:
- “The construction of any buildings including the physical activity associated with buildings such as roading, access, lighting, landscaping and earthworks not specifically provided for by any other rule in Table 24.1 or Table 24.2.”*
933. Mr Barr noted the submission of BSTGT Limited⁵³¹ as having sought deletion of this rule. He agreed that it was largely redundant as a result of the amendments to other rules he had recommended. We concur, and therefore recommend that Rule 24.4.9 be deleted.
934. The next section of rules sits under a heading labelled “Non-residential activities”. For consistency with the first group of rules, we recommend that it be labelled “Non-residential activities and buildings”.
935. The first rule sitting under this heading is the transplanted rule 24.4.8 we have already discussed. Notified Rule 24.4.10 provided as a permitted activity:
- “Roadside stall buildings”*
936. The only submission specifically on this rule that we have identified supported the current rule. Accordingly, we recommend that the rule be retained unamended.
937. Notified Rule 24.4.13 is another permitted activity, this time providing for “Home occupation”.
938. This rule does not appear to have been the subject of any specific submission. We therefore recommend that it be retained unamended, save as to renumber it 24.4.11.
939. Rule 24.4.12 is another permitted activity rule, providing for “informal airports”. This rule was the subject of four submissions. Bruce McLeod⁵³² opposed the rule on the basis of potentially

⁵³¹ Submission 2487: Supported by FS2782

⁵³² Submission 2231: Supported by FS2734, FS2741, FS2743, FS2744, FS2745, FS2748, FS2749, FS2750, FS2770, FS2783 and FS2784

significant impact on neighbouring properties. Rene Kampman⁵³³ also opposed the rule and sought that informal airports within 750 metres of a neighbouring property be a discretionary activity. Dalefield Trustee⁵³⁴ and Aircraft Owners and Pilots Association of New Zealand Inc⁵³⁵ also made submissions on informal airports, but the relief sought related to the standards that apply to such airports (and in the latter case, also the activity status in the Precinct sub-zone) , and so we will consider them later in this report.

940. Mr Barr considered that Mr Kampman’s submission failed to take account of the standards applying to informal airports which, in his view, already achieve the general intent of the submission. Given the additional evidence we heard at the 24 October 2018 hearing and that was tabled subsequently in relation to Submission 2663 as to the basis of the standards applying to informal airports, we agree with that analysis. We also think the same reasoning provides a sound basis for us to recommend rejection of Mr McLeod’s submission in this regard.
941. Accordingly, we recommend that Rule 24.4.12 be retained unamended.
942. Notified Rule 24.4.13 provided as a permitted activity:
- “Retail sales of farm and garden produce and wine growing, reared or produced on-site or handicrafts produced on the site”.*
943. It needs to be read together with notified rule 24.4.14:
- “Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site where the access is onto a State Highway.”*
944. The latter is stated to be a full discretionary activity.
945. The only submissions on Rule 24.4.13 were in support.
946. Federated Farmers⁵³⁶, however, sought that the activity status of Rule 27.4.14 be altered to restricted discretionary, with relevant criteria related to safety and visual amenity.
947. Mr Barr supported the suggested activity status change, but noted that the rule relates to the activity only, whereas any landscape or visual amenity effects would be associated with buildings, which are controlled independently. He therefore suggested that discretion be restricted to traffic and safety related issues. He also recommended that this particular rule be noted as an exception to the general classification of restricted discretionary activities as non-notified, to provide a route for NZTA to provide input into the consent process. NZTA filed a submission supporting the rule as notified, but in Mr MacColl’s evidence, he advised that the Agency accepted Mr Barr’s recommendations in this regard⁵³⁷.

⁵³³ Submission 2433

⁵³⁴ Submission 2097

⁵³⁵ Submission 2663

⁵³⁶ Submission 2540

⁵³⁷ Refer A MacColl, Evidence in Chief at 5.3

948. We agree with Mr Barr’s reasoning. Accordingly, we recommend that Rule 24.4.13 be retained unchanged, and that Rule 24.4.14 be renumbered 24.3.16 and amended, so that it describes a restricted discretionary activity worded as follows:

“Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site where the access is onto a State Highway.

Discretion is restricted to:

- a. Access safety and transportation effects;*
- b. On-site parking.”*

949. Notified Rule 24.4.15 related to a permitted activity, worded:

“Commercial recreational activities that are undertaken on land, outdoors and involve not more than 12 persons in any one group.”

950. It needs to be read together with the following notified Rule 24.4.16 which provided that those activities are full discretionary activities if they involve more than 12 persons in any one group.

951. It appears that neither rule was the subject of specific submission and on that basis, we recommend they be retained unamended save that they be renumbered 24.4.14 and 24.4.19.

952. Notified Rule 24.4.17 provided that *“cafes and restaurants”* are full discretionary activities.

953. Two members of the Morcom et al group submitted that discretionary activity status was inconsistent with restricted discretionary activity status under Rule 24.4.22 for industrial activities associated with wineries.

954. Mr Barr disagreed, noting⁵³⁸ that Rule 24.2.22 governs activities ancillary to a farming activity. In his view, cafes and restaurants might not have a clear relationship with the rural land resources or have effects similar to activities ancillary to farming. He instanced hours of operation for as an example. We agree with Mr Barr’s reasoning. We see few if any parallels between industrial activities associated with wineries on the one hand, and cafes and restaurants. We recommend that the rule be renumbered 24.4.19, but otherwise be retained unamended.

955. Notified Rules 24.4.18 and 24.4.19 both relate to visitor accommodation activities and accordingly fell within the jurisdiction of the Stream 15 Hearing Panel. That Panel has recommended that the two rules be retained unamended – the recommended changes are all to the standards applying to Rule 24.4.18 (as notified), which we will discuss in the context of Part 24.5. Accordingly, the only changes to these rules shown in our attached revision of Chapter 24 is to renumber them as Rules 24.4.15 and 24.4.21 respectively.

956. Notified Rule 24.4.20 provided that *“community activities”* are full discretionary activities. Fire & Emergency New Zealand⁵³⁹ sought that the activity status of fire stations be amended to restricted discretionary status.

⁵³⁸ C Barr, Section 42A Report at 27.14

⁵³⁹ Submission 2660

957. Mr Barr did not support that suggested change. While he accepted that fire-fighting and emergency services are of clear importance to the community, he did not believe it was appropriate to have a bespoke rule for one of potentially many community activities in circumstances where there was no evidence provided by the submitter that there is a real likelihood of a fire station being required in the Rural Amenity Zone. We agree with Mr Barr's reasoning. While we have recommended amendment to notified Policy 24.2.2.1 (now numbered 24.2.1.6) to provide for community activities that are reliant on rural resources, it is not obvious to us that fire stations are in that category. Nor would the policy support singling out fire services among many community activities that might wish to locate within the Rural Amenity Zone. Accordingly, we recommend that Rule 24.4.20 be renumbered 24.4.21 but otherwise be retained unchanged.
958. Notified Rule 24.4.21 provided for "*activities on or over the surface of water bodies*" as full discretionary activities.
959. Although the only submissions on this rule either supported it⁵⁴⁰, or sought that it be expanded to cover the area within 3 metres of the surface of water bodies⁵⁴¹, Mr Barr recommended its deletion consequent on the amendments discussed above to notified Advice Note 24.3.2.2. We agree with Mr Barr that the rule as notified is redundant if water bodies are zoned Rural. There is a potential role for the rule if it were related just to the 3 metres on the landward side of water bodies, as sought by Wakatipu Reforestation Trust. However, a global discretionary rule governing all activities within 3 metres of water bodies would impose significant costs on the community and could only be justified with a robust section 32 analysis. The submitter did not appear and did not provide evidence that would support its submission.
960. On that basis, we recommend that notified Rule 24.4.21 be deleted.
961. Notified Rule 24.4.22 was a restricted discretionary activity rule worded:
- "Industrial activities directly associated with wineries and underground cellars within a vineyard."*
962. The only submissions on this rule supported the rule in the form it was notified.
963. Accordingly, we recommend that it be retained as notified, save as minor reformatting and to renumber it 24.4.17.
964. Notified Rule 24.4.23 noted as a non-complying activity, "*Any commercial or industrial activity not otherwise provided for in Table 24.1 including those associated with farming*".
965. Submissions on this rule included:
- a. Bruce McLeod⁵⁴², who sought clarification as to whether the rule applies to the selling of livestock;

⁵⁴⁰ Otago Fish & Game Council (#2455)

⁵⁴¹ Wakatipu Reforestation Trust (#2293: Opposed by Federated Farmers (FS2746)

⁵⁴² Submission 2231: Supported by FS2734, FS2741, FS2743, FS2744, FS2745, FS2748, FS2749, FS2750, FS2770, FS2783 and FS2784

- b. Slopehill Properties Limited⁵⁴³, who sought that the activity status be discretionary.
966. Mr Barr did not specifically address these submissions, but we note the discussion elsewhere in his Section 42A Report⁵⁴⁴ putting non-complying status under this rule in the broader context of the treatment of non-residential activities within the Rural Amenity Zone.
967. In a zone where maintenance and enhancement of landscape character and visual amenity values is a key objective, we see there being little place for commercial and industrial activities other than as specifically provided for. We regard non-complying status as appropriate in the circumstances and we note that Mr Farrell, who gave planning evidence for the submitter, did not seek to support its submission on this particular aspect of Chapter 24.
968. As regards Mr McLeod's request for clarification of the rule, sale of livestock, on the face of the matter, is a commercial activity associated with farming and therefore within the terms of the rule. Mr McLeod has not sought to amend the rule and we do not consider that further clarification is required.
969. We therefore recommend that notified Rule 24.4.23 be renumbered 24.4.23, but otherwise be retained unamended.
970. Notified Rule 24.4.24 provided as a non-complying activity:
- "Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building, or any activity requiring an Offensive Trade Licence under the Health Act 1956.*
- Excludes activities undertaken as part of a farming activity, residential activity or as a permitted home occupation."*
971. We did not identify any submission on this rule. However, we think it could be expressed more clearly if the separate exclusion were drawn into the description of the activity, following the style of Rule 22.4.14.
972. The end result would therefore be worded as follows:
- "Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building, or any activity requiring an Offensive Trade Licence under the Health Act, except where such activities are undertaken as part of a farming activity, residential activity or a permitted home occupation".*
973. We regard that alternative as a minor change within Clause 16(2) and accordingly recommend it to Council. It remains numbered 24.4.24.
974. One consequence of our recommendation that Rules 24.4.4-24.4.8 focus on the construction and alteration of residential buildings is that the construction and alteration of non-residential buildings needs to be the subject of a separate rule. To be consistent with notified Rule 24.4.5

⁵⁴³ Submission 2584: Supported by FS2719

⁵⁴⁴ At 22.12

(given we had no submissions seeking more restrictive status), this should be a restricted discretionary rule.

975. We therefore recommend insertion of a new restricted discretionary rule numbered 24.4.18 worded as follows:

“The construction and alteration of buildings for non-residential activities, not otherwise provided for in Table 24.1

Discretion is restricted to:

- a. Landscape character;*
- b. Visual amenity;*
- c. Access;*
- d. Natural Hazards;*
- e. Infrastructure;*
- f. Landform modification, landscaping and planting (existing and proposed).”*

3.15 Part 24.4 – Table 24.2: Activities in the Wakatipu Basin Lifestyle Precinct

976. Notified Rules 24.4.25 and 24.4.26 relate to residential flats that are not attached to the principal residential unit. Such flats are full discretionary activities if they are not separated from the principal residential unit by more than 6 metres under Rule 24.4.25, and non-complying activities if they are separated from the principal residential unit by more than 6 metres. Submissions on these rules were either subsumed within the broader position advanced for construction of residential units within building platforms or suggested positions consistent with it. Morven Ferry et al, therefore suggested that residential flats not attached to the principal residential units might be permitted if located within a building platform, but non-complying otherwise. Many of the Donaldson et al submissions sought controlled activity status for new buildings within a building platform and discretionary status otherwise.

977. Rene Kampman⁵⁴⁵ had a different approach. He sought restricted discretionary status for residential flats that are more than 6 metres from the principal residential unit, in line with notified rule 24.4.7.

978. To meet the first set of submissions, Mr Barr recommended that both rules remain unamended other than to add the statement:

“Except the requirement that the Residential Flat must be attached to the Residential Unit does not apply where the buildings are located within a building platform.”

979. From the discussion of the point in his evidence in reply⁵⁴⁶, we understand the intention is that where a residential flat is located within a building platform, construction is permitted without a resource consent. This appears to be subject to compliance with the relevant standards, which include provisions as to density, location in relation to roads and external appearance. Mr Barr observed that any potential adverse effects associated with the sprawl of buildings will have been addressed through the consenting of the building platform⁵⁴⁷.

⁵⁴⁵ Submission 2433

⁵⁴⁶ At 12.6

⁵⁴⁷ Section 42A Report at 28.4

980. Mr Barr did not accept the comparison Mr Kampman sought to draw with residential flats in the Rural Amenity Zone. He observed that the separation of buildings on the same site in the Precinct is a more critical issue to manage than in the balance of the Rural Amenity Zone, given the higher densities envisaged in that sub-zone.
981. We consider that the question of whether a residential flat not attached to the principal unit is located within a building platform is something of a red herring given the maximum building floor area is 500m², and the maximum area of a building platform is 1000m². We have observed that dwellings located in the rural areas of the Wakatipu basin do not tend to be small in size, leaving little room in practice for a detached residential flat. We did not receive any evidence suggesting to us that it was more than a theoretical possibility that a residential flat of up to 150m² might be able to be located within a building platform if physically separated from the principal unit. However, the logic of our recommendation that existing building platforms be recognised (in Rule 24.4.6) suggests that it would be consistent to recognise that as an exception.
982. We regard the position as different going forward. Our interpretation of Proposed Rule 27.7.6.1 is that there would be no ability to consider issues created by multiple buildings within building platforms consented in future as part of the subdivision process.
983. In our view, the issues we noted above regarding the mismatch between the definition of “residential flat” and the activity these rules describe also indicate the need for caution assigning residential flats of up to 150m² a more favourable activity status if located within building platforms in future.
984. Addressing Mr Kampman’s submission, the underlying rationale of these rules is obviously to encourage clustering of residential buildings. We agree with Mr Barr’s reasoning as to why a more rigorous analysis is required in the Precinct than in the balance of the Rural Amenity Zone in the absence of any evidence supporting the approach Mr Kampman has suggested. That is also the reason why we recommend that submissions that sought more favourable status for residential flats in the Precinct⁵⁴⁸ not be accepted, except to the limited extent provided for in Rule 24.4.6.
985. It is also necessary to clarify the relationship between these rules and our recommended Rule 24.4.8. Again, consistency with our reasoning for recommending that rule would suggest it prevail, where it would apply.
986. Lastly, we think it would be useful to clarify the inter-relationship with Rule 24.4.6, to put that beyond doubt. Accordingly, we recommend that the description of the activity in Rules 24.4.25 and 24.4.26 be amended as follows:

“Rule 24.4.25

⁵⁴⁸ See e.g. the submissions of Hermione Mauvernay (#2555) and Slopehill Properties Ltd (#2584: Supported by FS2719)

Residential flat not exceeding 150m² gross floor area that is separated from the principal residential unit by no more than 6 metres, that is not provided for in Rule 24.4.6, and is not listed in Rule 24.4.8.”

Note: Residential flats attached to the principal residential unit are covered by Rule 24.4.5.

Rule 24.4.26

Residential flat not exceeding 150m² gross floor area that is separated from the principal residential unit by more than 6 metres, that is not provided for in Rule 24.4.6 and is not listed in Rule 24.4.8.”

987. Notified Rule 24.4.27 was in the same terms as notified Rule 24.4.24, but is noted as being a prohibited activity.
988. We have not identified any specific submissions on this rule and accordingly, save for the same minor rewording that we recommended to the parallel rule as above and renumbering it 24.4.28, we recommend that it remain as notified.
989. Notified Rule 24.4.28 provided that “*informal airports*” be full discretionary activities in the Precinct.
990. Submissions on this rule included:
- a. Dalefield Trustee Limited⁵⁴⁹ who sought that informal airports be permitted activities subject to specified standards, namely:
 - i. No more than two flights per fortnight (compared to two flights per day);
 - ii. The landing area be located no more than 100 metres from the notional boundary of a dwelling not on the same site (compared to 500 metres); and
 - iii. Aeronautical guidelines for flying in residential areas are met (no equivalent);
 - b. Hunter Leece and Anne Kobienia⁵⁵⁰, who sought that informal airports be prohibited;
 - c. Aircraft Owners and Pilots Association of New Zealand Inc⁵⁵¹, who sought permitted activity status throughout the Rural Amenity Zone, including the Precinct, subject to the noise standards in Chapter 36, or alternatively subject to a 150m separation requirement combined with a maximum frequency of 2 aircraft movements a day..
991. In his initial Section 42A Report, Mr Barr recommended that the Leece/Kobienia submission not be accepted. In his view, the relief sought was too onerous and he noted that no evidence had been provided to justify such a prohibition. He also did not consider prohibited activity status as deriving any support from the recommended objectives and policies.
992. Mr Barr did not specifically consider the Dalefield Trustees submission but, because of the overlap with the Aircraft Owners and Pilots Association’s submission, effectively addressed the

⁵⁴⁹ Submission 2097

⁵⁵⁰ Submission 2122

⁵⁵¹ Submission 2663

- relief sought in the subsequent (October) hearing. Dalefield Trustees Ltd appeared at the hearing but did not address this aspect of its submission.
993. At the October 2018 hearing, we also heard from Mr RJ Tapper for the Aircraft Owners and Pilots Association. Mr Tapper has had a distinguished career in the aviation industry including extensive experience as a private pilot. Mr Tapper emphasised that private use of Queenstown Airport was strongly discouraged. He also drew our attention to the progressive constraints on private flying operations in the Wakatipu Basin, with former informal air strips being closed down and or converted to alternative land uses. He argued that a 500 metre separation from residential uses was unnecessary; the noise standards in the plan were adequate to manage noise effects and if some additional constraint were required, a 150m setback was sufficient given the limitation of flight movements to two per day.
994. Mr Tapper also referred us to the provisions of the Dunedin City and Waimakariri District Plans that just utilised the noise standards to control informal airports.
995. Mr Barr identified that the Waimakariri District Plan rules that Mr Tapper relied upon applied in a situation with a less dense pattern of development that is envisaged in the Precinct. Our own researches suggest that the same is even more the case under the Taieri Plain provisions in the Dunedin City Plan that Mr Tapper referred to. Mr Barr relied on Dr Chiles' evidence that where aircraft use is sporadic, the noise standards are ill equipped to manage the resulting adverse effects, necessitating a minimum separation distance. Mr Barr also expressed concern about practical enforcement when use is sporadic.
996. The submissions of Mr Boyd we received subsequently for the Association sought to emphasise the conservatism of a 500 metre separation when combined with a maximum of one flight (two flight movements) a day. Mr Boyd produced expert acoustic commentary from Mr Van Hout peer reviewing Dr Chiles modelling. We do not think there is any substantive disagreement between the acoustic experts in this regard, but Mr Van Hout's commentary highlights that the noise limits are only not met by a standard AS350 helicopter at a 500 metre separation if the number of flights approaches 10 flights a day. Mr Boyd also drew to our attention recent resource consent decisions approving non-commercial helicopter landing facilities that have a separation distance from nearby residences of significantly less than 500 metres.
997. Mr Boyd also argued that the only section 32 commentary specifically related to informal airports (that forming part of the Proposed District Plan (Stage 1) hearings on the Rural Zone) supported avoidance of excessive regulation, including a need for resource consent applications and hearings. He contended that with a 500 metre separation requirement, the proposed rules provided no reduction in regulation in the Wakatipu Basin and therefore no benefit, because of the density of existing development.
998. We note that Mr Van Hout's peer review accepts that the position is less clear for fixed wing aircraft than for helicopters (concluding that there was insufficient information to identify an appropriate setback distance for the former) and also counselled caution if a different helicopter from the AS350 model Dr Chiles had modelled were used.
999. Mr Van Hout did not offer a view on Dr Chiles' opinion that the noise standards cannot be relied upon when use is sporadic. Dr Chiles picked up on this in his tabled evidence, noting that the average noise limits that were the subject of his modelling and on which Mr Van Hout

had commented, do not address the noise from individual helicopter movements. Accordingly, while Dr Chiles agreed with Mr Van Hout's conclusion that a 500 metre separation was conservative when considered from the perspective of average noise, in his view, they provided a proxy control over sound from individual movements. Dr Chiles observed that even from the latter perspective the required separation was still conservative, but he considered that insufficient information had been analysed to optimise it further.

1000. Commenting on Mr Boyd's proposed reduction in separation combined with a maximum of one flight per day, Dr Chiles agreed that the separation distance could be reduced for helicopters (but not fixed wing aircraft) if flights were limited to one per day and three per week, but advised us that additional limits would be required on helicopter types and flight paths. As Dr Chiles observed, the latter were the subject of conditions in the resource consent approvals Mr Boyd had relied upon.
1001. The evidence before us that we have summarised above supports the view that the noise standards are an insufficient control on their own to manage intermittent informal airport use. That is sufficient to cause us to recommend rejection of the submitter's primary relief (seeking permitted activity status for informal airports throughout the Rural Amenity Zone, including the Precinct, subject only to compliance with the noise standards).
1002. Turning to the submitter's alternative relief, and considering first the position in the Precinct, Mr Tapper's advice was that even a 150 metre separation, as sought in the Aircraft Owner and Pilots Association submission, would be too great in practice to permit a new informal airport for fixed wing aircraft to be established in the Precinct given the average one hectare density applying in the sub-zone. Mr Boyd likewise noted that fixed wing aircraft movements were constrained by the ability of aircraft to utilise available runway length. It follows that the practical benefit of any change to Rule 24.4.28 would accordingly be limited to helicopters, which the noise standards recognise as being louder and more intrusive than fixed wing aircraft.
1003. In any event, given the agreement between Mr Van Hout and Dr Chiles that there is insufficient evidence on which to base a reduction in the required separation distance for fixed wing aircraft, we do not consider that we have a sound basis to recommend amendment to the standard, as it applies to fixed wing aircraft, either in the Precinct, or in the balance of the Rural Amenity Zone.
1004. Turning to the provision made for helicopters, we are concerned that a proliferation of helicopters taking off and landing from different sites within the Precinct would not maintain or enhance amenity values in terms of Objective 24.2.2, particularly given the practical enforcement issues that Mr Barr drew to our attention.
1005. Even in the relatively less densely developed balance of the Rural Amenity Zone, while we accept Dr Chiles' evidence that a 500 metre separation for helicopter landing sites is conservative, in the absence of any evidence to the contrary, it is clear that the degree of conservatism is less than the modelling relied on by Mr Van Hout and Mr Boyd, because of the use of average noise values in the modelling.
1006. In addition, while Dr Chiles accepted that a lesser separation might be able to be arrived at if additional controls around the type of helicopter and flight paths were included (as well as

maximum flight movements per day), his evidence was that the drafting of such additional controls required “*further consideration*”⁵⁵².

Mr Van Hout identified the AS350 and AS355 models as being the subject of previous noise modelling, but we had insufficient evidence to assess the costs and benefits of nominating those models to the exclusion of any others.

1007. Even more problematically, we had no suggestions as to how a generic standard governing flight paths might be framed so as to ensure an acceptable outcome. Ms Edgley considered that a rule seeking to control flight paths would be “*complex*” and having the potential to lead both to inefficiencies and loss of confidence in the administration of the rule.
1008. We consider her view to be something of an understatement. Mr Boyd produced a copy of a recent resource consent decision⁵⁵³ approving an informal airport for helicopters in the Wakatipu Basin that contains a condition mapping the required helicopter flight path into and out of the “airport”. That is possible in the context of a resource consent application, because the decision-maker can address a specific fact situation. We have difficulty envisioning how a generic plan standard could be framed to reach the same outcome.
1009. We do not know if the aeronautical standards sought to be included in the standard by Dalefield Trustees Ltd would adequately address the issue. We had no evidence on which to base a view either as to their content or efficacy in this regard. More generally, aeronautical requirements will of course apply irrespective of what is in the District Plan. We also have to take account of the limitations on the Council’s powers in relation to control of aircraft in flight⁵⁵⁴. For these reasons, we do not recommend the additional standard suggested by Dalefield Trustees Ltd.
1010. Nor do we consider that limiting the rule(s) to apply to recreational and private use (i.e. excluding commercial use), as suggested by Mr Boyd, to be a solution to the concerns we have about the relief the Aircraft Owner and Pilots Association sought. While Mr Boyd advised that other unnamed districts had made such a distinction in their district plans, we agree with Ms Edgley’s concern that such a distinction would not be justified on the basis of effects, and would be difficult for the Council to monitor.
1011. Accordingly, we agree with Ms Edgley’s opinion⁵⁵⁵ that it is more efficient and effective to have a conservative separation distance in order that the other relevant issues, including but not limited to flight paths might be addressed on a site-specific basis.
1012. We have considered Mr Boyd’s argument based on the section 32 analysis. We consider he overstates the extent to which reduction in regulation was supported as the most effective and efficient outcome. The primary area where the section 32 analysis concluded efficiency gains were both possible and desirable was where informal airports are located on land administered by the Department of Conservation and/or reserve land and are therefore the subject of controls under other legislation. That situation largely does not arise in the areas the subject of PDP Chapter 24.

⁵⁵² Evidence of Dr S Chiles at 4.5 and 4.6’

⁵⁵³ Decision of Commissioners on application by T Roberts (RM180396 dated 30 November 2018

⁵⁵⁴ See section 9(5) of the Act

⁵⁵⁵ Evidence of C Edgley at 5.8

1013. We should note though that we consider there might have been a case to amend the activity status and/or non-compliance status to restricted discretionary, but Mr Tapper was not equipped to provide us with the analysis that would have supported such a change in terms of section 32 and Mr Boyd did not address it in his submissions. We therefore had no basis to take that possibility further.
1014. Accordingly, we recommend that save for renumbering it 24.4.27, notified Rule 24.4.28 be retained unamended. We will return to the standards applying to informal airports, but suffice it to say for the moment that we do not recommend the amendments to those standards sought by Dalefield Trustees Limited or the Aircraft Owner and Pilots Association.
1015. Notified Rule 24.4.29 provided as a restricted discretionary activity:
- “Clearance works within the root protection zone or significant trimming of exotic vegetation that is of a height greater than 4 metres.”*
1016. This rule was the subject of an extensive range of submissions that opposed and sought its deletion for a range of reasons. The submissions are discussed at some length in section 17 of Mr Barr’s Section 42A Report. We rely on that description of the submissions. Mr Barr addressed the submission of Wakatipu Reforestation Trust⁵⁵⁶ that sought expansion of the rule to indigenous vegetation separately.
1017. Consideration of those submissions needs to bear in mind our recommendation that Policy 24.2.5.6 be amended to acknowledge the risk of spread of wilding species, but otherwise continue to seek retention of vegetation contributing to landscape character and visual amenity values⁵⁵⁷.
1018. The same reasons that prompted us to recommend retention of that policy support retention of the accompanying rule to provide some general protection for exotic vegetation that is more than 4 metres in height.
1019. Addressing the key points in submissions, Morven Ferry et al argued that the rule is ultra vires section 76 of the Act. That is clearly not correct. As Mr Barr noted, section 76 relates to trees in urban environments⁵⁵⁸. Counsel for a number of the Morven Ferry et al parties, Ms Hill, suggested to us that this was a ‘technical’ issue and argued, somewhat faintly it must be said, that we might have regard to Parliamentary intention. Discussing it with her, however, she accepted that it was probably Parliament’s intention to draw the distinction evident in section 76 between urban and non-urban environments.
1020. We agree also with Mr Barr’s reasoning for recommending rejection of suggested amendments to the rule. As he observed, the submission of Boxer Hills Trust⁵⁵⁹ that sought

⁵⁵⁶ Submission 2293: Opposed by FS2746

⁵⁵⁷ See section 3.10 above

⁵⁵⁸ More specifically, to any urban environment allotment, which is defined in s76(4C) of the Act to be an allotment that, among other things, is no greater than 4000m² and is connected to reticulated water supply and wastewater services

⁵⁵⁹ Submission 2386: Supported by FS2769

vegetation clearance issues be considered as part of a collateral development application would invite clearance in advance of any application being made.

1021. Mr Tony Milne, giving landscape evidence for D Hamilton and L Hayden⁵⁶⁰ suggested the restriction on vegetation clearance might be limited to the 75 metre road setback. As he acknowledged, there is no qualifying vegetation within that setback on the Hamilton/Hayden property. Although Mr Milne recorded that his view was based on a wider assessment, when we asked him about it, he said it was prompted by the importance of the Hunter Road corridor (that the Hamilton/Hayden property has frontage to). Ms Gilbert did not support the suggested limitation. Her view⁵⁶¹ was that the value of exotic vegetation extends beyond road frontages generally, and Hunter Road in particular. We agree with Ms Gilbert's assessment that such vegetation makes a significant contribution to visual amenity values of the Basin generally, particularly when viewed from prominent elevated outlooks. We do not recommend the limitations Mr Milne suggested.
1022. Submissions such as those of Dalefield Trustee Limited⁵⁶² that sought that the rule be triggered for vegetation greater than 6 metres in height were not supported by evidence. As Mr Barr noted, Ms Gilbert supported a 4 metre test.
1023. Dalefield Trustee also suggested specific exclusion for identified pest species. The approach taken in Policy 24.2.5.6 is to recognise that wilding species exist in a spectrum and that some species are more of problem than others. This suggests the need to consider applications on their merits at the time. While an application is still required, with the accompanying costs, Chapter 24 provides that such applications are non- notified and thus the cost and delay will be minimised.
1024. Mr Barr recommended against expansion of the rule to indigenous vegetation. We agree that this is already (and better) addressed through Chapter 33.
1025. In summary, we recommend that Rule 24.4.29 be renumbered 24.4.28, but otherwise retained as notified. Because clearance of vegetation does not fall neatly into the division of the balance of Table 24.2 into residential and non-residential activities, we recommend insertion of a heading before this rule:

"Clearance of exotic vegetation".

3.16 Part 24.5 – Table 24.3 - Standards

1026. Mr Barr's recommended revision of Part 24.5 commenced with four new standards that are consequential additions resulting from the amendments he recommended to the rules in Table 24.1. The first two recommended standards related to residential density both in the Precinct and in the balance of the Rural Amenity Zone, and are consequential on his recommended deletion of notified rule 24.3.4 (accepting inter alia the Dennison/Grant submission in that regard) and his recommendation that greater provision be made for residential development within building platforms. The density provisions are closely related to those contained in Chapter 27, applying in the case of subdivision. Given that the focus of

⁵⁶⁰ Submission 2422

⁵⁶¹ B Gilbert, Rebuttal Evidence at 3.9-3.12

⁵⁶² Submission 2097: Supported by FS2746

submissions was principally on the standards governing subdivision, we will discuss those issues in the latter context. Suffice it to say that we largely agree with Mr Barr's recommendations that:

- a. In the Precinct for sites up to 1 hectare in the Precinct, the standard should be one residential unit per site;
- b. For sites at the Precinct greater than 1 hectare, residential activity should not exceed an average of one residential unit per hectare;
- c. For sites in the balance of the Rural Amenity Zone, the specified density should be one residential unit per 80 hectares.

1027. We do not consider it is necessary to specify a minimum site area in the Precinct as Mr Barr recommended. Given our recommended Rule 24.4.6 is limited to existing sites, minimum site areas in future will in practice be determined in the subdivision process.

1028. However, these standards need to be formulated in a context where the Rural Amenity Zone has within it sites with a wide variety of areas. We do not believe it is either reasonable or efficient that construction of a single residential unit on such sites should slide to non-complying status, particularly in legacy areas formerly zoned Rural Residential. While we have not accepted submissions and evidence that suggested such sites should have a guaranteed ability to be developed for residential purposes (unless a building platform has already been registered on the relevant computer freehold register), small sites have a limited range of activities for which they are suited. We therefore recommend a discrete standard (of one residential unity per site) for sites whose titles were issued before the date of decisions on the Proposed District Plan (Stage 2).

1029. We also consider that the density standards might be expressed more clearly with a little redrafting and reconfiguration of Mr Barr's suggested rules. In particular the situation of split sites, partly zoned Precinct and partly zoned Rural Amenity needs to be addressed with some care given the revised definition discussed in section 4.2 below.

1030. In summary, we recommend residential density standards numbered 24.5.1 be inserted in Table 24.3 worded:

"24.5.1.1 For sites with a net site area of 1 hectare or less and zoned in part or whole Wakatipu Basin Lifestyle Precinct, a maximum of one residential unit per site.

24.5.1.2. For sites with a net site area greater than 1 hectare and zoned in part or whole Wakatipu Basin Lifestyle Precinct, no more than one residential unit per hectare on average of the net site area zoned Wakatipu Basin Lifestyle Precinct.

24.5.1.3 Where Rule 24.5.1.1 or Rule 24.5.1.2 applies, all residential units (including residential flats) must be located within the area zoned Wakatipu Basin Lifestyle Precinct

24.5.1.4 Any site in the Wakatipu Basin Rural Amenity Zone located wholly outside the Precinct in respect of which the Computer Freehold Register for the site was issued before [insert date of plan decisions] and with an area less than 80 hectares, a maximum of one residential unit per site.

24.5.1.5 For that part of all other sites in the Wakatipu Basin Rural Amenity Zone wholly located outside of the Precinct, a maximum of one residential unit per 80 hectares net site area.

1031. We agree that non-compliance status should be non-complying, as recommended by Mr Barr. The recommended standards mark a significant shift from the position of one residential unit per site, as notified. As the Dennison/Grant submission identified, the effect of Rule 24.3.4 was to make more than one residential unit per site non-complying. A non-complying non-compliance status effectively retains the status quo position. Given the enlarged scope for development the deletion of Rule 24.3.4 provides, we consider non-compliance with the density standards should require an exceptional case before consent is granted.
1032. Mr Barr recommended a performance standard for alterations to buildings not within a building platform, consequent on his recommendation that a new rule be inserted providing for alteration of lawfully established buildings where there is not an approved building platform on the site. Mr Barr recommended that the relevant standard be a 30% increase in any ten year period. The 30% increase is drawn from standards applying in the Decisions Version of the Rural Zone⁵⁶³.
1033. We had no basis to disagree. Accordingly, we recommend a new Rule 24.5.2 be inserted providing as a standard:
- “Alterations to buildings for residential activities not located within a building platform must not increase the ground floor area by more than 30% in any ten year period.”*
1034. The recommended non-compliance status is Restricted Discretionary with discretion restricted to:
- “a. Landscape character;
b. Visual amenity;
c. External appearance;
d. Infrastructure.”*
1035. Mr Barr recommended a second standard providing for colours and materials of all buildings, including alterations consequent on provision for buildings located within building platforms in his recommended rules. The same logic still applies notwithstanding the amendments we have recommended to the rules. Mr Barr’s suggested wording was drawn from Rules in Chapter 21. We note that Mr Chris Ferguson supported that formulation subject to an amendment that Mr Barr adopted in his reply evidence. The suggested standard is also similar to one proposed by Morven Ferry et al.
1036. We discussed with Mr Barr whether there might be room to improve the drafting and in his reply evidence⁵⁶⁴ he responded that the potential changes we discussed with him were in his view marginal and so he preferred to pursue consistency with Rule 21.7.2 (Stage 1 Rural Zone).

⁵⁶³ Refer Rule 21.7.2.3

⁵⁶⁴ At 12.12

1037. We take his point, but the approach in the rural zones suggests a need for a further slight formatting change.

1038. Accordingly, we recommend a new Rule 24.5.3 worded:

“Building Material and Colours

Any building and its alteration, including shipping containers that remain on site for more than six months, are subject to the following:

All exterior surfaces must be coloured in the range of browns, greens or greys including;*

24.5.3.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and

*24.5.3.2 All other exterior surface** finishes, except for schist, must have a light reflectance value of not greater than 30%.*

** Excludes soffits, windows and skylights (but not glass balustrades).*

*** 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%.”*

1039. We recommend the non-compliance status for this rule is again Restricted Discretionary with discretion on this occasion restricted to:

- a. Landscape Character;*
- b. Visual Amenity;*
- c. External appearance;*
- d. Visual prominence from both public places and private locations.”*

1040. Notified Rule 24.5.1 contained a building coverage standard which limited the maximum coverage of all buildings to 15% of lot area or 500m² gross floor area, whichever is the lesser.

1041. Mr Barr noted the following submissions on this rule:

- a. Fire and Emergency New Zealand⁵⁶⁵ sought that this and the following three standards be amended so that emergency service facilities are exempt from the rule;
- b. Donaldson et al sought that the rule provide separate coverage limits for different size lots; for lots greater than 4000m² 15% of lot area or 1000m² whichever is the lesser, and for lots less than 4000m² 25% of lot area;
- c. Crown Investments et al sought that the rule apply to any individual buildings (rather than all buildings) and that the word “gross” be amended to “ground”;
- d. Morven Ferry et al sought an increase of the numerical limit to 1000m² and utilisation of the definition of “building coverage”;
- e. Peter Dennison and Stephen Grant⁵⁶⁶ sought that the 15% limit only apply in the Precinct and that the building size limitation be 1000m², applying in all parts of the Rural Amenity Zone.

⁵⁶⁵ Submission 2660

⁵⁶⁶ Submission 2301: Supported by FS2745, FS2795 and FS2796

1042. Mr Barr did not recommend acceptance of the Fire and Emergency New Zealand submission. He observed that there do not appear to be any clear resource management reasons justifying the requested exemptions and that, if there were reasons, that could suggest that fire stations might not be an appropriate activity within the zone.
1043. He likewise recommended rejection of proposed increases in the area above 500m², noting that that figure had been supported by Ms Gilbert.
1044. Mr Barr agreed that the ground floor area was the appropriate focus because that was what the rule was seeking to manage in order to achieve the objectives of Chapter 24. He also recommended that the rule refer to “any” rather than “all” buildings although he did not explain his reasoning in this regard.
1045. Mr Ferguson addressed this issue in his evidence. He supported Mr Barr’s recommendations on the basis that the characteristics of the Precinct, as an area having greater capacity to absorb change, would mitigate the visual impact of building.
1046. We did not note any evidence supporting provision for buildings greater than 500m².
1047. We largely accept Mr Barr’s reasoning on these points. We did, however, seek comment from Mr Barr regarding his proposed shift of the rule from being a cumulative limit (on all buildings) to one which limited each building. He explained that the rationale for this outcome was to align with the provisions applying in the Rural and Rural Lifestyle Zones. However, with the benefit of hindsight, he agreed that it was inappropriate to allow permitted site coverage allowances to be accumulated building by building, and that would contradict the intent of the rule.
1048. Mr Barr returned to the point in his reply evidence, suggesting further amendments to focus the rule on the size of buildings rather than site coverage. Contrary to the indication of his views as above, Mr Barr did not recommend returning the rule to focus on cumulative building sizes and did not explain his position in that regard.
1049. We record that with this rule having a restricted discretionary non-compliance status, its practical importance is limited to residential buildings. All other buildings are either the subject of their own maximum size standards or are restricted discretionary (or greater) already.
1050. We are concerned that an approach to residential buildings coverage/maximum building size that does not apply a cumulative limit has the potential to produce unsatisfactory outcomes. We note that Ms Gilbert was clearly considering building coverage standards on a cumulative basis when she expressed the conclusion that a 500m² limit was appropriate⁵⁶⁷ and we consider Mr Barr’s initial reaction when we asked him about it (that focussing on individual buildings was inappropriate) is correct.

⁵⁶⁷ Refer B Gilbert, Evidence in Chief at paragraph 67

1051. There is another aspect of this rule that we consider requires some attention. We have recommended that residential buildings within existing building platforms be controlled activities (Rule 24.4.6), among other reasons, because we can have reasonable confidence that the effect of buildings will have been addressed at least in part. It follows in our view that if an existing site is relatively small (less than 3300m²) it should not be subject to an additional building coverage standard, constraining building sizes. To that extent, we recommend accepting the submission of Rene Kampman⁵⁶⁸ in part.

1052. We therefore recommend a new Rule 24.5.4 worded as follows:

“Building Size

Where residential buildings are constructed within a building platform under Rule 24.4.6, the ground floor area of all buildings must not exceed 500m².”

1053. Consistent with the existing building coverage standard, we recommend that the non-compliance standard be restricted discretionary and the matters of discretion be framed as follows:

“Direction is restricted to:

- a. Landscape character;*
- b. Visual amenity.”*

1054. What was notified Rule 24.5.1 needs to cover the balance of buildings.

1055. Accordingly, we recommend that notified Rule 24.5.1 be renumbered 24.5.5 and reworded:

“The ground floor area of all buildings not subject to Rule 24.5.4 must not exceed 15% of net site area, or 500m² ground floor area, whichever is the lesser.”

1056. As previously noted, non-compliance status is restricted discretionary. The matters of discretion notified related to building location, character, scale, form and external appearance, together with landform modification and planting. Mr Barr recommended simplification and rationalisation of these matters of discretion in line with his recommendations on the restricted discretionary rules in Table 24.1. We agree with that suggestion, and with his recommendation that the matters of discretion need not be expanded to include the benefits of the proposal and location or other practical constraints as sought by Slopehill Properties Limited⁵⁶⁹. Accordingly, we recommend that the matters of discretion be amended to read:

- “a. Landscape character;*
- b. Visual Amenity.”*

1057. Notified Rule 24.5.2 fixed a minimum setback of any building from internal boundaries as ten metres, with non-compliance being restricted discretionary.

⁵⁶⁸ Submission 2433, who sought linkage with resource consents and/or approved building platforms

⁵⁶⁹ Submission 2584: Supported by FS2719

1058. Morven Ferry et al suggested that ten metres should be the minimum setback in the Precinct, but elsewhere in the Rural Amenity Zone, the minimum setback should be 15 metres. This was said to reflect “*ODP rights and established development.*” Mr Barr also noted the submissions of Hunter Leece and Anne Kobienia⁵⁷⁰ who sought that the internal setback be the same as that from roads. That would mean a setback of 75 metres in the Precinct and 20 metres elsewhere in the Rural Amenity Zone.
1059. Debbie MacColl⁵⁷¹, Phillip Bunn⁵⁷² and Steven Bunn⁵⁷³ all sought that the minimum setback be reduced to 6 metres.
1060. Mr Barr expressed the view in his Section 42A Report⁵⁷⁴ that the standard was appropriate as notified. He observed that a 75 metre setback from all boundaries could render a development unlikely to comply with the setback rules.
1061. Given the prescribed average of one hectare in the Precinct, we think that Mr Barr’s comment is something of an understatement. While we agree that private amenity values are relevant, we also consider that the visual amenity enjoyed by the public from roads is of greater significance, particularly in a district that relies so much on its visitor population.
1062. We have discussed the extent to which a former District Plan confers rights already. Suffice to say, we do not recommend acceptance of Morven Ferry et al’s submissions in that regard.
1063. Nor did we have evidence supporting the submitters’ various positions, and accordingly, we accept Mr Barr’s recommendation.
1064. It follows that we recommend notified Rule 24.5.2 be renumbered 24.5.6, but otherwise be retained unamended.
1065. Notified Rule 24.5.3 relates to building height. It specifies a maximum height of 6 metres, with non-compliance being considered as a restricted discretionary activity.
1066. Mr Barr noted a number of submissions seeking that the maximum height be eight metres.
1067. Morven Ferry et al pointed in their submissions to the Operative District Plan limits (again described as “*rights*”).
1068. Mr Barr noted also submissions suggesting that an increased height limit might be accompanied by a more restrictive non-compliance status. Thus, for instance, BSTGT Limited⁵⁷⁵, Donaldson et al, Debbie MacColl⁵⁷⁶, Phillip Bunn⁵⁷⁷, Steven Bunn⁵⁷⁸ and Peter

⁵⁷⁰ Submission 2122

⁵⁷¹ Submission 2350: Supported by FS2734 and FS2749

⁵⁷² Submission 2355

⁵⁷³ Submission 2356

⁵⁷⁴ At 29.14-29.15

⁵⁷⁵ Submission 2487: Supported by FS2782

⁵⁷⁶ Submission 2350: Supported by FS2734 and FS2749

⁵⁷⁷ Submission 2355

⁵⁷⁸ Submission 2356

Dennison/Stephen Grant⁵⁷⁹ all sought that an increase limit be accompanied by non-complying status for exceedances. Dalefield Trustee Limited⁵⁸⁰ suggested that a 6 metre standard apply to structures with a roof pitch greater than 15 degrees to avoid large flat-roofed structures for which a 6 metre maximum height should apply.

1069. Williamson et al suggested retention of a 6 metre height limit, but with a discretionary non-compliance status.
1070. Rene Kampman⁵⁸¹ sought building heights permitted with respect to approved building platforms prevail.
1071. Mr Barr addressed these submissions at paragraphs 29.20 -29.27 of his Section 42A Report. While he agreed that the Operative District Plan has a height limit of 8 metres for residential buildings, he noted that his experience was that many building platforms have a 6 metre height limit and that it was relatively common for height conditions to be volunteered by applicants for heights ranging between 4.5 metres to 6 metres. He also noted that the non-compliance status in the Operative District Plan is non-complying.
1072. He was of the view that an 8 metre height limit was not justified, at least in the areas of the Rural Amenity Zone and Precinct currently zoned Rural.
1073. Mr Barr also expressed concern that an 8 metre height limit (if accompanied by restricted discretionary non-compliance status) might be treated as the permitted benchmark.
1074. Mr Barr considered that the rule might provide more flexibility if it were amended to provide two height limits, one at 6 metres with non-compliance restricted discretionary, and the other at 8 metres, with non-compliance being non-complying, as per the Operative District Plan.
1075. This issue was the subject of evidence by Mr Ferguson for Crown Investments et al. Mr Fergusson supported an increase in the height limit to 8 metres. He expressed the view that a 6 metre height limit is overly restrictive considering the character of the existing environment. He also noted that an 8 metre height limit is consistent with the Chapter 22 Rules.
1076. Mr Ferguson referred us to expert landscape evidence of Ms Yvonne Pflüger pre-circulated in the Stream 2 hearing process, expressing the view that it was unlikely that than 8 metre box style building would be implemented to take up the maximum size and height, and that variations in building facades and modules of buildings are used with varied roof lines incorporating gables and dormers as the preferred architectural style.
1077. Ms Pflüger's evidence, as above, was never heard by the Stream 2 Hearing Panel (as a consequence of deferral of Stage 1 submissions on the Wakatipu Basin to this hearing) and she was not available for us to discuss the point with her. Accordingly, while we do not discard her evidence entirely, we must necessarily give it less weight than the evidence we heard from Ms Gilbert supporting a 6 metre height limit. Ms Gilbert told us that visibility of buildings is a

⁵⁷⁹ Submission 2301: Supported by FS2745; FS2795 and FS2796

⁵⁸⁰ Submission 2097

⁵⁸¹ Submission 2433

key issue in the management of cumulative adverse effects, maintenance of visual amenity values, managing effects on neighbouring ONLs and ONFs and maintaining landscape character values associated with the Basin.

1078. She confirmed Mr Barr's evidence that development to date has in practice been limited to 6 metres in the majority of cases. She also noted that a 6 metre building height would allow a generous stud, potentially incorporating a mezzanine, with a 35 degree roof pitch, or a two storey dwelling using a mono pitched type structure. By contrast, Ms Gilbert saw an 8 metre height limit as signalling two storey dwellings are appropriate throughout the Basin, which in her view, would be at odds with the character of successfully integrated built development which had occurred to date (which is characterised by predominantly single storey buildings). Ms Gilbert acknowledged though that there are likely to be circumstances where buildings that are taller than 6 metres high can be successfully integrated into the landscape.
1079. It seems to us that Ms Gilbert's reasoning provides firm support for the two-step height limit that Mr Barr recommends. While Ms Pflüger might well be correct and developers would not generally be minded to build 8 metre high boxes, an initial height limit with restricted discretionary status for non-compliance is an appropriate control against that possibility.
1080. The importance of building height, as emphasised by Ms Gilbert, also indicates to us that the standard should not be automatically subject to any alternative limits on an unconstructed building platform, as sought by Mr Kampman. Height needs to be considered in the context of building design and its overall appearance.
1081. Accordingly, we recommend that notified Rule 24.5.3 be renumbered 24.5.7 and divided into two rules worded as follows:
- "24.5.7.1 The maximum height of buildings shall be 6 metres.
24.5.7.2 The maximum height of buildings shall be 8 metres."*
1082. We recommend that Rule 24.5.7.1 have a non-compliance status of Restricted Discretionary (as at present) and that non-compliance with Rule 24.5.7.2 would result in the status defaulting to non-complying.
1083. As regards the matters of discretion for Rule 24.5.7.1, Mr Barr recommended that the notified matters of discretion be rationalised to refer to landscape character and visual amenity.
1084. We consider that in this context the more specific and targeted matters of discretion specified in the notified rule are more appropriate. We do recommend, however, that additional text be inserted to make the inter-relationship between rules 24.5.7.1 and 25.5.7.2 clear.
1085. Accordingly, we recommend that in the non-compliance status column related to 24.5.7.1 the text should read:
- "For buildings with a height greater than 6m and not greater than 8m, discretion is restricted to:*
- a. Building location, character, scale and form including the pitch of roofs;*
 - b. External appearance including materials and colours;*
 - c. Landscape modification/planting (existing and proposed).*

Note: Rule 24.5.7.2 applies to buildings with a height greater than 8m.”

1086. Notified Rule 24.5.4 prescribed a minimum setback of any building from road boundaries of 75 metres in the Precinct and 20 metres in the balance of the Rural Amenity Zone.
1087. Mr Barr reported a substantial level of opposition to this Rule with a variety of suggested alternatives.
1088. Mr Barr noted, the following submissions:
- a. Crown Investments et al, Debbie MacColl⁵⁸², Phillip Bunn⁵⁸³ and Steven Bunn⁵⁸⁴ also sought a 10 metre setback in all locations. The MacColl and Bunn submissions were based on the operative Rural Residential Zone provisions;
 - b. Slopehill Properties Limited⁵⁸⁵ sought a 20 metre setback throughout. Mike and Gemma Smith⁵⁸⁶ also sought that the setback be 20 metres within the Lake Hayes Terrace LCU Precinct area;
 - c. Morcom et al, who sought a 20 metre setback within the Precinct, arguing that the existing rule is too onerous given a 6000m² minimum lot size;
 - d. Dalefield Trustee Limited⁵⁸⁷, who sought a 30 metre setback in the Precinct because of the established pattern of built form along Mountainview Road. Like Morcom et al, this submitter pointed to the limitation on development of properties given the combination of the setback and a 6000m² minimum lot limit.
 - e. Morven Ferry et al, who sought a 10 metre setback in the Precinct and a 20 metre setback in the balance of the Rural Amenity Zone;
 - f. Bagrie et al, who sought a 20 metre setback in both zones.
1089. As against those submitters who sought a reduced standard, Erik Moen⁵⁸⁸ sought a 100-200 metre setback in the Precinct.
1090. Mr Barr relied on Ms Gilbert’s analysis on this issue. He supported the concept of an increased setback from road boundaries. He was also of the view that the combination of minimum lot size and minimum average in the Precinct provided sufficient flexibility to achieve compliance with the rule.
1091. Ms Gilbert’s evidence has a detailed discussion on the basis for this standard. She advised that the application of a 75 metre road setback drew from her own field surveys, discussions with the Council’s consent planners and landscape experts assisting on consent processing, and her review of resource consents. She drew our attention to a growing concern regarding mitigation planting on road verges closing out views of the surrounding ONLs and ONFs and reducing the spaciousness and openness within the Basin, leading in turn to a trend in more recent subdivisions for the buildings to be set back approximately 75 metres from the road.

⁵⁸² Submission 2530: Supported by FS2734 and FS2749

⁵⁸³ Submission 2355

⁵⁸⁴ Submission 2356

⁵⁸⁵ Submission 2584: Supported by FS2719

⁵⁸⁶ Submission 2263

⁵⁸⁷ Submission 2097

⁵⁸⁸ Submission 2054

1092. Ms Gilbert provided us with photographic examples of both approaches to illustrate the point she was making.
1093. Ms Gilbert's evidence canvassed the option of having different provisions governing existing Rural Residential development areas where the development has been set behind dense planting (such as at Dalefield). She foresaw administrative difficulties in implementing such an approach but more importantly, she considered that it might encourage dense road frontage plantings to enable a higher subdivision yield, contrary to relevant Chapter 6 policies.
1094. She compared the Rural Amenity Zone as warranting a more relaxed approach because of the very limited level of development anticipated in that zone.
1095. We discussed with Ms Gilbert whether some roads were more important than others in terms of preservation of views. She did not agree, responding that while some roads are used more frequently than others, it is an amenity landscape. In her view, people choose to live within it because of the amenity values. She also pointed out to us the prevalence of short term rental options within the Basin (AirBnB) together with artist studios and the like.
1096. The position advanced on behalf of the Council was the subject of evidence for submitters. Mr Vivian, for instance, giving evidence for the Williamson et al group, recommended an exemption for development within an approved building platform.
1097. Mr Brown suggested that the setback requirement should only apply to formed legal roads (and not to unformed paper roads) and should be reduced to 20 metres where the Precinct is replacing formerly Rural Residential or Rural Lifestyle Zone land where in his view, there was an expectation of being able to build closer to the road.
1098. Mr Ferguson considered that as assessment of any new building platform requires a consideration of the location and design of buildings and ancillary elements, he considered a 75 metre building setback unnecessary, ineffective and inefficient. He supported a universal setback of 20 metres.
1099. Referring to a point made in the submissions, he gave evidence that a setback significantly greater than the existing planning regime would establish a meaningless standard that would not be able to be defended against the established environment in many instances.
1100. Many of these planning considerations were answered by Ms Gilbert. We note and agree with the following statement taken from Ms Gilbert's evidence in chief:
- "I also do not accept that the patterning of existing Rural Residential development at a distance closer than 75m to the road within a discrete area should necessarily provide a cue for the appropriate setback for future development. The Amenity Landscape context together with the high risk of cumulative adverse effects points to a cautious approach in this regard, with careful site-by-site consideration of any relaxation of the standard as allowed for the by the restricted discretionary activity status regime."*
1101. We agree also with Ms Gilbert's evidence indicating the need to signal the desired direction of future development in this regard. In cases where the location of existing building platforms makes achievement of the prescribed setback impractical, landowners will have a case for

waiver of the standard that will be considered on a non-notified basis in the absence of exceptional circumstances.

1102. We also do not agree with Mr Brown’s suggestion that a distinction should be drawn between formed and unformed roads. Unformed paper roads can be formed at any point in the future and it is important, in our view, that development takes proper account of their location.
1103. For future building platforms, this standard will be an element in determining where such platforms should be located.
1104. We likewise agree with Mr Barr’s reasoning for a lesser standard in the balance of the Rural Amenity Zone, reflecting the very much lower scale of development signalled in the zone rules.
1105. In summary, we recommend retention of Rule 24.5.4 as notified, save only to renumber it 24.5.8 and to make minor wording and formatting changes as shown in the attached revised version of Chapter 24.
1106. Mr Barr recommended a new rule to follow Notified Rule 24.5.4 relating to a setback from the Queenstown Trail. The rationale for the suggested rule is set out at paragraphs 15.5. and 15.6 of Mr Barr’s rebuttal evidence and relates to the desire to constrain development adjacent to the Queenstown Trail on the Waterfall Park Development property.
1107. For reasons set out in our Report 18.5 the suggested rule is not required for that purpose, but it is required consequent on our recommendations in Report 18.8 related to the property of Barnhill Corporate Trustee Limited, DE and ME Bunn and LA Green. We therefore adopt Mr Barr’s recommendation for that purpose. Accordingly, we recommend a new restricted discretionary Rule numbered 24.5.9, worded as follows:
- “Setback from the Queenstown Trail
Any building should be located a minimum of 75m from the boundary of any identified Queenstown Trail setback as shown on the planning maps.”*
1108. We further accept Mr Barr’s recommendation regarding the matters of discretion. They should accordingly be read:
- “Discretion is limited to:*
- a. Building location, character, scale and form;*
 - b. External appearance including materials and colours;*
 - c. Landscaping/planting (existing and proposed).”*
1109. Notified Rule 24.5.5. is related to setbacks of buildings and accessways from identified landscape features. A 50 metre setback is proposed.
1110. This rule was the subject of a number of submissions. Mr Barr noted:
- a. Queenstown Trails Trust⁵⁸⁹, who sought an exemption from the rule for public trails;

⁵⁸⁹ Submission 2575

- b. X-Ray Trust Limited and Avenue Trust⁵⁹⁰ sought that the rule be deleted on the basis that an amenity landscape is thereby given greater protection than ONLs or ONFs;
 - c. Morven Ferry et al also sought that the rule be deleted on the basis that Chapter 6 provides protection for ONLs and ONFs;
 - d. Donaldson et al sought controlled activity status.
1111. We have noted a number of other submissions seeking that the rule be deleted. As against that, Department of Conservation⁵⁹¹ sought that it be retained.
1112. Mr Vivian gave evidence supporting an exclusion for buildings constructed within an approved building platform.
1113. Many of the submissions on this rule reinforce a point we made in section 3.2 above regarding the need for greater clarity as to what is being referred to as “*landscape features*”. Morven Ferry et al appear to have interpreted these as relating to ONLs and ONFs.
1114. We have already addressed the desirability from a policy point of view in recognising the need for setbacks from identified Escarpment, Ridgeline and River Cliff Features in the context of Policy 24.2.1.4, and it follows that we recommend rejection of those submissions seeking deletion of the proposed rule.
1115. Mr Barr recommended rejection also of a specific exemption for trails and Queenstown Trails Trust did not appear to provide any evidence to the contrary. We therefore accept Mr Barr’s reasoning⁵⁹².
1116. Mr Vivian did not provide an example of a situation where an existing building platform has been located within 50 metres of any of the identified features. If this were the case, and building within the proposed setback apparently countenanced by the terms of the building platform, then we would regard that as a failure in the operation of previous provisions rather than a good reason to alter the rule, given the evidence we heard from Ms Gilbert. In the absence of such evidence, we are not in a position to weigh the costs of the rule not providing such an exemption in the balance required by section 32.
1117. Mr Barr also recommended⁵⁹³ rejection of the submission seeking controlled activity status. As Mr Barr observed, the underlying premise of those submissions (that the purpose of the Precinct is rural residential development) does not fairly capture the extent to which the Precinct is designed to be very responsive to the landscape, with the ability to decline poorly located, designed or mitigated proposals.
1118. In summary, we recommend the terminology and formatting changes suggested by Mr Barr but otherwise recommend that the rule (renumbered 24.5.10) be retained.
1119. The end result is therefore that the text of the rule and non-compliance status would read:

⁵⁹⁰ Submission 2619: Opposed by FS2710
⁵⁹¹ Submission 2242
⁵⁹² Refer Section 42A Report at 11.7-11.11
⁵⁹³ Ibid at 29.43

“Setback from Escarpment, Ridgeline and River Cliff Features

Any building or accessway shall be located a minimum of 50m from the boundary of any Escarpment, Ridgeline and River Cliff Feature shown on the planning maps.

Discretion is restricted to:

- a. Building location, character, scale and form;*
- b. External appearance including material and colours;*
- c. Landscaping/planting (existing and proposed).”*

1120. Notified Rule 24.5.6 is related to setbacks from boundaries of non-residential buildings housing animals. A 30 metre setback is proposed.
1121. Federated Farmers⁵⁹⁴ supported this rule. Bruce McLeod⁵⁹⁵ queried whether the restriction contained in this rule applied to hen houses or guinea pig huts. Mr McLeod observed that it seemed rather restrictive.
1122. We put that same point to Mr Barr and he advised that the origins of the rule lay in purpose built buildings in productive rural areas. He accepted that there were issues with its breadth in the context of the Wakatipu Basin and said that he needed to consider possible rewording.
1123. In his reply evidence, Mr Barr recommended amendments to the matters of discretion in this rule (to delete superfluous text). While we agree with the minor non-substantive changes Mr Barr suggested, he did not revert to the scope of the rule, which we consider to be overly restrictive. Although Mr McLeod has a point with the examples he provided in his submission, we can see that there would be difficulties identifying animals whose location near boundaries is not a potential issue and distinguishing them from other animals that would be an issue. The sites in both the Precinct and the balance of the Rural Amenity Zone are large enough that hen houses, dog kennels and the like can readily be located more than 30 metres from any boundary with, we consider, minimal cost. The real problem we foresee is that this particular rule could require a dwelling house to be set back 30 metres from the boundary merely because domestic animals like cats, dogs, or even a budgie) are housed within the dwelling. While we suspect that the rule would be simply ignored in such situations, we think it is preferable that it be revised to avoid the Plan being the subject of ridicule, should the issue ever be raised. Accordingly, we recommend that Rule 24.5.6 be renumbered 24.5.11 and amended to read:

“Setback from Boundaries of Non-residential Buildings Housing Animals

The minimum setback from boundaries for any building whose primary purpose is to house animals shall be 30m.”

1124. The text in the non-compliance column related to this rule suggested by Mr Barr, was:

“RD

Discretion is restricted to the following:

⁵⁹⁴ Submission 2540

⁵⁹⁵ Submission 2231: Supported by FS2734, FS2741, FS2743, FS2744, FS2745, FS2748, FS2749, FS2750, FS2770, FS2783 and FS2784

- a. *Open space, rural living, character and amenity;*
- b. *Privacy, views and outlook from neighbouring properties and public places;*
- c. *Reverse sensitivity effects on adjacent properties including odour and noise;*
- d. *Landform modification/planting (existing and proposed)."*

1125. We think there is an issue with (c). The adverse effects on adjacent properties from the odour and noise created by buildings housing animals are not reverse sensitivity effects. As previously noted, reverse sensitivity effects are the effects caused by establishment of a sensitive activity next to an existing activity with existing effects. A building housing animals is not a sensitive activity for this purpose. However, correcting this is arguably a substantive change. Federated Farmers supported the rule as it is. Mr McLeod was seeking that it be made less restrictive rather than more restrictive. Accordingly, if the Council wants to reframe it, we consider it will need to be by way of variation. We recommend the Council consider that option.
1126. In the absence of scope to make any substantive changes, we recommend the non-compliance text be as recommended by Mr Barr.
1127. Notified Rule 24.5.7 relates to setbacks of buildings from waterbodies. It proposes a minimum setback of buildings from the beds of wetlands, rivers or lakes to be 30 metres with non-compliance a restricted discretionary activity. Mr Barr noted the submissions of Paul Dennison and Stephen Grant⁵⁹⁶ and Slopehill Properties Limited⁵⁹⁷ as having sought an exemption for artificial wetlands or watercourses. The Grant/Dennison submissions specifically noted stormwater detention ponds⁵⁹⁸.
1128. Slopehill Properties Limited also sought a reduction in the setback to 10 metres.
1129. By contrast, Otago Fish and Game Council⁵⁹⁹ supported the rule, but sought that it be broadened to ensure focus on all biodiversity values (not just indigenous values) along with residential amenity.
1130. Mr Barr did not recommend an exclusion for artificial waterbodies or a reduction in the setback. His view⁶⁰⁰ was that the extent to which a building within 30 metres of a water body is acceptable could appropriately be addressed through a resource consent process. We agree. While artificial water bodies may be created for a variety of purposes, including treatment and storage of stormwater, that does not mean that they are devoid of biodiversity values or that dwellings should be encouraged within a close proximity of such water bodies without consideration of the issues that are thereby created. For the same reason, in the absence of any evidence supporting a 10 metre setback, we do not recommend a reduction in the setback supported by Mr Barr.
1131. We also agree with Mr Barr's recommendation that the Fish and Game submission be accepted through broadening of the matters of discretion to enable both non-indigenous biodiversity

⁵⁹⁶ Submission 2301: Supported by FS2745, FS2795 and FS2796

⁵⁹⁷ Submission 2581: Supported by FS2719

⁵⁹⁸ See also United States Ranch (#2126: Supported by FS2706, FS2745 and FS2791) to similar effect

⁵⁹⁹ Submission 2455: Supported by FS2760; Opposed by FS2746

⁶⁰⁰ See Section 42A Report at 29.50

values and recreational amenity values to be taken into account, where appropriate. The recognition in section 7 of the habitat of trout and salmon as a matter to which we must give particular regard certainly supports the former, and we have no difficulty concluding that the waterways of the Wakatipu Basin have recreational amenity to a wide range of parties.

1132. Accordingly, we recommend that Rule 24.5.7 be renumbered 24.5.12, but that the only substantive amendments be to amend the specified matters of discretion to read:

“Discretion is restricted to the following:

- a. Biodiversity values;*
- b. Natural hazards;*
- c. Visual and recreational amenity values;*
- d. Landscape and natural character;*
- e. Open space.”*

1133. Notified Rule 24.5.8 relates to farm buildings. Four standards are specified with non-compliance being a restricted discretionary activity. Three of those standards are simplified versions of recommended Rule 24.5.3. The fourth standard is a floor area limit of 50m².

1134. Consideration of this rule occurs against a background where farm buildings meeting the specified standards are permitted under recommended Rule 24.4.9.

1135. Mr Barr noted a number of submissions including those of Morven Ferry et al seeking an increase in the specified size of farm buildings to 150m². He also noted the submission of Rene Kampman as having sought a maximum floor area of 140m² and amendment to the permitted colours to include reference to scoria/barn red.

1136. Federated Farmers⁶⁰¹, sought increases in the permitted light reflectance values by 10% in each case based on concern expressed to it by farmers that achieving lower reflectance values is often difficult. The submission also cited acceptance of a 40% reflectance value in the Southland District Plan.

1137. The submission of C Dagg⁶⁰² was also noted as having sought a 100m² limit on the basis that farm buildings are generally in the order of 80m²-100m².

1138. Mr Barr observed in his Section 42A Report that while the equivalent rule in Chapter 21 provides for farm buildings of up to 150m² in Rural Character Landscape areas, a range of other criteria have to be met, including that the land holding is not less than 100ha in area and the density of buildings combined is not greater than one per 50ha. Mr Barr’s view was that the Rural Zone provisions could not be relied upon as it has a completely different framework that justifies having larger farm buildings.

1139. Mr Barr also drew attention to the fact pressed by many submitters (in support of enhanced provision for rural living) that the Wakatipu Basin does not derive its landscape character from productive farming operations and the latter are not the predominant land use in the Rural

⁶⁰¹ Submission 2540

⁶⁰² Submission 2586

Amenity Zone. He considered that it was a consequence of that that the permitted thresholds for farm buildings needed to be more restrictive than the Rural Zone. Mr Barr provided information suggesting that the costs of compliance are not excessive, contrary to Federated Farmers' submission. He also queried the relevance of the provisions of the Southland District Plan.

1140. Mr Barr also opposed the suggested expansion of permitted colours suggested by Mr Kampman, because barn red has the potential to be visually prominent. In his view, while barn red might be appropriate in particular situations, that needs to be the subject of a case by case analysis in a resource consent setting.
1141. We largely accept Mr Barr's reasoning in this regard. While Chapter 24 seeks to facilitate any farming enterprises that continue to be undertaken in the Wakatipu Basin, the reality is that this is not the predominant land use. There is also a significant risk, given the pressure for land use conversion, that 'farm buildings' of 140-150m² might be constructed with an eye to their conversion to residential use. The witnesses for Millbrook Country Club provided us with an example of just that occurring adjacent to the Millbrook Resort.
1142. We agree with Mr Barr that while barn red might be a classic colour for farm buildings (almost by definition) there is a danger that if located inappropriately, they might have adverse effects.
1143. As regards the Federated Farmers concerns, we note that Mr Cooper did not seek to advance this as an issue in the light of Mr Barr's Section 42A Report. Based on his evidence, we infer that Federated Farmers accepts that analysis. We also observe that both the environment and the environmental values in the Southland District are rather different to the Wakatipu Basin. We would not, ourselves, see the comparison between the two as being particularly persuasive.
1144. In summary, there is only one aspect of this rule that we think requires amendment; this is a clarification of the first standard to make it clear that what is being referred to is the maximum gross floor area "*of any farm building*". At present, the standard could be read as the cumulative total, but given the small specified area, this is not obviously what is intended.
1145. In summary, we recommend that standard (a) be amended to read:
- "The maximum gross floor area of any farm building shall be 50m²."*
1146. In all other respects, save to renumber it 24.5.13 and to reformat the matters of discretion, we recommend that Rule 24.5.8 remain as notified.
1147. Notified Rule 24.5.9 relates to home occupations. The only submission on it Mr Barr noted was that of NZTA⁶⁰³, who supported the rule as notified.
1148. Accordingly, we recommend that Rule 24.5.9 be renumbered 24.5.14 and reformatted consistently with the other rules in Part 24.5, but otherwise retained unamended.

⁶⁰³ Submission 2538

1149. Notified Rules 24.5.10 and 25.5.11 relate to roadside store buildings and other buildings for retail sale of produce and other products produced on site respectively. Mr Barr did not identify any submissions related to these two standards. Mr Barr recommended minor amendments within the scope of clause 16.2 to:
- a. Alter the heading of Rule 24.5.10 to read “*Roadside stalls*”;
 - b. Amend standard (b) in Rule 24.5.10 to refer to “*stalls*” rather than “buildings”;
 - c. Insert a heading “*Retail Sales*” into Rule 24.5.11.
1150. We accept these suggested changes are desirable improvements and recommend that these rules be amended accordingly, renumbered 24.5.15 and 25.5.16 and reformatted consistently with the balance of Part 24.5, but otherwise retained as notified.
1151. Notified Rule 24.5.12 sought to prohibit grazing the animals in or on the margins of water bodies.
1152. Mr Barr noted the submissions of Federated Farmers⁶⁰⁴ and Bagrie et al as having sought deletion of the rule.
1153. He noted also that the same rule was notified in the Rural Zone Chapter 21 and the Hearing Panel for that chapter recommended that it be deleted as it duplicated the functions of the Otago Regional Council. Mr Barr considered that the same logic suggested that this rule also should be deleted. We concur.
1154. We also consider that the rule as currently framed would be difficult to enforce.
1155. Accordingly, notwithstanding the support for this rule in the submissions of Department of Conservation⁶⁰⁵ and Otago Fish and Game Council⁶⁰⁶, we recommend that Rule 24.5.12 be deleted.
1156. Notified Rule 24.5.13 relates to glare. Mr Barr did not identify any submissions specifically opposing or seeking amendment of this rule.
1157. Accordingly, save for renumbering it 24.5.17 and reformatting it consistently with the balance of Part 24.5, we recommend that Rule 24.5.13 be retained unamended.
1158. Notified Rule 24.5.14 relates to informal airports. This rule was supported by D Bromfield and Woodlot Properties Limited⁶⁰⁷.
1159. We have already discussed the submission of Aircraft and Pilot Owners Association New Zealand Inc⁶⁰⁸ and Dalefield Trustee Limited⁶⁰⁹ in the context of notified Rule 24.4.28. As noted in section 3.15 of this report, we do not recommend the substantive amendments those submitters sought to this rule.

⁶⁰⁴ Submission 2540

⁶⁰⁵ Submission 2242

⁶⁰⁶ Submission 2455

⁶⁰⁷ Submission 2276: Opposed by FS2732

⁶⁰⁸ Submission 2663

⁶⁰⁹ Submission 2097

1160. We consider, however, that Rule 24.5.14 requires amendment in two respects. The first relates to the opening words of the rule which states *“informal airports that comply with the following standards shall be permitted activities”*. This is not a standard. It is a description of the activity, and it duplicates recommended Rule 24.4.12. It could also be regarded as inconsistent with recommended Rule 24.4.27 (that applies in the Precinct).
1161. Secondly, Standard (c) reads:
- “Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.”*
1162. Again, this is not a standard. As we read the intention, it is to carve out the specified activities so that they are not the subject of Standards (a) and (b).
1163. The Decisions Version of Rule 21.10.1 and 21.10.2 was redrafted precisely to avoid any lack of clarity in that regard.
1164. When we discussed the point with Mr Barr on 24 October, he agreed that Rule 24.5.14 needed similarly to be amended. As part of her tabled evidence, Ms Edgley suggested a revision of the rules to address the point, but we consider it can be addressed more simply and directly than by providing a new activity rule (as she suggested).
1165. Like Ms Edgley though, we regard this as a minor change. It is obvious to us that it could not have been intended that emergency aircraft landings, rescues and the like be subject to standards applying to aircraft movements that have the luxury of a choice where to take off and land from.
1166. Accordingly, we recommend that Rule 24.5.14 be renumbered 24.5.18 and amended to read as follows:
- “Informal Airports
Other than in the case of informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities:*
- a. Informal airports shall not exceed a frequency of use of two flights per day;*
- b. Informal airports should be located a minimum distance of 500m from any other zone or the notional boundary of any residential dwelling not located on the same site.*
- Advice Note: For the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and a departure.”*
1167. We recommend that the non-compliance status remain full discretionary.
1168. Notified Rule 24.5.15 relates to residential visitor accommodation. Submissions on it have been transferred to Stream 15. The Stream 15 Hearing Panel has recommended separation of the standards applying to the Precinct from those applying in the balance of the Rural Amenity Zone, with the latter having a non-compliance status of Controlled. Our recommended revised

Chapter 24 reflects that recommendation, with new standards 24.5.20 and 24.5.21 respectively.

1169. Notified Rule 24.5.16 relates to homestays and was likewise a matter for the Steam 15 Hearing Panel which has made a similar recommendation. Our recommended revised Chapter 24 therefore shows a new 24.5.22 applying to the Rural Amenity Zone excluding the Precinct, and 24.5.23 applying to the Precinct.
1170. The final rule recommended by Mr Barr in this part of Chapter 24 was a new rule providing standards for fire-fighting, responding to the submission of Fire and Emergency New Zealand⁶¹⁰. This is discussed at some length at section 13 of Mr Barr's Section 42A Report. We did not receive any further evidence or commentary from Fire and Emergency New Zealand and thus, to the extent that Mr Barr recommends rejection of its submissions, we have no basis for taking a different view. We also accept Mr Barr's point that because the non-compliance status proposed restricted discretionary, the standard has limited utility. We do think, however, to the extent that it broadens the matters of discretion, it serves a worthwhile purpose.
1171. Because of the changes we have recommended to rules governing construction of residential buildings, some amendments to Mr Barr's recommended rule are required. We also consider that some reformatting would be beneficial. Accordingly, we recommend a new rule numbered 24.5.19 reading as follows:

"Fire-Fighting Water and Access

Buildings for residential activity that do not have reticulated water supply or where there is insufficient fire-fighting water supplied must provide the following provision for fire-fighting:

- a. A water supply of 20,000 litres and any necessary couplings;*
- b. A hard stand area adjacent to the fire-fighting water supply capable of supporting fire service vehicles;*
- c. Fire-fighting water column connection point within six metres of the hard stand, and 90m of the building;*
- d. Access from the property boundary to the fire-fighting water connection capable of accommodating and supporting Fire Service vehicles.*

Advice Note: Excludes non-habitable accessory buildings."

1172. As above, our recommended non-compliance status is restricted discretionary. The text in the non-compliance status column relating to this rule is recommended to read:

"Discretion is restricted to:

- a. The extent to which SNZ PAS 4509:2008 can be met including the adequacy of the water supply;*
- b. The accessibility of the fire-fighting water connection point for fire service vehicles;*
- c. Whether and the extent to which the building is assessed as low risk."*

⁶¹⁰ Submission 2660

3.17 Part 24.6 – Non-notification of Applications

1173. As notified, this rule listed a series of exceptions to a general principle that applications for restricted discretionary activities should not require written consent and should not be notified or limited-notified. The framing of the rule in this manner appears to have confused many submitters. Morcom et al, for instance, sought alternative relief whereby Rule 24.4.5 would be listed among the applications which are non-notified in Rule 24.6. Given that listing this rule would have the opposite effect to that which the submitters apparently sought, we can only assume that this was an error. Williamson et al likewise sought that Part 24.6 be deleted because it was supposedly meaningless. Mr Barr did not understand the submitters' reasoning, and nor do we. We note also that Mr Vivian, giving evidence for the submitters, agreed with Mr Barr's recommendation that the submissions be rejected.
1174. Morven Ferry et al sought deletion of reference to notified Rule 24.5.5 as a consequence of its submission seeking deletion of provision for identified landscape features outside ONLs and ONFs. We have not recommended acceptance of the primary submission and thus the consequential relief falls away.
1175. We note that Mr Brown gave evidence suggesting that notified Rules 24.5.1, 24.5.3 and 24.5.5 all be deleted on the basis that, in his view, these are all matters between the Council and the applicant and should not involve other parties.
1176. Given the limited range of submissions, as above, we were unclear as to which submissions Mr Brown was relying on when preparing this evidence, but in any event, we consider that he misread what the Plan seeks to achieve. When we asked him about it, he said that applications would require notification if the relevant standards were breached, and it seems to us that is what Part 24.6 provides: it references standards whose non-compliance status is restricted discretionary.
1177. Mr Barr recommended an additional exclusion consequential on his recommendation that notified Rule 24.4.14 be amended to restricted-discretionary status (from full discretionary). We agree with that logic, which applies to our recommended new Rule 24.4.16. Reference to that rule should also be added.
1178. Some of the Crown Investments et al submitters also sought that the initial words of the rule should reference controlled activities, consequent on their primary submissions seeking identification of such. We have not recommended that those primary submissions be accepted, but the fact that our recommended Rule 24.4.6 has controlled activity status suggests to us that the requested amendment should be made.
1179. The only other amendments we recommend are consequential changes to reflect the renumbering in our revised Chapter 24 and a terminology change consequential on the recommended form of Rule 24.5.10.
1180. Accordingly, we recommend that Part 24.6 be amended to read:

"Non-notification of Applications

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

- a. Rule 24.5.4 Building size;
- b. Rule 24.5.5 Building coverage;
- c. Rule 25.5.6 Setback from internal boundaries;
- d. Rule 24.5.7 Height of buildings;
- e. Rule 24.5.8 Setback from roads;
- f. Rule 24.5.10 Setback from Escarpment, Ridgeline or River Cliff Features;
- g. Rule 24.4.16 Retail sales of farm and garden produce and wine, where the access is onto a State Highway.”

3.18 Part 24.7 – Assessment Matters

1181. Part 24.7 as notified was entitled Assessment Matters – Restricted Discretionary Activities. Donaldson et al sought that the heading to this part of the Act include reference to controlled activities, given the primary relief they sought in relation to buildings located within building platforms. We have not recommended acceptance of that submission, but with our recommending Rule 24.4.6 being a controlled activity, the title needs to change in order to accommodate assessment matters that we will recommend in relation to that rule. Consequential amendments will also be required to 24.7.1 and 24.7.2 which serve as an introduction to the assessment matters that follow.

1182. So far as the heading is concerned, we recommend that it read as we have entitled this section.

1183. Provision 24.7.1 read as notified:

“In considering whether or not to grant consent or impose conditions on a resource consent, regard should be had to the assessment matters set out in 24.7.3 to 24.7.13.”

1184. Donaldson et al sought a minor change to insert the word “and” so that this provision would refer to granting of consent “and/or imposing of conditions”. Mr Barr recommended that these submissions be accepted. We concur.

1185. In addition, because of the need to insert assessment matters in relation to Rule 24.4.6, the cross-referencing numbering needs to change.

1186. We therefore recommend that 24.7.1 be amended to read:

“In considering whether to not to grant consent and/or impose conditions on a resource consent, regard should be had to the assessment matters set out at 24.7.3 to 24.7.14.”

1187. Rule 24.7.2, as notified read:

“All proposals for restricted discretionary activities will also be assessed as to whether they are consistent with the relevant objectives and policies for the Zone or Precinct as well as those in Chapters 3 – Strategic Direction; Chapter 4 – Urban Development; Chapter 6 – Landscapes; and Chapter 28 – Natural Hazards.”

1188. This provision was the subject of a number of submissions including those of Williamson et al, Crown Investments et al and Donaldson et al, who all sought that the reference to the strategic chapters be deleted.

1189. Due to the glitch in preparation of his Section 42A Report on this point, Mr Barr provided internally contradictory recommendations that he sought to clarify in his rebuttal evidence⁶¹¹, saying that in his view the text should be retained but that he did not hold a firm view as to the necessity for doing so.
1190. Both Mr Vivian and Mr Brown gave evidence on this point. Essentially the issue they had with the reference to the strategic chapters is that because of the wide-ranging nature of the matters covered in the objectives and policies of those chapters, this cross reference would effectively render the restrictions in the respective restricted discretionary rules nugatory. Mr Brown compared it to the kind of assessment that one would undertake for a non-complying activity. We consider that the submitters have a point. Depending on one's point of view, having assessment matters that extend more widely than the matters of discretion specified in the relevant rules is either ultra vires or simply ineffective. It is certainly productive of confusion in the application of the rules.
1191. We asked both Mr Brown and Mr Vivian whether the solution was to restrict the matters in the strategic chapters to which regard might be had, to those relevant to the matters of discretion. Both Mr Brown and Mr Vivian agreed that that would resolve the problem.
1192. Logically, the same limitation must apply to reference to objectives and policies in Chapter 24 and in Chapter 28.
1193. Mr Barr also took up that concept and in his reply evidence suggested that reference might simply be made to the *"objectives and policies relevant to the matters of discretion"*.
1194. We have a problem with that formulation. Provision 24.7.2 as notified cross referenced the objectives and policies of the Rural Amenity Zone, the Precinct, together with those in Chapters 3, 4, 6 and 28. As far as we have identified, no submissions sought a broadening of the matters required to be assessed, only a narrowing. We do not, therefore, think we have scope to accept Mr Barr's recommendation, to the extent that it might allow (indeed require) reference to objectives and policies in other chapters of the Proposed District Plan.
1195. Lastly, because of the inclusion of controlled activities, reference needs to be made to that too.
1196. In summary, therefore, we recommend that provision 24.7.2 be amended to read:
- "All proposals for controlled activities or restricted discretionary activities will also be assessed as to whether they are consistent with the objectives and policies relevant to the identified matters of control or discretion (as applicable) in this Chapter 24, as well as those in Chapters 3 – Strategic Direction, Chapter 4 – Urban Development, Chapter 6 – Landscapes and Rural Character and Chapter 28 – Natural Hazards."*
1197. Logically the assessment matters for controlled activities should be inserted prior to those for restricted discretionary activities. We will come back to the assessment matters we propose

⁶¹¹ At 5.60-5.61

for controlled activities because, in our view, they should be based on those relevant to restricted discretionary activities, and amended as required.

1198. We therefore consider next notified provision 24.7.3 which relates to “*New buildings (and alterations of existing buildings), residential flat, building coverage and building height infringements*”.
1199. Mr Barr noted first a general submission by Peter Dennison and Stephen Grant⁶¹² seeking that the assessment matters be split into three separate sections – buildings, coverage and height encroachments, and residential flats. The rationale for this suggested change was to avoid matters being considered where there was no jurisdiction to do so. The specific example provided was where a building meets the maximum height, then the height-related assessment matters should not be considered.
1200. Mr Barr did not agree. He observed that all of the matters listed under provision 24.7.3 relate to landscape and visual amenity. He emphasised that the need for a robust design-led response to assessing development is required irrespective of whether specific standards might be met.
1201. Mr Barr discussed the possibility that an existing site configuration established through the Operative District Plan, or proximity to landscape features and ONLs and ONFs, and views from public roads, might mean a building platform or building would be prominent from public locations. In that case, he considered that a building proposal might still require careful scrutiny to ensure appropriate outcomes, notwithstanding that it might comply with the bulk and location standards.
1202. We agree with Mr Barr’s analysis on all of these points. As we have endeavoured to make clear, development is not a given within the Precinct, and very much less so within the balance of the Rural Amenity Zone. Nor are the standards provided in order that boxes might be ticked, leading inexorably to a conclusion that consent must be granted.
1203. The interaction between building location and design on the one hand, and maintenance and enhancement of landscape character and visual amenity values on the other, means that an integrated assessment is required of all components of a proposal. That is also the answer to the related submission by the same submitters that the size of accessory buildings not be a matter of assessment if coverage and height standards are met. For similar reasons, we agree with Mr Barr’s recommendation that the assessment matters do not need to be separated into those specific to the Precinct, and those relevant to the balance of the Rural Amenity Zone (as sought by Williamson et al). The areas of inquiry are the same (or largely the same). Where they differ (if at all) is in the policy response.
1204. Some members of the Donaldson et al group also sought that the subject matter of 24.7.3. refer to new buildings “*within a residential building platform*”. While that may be the situation, equally it may not. Accordingly, we do not recommend that the assessment criteria be limited to buildings within a building platform.

⁶¹² Submission 2301: Supported by FS2745, FS2795 and FS2796; See also United Estates Ranch (#2126: Supported by FS2706, FS2745 and FS2791) to similar effect

1205. Mr Barr recommended that 24.7.3 refer to identification of building platforms as an activity to which the assessment matters apply. However, this was consequential on his recommended rule enabling identification of building platforms as a “*land use*”. As above, we have not recommended inclusion of that rule, and therefore the suggested amendment is not required.
1206. Mr Barr also recommended that the heading for the assessment matters be amended to refer to landscape “*character*” and visual amenity. Given the way in which the objectives and policies of Chapter 24 are framed, we agree that this is a desirable amendment for consistency purposes. The heading has no particular weight and therefore we regard it as a minor change within Clause 16(2).
1207. Wakatipu Reforestation Trust⁶¹³ sought to push the assessment criteria in the opposite direction and describe 24.7.3 as applying to “*all activities*”. Notified assessment matters 24.7.4-27.7.13 provides separate criteria for a range of discrete activities. While, as just discussed, there is a substantial degree of overlap between the assessment criteria within 27.7.3, we think it is helpful to separate out assessment criteria for other activities, to the extent that this is possible. We do not recommend the suggested amendment.
1208. Slopehill Properties Ltd⁶¹⁴ sought that the assessment matters be significantly pruned, with a clear focus on the matters identified in Schedule 24.8. Once again, its submission was not supported by expert evidence. As we will discuss in the context of the assessment matters in Chapter 27, Schedule 24.8 is necessarily pitched at a high level. The assessment matters are deliberately much more detailed, in our view, appropriately so.
1209. Moving to the detail of 27.7.3, Mr Barr noted the submissions of Donaldson et al seeking deletion of reference to location within 24.7.3(a) and (b) on the basis that in their requested rules, location has been defined through identification of the building platform. Mr Barr recommended rejection of those submissions on the basis that he was recommending building platforms for residential activity be enabled through a land use consent.
1210. We have not recommended acceptance of Mr Barr’s suggested new rule in that regard, but we do not think it follows that location is thereby irrelevant. Even where a building platform has been defined, that does not mean that as part of an integrated design-led process, some locations within the building platform will not better achieve the objectives and policies of the Precinct and/or the broader Rural Amenity Zone than others. In addition, there are many rules to which these assessment criteria apply that do not assume prior identification of a building platform.
1211. Mr Barr recommended a minor amendment to a reference in the notified assessment matter 24.7.3(a) so that it would refer to landscape character and visual amenity “*values*” rather than landscape, character and visual amenity “*qualities*”. Again, we regard this as an issue of consistency of terminology rather than a substantive issue. We therefore agree with Mr Barr and recommend this as a minor amendment in terms of Clause 16(2), along with renumbering so that the revised provision will be 24.7.5(a).

⁶¹³ Submission 2293: Opposed by FS2746

⁶¹⁴ Submission 2584: Supported by FS2719

1212. Turning to assessment matter 24.7.3(b), this is framed as:

“The extent to which the location and design of buildings and ancillary elements and the landscape treatment complement the existing landscape character and visual amenity values, including consideration of”

1213. Then follows some 11 discrete matters. Wakatipu Reforestation Trust suggests that a new matter be added to this list being *“The use of LID infrastructure, its integration in the landscape and contribution to the natural character or biodiversity values”*.

1214. While the Partially Operative RPS 2019 encourages the use of low impact design techniques⁶¹⁵, the specific amendment sought by the submitter falls more naturally into the assessment criteria related to infrastructure (notified provision 24.7.4). We will return to discuss it in that context.

1215. The existing 6th matter contained in the list under 24.7.3(b) is:

“The retention of existing vegetation and landform patterns”.

1216. The 8th point listed is:

“Planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.8.”

1217. Wakatipu Wilding Conifer Group Inc⁶¹⁶ sought that a specific exclusion be inserted in both points so that consideration of restoration and planting not include trees and plants *“with wilding potential”*.

1218. Mr Barr suggested that this submission might better be addressed by inclusion of a new 24.7.3(j) worded as follows:

“The merit of the removal of identified wilding exotic trees in all instances except where this would have significant landscape or visual amenity adverse effects, and their replacement with non-wilding species.”

1219. The submitter did not appear and provide evidence in support of its submission on these points.

1220. The first point to make is that we do not consider it is necessary to qualify the 8th subpoint of 24.7.3(b). We cannot conceive of a situation where wilding species would be considered *“appropriate”* given the terms of Chapter 34.

1221. We support inclusion of an additional assessment criterion, but we consider that it needs to reflect the policy we have recommended on the subject (24.2.4.9) that encourages the

⁶¹⁵ Refer Policy 4.5.4

⁶¹⁶ Submission 2190: Supported by FS2746

removal of wild and exotic trees at the time of development. We do not think it necessary to add reference to landscape or visual amenity effects from removal of such trees. The consideration of those issues is implicit within an instruction to consider the merits of removal of wilding trees. Similarly, potential replacement would necessarily be considered when assessing the merits of removal.

1222. In summary, and taking account of the renumbering required to accommodate the new assessment criteria that we will discuss shortly, we recommend a new 24.7.5(i) be inserted worded as follows:

“The merit of the removal of wilding exotic trees at the time of development”.

1223. Dennison/Grant⁶¹⁷ and United Estates Ranch⁶¹⁸ also sought amendments to the 6th point quoted above; so that enhancement of existing vegetation of landform patterns is considered along with the extent to which the proposal will achieve the patterns anticipated by the rules and in the context of the amenity and character elements set out Schedule 24.8.

1224. We consider that these matters are already addressed by other matters listed under 24.7.3(b) and that the amendments suggested are not obviously required. The submitters provided no evidence that would suggest otherwise.

1225. Assessment matter 24.7.3(c) as notified read:

“The extent to which existing covenants or consent notice conditions need to be retained or are otherwise integrated into the proposed development in a manner that delivers optimal landscape character and visual amenity outcomes.”

1226. X-Ray Trust Limited and Avenue Trust⁶¹⁹ together with Morven Ferry et al sought that rather than referring to delivery of optimal outcomes, this criterion should relate to maintenance and enhancement of landscape character and visual amenity.

1227. Mr Barr recommended acceptance of that submission. We agree that the alternative language suggested is more appropriate in this context, but that reference should be to landscape character and visual amenity values given the way in which the relevant objectives and policies in Chapter 24 are framed.

1228. For the reasons discussed in section 2.7, however, we think that maintenance and enhancement should be framed as alternatives.

1229. Lastly, we consider that some amendment is required to explain how covenants and conditions can be *“integrated”* into a development. Logically, it must be through their incorporation into the conditions governing a development. We recommend that be made clear, to avoid unintentionally watering down the existing wording.

⁶¹⁷ Submission 2301

⁶¹⁸ Submission 2126: Supported by FS2706, FS2745 and FS2791

⁶¹⁹ Submission 2619: Opposed by FS2710

1230. We therefore suggest that this assessment matter be amended to read:

“The extent to which existing conditions governing covenants or consent notice conditions need to be retained or are otherwise integrated into the proposed development so as to ensure that landscape character and visual amenity values are maintained and enhanced.”

1231. As notified, assessment matter 24.7.3(d) read:

“The extent to which the development maintains visual amenity from public places and neighbouring properties.”

1232. Mr Barr noted Morven Ferry et al as having sought that the reference to neighbouring properties be deleted. The submissions suggested that views from neighbouring properties should not be a general matter of assessment, but should be identified as relevant in specific instances where the amenity of neighbouring properties might be affected. The example was given of internal setbacks.

1233. Mr Barr considered that the submission raised a relevant matter in terms of the extent to which Council might consider views from neighbouring properties, and potential inconsistency with the extent to which restricted discretionary resource consent applications are directed to be non-notified under Part 24.6. Given the latter, Mr Barr felt that reference to neighbouring properties in this assessment criterion might provide neighbours of adjoining properties with a false expectation that they could be considered an effected person to a resource consent application.

1234. Having said that, Mr Barr was of the view that it was important that the scope of consideration on applications be broader than just related to views from public places. He recommended that the specific reference to neighbouring properties be deleted, but that the assessment matter be reframed more generally to read:

“The extent to which the development maintains visual amenity in the landscape and from public places.”

1235. We share Mr Barr’s view that assessment of visual amenity effects are not limited to effects from public places. However, equally, submitters seeking assurance that views from private property will be safeguarded⁶²⁰ have pushed the relevance of such effects too far.

1236. Accordingly, we agree with the intent underlying Mr Barr’s recommended amendment, but we consider that visual amenity values in public places deserve some prioritisation.

1237. Accordingly, we recommend that what will now be 24.7.4(d) read:

“The extent to which the development maintains visual amenity in the landscape, particularly from public places.”

1238. Assessment matter 24.7.3(e) read as notified:

⁶²⁰ See e.g. the submission of Hunter Leece and Anne Kobienia (#2122)

“Whether clustering of buildings would offer a better solution for maintaining a sense of openness and spaciousness, or the integration of development with existing landform and vegetation patterns.”

1239. Morven Ferry et al sought two amendments to this assessment matter. The first is to introduce reference to varied allotment sizes in subdivision design and the second to refer to lifestyle development patterns.
1240. Mr Barr recommended acceptance of this submission given retention of a 6000m² minimum allotment size. We agree that it is implicit in retention of both a minimum lot size and a minimum average lot size in the Precinct that varied allotment sizes are envisaged, if not encouraged.
1241. We are less sure about the suggested reference to *“lifestyle patterns”*. It seems to us that this is coded language for the pattern of settlement and that is what the assessment matter should say.
1242. Mr Barr recommended a slight alteration of the language to talk about varied densities of development, which we think is an improvement.
1243. We also wonder about reference to a *“better solution”* without identifying the alternative; better than what? Dennison/Grant⁶²¹ and United Estates Ranch Ltd⁶²² raised a related point. They sought the reference to openness and spaciousness be qualified so that it only applied where that is already the case, or the Plan seeks it as an outcome.
1244. We infer from the evidence we heard that the counterpoint is what was described to us as a *“cookie-cutter”* subdivision design with standardised allotment sizes and spacing between buildings. While the language is similar, we think this is a different issue to that addressed by recommended Policy 24.2.1.11, and so the qualification sought in the submissions is not required. However, we think that an amended wording might better capture the underlying concepts. We recommend the following rewording:

“Whether clustering of buildings or varied densities in development areas would better maintain a sense of openness and spaciousness, or better integrate development with existing landform, vegetation or settlement patterns.”

1245. Assessment matter 24.7.3(g) as notified read:

“The extent to which the development avoids, remedies or mitigates adverse effects on the features, elements and patterns that contribute to the value of adjacent or nearby ONLs and ONFs. This includes consideration of the appropriate setback from such features as well as the maintenance of views from public roads and other public places to the surrounding ONL and ONF context.”

⁶²¹ Submission 2301: Supported by FS2745, FS2795 and FS2796

⁶²² Submission 2126: Supported by FS2706, FS2745 and FS2791

1246. Morven Ferry sought that the reference to “*features, elements and patterns*” be amended to refer to “*outstanding features, elements and patterns*” and that the language in the second sentence be slightly amended to refer to “*an appropriate setback*”.
1247. Mr Barr did not support the suggested amendments. We agree. The focus of this assessment criterion is effects on features, elements and patterns of the landscape outside ONLs and ONFs that have consequential effects on the ONL and ONF in question. It is consistent with recommended Policy 24.2.1.5 as currently framed and we do not recommend any change to it from that notified, save to renumber it 24.3.4(g).
1248. Assessment matter 24.7.3(h) as notified read:
- “The extent to which development adversely affects other identified landscape features as identified on the planning maps, and in particular the visual amenity values of those features in views from public places outside of the Precinct.”*
1249. Mr Barr noted the submission of X-Ray Trust Limited and Avenue Trust⁶²³ that sought it be deleted on the basis of the lack of clear direction in the objectives and policies regarding the identified landscape features.
1250. Mr Barr supported retention of this assessment matter as being implemented through varied Policy 24.2.1.5.
1251. We have recommended amendment to that policy to delete reference to the Escarpment, Ridgeline and River Cliff Features. Our reasoning in that regard suggests to us that the significance of those features is better addressed in the assessment matters with reference to the setbacks required with reference to them. We therefore recommend that our renumbered assessment matter 24.7.7 incorporate reference to them.
1252. It follows that, in our view, notified assessment matter 24.7.3(h) should be deleted, as sought by the submitter.
1253. Assessment matter 24.7.3(i) as notified read:
- “Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds and consent notices.”*
1254. Morven Ferry et al sought that the two identified mechanisms to support mitigation should be expressed as alternatives (“*bonds or consent notices*”).
1255. Mr Barr recommended acceptance of that submission as either or both mechanisms might be appropriate in a particular case.
1256. We agree with that reasoning. Accordingly, we recommend that renumbered assessment matter 24.7.4(h) read as follows:

⁶²³ Submission 2619: Supported by FS2770; Opposed by FS2712

“Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds or covenants.”

1257. Finally in relation to notified 24.7.3, Mr Barr recommended an additional assessment matter that was the subject of a recommendation from Ms Gilbert. In the context of her discussion of the submissions of Millbrook Country Club⁶²⁴, Ms Gilbert recommended assessment matters refer to ‘no build areas’. Mr Barr drew on an assessment matter in Chapter 21 to formulate a proposed assessment matter worded:

“Whether the proposed development provides an opportunity to maintain landscape character and visual amenity through open space covenants.”

1258. Acknowledging that the Millbrook submission did not seek this particular relief, Mr Barr referred us to a number of submissions⁶²⁵ that opposed the Precinct on the basis that the densities are too high and will result in unsatisfactory landscape and amenity outcomes.

1259. Those submissions provide scope and we think that there is merit in Mr Barr’s recommendation, but that it would benefit from expansion as to what is meant by an “open space covenant”.

1260. Accordingly, we recommend a new assessment matter numbered 24.7.5(j) worded:

“Whether the proposed development provides an opportunity to maintain landscape character and visual amenity through the registration of covenants requiring open space to be maintained in perpetuity.”

1261. Lastly, we should note the submission of Wakatipu Reforestation Trust⁶²⁶ that sought an additional assessment matter related to indigenous biodiversity. This formed part of a package of relief that Mr Barr discussed at section 12 of his Section 42A Report. He concluded that the assessment criteria regarding indigenous biodiversity were appropriate. In the absence of evidence from the submitter, we do not have the basis to come to a different view.

1262. Those provisions of notified Provision 27.7.3 that have not been discussed were not the subject of submission and we recommend they be retained unamended, save for consequential renumbering.

1263. The second set of assessment matters that was provided in the notified version of Part 24.7 was stated to relate to “servicing, hazards, infrastructure and access”. On the face of the matter, the heading should be expanded and amended to reflect the content of this subpart. Accordingly, we recommend that it read:

“Servicing, fire-fighting water, natural hazards, infrastructure and access.”

⁶²⁴ Submission 2295

⁶²⁵ Submissions 2135, 2472, 2515, 2578 and 2579

⁶²⁶ Submission 2293: Opposed by FS2746

1264. The only submission that we have noted on this set of assessment matters is that of the Wakatipu Reforestation Trust⁶²⁷ that sought insertion of a new assessment matter worded:

“The extent to which the proposal integrates the principals [sic] of Low Impact Development and enhances biodiversity values.”

1265. This submission needs to be considered in the light of the similar relief the submitter sought in relation to notified provision 24.7.3, discussed above, and which was more clearly targeted towards Low Impact Design Infrastructure.

1266. To the extent that the suggested additional assessment matter incorporates biodiversity values, we refer to and rely on the reasoning in Mr Barr’s Section 42A Report discussed above.

1267. Mr Barr did not, however, discuss whether an additional assessment matter might be inserted related to low impact design infrastructure.

1268. Given the provisions of the Partially Operative RPS 2019 encouraging its use, we believe that this is appropriate. Low impact design is closely related to minimisation of environmental effects, which are addressed in notified provisions 27.7.4(a). We therefore suggest that that provision be amended to read:

“The extent to which the proposal provides for appropriate on-site wastewater disposal and water supply. Use of low impact design techniques and the provision of shared infrastructure servicing to more than one property is preferred in order to minimise environmental effects.”

1269. As a result of the insertion of additional assessment matters that we will discuss shortly, this will be numbered 24.7.6(a). Notified provisions 24.7.4(b)-(d) were not the subject of submission and accordingly, we recommend they be retained unamended, save for consequential renumbering.

1270. Turning therefore to assessment matters for the single controlled activity rule we have recommended (24.4.6), we recommend a new table be inserted entitled Assessment Matters – Controlled Activities with two subsections, being 24.7.3 and 27.7.4. We further recommend that provision 27.7.3 be entitled *“The construction of buildings for residential activity under Rule 24.4.6”*. The substantive content of this provision should be copied over from recommended provision 24.7.5 that we have just discussed.

1271. Provision 24.7.4 we recommend be entitled *“Infrastructure and Access”*, with two assessment matters, being a copy of recommended assessment matters 24.7.6(a) and (b).

1272. The fact that this rule relates to building within an existing building platform means that provision for fire-fighting and consideration of natural hazards will already have been undertaken.

1273. Notified provision 24.7.5 relates to non-residential activities.

⁶²⁷ Submission 2293: Opposed by FS2746

1274. Mr Barr drew our attention to an NZTA submission⁶²⁸ seeking that the final assessment matter in this provision be amended to read *“Access that maintains the safety and efficiency of the transport network.”*
1275. While Mr Barr agreed with that suggested wording, and we accept that the existing assessment matter (reading *“Acceptable access and safety”*) is inadequate, our recommendations in relation to Policies 24.2.1 and 24.2.4 suggest that provision 24.7.5 should be amended to read:
“Access that maintains the safety and efficiency of the roading and trail network.”
1276. The balance of notified provision 24.7.5 is not the subject of submission. Accordingly, we recommend that it be retained unamended save for renumbering the entire provision 24.7.7.
1277. Notified provision 24.7.6 related to boundary and road setbacks. Mr Barr recommended that this be expanded to include the setback rules he proposed for the Queenstown Trail without amending the substance of the assessment matters. We agree with that recommendation and would add reference to the Escarpment, Ridgeline and River Cliff Features, consequent on our recommended deletion of the assessment matter notified as 24.7.3(h). As a result, renumbered provision 24.7.8 would be headed:
“Setback from Boundaries, Queenstown Trail, Roads and Escarpment, Ridgeline and River Cliff Features.”
1278. In the absence of any submissions on the substance of notified provision 24.7.6, we recommend it remain unchanged.
1279. There was no provision notified as 24.7.7.
1280. Notified provision 24.7.8 related to setbacks from boundaries of non-residential buildings housing animals. It does not appear to have been the subject of any submission and save for consequential renumbering so that it would appear as 24.7.9, we recommend it be retained unamended.
1281. Notified provision 24.7.9 related to the setback of buildings from water bodies. The sole amendment to it recommended by Mr Barr was to broaden the focus of the first assessment matter to *“the maintenance of enhancement of biodiversity values”*, responding to the submission of Otago Fish & Game Council⁶²⁹.
1282. The suggested change is consistent with the amendment we have recommended to Rule 24.5.12.
1283. We note that Wakatipu Reforestation Trust⁶³⁰ sought that this provision referred to maintenance, enhancement and protection of indigenous biodiversity values. We do not recommend that suggested change for the reasons discussed in section 2.7 of this report. Accordingly, save for the amendment discussed above to assessment matter (a), and for

⁶²⁸ Submission 2538: Supported by FS2760; Opposed by FS2765 and FS2766

⁶²⁹ Submission 2455: Opposed by FS2746

⁶³⁰ Submission 2293: Opposed by FS2746

consequential renumbering as 27.7.10, we recommend that notified provision 24.7.9 be retained unamended.

1284. Notified provisions 24.7.10-27.7.12 related to roadside stalls, retail sales and glare respectively. We have not identified any submissions that sought changes to these provisions and accordingly, save for their consequential renumbering as provisions 24.7.11-14 respectively, we recommend they be retained unamended.

1285. Notified provision 24.7.13 relates to clearance, works within the root protection zone or significant trimming of exotic vegetation over 4m² in height. Mr Barr recommended an additional assessment matter on this provision, responding to the submission of Wakatipu Wilding Conifer Group Inc⁶³¹.

1286. The relief sought by the submitter was a new assessment matter worded:

“Whether the exotic vegetation is a tree or plant with wilding potential and the benefits of removing such planting.”

1287. Mr Barr suggested an assessment matter consistent with the new provision he recommended for 24.7.3 discussed above.

1288. For much the same reasons as discussed in that context, we recommend simplification of the wording so that a new assessment matter is added to renumbered provision 24.7.14 worded:

“The merit of the removal of identified wilding exotic trees.”

1289. Wakatipu Reforestation Trust⁶³² sought replacement of this assessment matter, consequential on its submission seeking expression of Rule 24.4.29 to cover indigenous vegetation. We have recommended rejection of that submission. It follows that we recommend in all other respects that the balance of notified assessment matter 27.7.13 remain unamended. For similar reasons, we do not recommend a new assessment matter for indigenous vegetation enhancement, protection and maintenance, as sought by the Trust.

1290. We have reviewed Parts 24.3.-24.7 both provision by provision and collectively. We consider that these parts are the most appropriate means to achieve the objectives of Chapter 24 given the options open to us.

3.19 Schedule 24.8 – Landscape and Character Units

1291. As notified, this Schedule contained a map of the landscape character units (LCUs) dividing the rural areas of the Wakatipu Basin into 25 units, followed by a description of each unit which included a statement regarding its capability to absorb additional development on a scale between low and high.

1292. We note at the outset that submissions seeking changes to the boundaries of particular LCUs are addressed in the mapping reports that accompany this Report.

⁶³¹ Submission 2190: Supported by FS2746

⁶³² Submission 2293: Opposed by FS2746

1293. Mr Barr drew our attention to a number of general submissions on Schedule 24.8.
1294. Bagrie et al sought that Schedule 24.8 be amended to provide assessment matters.
1295. Mr Barr responded that the descriptions of each LCU were not intended to be assessment criteria or to enunciate the desired outcome. Rather, the LCUs identify features and values within each LCU to assist with application of the assessment matters in Part 24.7 and consideration as to whether the policies are being achieved. He recommended rejection of the submission.
1296. The Bagrie et al submissions did not provide detail as to how Schedule 24.8 might be converted into a series of assessment matters and none of the planning witnesses we heard from undertook a comprehensive analysis that would have supported such a change.
1297. Even if we had been provided with the evidential materials to enable us to take this submission forward, we would have been concerned about the natural justice implications of such a radical change to the approach in Chapter 24, given the inability of interested parties to assess the implications of that change and to provide their input.
1298. As it is, we have no basis to disagree with Mr Barr's recommendation that this submission not be accepted.
1299. Next, Mr Barr noted a submission by NZTA⁶³³ who sought that the description of LCU10 (Ladies Mile) is amended to acknowledge that there is a transportation infrastructure capacity issue at the State Highway 6 Shotover River bridge and that the capacity to absorb additional development in this area is "low". We have discussed the issues underlying this submission in Section 2.9 of this Report.
1300. Mr Barr did not recommend acceptance of this submission. In his view, while the LCU descriptions identify infrastructure features, these descriptions provide context as to the extent to which this infrastructure influences the landscape character and visual amenity within the respective LCU. In Mr Barr's view⁶³⁴, infrastructure items should not be identified as a landscape constraint. Rather, such constraints should be addressed through other provisions.
1301. Transpower New Zealand Limited⁶³⁵ submitted that additional text should be inserted into LCU18 (Morven Eastern Foothills) and LCU35 (Shotover Country) to recognise the presence of and constraints forwarded by the National Grid. Mr Barr did not recommend acceptance of that submission either, for much the same reasons.
1302. When NZTA appeared before us, its counsel, Ms McIndoe, advised that the agency agreed with the position expressed in the Section 42A Report.

⁶³³ Submission 2538: Supported by FS2760; Opposed by FS2765 and FS2766

⁶³⁴ Refer Section 42A Report at 32.11

⁶³⁵ Submission 2442

1303. We likewise agree. The descriptions of LCUs serve a purpose that is related to maintenance or enhancement of landscape character and visual amenity values. We agree with Mr Barr that to the extent that other considerations create constraints on development, this needs to be addressed independently of Schedule 24.8. We have a particular concern that were we to embark on amendments such as those suggested in the NZTA and Transpower submissions, there is a very real risk that we would not have the evidence to list all relevant constraints, but the inference that would inevitably be drawn from listing some constraints would be that the Schedule was complete.
1304. Williamson et al sought that the LCU map be retained, but updated to exclude those areas not the subject of Chapter 24.
1305. Mr Barr recommended acceptance of this submission in part. At paragraph 32.13 and 32.14 of his Section 42A Report, he expressed the view that for those LCUs that are partly Rural Amenity Zone and partly some other zone (e.g. the Rural Zone) it would be misleading if the LCU map included only that part of the landscape character unit that is the subject of Chapter 24. However, he identified that two LCUs (LCU16 (Bendemeer) and LCU25 (Shotover Country Margins) might be removed in their entirety, because the land is zoned Bendemeer Special Zone⁶³⁶ and Rural Zone⁶³⁷ respectively. Mr Vivian, giving evidence for Williamson et al, agreed with that suggestion, as do we. If no land covered by Chapter 24 is within an LCU, it is in the same category as the ONLs and ONFs that appear as holes in the LCU map. We consider the same approach should be taken to it. As a result, the descriptions for those two LCUs should likewise be deleted.
1306. Queenstown Trails Trust⁶³⁸ sought that the LCU descriptions be updated to include all trails and public recreation areas (including those that have been approved but not yet formed). Ms Gilbert expressed concern in her Evidence in Chief⁶³⁹ that as the trail network is progressively enhanced, the LCU descriptions will inevitably be out of date. She considered that the assessment criteria together with the requirement to consider how a new development integrates with existing trails will adequately address effects that are not specifically referenced in Schedule 24.8.
1307. Mr Barr agreed with that position, as do we. We consider that the incorporation of trails into Schedule 24.8 would need to be undertaken with considerable care given that a significant proportion of the trail network is not in fact a “trail” as defined. In addition, the ability to consider landscape character and visual amenity effects from “trails” as defined is limited at best, calling into question the usefulness of showing them on maps intended to assist assessment of landscape character and visual amenity effects.
1308. Accordingly, we recommend that the Trails Trust submission not be accepted.
1309. Along with seeking specific amendments to Schedule 24.8, Slopehill Properties Limited⁶⁴⁰ submitted that Schedule 24.8 should be more robustly tested by a range of experts and locals

⁶³⁶ Operative District Plan Part 12

⁶³⁷ Proposed District Plan Chapter 21

⁶³⁸ Submission 2575

⁶³⁹ At 72.6

⁶⁴⁰ Submission 2584: Supported by FS2719

and amended accordingly. It also sought that significant amenity landscape values should only be identified as such if they are articulated and founded on strong support and directives from the locals.

1310. While some aspects of amenity and landscape character require consideration of the values local residents place on their environment, this district generally, and the Wakatipu Basin in particular, are well known for the number of visitors they attract, both from other parts of New Zealand and from offshore. The economic benefits those visitors bring to the district are undoubted⁶⁴¹ and the values those visitors enjoy in the environment are in our view, worthy of recognition. This translates in practice to a recognition of the importance of views from local vantage points on the Crown Range Road, particularly the top of the zig-zag and Coronet Peak, together with the principal thoroughfares travelled by visitors to the district, including the State Highway, Arrowtown-Lake Hayes Road and Malaghans Road.
1311. To the extent that the Slopehill Properties submission is a coded attack on the authors of the WB Landscape Study for not being “*locals*”, we regard one of the strengths of that study as being its objectivity. The authors took a fresh look at a series of issues that have proven difficult to manage. We have already commented on the comprehensiveness of that review in comparison to the more site-specific evidence we had from other landscape experts⁶⁴². In our view, the authors were assisted by a lack of historic “*baggage*”. That is not to say the experts we heard who have spent much of their professional lives looking at landscapes in the Wakatipu Basin did not have valuable insights that have assisted us, but we do not consider the WB Landscape Study and/or Ms Gilbert’s evidence can be disparaged or downgraded on the kind of generalised basis stated in this submission.
1312. We recommend it be rejected.
1313. In section 3.5 of this report, we discussed a submission by Williamson et al that Objective 24.2.5 needed to acknowledge that the landscape character and visual amenity values of the Precinct will change over time. As we have noted in our discussion of that submission, Mr Barr gave evidence that the objective already contemplates landscape change. We did not recommend an amendment to the objective to respond to this submission, but we did discuss with Ms Gilbert whether, at least in one respect, the descriptions of the LCUs in Schedule 24.8 would be overtaken by changes anticipated by the District Plan. This was in the Precinct areas where, to the extent the rules of Chapter 24 contain density standards higher than currently exists, it must be anticipated that the description of lot sizes within the relevant LCU will change over the life of the Plan.
1314. In his reply evidence⁶⁴³, Mr Barr also drew our attention to the submission of Dalefield Trustee Limited⁶⁴⁴ that sought to draw a link between the assessment matters in Proposed Rule 27.7.6.2 and the environmental characteristics and visual amenity values listed as important to be maintained and achieved in each LCU in Schedule 24.8.

⁶⁴¹ Refer Stage 1 Report 3 at section 1.9

⁶⁴² See Section 2.3 above

⁶⁴³ At 11.43

⁶⁴⁴ Submission 2097

1315. As a consequence of these submissions, Mr Barr recommended amendments to the text of the descriptions for LCUs 2, 4-9 (inclusive), 12, 14 and 21. Although there are some variations, the suggested amendment to the description of settlement patterns in LCU2 (Fitzpatrick Basin) is typical. The new text suggested new text reads:

“The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of residential activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.”

1316. Mr Barr’s reply version of Chapter 24 also suggested amendments to the description of environment characteristics and visual amenity values to be maintained and enhanced to provide greater specificity regarding exactly what values are anticipated to change. The recommended amendments in this case are necessarily specific to each LCU.

1317. We regard the suggested amendments as an improvement to the text in a manner that responds to the submissions noted above in all but two cases. The first exception is in LCU4 where two hanging headings have been inserted into the description of environmental characteristics and visual amenity values. These do not appear to assist and we do not recommend their inclusion. The second exception is in relation to the suggested amendment to LCU8: Speargrass Flat. As discussed in Report 18.5 we have recommended a down zoning of land notified as Precinct in this LCU. Accordingly, the suggested amendment to the *“settlement patterns”* section of the description is not required.

1318. Turning to the more specific amendments suggested and starting with LCU8, this was the subject of submissions by Boxer Hills Trust⁶⁴⁵, Waterfall Park Developments Limited⁶⁴⁶ and by Wakatipu Equities Limited⁶⁴⁷. The Waterfall Park Developments submission is non-specific as to the particular amendments sought to be made to Schedule 24.8.

1319. It seeks that LCU8 be modified *“to reflect the landscape characteristics of the submitters and surrounding land owners sites”*. The evidence for the submitter did not particularise the relief sought other than to suggest (in the expert evidence of Mr Skelton) that the boundary between LCU8 and LCU12 where it adjoins the Waterfall Park Developments site be shifted north if that site is zoned anything other than Rural Amenity.

1320. As discussed in Report 18.5, we recommend that the Waterfall Park Development site be zoned Rural Amenity and accordingly, we need take Mr Skelton’s suggestion no further.

1321. Like Waterfall Park Developments, the submission of Wakatipu Equities was generally framed (seeking that LCU8 *“reflect the ability of the Submitter’s land to absorb the effects of future rural living subdivision and development”*) and we were left to infer what amendments that might actually require from Mr Skelton’s evidence on the submission. We note in that regard his description of the LCU8 portion of the Wakatipu Equities as being highly visible from Speargrass Flat Road⁶⁴⁸. Mr Skelton described the bulk of Speargrass Flat as maintaining a rural and open character with the northern slopes mostly pastoral, while the southern slopes

⁶⁴⁵ Submission 2385: Supported by FS2784

⁶⁴⁶ Submission 2389

⁶⁴⁷ Submission 2479

⁶⁴⁸ S Skelton, EIC at paragraph 16

have a moderate degree of naturalness. In his view, the eastern portion of the LCU is heavily influenced by the rural residential character of the Operative District Plan North Lake Hayes Rural Residential Zone. He also considered that a Precinct Zoning across much of the site adjacent to Speargrass Flat Road would not be appropriate. However, he saw potential for some sensitive residential development to occur within this part of the site.

1322. Mr Skelton's evidence did not immediately suggest to us any specific amendments to LCU8 and given the lack of specificity in the submission, we do not think that we can take it any further.
1323. The submission of Boxer Hills Trust, however, suggested a series of amendments to the text related to LCU8 as follows:
- a. In the description of the boundaries of the LCU, add reference to the Hills Golf Course;
 - b. In the description of land use, amend the current description insofar as it refers to "*sparingly scattered rural residential lots*" to delete the word "*sparingly*";
 - c. In the description of settlement patterns, delete the description of consented but unbuilt platforms, and the typical lot sizes being over 50ha;
 - d. In the description of proximity to key routes, note that part of the area is adjacent to Speargrass Flat/Hogans Gully Road and Arrowtown Lake Hayes Road;
 - e. In the description of visibility/prominence, add a note that the escarpment confining the LCU to the north blocks some views from that direction;
 - f. In the description of naturalness, delete the comment that built development is of relatively limited levels and add reference to rural land use having modified land cover to one of low naturalness associated with vegetation;
 - g. In the description of sense of place, reverse the order so rather than saying that it is predominantly a working rural landscape with scattered residential development, describe a position where it is predominantly rural residential with subservient rural landscape. Also delete the role of Speargrass Flat LCU reading as a 'breathing space' between other LCUs;
 - h. In the discussion of potential landscape issues, delete the initial comment regarding vulnerability to 'development creep';
 - i. In the discussion of potential landscape opportunities and benefits from development, delete reference to potential for development on larger-scaled lots and the potential to consolidate the existing rural residential 'node';
 - j. In the subparagraph describing environmental characteristics and visual amenity values to be maintained and enhanced, delete the reference to the LCU being a 'foil' for the more intensively developed rural residential areas nearby;
 - k. Amend the description of the capability to absorb additional development to be high everywhere, but especially round the edges of LCU12 (rather than low other than in that area).
1324. In Mr Barr's revised version of LCU8 annexed to his Section 42A Report, he recommended the amendments summarised in (d) and (e) above based on Ms Gilbert's input.
1325. The landscape evidence for the submitter did not address this aspect of Boxer Hills Trust evidence. Mr Brown's planning evidence for the submitter supported most but not all of the amendments sought in the submission. The exceptions that Mr Brown did not support were the points summarised in (f), (h), (i) and (j) above. In addition, Mr Brown proposed very much more limited amendments to the "*sense of place*" description, suggesting only that the word

“working” be deleted from the description of a *“working rural landscape character”* and that the description of rural residential sprawl be amended make it clear that this is occurring to the west of the existing Lake Hayes Rural Residential Area.

1326. The grounds for the suggested changes to LCU8 in Mr Brown’s evidence appear to be a cut and paste from the submission, and therefore do not add anything to it.

1327. Working through the requested amendments:

- a. While the Hills Golf Course lies to the north of part of the LCU, as we understand it, the LCU boundary is at the ridgeline crest, with the golf course further north. We think, therefore, that the description is correct as it is and requires no amendment;
- b. Whether rural residential lots are sparsely scattered or not is a question of fact. The non-specific way in which Mr Brown’s evidence was presented does not provide us with a clear basis to conclude that the existing description is incorrect. We do not recommend that it be amended;
- c. As discussed above, the description of settlement patterns at present is unlikely to change materially given the recommended zoning in Report 18.5. We therefore recommend the existing text remain unaltered;
- d. We accept the factual correction sought in this submission and supported by Council staff is required. Accordingly, we recommend that the text describing the LCU’s proximity to key routes be amended to read:

“Located away from a key vehicular route. Part of the area is adjacent to Speargrass Flat Road, Hogans Gully Road and Arrowtown Lake Hayes Road.”

- e. We accept the revision sought in the submission and supported by Council staff. As a result, we recommend that the description of visibility/prominence be amended to read:

“The relatively open character of the unit makes it highly visible from the public road network in the elevated hills to the north and south, although the escarpment confining the character area to the north blocks some views from the north.”

- f. Given that this suggested change was not supported by Mr Brown, we consider we need take this matter no further;
- g. Again, given Mr Brown’s evidence, we think that we can discount most of the changes sought. As to whether the character is one of a working rural landscape or just a rural landscape, this is a question of fact. While we heard evidence that the character of the Wakatipu Basin generally is no longer predominantly one of a working rural landscape, we had no evidence that this particular part of the Basin has ceased to be a *“working”* rural landscape given the way Mr Brown’s evidence was presented. Accordingly, we do not support that amendment. As regards the suggested clarification regarding the direction of sprawl, our own observation suggests that Mr Brown’s point is fair. Accordingly, we suggest that the final sentence of this description be amended to read:

“To the eastern end of the unit, there is the perception of the Lakes Hayes Rural Residential area sprawling west into Speargrass Flat.”

We recommend that the balance of the description remain as notified.

- h. Given Mr Brown's lack of support for this suggested amendment, we need take the point no further;
- i. Although Mr Brown did not support the suggested amendments, our recommendations as to zoning of the land within this LCU would support acceptance of this submission. Accordingly, we recommend that the description be amended to read:

"Riparian restoration potential. Easy topography".

- j. Given Mr Brown's absence of support for the suggested amendment, we do not recommend deletion of reference to the LCU being a "foil" for development. We do consider, however, that taking on board the landscape evidence we heard in particular from Ms Hadley, there is a need to expand this description to distinguish more clearly between the central and western portions of LCU8 on the one hand, and the eastern portion on the other. The role of the LCU as a "foil" and the importance of views from Speargrass Flat Road to the hillsides and escarpments on either side arises in relation to the former. Similarly, integration of buildings arises in relation to the latter. The western end also has other characteristics worthy of noting. In Report 18.5, we note in particular the view from the Queenstown Trail southward over the currently open rural land north of Lake Hayes. Further west again, on Hogans Gully Road, we consider views to the hill/escarpment landforms, and the boarder landscape context are worthy of note. Although these are not the characteristics we suspect Waterfall Park Developments had in mind, that submission provides scope for the changes to identify such additional characteristics. Accordingly, we recommend that the description of environmental characteristics and visual amenity values to be maintained and enhanced be amended to read as follows:

"Central and western portions of LCU8

Sense of openness and spaciousness as a "foil" for the more intensively developed rural residential areas nearby.

Maintenance of unobstructed rural views from Speargrass Flat Road to the largely undeveloped hillslopes and escarpment faces to the north and south.

Eastern portion of LCU8

Integration of buildings with landform and/or planting.

Maintenance of a spacious and open outlook in views from Queenstown Trail and Arrowtown Lake Hayes Road, including the southbound views as one descends Christine's Hill.

Maintenance of openness in views from Hogans Gully Road to the backdropping hill/escarpment landforms and broader ONL mountain context."

- k. Turning to absorption capacity, the evidence did not support greater recognition of the scope to absorb development Mr Brown suggested. Rather the contrary. We consider that there is an inconsistency in the recognition of landscape sensitivity and vulnerability to development creep in this LCU, and the suggestion that capacity to absorb development is high at the margins of LCU12. In Report 18.5, we disagree with Ms Gilbert's view that expansion of the existing North Lake Hayes rural residential area is inevitable and recommend rezoning to reflect that. Consistent with that view, we recommend that the

absorption capacity be amended to “low” throughout this LCU. As for the previous subsection, the Waterfall Park Developments submission provides scope for this change.

1328. Save as discussed above, we recommend that the balance of the description of LCU8 be retained as notified.
1329. Turning to LCU11 (Slopehill Foothills), Slopehill Properties Limited⁶⁴⁹ sought a number of changes to the descriptions as follows:
- a. Under vegetation patterns, add reference to “*indigenous wetland and canopy plantings*”;
 - b. Amend the description of the character unit boundaries on its western side to read: “*Toe of the Slope Hill Foothills near the 380AMSL contour*”;
 - c. Amend the land use description to add reference to “*rural lifestyle*”;
 - d. Under settlement patterns, delete reference to Environment Court history and detail as to range of lot sizes;
 - e. Under proximity to key routes, note that the LCU is near Lower Shotover Road;
 - f. Under visibility/prominence, amend the first sentence to refer just to the western edge of the unit as being visually prominent, add reference to variability in visibility across the landscape and to visibility to elevated areas around the Basin;
 - g. In relation to views, amend reference to the western portion of the unit to refer to the western “*edge*”, and add reference to views of the Slope Hill ONL from public corridors through the unit;
 - h. In relation to complexity, add reference to vegetation and settlement patterning;
 - i. In relation to sense of place, add reference to rural residential landscape being well maintained and high quality, add reference to rural lifestyle landscape, add a description of elements creating a complex pattern of memorable places and well framed views to the surrounding ONLs and creating a distinct hidden landscape character. Delete reference to elevated portions being near its limit and to low lying stream valley area to the east providing a foil for more intensive rural residential landscape on the elevated slopes surrounding;
 - j. In relation to potential landscape issues and constraints, delete reference to DoC ownership and to Environment Court history, add reference to importance of proximate open views to Slope Hill;
 - k. In the category labelled potential landscape opportunities and benefits as notified, add reference to ecological opportunities in the subject matter column. In the second column, add reference to wetland restoration potential and to clustered development as an alternative to subdivision;
 - l. In relation to environmental characteristics and visual amenity values to be maintained and enhanced, add reference to retention of existing open and approximate views to Slopehill;
 - m. Delete row of table related to capacity to absorb additional development.
1330. Ms Gilbert and Mr Barr did not recommend any amendments to the description of LCU11.
1331. The submission was supported by expert landscape evidence from Mr Stephen Skelton and expert planning evidence from Mr Farrell. While Mr Skelton confirmed he supported the detailed amendments to the LCU11 description in the Slopehill Properties submission, his

⁶⁴⁹ Submission 2584: Supported by FS2719

evidence was not presented to us in the form of a commentary on those requested changes. We were left to infer connections between his evidence and those specific items of relief. Mr Farrell's evidence was similarly general in approach, relying on Mr Skelton's expert commentary.

1332. Clearly, many of the amendments sought to LCU11 reflect Mr Skelton's evidence that the boundary between LCU11 and LCU9 (Hawthorn Triangle) should be moved east to a ridge around the 400m contour. This issue is discussed in Report 18.5. Suffice it to say that given our conclusion in that report that the LCU boundary should not change, we can put those amendments to one side.
1333. Mr Skelton also disagreed with Ms Gilbert's view that LCU11 (and especially the land within the Wakatipu Equities site), has a low ability to absorb change and/or that the development on the Wakatipu Equities site would be highly visible and have significant adverse landscape and visual effects. As is discussed in greater detail in Report 18.5, Mr Skelton supported provision for additional development on the Wakatipu Equities site, albeit at a lower density than envisaged within the Precinct. He also identified scope for significant ecological enhancement opportunities across riparian areas within the landscape. He referred to kettle lakes and overland flow paths across LCU11 as having a high potential to display a higher level of nature conservation value and to more legibly display the landscape's forms and purposes.
1334. Ms Gilbert responded to Mr Skelton's evidence in rebuttal commenting:
- a. She considered there was a variable degree of visibility across the Wakatipu Equities land;
 - b. While both the Wakatipu Equities and the Slopehill Properties land are currently relatively well screened, much of that screening effect relies on vegetation on neighbouring properties;
 - c. Photographic evidence she provided demonstrated the highly variable degree of exposure and containment typical of much of LCU11;
 - d. The potential prominence of rural residential development on the Wakatipu Equities land from the Threepwood area together with the existing visibility of established rural residential development along Slopehill Road, the Queenstown Trail and Threepwood itself runs the risk of tipping the balance to a position where landscape character is dominated by rural residential development, undermining its role as a buffer between the intensive rural living development at Hawthorn Triangle and the northern end of Lake Hayes.
1335. With that evidence in mind, we make the following observations regarding the detailed amendments sought to LCU11:
- a. Mr Skelton's evidence did not, as far as we could identify, provide specific support for the suggested amendment to the description of vegetation patterns, and consequently we do not recommend that amendment;
 - b. The suggested amendment reflects Mr Skelton's evidence regarding the LCU11 boundary with LCU9 (although it identifies a different contour as the boundary). Given the conclusion in Report 18.5, we do not recommend this amendment be made;
 - c. The submission appears to draw a distinction between rural residential and rural lifestyle development, presumably based on the lower density of the latter in the rules of the Operative District Plan and the Proposed District Plan (Stage 1). That is not a distinction Mr Skelton drew in his evidence, which consistently referred to residential development. We do not recommend the suggested amendment.

- d. We did not identify any commentary in Mr Skelton’s evidence distinguishing older and new rural residential development that would support the suggested deletion of the adjective “*considerably*”. Although not mentioned by Mr Skelton (or Mr Farrell), we think the reference to Environment Court history is out of place and should be deleted, as sought. Mr Skelton did not comment on the detailed lot sizes, or explain why they should be deleted. We do not recommend any change to that aspect of LCU11.
- e. Neither Mr Farrell nor Mr Skelton commented on the extent to which Lower Shotover Road might be considered a popular vehicle route so as to provide a basis for the suggested amendment;
- f. The suggested amendments to the first sentence of this description reflect Mr Skelton’s evidence on the boundary of this LCU. As above, we need not consider it further. The evidence of both Mr Skelton and Ms Gilbert would, however, support addition of commentary as to the variability of visibility across the LCU. While Mr Skelton provides evidence of views from LCU11 up to Coronet Peak (suggesting visibility in the opposite direction), he does not directly comment on the extent of visibility from elevated areas in the manner the submission seeks to record, and so we do not recommend that change;
- g. Mr Skelton’s evidence supports the fact that there are important views of Slope Hill from within the LCU, albeit the evidence is limited as to the extent of those views other than at one specific location on Slopehill Road. We consider some reference to those views is appropriate. The suggestion that the first sentence of the description of views refer to the western edge is, once again, related to the boundary issue referred to above;
- h. Mr Skelton does not directly comment on the contribution settlement patterning makes to the complexity of the LCU. Adding reference to vegetation, as sought, would merely duplicate the existing second sentence. We do not recommend that the complexity description be altered.
- i. The suggested amendment to the sense of place description seeks to make the same distinction between rural residential and rural lifestyle landscapes as is discussed above. Mr Skelton did not comment on how well maintained the residential elements of the landscape are so as to provide a basis for comment on that. While not inconsistent with his evidence, Mr Skelton’s evidence likewise does not provide a basis for the balance of the additional text sought to be added under this heading. Mr Skelton’s evidence would, however, support the statements in the text that Slopehill Properties submission seeks to delete regarding areas of greater sensitivity within the LCU;
- j. As regards potential landscape issues and constraints, we did not identify specific support in the submitter’s evidence for any aspect of the relief in relation to this item. The exception is the suggested inclusion of reference to the importance of currently open views to Slope Hill⁶⁵⁰. Deletion of reference to views of the western slopes appears to be associated with the suggested shift in the LCU boundary discussed above;
- k. In relation to the suggested addition of reference to ecological opportunities, we do not support altering the table in this manner, for much the same reasons that we have recommended rejection of the NZTA and Transpower submissions as above. Schedule 24.8 seeks to provide information that will assist implementation of policies related to landscape character and visual amenity. As regards the suggested amendments to the text, once again, Mr Skelton’s evidence does not provide specific support for the suggested amendments and we therefore do not recommend they be made;

⁶⁵⁰ Refer Skelton Evidence in Chief at paragraph 33

- l. Mr Skelton’s evidence supported emphasis being placed on existing open views to Slope Hill. He describes one such view as being of particularly high value and as such it should be protected from the effects of further subdivision and development. We not do, however, think it is necessary to refer to those views as “*proximate*”. The location of the LCU means that the hill is necessarily nearby from all relevant locations.
- m. While Mr Skelton expresses disagreement with Ms Gilbert’s view that the LCU has a low capability to absorb additional development, his evidence provides no basis for deletion of all reference to absorption capability. Indeed, given its relevance to the objectives and policies of Chapter 24, we think that it is not desirable that it be deleted from this particular LCU, or generally. As regards what is recorded as the absorption capability, clearly there is a disagreement in the landscape evidence we heard. However, it seems to us that the very fact that Mr Skelton supports, in effect, no go areas, along with a reduced scale of development on the Wakatipu Equities site provides some support for Ms Gilbert’s concerns about the area having reached a tipping point.

1336. In summary, therefore we recommend the following amendments to the LCU11 Table:

- a. Amend the description of settlement patterns to delete the words “*Extensive Environment Court history*”;
- b. Insert a new sentence at the commencement of the visibility/prominence description: “*Visibility varies across the landscape unit.*”
- c. Add on the end of the second sentence of the views description “*..., as well as open views of the nearby Slope Hill ONF from some public locations*”;
- d. Amend the potential landscape issues and constraints associated with additional development description to add: “*Importance of existing open views to Slope Hill*”;
- e. Add to the environmental characteristics and visual amenity values to be maintained and enhanced description: “*Retention of existing open views to Slope Hill*”.

In all other respects we recommend that LCU11 be retained as notified.

1337. Turning to LCU13 (Lake Hayes Slopes), this was the subject of submissions by the Donaldson group et al who sought:

- a. Amend the description of settlement patterns to record that landscaping is generally established and young, and add greater detail regarding typical lot sizes;
- b. Amend the description of sense of place to state only that the rural residential character results from legacy zonings and consents;
- c. In relation to potential landscape issues and constraints, delete reference to location being exposed, qualify visibility from key scenic routes, qualify the reference to absence of vegetation, delete reference to risk of perception of development sprawl and add reference to it being an established rural living area that is highly modified as a result of the legacy zonings and consents;
- d. In relation to the potential landscape opportunities and benefits, add reference to subdivision complementing existing rural living environment;
- e. Amend the capability to absorb additional development from “*low*” to “*high*” or “*moderately high*”.

1338. Ms Gilbert and Mr Barr did not recommend any change to LCU13.

1339. The submissions on LCU 13 were supported by the expert landscape evidence of Mr Ben Espie who provided a point by point commentary on the suggested amendments in his evidence in chief.
1340. Ms Gilbert's response to Mr Espie in rebuttal is principally directed at Mr Espie's support for up-zoning to Precinct of land that was formerly zoned rural residential or rural lifestyle pursuant to the Operative District Plan. Mr Espie considered that those areas have a high absorption capacity due to the extent of existing development. Ms Gilbert disagreed on the basis that the existing development has been unsympathetic and additional development will exacerbate the adverse effects resulting from development.
1341. The zoning issue is addressed in our Report 18.6. Our conclusion there was that the existing development has had unsatisfactory landscape effects, leaving little or no room for additional development. Put another way, even if Mr Espie is correct and infill development will not make much of a difference, in our view, any exacerbation of the existing position is unacceptable.
1342. Turning to the specific amendments sought in the submission we make the following observations:
- a. The issue to us around the extent of existing landscaping is whether, as the landscaping matures, that position will improve. Mr Espie compared the Dalefield area as an established rural living area where landscaping provides for shelter and privacy. Ms Gilbert noted the sloping topography and the limited scope to mitigate effects if lot sizes are as small as 4000m². For present purposes, describing the pattern of settlement, there does not seem to be any dispute that newer dwellings are both larger scaled and currently very exposed. We recommend that is what the text should say. As regards lot sizes, we do not consider it says anything to record that lot sizes are in line with legacy zonings and consents. That will be the situation throughout the Wakatipu Basin. Given Mr Espie's confirmation that many sites are indeed between 4000m² and 2 hectares, we think that further detail could usually be supplied.
 - b. In relation to sense of place, Mr Espie does not appear to disagree with the description in the text as notified (namely that the area displays a relatively unsympathetic rural residential character that reads as development sprawl up the hillside). We do not see there being any value in recording that this has occurred as a result of former District Plan zonings and consents. Once again, whatever the situation, this will have been the result of former zonings and consents. We also consider that there is value in recording the exceptions to that description. In summary, we do not recommend an amendment to the sense of place description;
 - c. As regards potential landscape issues and constraints, Mr Espie's description was that the constraints essentially stem from visibility⁶⁵¹. As such, we think that there is merit in the point underlying some of the suggested amendments, but equally, the point is pushed too far in some cases. Hence, while not all of the LCU is exposed, based on the evidence we heard, clearly some of it is, and we consider that the description should say that. Equally, the submitter is correct, and the absence of vegetation is an issue in only part of the LCU, as demonstrated by the fact that the description of settlement patterns indicates that older dwellings are well integrated with vegetation. Likewise, we consider that a key

⁶⁵¹ B Espie, Evidence in Chief at 4.3(v)

landscape issue and constraint is created by the high level of modification already. We do not accept the suggested deletion of reference to exacerbating the perception of development sprawl is an issue. Given the common ground as between Mr Espie and Ms Gilbert on the unsympathetic nature of existing development, we think that inference readily follows. The suggestion that reference be made to visibility from “parts” of key scenic routes, while literally correct, is rather beside the point. However, some clarification might assist.

- d. While Mr Espie agreed with the suggested amendment, his focus appeared to be much more on the potential for infill development filling out existing developed areas than subdivision of larger lots. Confirming that position, Mr Espie suggested categorising the elevated sites as having a low capacity to absorb additional development. In the circumstances, we do not recommend any change to this description.
- e. As above, Mr Espie suggested that absorption capability be divided with existing developed areas on the lower slopes to the east of Arrowtown-Lake Hayes Road and on the existing developed area above the State Highway on the south side of Morven Hill should be categorised as “high”, with the balance of the LCU categorised as “low”. As discussed in Report 18.6, we prefer Ms Gilbert’s evidence that the extent and adverse effects from the existing development leave little or no capability to absorb further development.

1343. In summary, therefore, we recommend that:

- a. The last two sentences of the settlement patterns description be revised to read:

“Newer dwellings larger-scaled and generally very exposed with landscaping not providing material mitigation as at 2018.

Typical lot sizes: Almost all of the lots under 10ha with many lots down to around 4000m².”

- b. The potential landscape issues and constraints description be amended to read:

“Elevated and in many parts exposed location that is highly visible from the surrounding area, including from key scenic routes.

Steep topography. Absence of vegetation in some areas.

Highly modified rural living area with a risk of exacerbating perception of development sprawl.”

- c. Save as above, LCU13 be retained unamended.

1344. Ann Hamilton⁶⁵² sought that the development status of LCU17 (Morven Ferry) be rejected. The submission was unsupported by expert landscape evidence and therefore, to the extent that it relates to the text of Schedule 24.8 as opposed to the zoning of the Hamilton property, we recommend it be rejected.

1345. Turning to LCU18 (Morven Eastern Foothills), Morven Ferry Limited⁶⁵³ and Barnhill Corporate Trustee Limited and DE/ME Bunn & LA Green⁶⁵⁴ sought amendments to this LCU as follows:

⁶⁵² Submission 2261

⁶⁵³ Submission 2449: Supported by FS2734 and FS2749

⁶⁵⁴ Submission 2509: Supported by FS2734 and FS2743

- a. Amend the description of landform patterns to note that approximately half the area made up of flat alluvial terrace landform;
- b. Amend the hydrology description to include reference to the irrigation race;
- c. Amend settlement pattern description to add reference to dispersal of dwellings along pond edges and to vary the description of typical lot sizes, providing more detail on a range of smaller size lots;
- d. Delete reference to walkway/cycleway route as a potential landscape issue and constraint, qualify the description of sensitivity to additional development by the words "*in a general sense*";
- e. Amend the description of potential landscape opportunities and benefits to be more definite about the potential to absorb additional development;
- f. Amend the capability to absorb additional development to "*moderate-low*" from "*low*".

1346. Ms Gilbert and Mr Barr did not recommend any changes to this LCU.

1347. Mr Espie gave expert landscape evidence on the matters raised in these submissions, but his primary focus was on the aspect of the submissions related to rezoning land owned by the submitters that is considered in Report 18.8. Mr Espie expressly recorded in his Evidence in Chief⁶⁵⁵ that he had only been asked to consider the landscape and visual effects of the proposed areas of zoning that the submissions sought and had not considered the various other changes to the provisions of the Proposed District Plan sought in the submissions. We noted one specific reference to potential changes to Schedule 24.8 in Mr Espie's evidence: he supported an amendment to the description of the capability to absorb additional development as moderate-low for reasons set out in more detail in his evidence, mainly related to a comparison with the adjacent LCU17.

1348. Unsurprisingly, Ms Mellso's rebuttal evidence for Council responding to Mr Espie was similarly focussed on the rezoning proposal and the ability of the land to absorb that proposal.

1349. As a result, we have limited material from which to conclude that any amendment to LCU18 is appropriate.

1350. More specifically:

- a. We did not identify any evidence that would enable us to add comment regarding the extent of presence of alluvial terrace landforms forming part of the LCU;
- b. While we noted the presence of an irrigation race during the course of our site visits, Schedule 24.8 has not generally recorded the presence of irrigation races. It would be inconsistent to identify an irrigation race at this particular location;
- c. We had no evidence of the location of dwellings in relation to pond edges and we did not observe dwellings being located next to ponds during our site visit. The other changes requested to the settlement patterns description appear to be issues of emphasis. Again, we did not identify any evidence that would support the suggested changes and we decline to recommend them;
- d. Although not specifically addressed in evidence, the suggested deletion of reference to a popular walkway/cycleway route is consistent with both legal submissions and evidence we heard that insofar as the Queenstown Trail traverses the LCU, it is a "*trail*" as defined

⁶⁵⁵ At paragraph 4.1

and accordingly not a “public place” for the purposes of assessment of the effects of development. While we discussed with counsel at the hearing whether, notwithstanding the provisions of the Proposed District Plan, section 7 of the Act might require consideration of amenity values from trails, that issue now needs to be considered in the light of the Court of Appeal’s decision in *RJ Davidson Family Trust v Marlborough District Council*⁶⁵⁶, which in our view, supports the submitters’ argument that the walkway/cycleway should not be taken into account insofar as it is a “trail”. More problematically though, not all of the walkway/cycleway is in that category. The information supplied to us by the submitter under cover of Counsel’s memorandum dated 26 July 2018 indicates that while that part of the Queenstown Trail located to the west of Morven Ferry Road is a “trail”, the part of the Trail to the east of Morven Ferry Road is variously on public road and Crown land and accordingly is not a trail as defined. The upshot is that some additional comment is required, but it would not be appropriate to delete all reference to the walkway/cycleway route. We do not think adding the words “in a general sense” to that description would add materially to its clarity;

- e. As for the last point, given our conclusion in Report 18.8 that one part of the LCU is suitable for up-zoning to Precinct, some amendment is justified in our view;
- f. As regards the capability to absorb additional development, Mr Espie’s reasoning was based on a comparison with the adjacent LCU. As Ms Gilbert made it clear when she introduced the WB Landscape Study process, apportionment of these weightings reflected a scale across the entire Basin. To conclude that this particular classification was incorrect would have required, in our view, a similar broad-scale analysis. Even comparing LCU17, as Mr Espie accepted, the foothills of LCU18 are less developed and more natural than LCU17. That accords with our own observation. We also noted its visibility from a popular public view for tourists adjacent to Chain Bay 4 on the Crown Range Road. We agree with Mr Espie that the particular characteristics of the LCU west of Morven Ferry Road provide opportunities for well-placed development, but looked at as a whole, we consider the LCU is correctly categorised as having a low absorption capability.

1351. Accordingly, we recommend the following amendments to LCU18:

- a. Amend the description of potential landscape issues and constraints to read:

“The visibility of the unit from public roads and vantage points and from parts of the Queenstown Trail located on Crown land, its very close proximity to ONLs and ONFs, together with the role of the area as a transition between the mountain ONL and the lower-lying and more ‘developed’ river terrace to the north and east, makes it sensitive to additional development”.

- b. Amend the description of potential landscape opportunities and benefits to read:

“Hummocky landform on western side of Morven Ferry Road, and vegetation patterns on eastern side of Morven Ferry Road provide some potential to absorb additional development within the unit.”

⁶⁵⁶ [2018] NZCA 316

1352. We record also the submission of Anthony Ward⁶⁵⁷ that sought that LCU18 be amended “to show the Land can absorb the effects of further rural living subdivision and development”.
1353. The submission is not specific as to how precisely this should be done, and Mr Ward did not appear at the hearing to elucidate.
1354. We consider that this suggested amendment will also address Mr Ward’s submission, at least in part.
1355. BSTGT Limited ⁶⁵⁸ sought that LCU20 (Crown Terrace) be amended “so as to not unduly preclude or disenable land use, subdivision or development within the landscape unit where the effects of such activities can be appropriately managed.” This submitter appeared through counsel at the hearing. Counsel’s submissions, however, were focussed on a different aspect of Chapter 24 and provided no input as to what if any amendments were sought to LCU20.
1356. LCU20 is assessed in Schedule 24.8 as having a very low capability to absorb additional development. While, on the face of the matter, that assessment has the potential to make it difficult to undertake land use, subdivision or development, that is an expert landscape assessment which will not unduly preclude or disenable development whose effects can be appropriately managed (to use the wording of the submission).
1357. Accordingly, we do not recommend any change to LCU20.
1358. Trojan Helmet Limited⁶⁵⁹ sought deletion of LCU22 from Schedule 24.8 consequent on the new zone the submitter sought for the land. As discussed in Report 18.7, we do not recommend that relief be accepted. Accordingly, we need to consider the alternative relief in the submission. The submitter noted that it generally supported the LCU22 description subject to specific changes, as follows:
- a. Delete reference to consented but unbuilt platforms and the description of typical lot sizes in the settlement patterns description;
 - b. Amend the visibility/prominence description to qualify the description of visibility and prominence from the western edge of Arrowtown;
 - c. In the description of views, amend use of the word “area” to substitute “unit” and note that the Arrow South Special Zone appears in the foreground of most views from western Arrowtown;
 - d. Amend the current sense of place description to delete reference to golf courses containing the western and southern edges of Arrowtown;
 - e. In the description of potential landscape issues and constraints, delete reference to limited further capability for development as a result of private golf course and recent resource consent processes, and qualify the description of the potential for development to compromise the land pattern;
 - f. In the description of potential landscape opportunities and benefits, add reference to the potential for development to be accommodated to a reasonably high level in the golf

⁶⁵⁷ Submission 2244

⁶⁵⁸ Submission 2487: Supported by FS2782

⁶⁵⁹ Submission 2387: Supported by FS2701, FS2716, FS2733 and FS2769

- course landscape and to the ability of the landform and vegetation to absorb well sited buildings. Delete reference to potential for subdivision as a result of the size of lots;
- g. In the description of environmental characteristics and visual amenity values to be maintained and enhanced, amend the first sentence so it is more specifically related to views from Arrowtown and adjacent roads.
1359. Ms Gilbert and Mr Barr recommended the amendment sought to the visibility/prominence description as above, but did not recommend any other changes to LCU22.
1360. The expert landscape evidence of Ms Pflüger for the submitter did not explicitly reference the amendments sought in the submission to Schedule 24.8, being much more focussed on the submitter’s proposal for a new development zone on the land. However, from the case that was advanced in support of the submitter’s primary relief the rationale for the suggested changes is reasonably obvious in most cases.
1361. Addressing each point in turn:
- a. Counsel for the submitter, Ms Wolt, confirmed to us that the current position is that with two dwellings having been built and other dwelling sites overtaken by development of a 9 hole golf course, there are now 10 unimplemented dwelling consents that will lapse in 2019⁶⁶⁰ if not implemented in the meantime. Given the imminent lapse of those consents, we tend to agree that there is little point in noting their existence: either they will be utilised in the short term or they will lapse (more likely the latter in view of the scale of the development plans presented to us).
 - b. The visibility analysis evidence presented by Mr Tyler supports the amendment suggested under the visibility/prominence description. Ms Gilbert and Mr Barr likewise support the suggested amendment and we agree that it is appropriate.
 - c. We agree that it is more appropriate to refer to the “unit”, rather than the “area”. The suggested reference to the visibility of the Arrow South Special Zone is, in our view overstated. Ms Pflüger provided us with two site context photographs from the elevated parts of western Arrowtown, one of which had the Arrow South Special Zone in the foreground, and one of which did not. Having said that, we think that some reference to the expansion of Arrowtown and its impact on views from the existing developed area of Arrowtown is justified;
 - d. We did not note evidence that would suggest that the existing text related to “*sense of place*” is inappropriate. The suggested amendment fails to describe the role of the golf courses in contributing to sense of place. We do not recommend that the existing text be changed;
 - e. The submitter obviously has plans for further development, but we think the existing text is factually incorrect: the resource consents for further residential subdivision and development held by the submitter have a no further subdivision covenant, suggesting limited scope for further development. That said, we consider that some clarification might be warranted. We consider it unnecessary to qualify the reference to adverse effects from accessways and large-scale buildings. They are already stated to be “*potential*” effects;

⁶⁶⁰ The copy of the relevant consents (RM081223 and RM081224) subsequently supplied to us indicates the expiry date is 4 June 2019

- f. We consider that the reference to further development sought needs to be qualified. The evidence we heard suggested that there is potential for a resort development on the site. Ms Gilbert described it as a “*good candidate*” for that use. The suggested addition of reference to the ability to absorb well-sited buildings is effectively expanding and clarifying the existing text referring to the integration potential of landform patterns. We think that some expansion of that text is justified.
- g. We do not understand the rationale for deleting reference to a potential for subdivision. The consent that has already been granted would support the existing text.
- h. While we agree that a reference to buildings being “*visually discreet*” might warrant clarification, we had no clear evidence as to what might be substituted. The visual amenity evidence of Ms Pflüger presenting us with view from Feehley’s Hill would suggest that the views from Arrowtown and adjacent roads are not the sole focus. We do not recommend that the existing text be amended.

1362. For these reasons, we recommend the following amendments to LCU22:

- a. Under settlement patterns delete reference to consented but unbuilt platforms and amend the final sentence to read:

“Typical lot sizes – one large lot of approximately 100ha, a number of smaller lots”;

- b. Under visibility/prominence, amend the second sentence to read:

“The relatively close proximity and (reasonably) similar elevation means that part of the unit is prominent in the outlook while the hummocky terrain limits visibility to other parts.”

- c. Under views, substitute “*unit*” for “*area*” in the first two sentences. Add a new sentence prior to the final sentence worded:

“The Arrowtown South Special Zone appears in the foreground of views west from the southern end of Cotter Avenue”.

- d. Amend the first sentence of the description of potential landscape issues and constraints to read:

“Private golf courses and previous resource consent processes suggest limited scope for residential development.”

- e. Amend the potential opportunities and benefits description to read:

*“Relatively visually discreet nature of the location (due to landform and, to a lesser degree, vegetation patterns).
 Golf course landscape potentially suited to resort development.
 Landform pattern creates potential to integrate well sited buildings into the landscape;
 Riparian restoration potential;
 Integration of walkways/cycleways;
 Close proximity to Arrowtown;
 Large-scaled lots suggest some potential for subdivision.”*

1363. Save as recommended above, we recommend LCU22 remain as notified.

1364. Turning to LCU24 (Arrowtown South) this was the subject of two submissions. First, that of Roger Monk⁶⁶¹ sought:
- a. Delete from the sense of place description the following sentence:

“However, this ‘greenbelt’ effect, together with legibility of the escarpment as a robust defensible edge to Arrowtown has been significantly compromised by the Arrowtown Lifestyle Retirement Village SHA which confers a distinctly urban character in a prominent and sizeable part of the unit.”
 - b. In the potential landscape opportunities and benefits description, substitute “Arrowtown Lifestyle Retirement Village” for “Queenstown Country Club”.
1365. Boxer Hills Trust⁶⁶² also sought additional detailed changes to LCU24 as follows:
- a. Under Land Uses, refer to residential uses;
 - b. Under settlement patterns, amend to refer to the Arrow South Special Zone and add reference to rural residential land being anticipated south of McDonnell Road;
 - c. Under visibility/prominence, delete reference to relative elevations;
 - d. Under views, add reference to the visibility of the Arrowsouth Special Zone;
 - e. Under potential landscape opportunities and benefits, substitute reference to the Arrowtown Lifestyle Retirement Village as per Mr Monk’s submission.
1366. Ms Gilbert and Mr Barr did not recommend any amendment to LCU24.
1367. Although Mr Monk appeared at the hearing both in his own capacity and on behalf of the Morven Residents Association⁶⁶³, he did not address the particular points related to Schedule 24.8 in his submission.
1368. Ms Pflüger gave evidence for Boxer Hills Trust and commented on LCU24 as part of her evidence. She considered the description of the LCU as being generally accurate in terms of the anticipated visual effects of consented development. However, she expressed the view that development within the Arrow South Special Zone will lead to a blurring/extension of the Urban Growth boundary along McDonnell Road.
1369. Ms Pflüger also commented that the description of visibility and prominence is in her words “*somewhat incorrect*” as the Arrowtown Escarpment is elevated in comparison to McDonnell Road.
1370. Addressing first Mr Monk’s requested deletion of reference to the effect of the Arrowtown Lifestyle Retirement Village on the sense of place provided by the LCU, the expert landscape and planning evidence we heard did not support deletion of the existing description. Far from it. There appeared to be a strong consensus that the approval of the SHA and construction of the retirement village (which was underway at the time of our hearing) had indeed compromised the concept of a defensible edge to Arrowtown. The only question was the

⁶⁶¹ Submission 2281: Supported by FS2769, FS2795 and FS2796

⁶⁶² Submission 2386: Supported by FS2769

⁶⁶³ Submission 2469

extent to which this had occurred and its implications for potential development on other sites within the unit. Ms Pflüger, for instance, described it as the first and deepest cut. Mr Stephen Skelton, giving evidence for Waterfall Park Developments Limited, described the horse as having bolted. Mr Langman gave evidence that the retirement village had compromised both the UGB and the defensibility of the urban boundary of Arrowtown. By contrast, and somewhat less pessimistically, Ms Mellsop's expert landscape evidence for Council was that the retirement village was an isolated anomaly of urban development. Suffice it to say that considerably more could have been written as to the implications of the retirement village, but we consider that there is no basis to delete the existing discussion.

1371. By contrast, Mr Monk (and Boxer Hills Trust) were clearly correct and the reference in the potential landscape opportunities and benefits section to the Queenstown Country Club is a typographical error. It should refer to the Arrowtown Lifestyle Retirement Village.
1372. As regards the balance of the Boxer Hills Trust submission points, the suggested amendment to the land use description to incorporate reference to residential development was not the subject of specific evidence, as far as we could see, and our interpretation of the LCU map is that the residential area within the Arrowtown South Special Zone is outside the LCU. Accordingly, we do not recommend that that aspect of LCU24 be amended.
1373. As regards reference to the Special Zone in the settlement patterns description, the correct name is "*Arrowtown South Special Zone*". We recommend that that is what is referred to.
1374. As regards the suggested inclusion of reference to rural residential development being anticipated south of McDonnell Road, we think the specificity of the suggested amendment goes too far. While this is the relief that Boxer Hills Trust sought for its land and, as per Report 18.7 we have recommended that it be granted in part, it does not apply to other sites on McDonnell Road. However, we think that it is untenable not to acknowledge the implications of the retirement village for the development pattern on the south side of McDonnell Road.
1375. Turning to the description of visibility/prominence, Ms Pflüger's evidence supports the suggested amendment. During our site visits, we observed the difference in elevation. To say that the elevations are reasonably similar is rather a stretch.
1376. We think that reference might be made to the Arrowtown South Special Zone in the views section, but not in the manner Boxer Hills Trust have suggested. The special zone will not be as visible as the retirement village. Nor will it be visible from the same vantage points. We think a discrete sentence is required.
1377. In terms of the potential landscape issues and constraints, based on the evidence we heard, we think that the deletion sought by Boxer Hills Trust would go too far but equally, the existing text is untenable given the acknowledged effect of the retirement village and our recommendations regarding Precinct development in this area. We consider that further amendments are required.
1378. In summary, we recommend that LCU24 be amended in the following respects:
 - a. In the settlement patterns description, amend the first sentence to commence:

"The Arrowtown South Special Zone anticipates...".

- b. Add a sentence on the end:

“The Arrowtown Lifestyle Retirement Village will have implications for future settlement patterns for the land around it south and west of McDonnell Road.”

- c. In the visibility/prominence description, delete the words *“and (reasonably) similar higher elevation”* from the second sentence.
- d. In the potential landscape issues and constraints description, amend the text to read as follows:

*“Extent to which the unit can continue to operate as a ‘greenbelt’ to Arrowtown.
Role of the escarpment as an edge to the village;
Ensuring urban residential development is constrained within defensible boundaries and does not sprawl westwards and southwards in an uncontrolled manner across ‘more rural’ areas.”*

- e. Amend the potential landscape opportunities and benefits description to substitute *“Arrowtown Lifestyle Retirement Village”* for *“Queenstown Country Club”*.

1379. Otherwise, we recommend that Schedule 24.8 remain as notified.

1380. Summarising our conclusions, we consider that for the reasons we have discussed, the revised version of Schedule 24.8 is the most appropriate manner to achieve the objectives of Chapter 24 given the alternatives open to us.

4. CONSEQUENTIAL VARIATIONS

4.1 Variation to Rural Residential and Rural Lifestyle Chapter 22

1381. As part of the Proposed District Plan (Stage 1), variations were notified to the Stage 1 Chapter 22: Rural Residential and Rural Lifestyle. These variations were consequential in nature, following rezoning of land under Chapter 24 that was formerly the subject of rules in Chapter 22.

1382. More specifically:

- a. Two paragraphs were deleted from Part 22.1 Zone Purpose. Those paragraphs referred to the Deferred Rural Lifestyle (Buffer) Zone at Dalefield and the Rural Lifestyle Zoned land in and adjacent to the ‘Hawthorn Triangle’;
- b. Provision 22.3.2.9 was amended to delete reference to tables related to the Rural Lifestyle Deferred and Buffer Zones at Dalefield and the Ferry Hill Rural Residential Sub-zone. Consequential amendments were made to other table numbers;
- c. Rule 22.5.4.3 related to the Rural Residential Zone at the north of Lake Hayes was deleted;
- d. Table 3 incorporating Rules 22.5.14 to 22.5.18 that related to the Rural Residential Deferred Buffer Zones were deleted;
- e. Table 6 incorporating Rules 22.5.33 to 22.5.37 related to the Ferry Hill Rural Residential Sub-zone were deleted;
- f. A concept development plan previously located at Provision 22.7.2 for the Rural Residential Ferry Hill Sub-zone was deleted.

1383. Mr Barr reported in his Section 42A Report⁶⁶⁴ that he had not identified any submissions specifically on these provisions. That was also our observation. There are submissions on aspects of Chapter 22, but those submissions related to provisions not the subject of variation and are accordingly out of scope.

1384. To the extent that the provisions the subject of variation are addressed by more general submissions seeking rejection of the variation and substitution of either the Operative District Plan or the Proposed District Plan (Stage 1), those submissions have been addressed in section 2.4 of this Report. Accordingly, we recommend that the variations to Chapter 22 provisions notified as part of the Proposed District Plan (Stage 2) and summarised above be confirmed save for a minor change: to fit within the numbering of the decisions version of Chapter 22, the variation to Provision 22.3.2.10 should in fact be to Provision 22.3.2.9, and reference needs to be added to the Rural Residential Zone at Camp Hill to properly fit into that part of the Plan.

4.2 Variation to definition of Site – Chapter 2

1385. The Proposed District Plan (Stage 1) included a variation deleting the existing Stage 1 definition of “site” and substituting a new definition. The key aspect of the varied definition is that a statement that formerly recorded that a site included the airspace above the land and that, in a situation where what would otherwise be one site is divided by a zone boundary or the District boundary, separate sites are thereby created, was deleted. The ambit of the site in unit title and cross lease developments was also expanded.

1386. The sole submission on the Stage 1 definition was from Paterson Pitts⁶⁶⁵ that sought the definition refer to the Unit Title Act 2010 or any replacement thereof.

1387. When the varied definition was notified, Paterson Pitts (Wanaka)⁶⁶⁶ opposed Part (c) of the definition⁶⁶⁷ and the removal of Part 4 (iii)(b) of the previous Stage 1 definition⁶⁶⁸. The submitter stated that it was not clear what the implications of these changes was and how removing clarification over split zonings will affect subdivision of land (and minimum lot sizes over land with dual zoning). The submission sought that the reasoning for these aspects of the definition be clarified.

1388. Arcadian Triangle Limited⁶⁶⁹ expressed concerns about the revised definition questioning whether:

- a. Removal of the air space from the definitions had been thought through;
- b. Removal of the provisions relating to a site being crossed by a zone boundary or a district boundary had been fully thought through;
- c. The changes related to unit titles would have what is assumed to be the desired outcome.

1389. The revised definition was also the subject of a submission from Federated Farmers⁶⁷⁰ supporting the proposed change.

⁶⁶⁴ At Section 33

⁶⁶⁵ Submission 370

⁶⁶⁶ Submission 2457

⁶⁶⁷ Identifying when subsoil and/or airspace form part of a site, as defined

⁶⁶⁸ The part of the definition previously providing for the situation of sites crossed by a zone boundary

⁶⁶⁹ Submission 2504

⁶⁷⁰ Submission 2540

1390. Mr Barr advised that the notified definition is in the same terms as that in the Auckland Unitary Plan.
1391. Mr Barr noted that the zone boundaries had been identified for the landscape reasons and not for the purpose of recognising the existing or approved legal boundaries. He considered it incongruent given the purpose of the Rural Amenity Zone that small areas of land zoned Rural Amenity can be treated as a separate site.
1392. While Mr Barr felt that the recommended revisions to Chapter 24 would address the anomalies thereby created by having such sites, he noted that the revised definition also addressed potential issues arising in other zones.
1393. Mr Barr noted also that this particular aspect of the definition of site had been the subject of comment in Stage 1 Reports.
1394. As regards to the Arcadian Triangle submission regarding airspace, Mr Barr drew to our attention that the definition of “*land*” in the Act includes the airspace above land. Accordingly, in his view, airspace does not need to be specified in the definition.
1395. Addressing these matters in reverse order, we agree with the latter point. Because the definition of “*site*” means an area of land, it necessarily includes the air space above that land. Part (c) of the definition (which Patterson Pitts queried) provides clarification as to when airspace does not fall within the definition of “*site*”.
1396. As regards deletion of the deemed site provision, we consider that creation of a “*site*” as a result of arbitrary divisions of land for reasons that have nothing to do with the requirements of subdivision is fundamentally unsatisfactory. No consideration will have been given to standard subdivision issues such as access and infrastructure. There is a very real potential for such deemed sites to be landlocked, creating issues for their future use.
1397. While Mr Barr recommended provisions that might have addressed the status quo definition, we have recommended provisions facilitating development of sites that do not meet the desired density requirements under Chapter 24 in the knowledge that the revised definition would not arbitrarily create small sites.
1398. In summary, we support the proposed definition in that regard.
1399. Lastly, as regards the submission from Paterson Pitts as part of the Stage 1 process, we note that section 22 of the Interpretation Act 1999 has the effect that if the Unit Titles Act 2010 is replaced, the definition will be taken to refer to the replacement act.
1400. In summary, we do not regard any of the issues that have been raised in submissions regarding the revised definition as being material. Further, for the reasons set out above, we consider that there is good reason to amend the definition in the manner proposed. We recommend that the revised definition be retained as notified, save only to correct the cross reference to

section 37 of the Building Act that (as Mr Barr noted in his reply evidence⁶⁷¹) should refer to section 75 of that Act.

4.3 Variation to Subdivision and Development Chapter 27

1401. The Proposed District Plan (Stage 2) included a number of variations to Chapter 27, which governs subdivision and development and which forms part of the Proposed District Plan (Stage 1). The notified variations included:
- a. Two new non-complying activity rules in notified Rule 27.4.2 related to the further subdivision of an allotment that has previously been used to calculate the minimum average lot size for subdivision in the Precinct (Rule 27.4.2(g)), the subdivision of an existing or approved residential flat from the primary residential unit and the subdivision of a second residential unit on any allotment in the Rural Amenity Zone or the Precinct (Rule 27.4.2(h));
 - b. A new restricted discretionary activity rule was inserted into Rule 27.4.3 providing for subdivision in the Rural Amenity Zone or the Precinct meeting the density standards in Part 27.5;
 - c. Amendments to Part 27.5 introducing said density standards, being 80 hectares in the Rural Amenity Zone and “6000m²/1.0 ha average” in the Precinct, and deleting the density standards formerly applying in the Rural Lifestyle Deferred A and B, Rural Lifestyle Buffer and Rural Residential Ferry Hill Sub-zone;
 - d. Deleting Objective 27.7.6 and Policy 27.7.6.1 related to the Ferry Hill Rural Residential Sub-Zone;
 - e. Inserting a new restricted discretionary activity rule as Rule 27.7.6.1 governing subdivision in the Rural Amenity Zone and the Precinct;
 - f. Introducing a new 27.7.6.2 providing assessment matters for the new restricted discretionary activity rule as above;
 - g. Deleting Part 27.8.6, being location specific standards for the Ferry Hill Rural Residential Sub-zone;
 - h. Deleting the concept development plan for the Ferry Hill Rural Residential Sub-Zone from Part 27.13.1.
1402. We should note at the outset that the Decisions Version of Chapter 27 was significantly rearranged from the notified version, with the result that the numbering in the variation no longer corresponds with the numbering in the Chapter, either as regards the provisions proposed to be deleted, or the required location of new provisions. To avoid confusion, we will identify at the commencement of our discussion of each set of provisions both the numbering as notified, and the consequential renumbering in the Decisions Version of Chapter 27. Our final recommendations for provisions to be deleted or added will likewise identify both the numbering of the notified provision and its numbering in the Decisions Version.
1403. There were a large number of submissions on the subdivision-related aspects of the variations we heard. Many of those submissions formed part of larger opposition to the underlying principles of Chapter 24 that we have discussed and made recommendations on in Section 2.4 of our report. We do not propose to repeat our discussion of the conclusions we came to there in relation to suggested consequential changes to Chapter 27, but rather to focus this part of our report on submissions specifically directed at aspects of the variations to Chapter 27 summarised above.

⁶⁷¹ At 12.17

1404. Considering first notified Rule 27.4.2(g), the Morcom et al group of submissions sought that this be amended so that the minimum and average size of lots in previous subdivisions would be taken into account.
1405. Morven Ferry et al sought that reference to the minimum lot size be deleted and that additional words be added reading:
- “..., except in the instance that the further subdivision and any prior subdivision together, complies with Rule 27.5.1”.*
1406. Dennison and Grant⁶⁷² sought that this rule not apply to the area zoned North Lake Hayes Rural Residential Zone under the Operative District Plan or alternatively⁶⁷³ that if dwellings have been approved in accordance with the permitted minimum density, then further subdivision of those units be subject to the same status as any other subdivision (i.e. restricted discretionary as notified).
1407. Mr Barr’s initial reaction (in his Section 42A Report) was not to recommend changes to this rule from the notified version, on the basis that it could result in areas that were set aside as part of the balancing of effects and enabling of development as part of a prior subdivision consent to be developed or subdivided at a subsequent stage. He regarded a non-complying activity consent as appropriate to ensure that there is adequate breadth for decision makers to consider whether the objectives or Chapter 24 would be undermined by a further subdivision.
1408. Mr Barr also recommended rejection of the Morven Ferry et al submission seeking deletion of reference to minimum lot size, regarding that as associated with the submitters’ request to delete minimum lot sizes requirements from both the Precinct and the balance of the Rural Amenity Zone.
1409. This rule was the subject of expert planning evidence from Ms Amanda Leith for D Hamilton and L Hayden⁶⁷⁴. Ms Leith’s evidence was that Rule 27.4.2(g) as notified would result in landowners not being able to subdivide in a staged manner over time. She provided the example of the Hamilton/Hayden block which is over 21 hectares in area. As Ms Leith observed, if it was the subject of an initial subdivision to create a single one hectare lot for legitimate reasons such as housing a family member, any subsequent subdivision would be considered as non-complying. Ms Nicole Sedgley, giving evidence for Dalefield Trustees Limited⁶⁷⁵, drew our attention to the same problem. Ms Sedgley observed that Rule 27.5.21 in the Decisions Version of Chapter 27 goes only part way to addressing the issue because it does not allow for land that has been up-zoned over time.

⁶⁷² Submission 2301: Supported by FS2745, FS2795 and FS2796. See also United Estates Ranch (#2026) to the same effect

⁶⁷³ Although the submission is directed at Rule 27.4.2(h), the subject matter indicates that it relates to the previous rule

⁶⁷⁴ Submission 2422

⁶⁷⁵ Submission 2097

1410. Having reflected on the issue in the light of Ms Leith’s pre-circulated evidence, Mr Barr shifted his position in his rebuttal evidence to one of recommending the amendment sought by Morven Ferry et al be made in order to address the problem Ms Leith had outlined.
1411. We agree with Mr Barr’s recommendation in this regard. While sequential subdivision applications are a potential issue, if the retention of balance lots of a particular size is important to the grant of subdivision, this could be secured by way of consent notice.
1412. The Stream 4 Hearing Panel sought to address the issue with rewording of what is now Rule 27.5.21 but, as Ms Sedgley observed, that particular approach fails to address the situation where density rules have been relaxed over time.
1413. We therefore consider that the wording recommended by Mr Barr is preferable. We do disagree with Mr Barr in one respect though. Mr Barr regarded the suggestion that reference to minimum lot sizes in this rule be deleted as related to the broader submission to delete that requirement from the density standards. We do not think that is necessarily the case. We cannot conceive how an allotment might be used to calculate the minimum lot size for a subdivision. The minimum lot size is not “*calculated*” in any meaningful sense. We note also that the comparable Rule 27.5.21 relates only to average density requirements.
1414. We consider that Mr Barr’s reasoning addresses the Dennison and Grant submission.
1415. The Morcom et al submission would result in the provision being framed more as a policy than a rule and we do not think would be satisfactory.
1416. The last thing that we need to consider is where this rule fits into the restructured Decisions Version of Chapter 27. We agree with Mr Barr’s suggestion that it would fit neatly into Chapter 27 as new Rule 27.5.26. Amendment is also required to the rule because the cross reference is now incorrect; it should be to Rule 27.6.1 as a result of the restructuring of Chapter 27 in the Decisions Version. Accordingly, we recommend that it be worded as follows:
- “The further subdivision of an allotment that has previously been used to calculate the average lot size for subdivision in the Wakatipu Basin Lifestyle Precinct, except in the instance that the further subdivision and any prior subdivision, together, complies with Rule 27.6.1.*”
1417. Turning to Notified Rule 27.4.2(h), Mr Barr noted the submission by Morven Ferry et al as having sought deletion of the second part of the rule related to subdivision of a second residential unit.
1418. Mr Barr recommended that this submission might be accepted in part, consequential on his recommendation that multiple residential units might be acceptable if the relevant density standards are achieved⁶⁷⁶, Mr Barr suggested that Notified Rule 27.4.2(h) might be subsumed into Rule 27.5.22 and suggested amended wording for Rule 27.5.22 accordingly.

⁶⁷⁶ At 12.19

1419. We have two problems with that suggestion. Firstly, the varied rule is specific to the Rural Amenity Zone and the Precinct. Insofar as Rule 27.5.22 applies in other zones, amendments to it are out of scope.
1420. Even more substantively, we think that Mr Barr had the wrong rule. The relevant rule in the Decisions Version is 27.5.23 which relates to the subdivision of a residential flat from a residential unit. The activity status is non-complying.
1421. We think that put alongside that rule, and bearing in mind Mr Barr's reasoning summarised above (with which we agree), the notified Rule 27.4.2(h) is simply unnecessary. Existing Rule 27.5.23 already covers the point.
1422. In summary, we recommend that notified Rule 27.4.2(h) be deleted.
1423. Next, we consider notified Restricted Discretionary Rule 27.4.3(b). We consider it together with the suggested Rule 27.7.6.1. Mr Barr noted submissions by Morven Ferry et al as having sought amendments to these rules in order that subdivision within the Precinct be considered as a controlled activity. We observe that Crown Investments et al, as well as a number of other submitters, made similar submissions.
1424. As Mr Barr noted, the issue of subdivision activity status in rural living zones was the subject of extensive examination in the Stream 4 hearing and the Hearing Panel recommended⁶⁷⁷ that subdivision in the Rural Lifestyle and Rural Residential Zones be a Restricted Discretionary Activity. In the Rural Lifestyle Zone, the relevant rule⁶⁷⁸ included discretion over buildings within building platforms in respect of their external appearance, visibility from public places, landscape character and visual amenity. As we have noted earlier, there is no comparable matter of discretion in notified Rule 27.7.6.1.
1425. Counsel for a number of the Crown Investments et al parties sought to persuade us that notwithstanding the recommendations in Report 7, there was no justification for not making subdivision in the Precinct a controlled activity. This argument was put on three alternative premises:
- a. The areas concerned are zoned for further rural living and development;
 - b. The Wakatipu Basin is distinctly different in character to other areas that were the subject of the Hearing Panel's recommendations at Stage 1;
 - c. Restricted discretionary status for rural living subdivision has been appealed.
1426. Addressing each of these points in turn, we have been at pains to emphasise that while rural living and development is anticipated as occurring within the Precinct, not all of the land zoned Precinct will be suitable for that use, because not all of it will be able to absorb development to the requisite standard.

⁶⁷⁷ Report 7, section 2.1

⁶⁷⁸ Decisions Version Rule 27.5.8

1427. The submission that the Wakatipu Basin is distinctly different to other areas fails on the evidence. Mr Ferguson gave evidence for the same parties as counsel was representing, and stated his view as being⁶⁷⁹:

"I consider that there is nothing inherent to the attributes of the Lifestyle Precinct that would distinguish this area from other similar zones such as the rural residential or rural lifestyle Zones such that less onerous activity status for subdivision could be justified."

1428. We agree with that assessment. If anything, we think it is understated. Given Ms Gilbert's evidence, there would be a case for more onerous provisions governing subdivision in the Precinct, compared to Rural Residential and Rural Lifestyle Zones outside the Wakatipu Basin.

1429. As to the fact that the recommendations of the Stream 4 Hearing Panel have been appealed, we repeat our observation that it would be inappropriate for us to second guess what conclusions the Environment Court might come to on the appeals before it. For our part, the issues are extensively reviewed in Report 7. We have no reason to come to a different view as regards the appropriate activity status for subdivision in the Precinct.

1430. Mr Barr recommended that Rule 27.4.3(b) and Provision 27.7.6.1 might be collapsed together in the restructured Decisions Version Chapter 27 as new Rule 27.5.9. We agree with that approach.

1431. The only submission we noted on the matters of discretion in notified Rule 27.7.6.1 (now recommended to be 27.5.9) is that of Otago Fish and Game Council⁶⁸⁰ that sought addition of a further matter of discretion being:

"Adverse cumulative impacts on ecosystems services and nature conservation values".

1432. This was said in the submission to align with the objectives and policies in Chapter 24.

1433. Given the terms of recommended Policy 24.2.4.1, the submitter is on strong grounds. It is also relevant, we believe, to note there were no submissions specifically on Policy 24.2.4.1 that sought to query its relevance or qualify its ambit. Mr Barr discussed this addition under the mistaken belief that the submitter sought that it be an additional assessment matter in 27.7.6.2. He did not regard it as appropriate for that purpose. We tend to agree with his reasoning, but we consider that given the terms of policy 24.2.4.1, it should be a matter of discretion.

1434. Accordingly, we recommend that notified Rule 27.7.6.1 be inserted into Chapter 27 as renumbered Rule 27.5.9 as notified except that the matters of discretion should have added to them a new (r):

"Adverse cumulative impacts on ecosystem services and nature conservation values."

⁶⁷⁹ Ferguson Evidence in Chief at 136

⁶⁸⁰ Submission 2455: Opposed by FS2746

1435. As above, given the overlap between the two provisions, notified Rule 27.4.3(b) should be deleted.
1436. The next provision requiring consideration is the notified amendment to Rule 27.5.1.
1437. Considering the submissions on these provisions, we put to one side the submissions seeking fundamental changes to the approach to subdivision that would involve there being no specific minimum density or a specified density that was so much smaller than that proposed as to be an entirely different approach⁶⁸¹.
1438. We also put to one side submissions seeking specified density rules on individual sites or small numbers of sites. We regard such submissions⁶⁸² as effectively being rezoning submissions that need to be treated as such.
1439. Most of the remaining submissions relate to the minimum lot size and minimum average lot size in the Precinct Sub-Zone.
1440. There were a variety of alternatives suggested. Some had a geographical approach such as the group of submissions⁶⁸³ seeking a minimum lot size of 8000m² in the area north of Lake Hayes (rather than 6000m² as notified).
1441. At least one submission⁶⁸⁴ opposed the intensification of development enabled in the Precinct more generally. Another submission⁶⁸⁵ sought an increase of the minimum average density in the Precinct to 4ha, referencing that as being the status quo in the Littles Road area.
1442. Most of the submissions, however, sought smaller minima:
- a. A group of submissions⁶⁸⁶ seeking a minimum of 4000m² in the Precinct;
 - b. Roger Monk⁶⁸⁷ who sought a Precinct average of 4000m²;
 - c. Scott Carran who sought a Precinct average of 8,000m².
1443. A more complex approach was taken by a number of submissions in the Donaldson et al group, together with the Morven Ferry et al group, who sought two sub-zones within the Precinct, an A Zone with a one hectare average and no minimum allotment size and a B Zone with a minimum allotment size of 4000m² or an average lots size of 4000m² with no minimum.
1444. Having reviewed the submissions, Mr Barr recommended that greater flexibility could be achieved by retaining the 6000m² minimum lot size, but providing that non-compliance with it should be a full discretionary activity (non-compliance with the one hectare average would remain non-complying).

⁶⁸¹ E.g. Submitter Eden (#2360) who sought a minimum density of 5 or 10 hectares in the Rural Amenity Zone

⁶⁸² E.g. Donaldson (#2229) and Boxer Hills Trust (#2385 and 2386)

⁶⁸³ Submissions 2189, 2218 and 2596

⁶⁸⁴ Miles Wilson (#2084), See also Hunter Leece and Anna Kobienia (#2122)

⁶⁸⁵ Pete and Kelly Saxton (#2312)

⁶⁸⁶ Submissions 2250, 2252, 2254 and 2303

⁶⁸⁷ Submission 2281: Supported by FS2769, FS2795 and FS27956

1445. We discussed the combination of minimum lot sizes and minimum average lots sizes with Ms Gilbert. She explained that although the WB Landscape study had recommended a 4000m² minimum lot size, case study work post finalisation of the study testing that minimum had produced concerns that it would result in a large lot suburban outcome. Having said that, she had some sympathy with the submitters who were arguing the need for greater flexibility so as to enable a more varied and appropriate landscape outcome. She considered Mr Barr's suggested half way house approach to be helpful.
1446. Exploring further whether a greater difference between the average and the minimum would provide more flexibility, while Ms Gilbert had sympathy with that view, she also expressed caution about the ability of plan users to look at the minimum lot and the minimum average as dictating the subdivision yield irrespective of site circumstances.
1447. We discussed the issue also with Mr Brown, who supported identifying sub-zones within the Precinct with more enabling subdivision standards. He expressed himself as not uncomfortable with Mr Barr's suggested approach. In his view, providing for development at less than 6000m² minimum lot area will drive innovation.
1448. Subdivision standards in this case need to encourage good subdivision design, but to constrain those who would seek to take advantage of any loopholes in the Plan provisions to produce the maximum subdivision yield (and hence economic return).
1449. We consider that Mr Barr's suggested approach strikes a good compromise. It provides a clear signal that the overall outcome (as demonstrated by the minimum average) is the critical thing, and that there is provision for individual lots to be less than 6000m², if this is part of a well-designed subdivision proposal.
1450. We think it is generally undesirable to seek to provide location-based exceptions (or sub-zones as Mr Brown suggested), given the greater focus on maintaining or enhancing landscape character and visual amenity values in the objectives and policies of Chapter 24 (compared to its predecessors). In situations where there is a case for waiving the standards, that case can be made by resource consent application, in order that it might be considered against those objectives and policies.
1451. As regards the more general submissions that sought either no reduction or no increase in density compared to the status quo, we rely on Ms Gilbert's evidence as to the analysis of different outcomes resulting from different standards being applied and the desirability of the standards specified being generally maintained.
1452. Considering how this outcome might be accommodated within the structure of Chapter 27, Mr Barr suggested a combination of amendments to the table within Decisions Version Rule 27.6.1 and a new zone-specific rule inserted into Section 27.7. Mr Barr did not, however, provide us with wording of such a rule and we think, in any event, the issue is better approached by a new rule in Part 27.5. This is the way in which the Decisions Version of Chapter 27 addresses subdivisions not complying with minimum lot area standards in the Jacks Point Zone and the Coneburn Industrial Zone that default to full discretionary status⁶⁸⁸.

⁶⁸⁸ See Rules 27.5.17 and 27.5.18 respectively

1453. We had no submissions on the suggested deletions from notified Part 27.5 (now 27.6.1). Those changes are simply consequential on replacement of prior zones by the Rural Amenity Zone and Precinct. We agree with the suggested deletions.

1454. Accordingly, we recommend the following amendments:

a. A new Discretionary Activity Rule 27.5.18A inserted into Chapter 27 worded as follows:

“27.5.18A: Within the Wakatipu Basin Lifestyle Precinct, subdivision which does not comply with the minimum net site area specified in Part 27.6 provided that the minimum net site area is not less than 4000m² and the average area of all lots in the subdivision is not less than 1.0ha per lot.”

b. A new Non-complying Activity Rule 27.5.18B inserted into Chapter 27 worded as follows:

“27.5.18B Within the Wakatipu Basin Lifestyle Precinct, subdivision with a minimum net size area less than 4000m² or where the average of lots in the subdivision is less than 1.0ha per lot.”

c. Amend provision 27.6.1 to insert two new rows in relation to the Rural Zone with the result that that part of the table in 27.6.1 would read as follows (changes shown as underlined):

Zone		Minimum Lot Area
Rural	Rural	No Minimum
	Gibbston Character	
	<u>Wakatipu Basin Rural Amenity Zone</u>	<u>80 ha</u>
	<u>Wakatipu Basin Lifestyle Precinct</u>	<u>6000m²</u> <u>1.0 ha minimum average</u>

d. Delete the rows from 27.6.1 related to the Rural Lifestyle Deferred A and B Zone, the Rural Lifestyle Buffer Zone and Rural Residential Ferry Hill Subzone provision.

1455. We need deal only briefly with the suggested deletion of notified Objective 27.7.6, notified policies 27.7.6.1, Rules and notified Part 27.8.6 and the Ferry Hill Concept Development Plan in notified Part 27.13.1. In each case, the deletion of the relevant provisions is a consequential effect of the replacement of the Ferry Hill Rural Residential sub-zone and the provisions related to it by the zones in Chapter 24. We had no submissions specifically on those provisions and we agree that their deletion follows from acceptance of the general approach taken to zoning of the Wakatipu Basin in Chapter 24. Accordingly, we recommend the deletion of the following provisions:

a. Objective 27.7.6- Ferry Hill Rural Residential Subzone and the policies related to it numbered 27.7.6.1;

b. Rules 27.8.6.1 – 27.8.6.8 inclusive related to the Ferry Hill Rural Residential Subzone;

- c. The Concept Development Plan for the Ferry Hill Rural Residential Subzone numbered 27.13.1.
1456. Finally, we need to address the assessment matters for the new restricted discretionary activity rule discussed above, notified as 27.7.6.2.
1457. Mr Barr noted NZTA⁶⁸⁹ as having sought a new assessment matter requiring consideration of the extent to which cumulative traffic generation will impact on the capacity of the transport network. Mr Barr did not recommend acceptance of the submission because, while an issue, it would only arise from a subdivision that does not comply with the density provisions and is accordingly being considered as a non-complying activity. He reiterated that view in rebuttal⁶⁹⁰, saying that the effects arising from the zoning already contemplated by the Chapter 24 and PDP framework.
1458. Having said that, he did say that in the event we were of the opinion that a number of the rezoning submissions should be accepted, cumulative effects on transport might become more relevant.
1459. That is not the case, but we think that the NZTA submission is misconceived in any event. As Mr MacColl recognised, a consent authority can only consider those matters in respect of which its discretion is reserved. The NZTA submission seeks an additional assessment matter rather than an additional matter to which discretion is reserved. Considered as an assessment matter, the suggested relief is not framed in a form that would be helpful and we cannot currently conceive how it could be redrafted to assist processing of consent applications. In summary, we recommend that NZTA's submission not be accepted in this regard.
1460. Dalefield Trustee Ltd⁶⁹¹ sought that the assessment matters be amended to cross refer the environmental characteristics and visual amenity values identified as important in Schedule 24.8. The submitter observed that those matters are only referred to in the objectives and policies of Chapter 24. The LCU descriptions in Schedule 24.8 are necessarily high level. The assessment matters require consideration of those matters by virtue of the initial reference to objectives and policies in (a). They also refer directly to Schedule 24.8 in (c)(iv), as well as to a wide variety of more detailed matters relevant to landscape character and visual amenity. We do not consider it appropriate that the assessment matters be limited to the matters identified in Schedule 24.8.
1461. Mr Barr noted Morven Ferry et al as having sought that assessment matter (b), which currently tests the extent to which subdivision provides for low impact design that avoids or mitigates adverse effects on the environment be amended to read:

"The extent to which the subdivision provides variation in design that maintains and enhances landscape character and visual amenity values of the Wakatipu Basin."

⁶⁸⁹ Submission 2538: Supported by FS2760, opposed by FS2765 and FS2766

⁶⁹⁰ At 7.7

⁶⁹¹ Submission 2097

1462. Mr Barr recommended rejection of that submission on the basis that the assessment matter relates more generally to overall environmental protection and management and not just on section 7(c) values. We agree. We also note that given the emphasis given to lower impact design in the Partially Operative RPS 2019, as discussed earlier in this Report, some reference to it in the assessment matters is appropriate.
1463. Morven Ferry et al sought that in so far as assessment matter (c) includes consideration of the retention of existing vegetation of landform patterns as part of the broader consideration of buildings, ancillary elements and landscape treatment, it be amended to refer to compatibility with existing vegetation and landform patterns.
1464. Mr Barr did not recommend that suggested change on the basis that compatibility issues were addressed by other assessment matters. Given our recommendations regarding rejection of other submissions seeking to delete or qualify provision for retention of existing vegetation in the policies and rules of Chapter 24, we agree with Mr Barr's reasoning.
1465. Morven Ferry et al sought also amendment of assessment matter (f). As notified, that assessment matter read:
- "Whether clustering of future buildings would offer a better solution for maintaining a sense of openness and spaciousness, or the integration of development with existing landform and vegetation patterns."*
1466. Morven Ferry et al sought that the assessment refer to variation of lot sizes rather than clustering of buildings.
1467. Mr Barr agreed that the suggested variation was helpful, but he considered that as with the comparable assessment matter in Chapter 24, both the clustering of buildings and varied lot sizes needed to be considered.
1468. In the reply version of his evidence, Mr Barr suggested reference to lifestyle patterns at the end of this assessment matter. As with the comparable assessment matter in Chapter 24, we consider that the reference point is more appropriately to settlement patterns than lifestyle patterns.
1469. Otherwise, we agree with Mr Barr's reasoning, and therefore recommend that this assessment matter should read:
- "Whether the clustering of future buildings or varied allotment sizes in subdivision design would offer a better solution for maintaining a sense of openness and spaciousness, or the integration of development with existing landform and vegetation or settlement patterns."*
1470. Mr Barr also recommended acceptance of a grammatical change suggested by Morven Ferry et al to assessment matter (g) so that consideration would be of "an" appropriate setback from ONLs and ONFs. We likewise agree that this is a better grammatical fit.
1471. Mr Barr also recommended consequential changes as follows:
- a. Amend Assessment matter (a) to read:

“The extent to which the proposal is consistent with objectives and policies relevant to the matters of discretion.”

- b. Amend assessment matter (h) to refer to Escarpment Ridgeline and River Cliff Features rather than *“identified landscape features”*;
- c. Add a new assessment matter:

“Whether the proposed subdivision provides an opportunity to maintain landscape character and visual amenity through open space covenants or consent notices.”

- d. Add an additional assessment matter:
“Considering the benefits of the removal of identified wilding exotic trees and their replacement with non-wilding species in all instances, except where this would have significant landscape or visual amenity visual effects.”

1472. We agree with the first two suggested changes. They are clearly consequential on other recommendations we have made. As regards the two new assessment matters, consistency with our recommendations in relation to Proposed Rule 24.7.3 suggests that they be reworded as follows:

“Whether the proposed subdivision provides an opportunity to maintain landscape character and visual amenity through the registration of covenants or consent notices requiring open space to be maintained in perpetuity”; and

“The merit of the removal of wilding exotic trees at the time of development.”

1473. We consider that two further changes are required to these assessment matters. Mr Barr recommended amendments to Assessment Matter (d), consequential on changes to the similarly worded assessment matter in Part 24.7. We agree and recommend parallel changes to those we have recommended in Part 24.7.

1474. We also recommend a minor change to assessment matter (c)(vii) to explain more clearly how development controls might be incorporated – logically it can only be through incorporation of controls addressing the matters listed. Our suggested revised chapter attached reflects the suggested amendment.

1475. Mr Barr recommended that the assessment matters notified as 27.7.6.2 be relocated in Part 27.9. We agree. We consider that they would fit neatly within the structure of Chapter 27 (Decisions Version) as a new Rule 22.9.3.3, with consequential changes to reflect the structuring of the provisions in Part 27.9.

1476. The assessment criteria are lengthy and so we note merely that our suggested revised Rule 27.7.6.2(now 27.9.3.3) is as shown in the attached clean version of the variation as recommended

1477. Before leaving Chapter 27, we should note the submission of Pete and Kelly Saxton⁶⁹² that affected parties should have the right to submit on any proposed subdivision applications.
1478. The variations before us did not include amendments to the notification provisions in Chapter 27. In addition, the provisions of the Act now constrain the extent to which subdivision applications can be notified⁶⁹³. For both of these reasons, we do not have the ability to grant the relief sought by the submitters.
1479. We find therefore that the amended provisions we have recommended to be the most appropriate way to achieve the objectives of the Proposed District Plan, given the alternatives open to us.

4.4 Variation to Noise Chapter 36

1480. The Proposed District Plan (Stage 1) included a variation to Chapter 36 to insert noise standards for the Rural Amenity Zone and for the Precinct.
1481. In his Section 42A Report⁶⁹⁴, Mr Barr noted that he had not identified any submissions on the variation to Chapter 36.
1482. Notwithstanding that, in his reply evidence⁶⁹⁵, Mr Barr recommended amendments to the variation he identified as being consequential on the outcome of the decisions on submissions to land that was notified in Stage 1 as Rural Zone, Rural Residential Zone or Rural Lifestyle Zone. The suggested amendments were to add reference to the Rural Amenity Zone in Rule 36.4.5 and to state that the point of assessment for noise in the Rural Amenity Zone is any point within the notional boundary of a residential unit.
1483. Consideration of Mr Barr's recommendations raises questions regarding the form in which the variation to Chapter 36 was notified. The relevant text at the point the variation was notified was the notified version of Chapter 36 that formed part of the Proposed District Plan (Stage 1). The variation stated clearly that the relevant changes were "underlined text for additions and strike through text for deletions". In those terms, the only changes to the notified Chapter 36 text were the addition of the words "*Wakatipu Basin Rural Amenity Zone*" and "*Wakatipu Basin Lifestyle Precinct*" into a table related to Rule 36.5.1. However, three aspects of the balance of the table contained in the notified form of the variation did not match the corresponding provisions in the underlying Chapter (as notified). The first was in the overall heading of the table. This is recorded correctly in one place as "*Table 2: General Standards*". The table itself, however, has the heading "*Standard*". Second, the column in which zones are listed in the Table has the heading "*Zones sound is received in*" whereas in the notified table, the column heading is "*Activity or sound source*". Third, the second column in the table entitled Assessment Location has the description "*Any point within the notional boundary of a residential unit*" in relation to Rule 36.5.1, whereas the Table in the variation has "*Any point within any site*".

⁶⁹² Submission 2312

⁶⁹³ Refer section 95A

⁶⁹⁴ At Section 36

⁶⁹⁵ At 12.21-12.22

1484. The Decisions Version of Table 2 in Chapter 36 has no material changes from the notified version although that too appears to be an error. The Hearing Panel's Report 8 records a recommendation⁶⁹⁶ that the second column of the table should be headed "*Zones sound is received in*". That would, of course, correspond with how the Chapter 36 variation was notified, but this recommendation was not implemented in the Decisions Version of the actual Chapter, apparently in error. This was not appealed, so the only way it will now be corrected is by way of variation should the Council deem that appropriate.
1485. The differences in the headings are not particularly material. The Stage 1 Hearing Panel described its recommended change to the column heading as a minor change in terms of Clause 16(2), and we would not disagree. The difference in the location of the measurement of noise, however, is a substantive issue. A noise standard measured at every point within a site, especially a large site, is a significantly greater restriction on the activities on the property than is a noise standard just measured at the notional boundary of any residential unit.
1486. Mr Barr suggested that this might be addressed by way of consequential change in his reply evidence. While it would be more consistent with the logic of the Decisions Version of Chapter 36 if noise levels at the Precinct were measured at any point on the site (that being the approach for other rural living zones) and noise levels for the balance of the Rural Amenity Zone were measured at the notional boundary of any residential unit (that being the approach in the Rural Zone), in the absence of any submissions on the point, we do not consider that we have scope to align the Chapter 36 variation with the Decisions Version in that manner.
1487. Mr Barr likewise recommended consequential amendments to Rule 36.4.5 to add reference to the Rural Amenity Zone. That Rule makes sound from farming and forestry activities and bird scaring devices other than sound from stationary motors and stationary equipment a permitted activity, subject to compliance with the noise standards. We cannot see how adding reference to the Rural Amenity Zone in that rule could be seen as a consequential outcome of any decisions we are recommending.
1488. We note that with recommended Rule 24.4.2 providing that farming activities are permitted in the Rural Amenity Zone (including the Precinct), those activities can continue as they relate to emission of noise provided the noise standards in Part 36.5 are met (by virtue of Provision 36.3.2.3 (Decisions Version)). Accordingly, we do not think the suggested change is necessary, even if we had scope to recommend it.
1489. Stepping back, the variation states clearly that the only change proposed to Table 2 of Chapter 36 is to insert reference to the Wakatipu Basin Rural Amenity Zone and the Wakatipu Basin Lifestyle Precinct in the second column of the table, as it relates to Rule 36.5.1. No submissions have sought to change that, and we therefore recommend that exactly that amendment be made to the Decisions Version of Chapter 36. We find that this is the most appropriate provision to achieve the objectives of the Proposed District Plan, given the alternatives open to us.
1490. If that has consequences that the Council (perhaps with the benefit of hindsight) does not intend, then we recommend that it consider a variation.

⁶⁹⁶ At paragraph 603

1491. In summary, therefore, we recommend that the following change be made to the Decisions Version of Chapter 36 (Additions in Underline).

General Standards					
	Activity or sound source	Assessment location	Time	Noise limits	Non-Compliance Status
36.5.1	Rural (Note: refer Rule 36.5.14 for noise received in the Rural Zone from the Airport Zone -Queenstown Gibbston Character Zone Airport Zone – Wanaka <u>Wakatipu Basin Rural Amenity Zone</u> <u>Wakatipu Basin Lifestyle Precinct</u>	Any point within the notional boundary of a residential unit	0800h to 2000h	50 dB <small>L_{Aeq}(15 min)</small>	NC
			2000h to 0800h	40 dB <small>L_{Aeq}(15 min)</small> 75 dB <small>L_AF_{max}</small>	NC

5. CONCLUSIONS AND RECOMMENDATIONS

1492. For the reasons set out above, we recommend to the Council that:

- a. Chapter 24 be adopted as amended by our recommendations, as set out in Appendix 1;
- b. Chapters 2, 22, 27 and 36 of the Proposed District Plan (Stage 1) be varied as shown in Appendix 2;
- c. The submissions and further submissions on the contents of Chapter 24 and the variations to Chapters 2, 22, 27 and 36 be accepted, accepted in part or rejected as set out in the tables attached in Appendix 3;
- d. The submissions lodged on Stage 1 of the District Plan considered by the Stream 14 Hearing Panel be accepted, accepted in part or rejected as set out in the tables attached in Appendix 4.

1493. We recommend to the Stream 15 Hearing Panel that the submissions and further submissions heard in this hearing stream in relation to the variation to Stage 1 Chapter 6 be accepted, accepted in part or rejected as set out in the tables attached in Appendix 5.

1494. In the course of our report, we have recommended that Council consider promulgating variations to the text of the matters before us.

1495. We draw the Council’s attention to the discussion related to:

- a. Recommended Policy 24.2.2.1⁶⁹⁷;
- b. Recommended Policy 24.2.3.2⁶⁹⁸;
- c. The definition of “*residential flat*”⁶⁹⁹;
- d. Recommended Rule 24.4.9⁷⁰⁰;
- e. Recommended Policy 24.5.11⁷⁰¹;

⁶⁹⁷ See paragraph [622] above

⁶⁹⁸ See paragraph [659] above

⁶⁹⁹ See paragraph [924] above

⁷⁰⁰ See paragraph [930] above

⁷⁰¹ See paragraph [1125] above

f. Recommended Rule 36.5.1⁷⁰².

1496. Lastly, we draw the Council's attention to the need to insert the date of decisions into Policy 24.2.1.10 and Rules 24.4.6 and 24.5.1.4 before the Council's final decisions are released.

For the Hearing Panel



Denis Nugent, Chair
Dated: 15 February 2019

⁷⁰² See paragraph [1490] above

Appendix 1: Chapter 24 as Recommended

24. Wakatipu Basin

24.1 Zone Purpose

This chapter applies to the Wakatipu Basin Rural Amenity Zone (Rural Amenity Zone) and its sub-zone, the Wakatipu Basin Lifestyle Precinct (Precinct). The purpose of the Zone is to maintain and enhance the character and amenity of the Wakatipu Basin. Schedule 24.8 divides the Wakatipu Basin into 23 Landscape Character Units. The Landscape Character Units are a tool to assist identification of the particular landscape character and amenity values sought to be maintained and enhanced. Controls on the location, nature and visual effects of buildings are used to provide a flexible and design led response to those values.

The purpose of defining the Precinct is to identify areas within the broader Rural Amenity Zone that have the potential to absorb rural living and other development, while still achieving the overall purpose of the Rural Amenity Zone. The balance of the Rural Amenity Zone is less enabling of development, while still providing for a range of activities suitable for a rural environment.

While the Rural Amenity Zone does not contain Outstanding Natural Features or Landscapes, it is a distinctive and high amenity value landscape located adjacent to, or nearby to, Outstanding Natural Features and Landscapes. There are no specific setback rules for development adjacent to Outstanding Natural Features or Landscapes. However, all buildings except small farm buildings and subdivision require resource consent to ensure that inappropriate buildings and/or subdivision does not occur adjacent to those features and landscapes. Buildings and development in the Zone and the Precinct are required to be set back from Escarpment, Ridgeline and River Cliff Features shown on the planning maps, to maintain the distinctive and high amenity landscapes of the Wakatipu Basin.

24.2 Objectives and Policies

Objectives 24.2.1 to 24.2.4 and related policies apply to the Precinct and to the balance of the Rural Amenity Zone. Objective 24.2.5 and related policies apply to the Precinct only.

24.2.1 Objective - Landscape character and visual amenity values in the Wakatipu Basin Rural Amenity Zone are maintained or enhanced.

Policies

- 24.2.1.1 Require an 80 hectare minimum net site area be maintained within the Wakatipu Basin Rural Amenity Zone outside of the Precinct.
- 24.2.1.2 Ensure subdivision and development is designed (including accessways, services, utilities and building platforms) to minimise inappropriate modification to the natural landform.
- 24.2.1.3 Ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.
- 24.2.1.4 Maintain or enhance the landscape character and visual amenity values associated with the Rural Amenity Zone including the Precinct and surrounding landscape context by:

- a. controlling the colour, scale, form, coverage, location (including setbacks from boundaries) and height of buildings and associated infrastructure, vegetation and landscape elements;
 - b. setting development back from Escarpment, Ridgeline and River Cliff Features shown on the planning maps.
- 24.2.1.5 Require all buildings to be located and designed so that they do not compromise the landscape and amenity values and the natural character of Outstanding Natural Features and Outstanding Natural Landscapes that are either adjacent to the building or where the building is in the foreground of views from a public road or reserve of the Outstanding Natural Landscape or Outstanding Natural Feature.
- 24.2.1.6 Provide for farming, commercial, community, recreation and tourism related activities that rely on the rural land resource, subject to maintaining or enhancing landscape character and visual amenity values.
- 24.2.1.7 Locate, design operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.
- 24.2.1.8 In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.
- 24.2.1.9 Control earthworks and vegetation clearance to minimise adverse effects on landscape character and visual amenity values.
- 24.2.1.10 Enable residential activity within building platforms created prior to [insert date decision notified] subject to achieving appropriate standards.
- 24.2.1.11 Provide for activities, whose built form is subservient to natural landscape elements and that, in areas Schedule 24.8 identifies as having a sense of openness and spaciousness, maintain those qualities.
- 24.2.1.12 Manage lighting so that it does not cause adverse glare to other properties, roads, public places or degrade views of the night sky.
- 24.2.1.13 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua in the manner directed in Chapter 5: Tangata Whenua.

24.2.2 Objective – Non-residential activities maintain and enhance amenity values.

Policies

- 24.2.2.1 Ensure traffic, noise and the scale and intensity of non-residential activities do not have an adverse impact on landscape character and amenity values that is more than minor, or affect the safe and efficient operation of the roading and trail network or access to public places.
- 24.2.2.2 Restrict the type and intensity of non-residential activities to those which are compatible in relation to generated effects (e.g. traffic, noise, and hours of operation) with surrounding uses and the natural environment.
- 24.2.2.3 Ensure non-residential activities other than farming, with the potential for nuisance effects from dust, visual, noise or odour effects, are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.

24.2.2.4 Ensure informal airports are located, operated and managed to maintain the surrounding rural amenity.

24.2.3 Objective – Reverse sensitivity effects are avoided or mitigated where rural living opportunities, visitor and tourism activities, community and recreation activities occur.

Policies

24.2.3.1 Ensure informal airports are not compromised by the establishment of incompatible activities.

24.2.3.2 Ensure reverse sensitivity effects on rural living and non-residential activities are avoided or mitigated.

24.2.3.3 Support productive farming activities such as agriculture, horticulture and viticulture in the Zone by ensuring that reverse sensitivity issues do not constrain productive activities.

24.2.3.4 Ensure non-farming activities with potential for nuisance effects from dust, visual, noise or odour effects are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.

24.2.4 Objective – Subdivision and development, and use of land, maintains or enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.

Policies

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

24.2.4.2 Restrict the scale, intensity and location of subdivision, development and use of land in the Lake Hayes catchment, unless it can occur consistently with improvement to water quality in the catchment.

24.2.4.3 Provide for improved public access to, and the maintenance and enhancement of, the margins of waterbodies including Mill Creek and Lake Hayes.

24.2.4.4 Provide adequate firefighting water and emergency vehicle access to ensure an efficient and effective emergency response.

24.2.4.5 Ensure development has regard to servicing and infrastructure costs that are not met by the developer.

24.2.4.6 Facilitate the provision of walkway and cycleway networks and encourage opportunities for the provision of bridle path networks.

24.2.4.7 Ensure traffic generated by non-residential development does not individually or cumulatively compromise road safety or efficiency.

24.2.4.8 Encourage the removal of wilding exotic trees at the time of development.

24.2.4.9 Encourage the planting, retention and enhancement of indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that contributes to native habitat restoration, particularly in locations such as gullies and riparian areas, or to provide stability.

24.2.5 Objective – Rural living opportunities in the Precinct are enabled, provided landscape character and visual amenity values are maintained or enhanced.

Objective 24.2.5 and policies 24.2.5.1 to 24.2.5.6 apply to the Precinct only. In the event of a conflict between Objective 24.2.5 and Objectives 24.2.1 to 24.2.4, Objective 24.2.5 prevails.

Policies

- 24.2.5.1 Provide for rural living, subdivision, development and use of land where it maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.
- 24.2.5.2 Promote design-led and innovative patterns of subdivision and development that maintain or enhance the landscape character and visual amenity values of the Wakatipu Basin overall.
- 24.2.5.3 Provide for non-residential activities, including restaurants, visitor accommodation, and commercial recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures that the amenity, quality and character of the Precinct is retained.
- 24.2.5.4 Implement minimum and average lot size standards in conjunction with standards controlling building size, location and external appearance, so that the landscape character and visual amenity values of the Precinct, as identified in Schedule 24.8 – Landscape Character Units, are not compromised by cumulative adverse effects of development.
- 24.2.5.5 Maintain a defensible edge between areas of rural living in the Precinct and the balance of the Zone.
- 24.2.5.6 Retain vegetation that contributes to landscape character and visual amenity values of the Precinct, provided it does not present a high risk of wilding spread.

24.3 Other Provisions and Rules

24.3.1 District Wide

Attention is drawn to the following District Wide chapters.

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

37 Designations	Planning Maps	
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24.3.2 Interpreting and Applying the Rules

24.3.2.1 A permitted activity must comply with all of the rules (in this case of Chapter 24) and any relevant district wide rules.

24.3.2.2 The surface of lakes and rivers are zoned Rural.

24.3.2.3 Guiding Principle: Previous Approvals

- a. Requirements relating to building platforms and conditions of consents, including landscaping or other visual mitigation, that are registered on a site’s computer freehold register as part of a resource consent approval by the Council are considered by the Council to remain relevant and will remain binding unless altered or cancelled.
- b. Applicants may apply to alter or cancel any conditions of an existing resource consent as a component of an application for resource consent for development. Whether it may be appropriate for the Council to maintain, or to alter or cancel these conditions shall be assessed against the extent to which a resource consent application accords with the objectives and provisions of the Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct (as applicable).

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

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

24.3.2.5 The Wakatipu Basin Lifestyle Precinct is a sub-zone of the Wakatipu Basin Rural Amenity Zone and all rules in Table 24.1 apply to the Precinct. Where specific rules and standards are identified for the Precinct in Tables 24.2 and 24.3, these prevail over the Rural Amenity Zone rules in Table 24.1.

24.3.2.6 All activities, including any listed permitted activities are subject to the rules and standards contained in Tables 24.1 to 24.3.

24.3.3 Advice Notes

24.3.3.1 Clarifications of the meaning of root protection zone, minor trimming of a hedgerow, minor trimming and significant trimming are provided in Chapter 2 – Definitions.

24.3.3.2 On-site wastewater treatment is subject to the Otago Regional Plan: Water. In particular, Rule 12.A.1.4 of the Otago Regional Plan: Water requires that within the Lakes Hayes Catchment all on-site wastewater treatment systems are operated in accordance with a resource consent obtained from the Otago Regional Council.

24.4 Rules – Activities

	Table 24.1 – Activities in the Wakatipu Basin Rural Amenity Zone	Activity Status
24.4.1	Any activity not listed in Tables 24.1 and 24.2.	NC
24.4.2	Farming activity.	P
	Residential activities and buildings	
24.4.3	The use of land or buildings for residential activity except as otherwise provided for in Table 24.1 and Table 24.2 and subject to the standards in Table 24.3.	P
24.4.4	The alteration of any lawfully established building used for residential activity.	P
24.4.5	The construction of buildings for a residential flat not exceeding 150m ² gross floor area and attached to the residential unit.	P
24.4.6	The construction of buildings for residential activity that are located within a building platform approved by a resource consent and registered on the applicable Computer Freehold Register before [insert date of decision]. Control is reserved over: a. Landscape character; b. Visual amenity values; c. Access; d. Infrastructure; e. Landform modification, landscaping and planting (existing and proposed).	C
24.4.7	The construction of buildings for residential activity that are not provided for in Rule 24.4.5 or 24.4.6 and are not contrary to Rule 24.4.8. Discretion is restricted to: a. Landscape character; b. Visual amenity values; c. Access; d. Infrastructure; e. Landform modification, landscaping and planting (existing and proposed); f. Natural hazards.	RD
24.4.8	The construction of buildings for residential activity outside a building platform approved by a resource consent and registered on the applicable Computer Freehold Register on a site where there is such a building platform.	NC
	Non-residential activities and buildings	

	Table 24.1 – Activities in the Wakatipu Basin Rural Amenity Zone	Activity Status
24.4.9	Farm buildings.	P
24.4.10	Roadside stall buildings.	P
24.4.11	Home occupation.	P
24.4.12	Informal airports.	P
24.4.13	Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site.	P
24.4.14	Commercial recreational activities that are undertaken on land, outdoors and involve not more than 12 persons in any one group.	P
24.4.15	Residential visitor accommodation and homestays.	P
24.4.16	Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site where the access is onto a State Highway. Discretion is restricted to: a. Access to, and safety of, the transport network; b. On-site parking.	RD
24.4.17	Industrial activities directly associated with wineries and underground cellars within a vineyard. Discretion is restricted to: a. Noise; b. Access and parking; c. Traffic generation; d. Odour; e. Hours of operation; f. Waste treatment and disposal.	RD
24.4.18	The construction and alteration of buildings for non-residential activities, not otherwise provided for in Table 24.1. Discretion is restricted to: a. Landscape character; b. Visual amenity; c. Access; d. Natural hazards; e. Infrastructure; f. Landform modification, landscaping and planting (existing and proposed).	RD
24.4.19	Commercial recreational activities that are undertaken on land, outdoors and involve more than 12 persons in any one group.	D

	Table 24.1 – Activities in the Wakatipu Basin Rural Amenity Zone	Activity Status
24.4.20	Cafes and restaurants.	D
24.4.21	Visitor accommodation.	D
24.4.22	Community activities.	D
24.4.23	Any commercial or Industrial activity not otherwise provided for in Table 24.1 including those associated with farming.	NC
24.4.24	Panelbeating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motorbody building, or any activity requiring an Offensive Trade Licence under the Health Act 1956 except where such activities are undertaken as part of a farming activity, residential activity or as a permitted home occupation.	NC

	Table 24.2: Activities in the Wakatipu Basin Lifestyle Precinct	Activity Status
	Residential activities	
24.4.25	Residential flat not exceeding 150m ² gross floor area that is separated from the principal residential unit by no more than 6 metres, that is not provided for in Rule 24.4.6, and is not contrary to Rule 24.4.8. Note: Residential flats attached to the principal residential unit are covered by Rule 24.4.5.	D
24.4.26	Residential flat not exceeding 150m ² gross floor area that is separated from the principal residential unit by more than 6 metres, that is not provided for in Rule 24.4.6, and is not contrary to Rule 24.4.8..	NC
	Non-residential activities	
24.4.27	Informal airports.	D
24.4.28	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, or any activity requiring an Offensive Trade Licence under the Health Act 1956 except where such activities are undertaken as part of a farming activity, residential activity or as a permitted home occupation.	PR
	Clearance of exotic vegetation	
24.4.29	Clearance, works within the root protection zone or significant trimming of exotic vegetation that is of a height greater than 4 metres. Discretion is restricted to: a. The extent of clearance; b. Trimming and works within the root protection zone; c. Replacement planting.	RD

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24.5 Rules - Standards

The following standards apply to all activities.

	Table 24.3 - Standards	Non-compliance status
24.5.1	Residential Density	
24.5.1.1	For sites with a net site area of 1 hectare or less and zoned in part or whole Wakatipu Basin Lifestyle Precinct, a maximum of one residential unit per site.	NC
24.5.1.2.	For sites with a net site area greater than 1 hectare and zoned in part or whole Wakatipu Basin Lifestyle Precinct, no more than one residential unit per hectare on average of the net site area zoned Wakatipu Basin Lifestyle Precinct.	NC
24.5.1.3	Where Rule 24.5.1.1 or Rule 24.5.1.2 applies, all residential units (including residential flats) must be located within the area zoned Wakatipu Basin Lifestyle Precinct.	NC
24.5.1.4	Any site in the Wakatipu Basin Rural Amenity Zone located wholly outside the Precinct in respect of which the Computer Freehold Register for the site was issued before [insert date of plan decisions] and with an area less than 80 hectares, a maximum of one residential unit per site.	NC
24.5.1.5	For that part of all other sites in the Wakatipu Basin Rural Amenity Zone wholly located outside of the Precinct, a maximum of one residential unit per 80 hectares net site area.	NC
24.5.2	<p>Alterations to buildings for residential activities not located within a building platform</p> <p>Alterations to a building not located within a building platform must not increase the</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Landscape character;</p> <p>b. Visual amenity;</p>

	Table 24.3 - Standards	Non-compliance status
	ground floor area by more than 30% in any ten year period.	c. External appearance; d. Infrastructure.
24.5.3	<p>Building Material and Colours</p> <p>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* must be coloured in the range of browns, greens or greys including;</p> <p>24.5.3.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and</p> <p>24.5.3.2 All other exterior surface** finishes, except for schist, must have a light reflectance value of not greater than 30%.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Landscape character; b. Visual amenity; c. External appearance; d. Visual prominence from both public places and private locations.</p>
24.5.4	<p>Building Size</p> <p>Where a residential building is constructed within a building platform under Rule 24.4.6, the ground floor area of all buildings must not exceed 500m².</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Landscape character; b. Visual amenity;</p>
24.5.5	<p>Building coverage</p> <p>The ground floor area of all buildings not subject to Rule 24.5.4 must not exceed 15% of net site area, or 500m² ground floor area, whichever is the lesser.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Landscape character; b. Visual amenity.</p>
24.5.6	<p>Setback from internal boundaries</p> <p>The minimum setback of any building from internal boundaries shall be 10m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Building location, character, scale and form.</p>

	Table 24.3 - Standards	Non-compliance status
		<ul style="list-style-type: none"> b. External appearance including materials and colours. c. Landform modification/planting (existing and proposed).
24.5.7	Height of buildings	
24.5.7.1	The maximum height of buildings shall be 6m.	<p>RD</p> <p>For buildings with a height greater than 6m and no more than 8m, discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building location, character, scale and form including the pitch of roofs; b. External appearance including materials and colours; c. Landform modification/planting (existing and proposed). <p>Note: 24.5.7.2 applies to buildings with a height greater than 8m.</p>
24.5.7.2	The maximum height of buildings shall be 8m.	NC
24.5.8	<p>Setback from roads</p> <p>The minimum setback of any building from road boundaries shall be 75m in the Precinct and 20m elsewhere in the Rural Amenity Zone.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building location, character, scale and form; b. External appearance including materials and colours; c. Landscaping/planting (existing and proposed).

	Table 24.3 - Standards	Non-compliance status
24.5.9	<p>Setback from the Queenstown Trail</p> <p>Any building shall be located a minimum of 75m from the boundary of any identified Queenstown Trail Setback as shown on the planning maps.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building location, character, scale and form; b. External appearance including material and colours; c. Landscaping/planting (existing and proposed).
24.5.10	<p>Setback from Escarpment, Ridgeline and River Cliff Features</p> <p>Any building or accessway shall be located a minimum of 50m from the boundary of any Escarpment, Ridgeline or River Cliff Feature shown on the planning maps.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building location, character, scale and form; b. External appearance including materials and colours; c. Landform modification/planting (existing and proposed).
24.5.11	<p>Setback from boundaries of non-residential buildings housing animals</p> <p>The minimum setback from boundaries for any building whose primary purpose is to house animals shall be 30m.</p>	<p>RD</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> a. Open space, rural living character and amenity; b. Privacy, views and outlook from neighbouring properties and public places;

	Table 24.3 - Standards	Non-compliance status
		<p>c. Reverse sensitivity effects on adjacent properties including odour and noise;</p> <p>d. Landform modification/planting (existing and proposed).</p>
24.5.12	<p>Setback of buildings from waterbodies</p> <p>The minimum setback of any building from the bed of a wetland, river or lake shall be 30m.</p>	<p>RD</p> <p>Discretion is restricted to the following:</p> <p>a. Biodiversity values;</p> <p>b. Natural Hazards;</p> <p>c. Visual and recreational amenity values;</p> <p>d. Landscape and natural character;</p> <p>e. Open space.</p>
24.5.13	<p>Farm buildings</p> <p>a. The maximum gross floor area of any farm building shall be 50m².</p> <p>b. All exterior surfaces shall be coloured in the range of black, browns, greens or greys (except soffits).</p> <p>c. Pre-painted steel and all roofs shall have a reflectance value not greater than 20%.</p> <p>d. All other surface finishes shall have a reflectance value of not greater than 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Building location, character, scale and form;</p> <p>b. External appearance including materials and colours; and</p> <p>c. Landform modification/planting (existing and proposed).</p>
24.5.14	<p>Home occupations</p> <p>a. The maximum net floor area of home occupation activities shall be 150m².</p> <p>b. No goods materials or equipment shall be stored outside a building.</p> <p>c. All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The nature, scale and intensity of the activity;</p> <p>b. Visual amenity from neighbouring properties and public places;</p> <p>c. Noise, odour and dust;</p> <p>d. Access, safety and transportation.</p>
24.5.15	<p>Roadside stalls</p>	<p>RD</p> <p>Discretion is restricted to:</p>

	Table 24.3 - Standards	Non-compliance status
	<ul style="list-style-type: none"> a. The maximum ground floor area shall be 5m². b. Stalls shall not be higher than 2.0m from ground level. c. The minimum sight distance along the road from the stall or stall access shall be 250m. d. The minimum distance of the stall or stall access from an intersection shall be 100m; and, the stall shall not be located on the legal road reserve. 	<ul style="list-style-type: none"> a. Building location, character, scale and form; b. External appearance including materials and colours; c. Access and safety; d. Parking.
24.5.16	<p>Retail Sales</p> <p>The maximum gross floor area of buildings shall be 25m² for retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building location, character, scale and form; b. External appearance including materials and colours; c. Access safety and transportation effects; d. Parking, access and safety.
24.5.17	<p>Glare</p> <ul style="list-style-type: none"> a. All fixed exterior lighting shall be directed away from adjacent roads and sites. b. Activities on any site shall not result in more than a 3 lux spill (horizontal and vertical) of light to any other site, measured at any point within the boundary of the other site. c. There shall be no upward light spill. 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Lighting location and number of lights; b. Proximity to roads, public places and neighbours; c. Height and direction of lights; d. Lux levels.
24.5.18	<p>Informal airports</p> <p>Other than in the case of informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities:</p> <ul style="list-style-type: none"> a. Informal airports shall not exceed a frequency of use of 2 flights per day; 	<p>D</p>

	Table 24.3 - Standards	Non-compliance status
	<p>b. Informal airports shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential dwelling not located on the same site;</p> <p>Advice note: For the purpose of this rule a flight includes two aircraft movements i.e. an arrival and a departure.</p>	
24.5.19	<p>Firefighting water and access</p> <p>Buildings for residential activity that do not have reticulated water supply or where there is insufficient fire-fighting water supply must provide the following provision for firefighting:</p> <p>a. A water supply of 20,000 litres and any necessary couplings;</p> <p>b. A hardstand area adjacent to the firefighting water supply capable of supporting fire service vehicles;</p> <p>c. Firefighting water connection point within 6m of the hardstand, and 90m of the building;</p> <p>d. Access from the property boundary to the firefighting water connection capable of accommodating and supporting fire service vehicles.</p> <p>Advice note: excludes non-habitable accessory buildings.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply;</p> <p>b. the accessibility of the firefighting water connection point for fire service vehicles;</p> <p>c. whether and the extent to which the building is assessed as a low fire risk.</p>
24.5.20	<p>Residential visitor accommodation</p> <p>Residential visitor accommodation – Excluding the Lifestyle Precinct</p> <p>24.5.20.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</p> <p>24.5.20.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</p>	<p>C</p> <p>Control is reserved to:</p> <p>a. The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period;</p> <p>b. The management of noise, rubbish and outdoor activities;</p>

	Table 24.3 - Standards	Non-compliance status
	<p>24.5.20.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>24.5.20.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.20.1 to 24.5.20.4.</p>	<p>c. The compliance of the residential unit with the Building Code as at the date of the consent;</p> <p>d. Health and safety provisions in relation to guests;</p> <p>e. Guest management and complaints procedures;</p> <p>f. The keeping of records of RVA use, and availability of records for Council inspection; and</p> <p>g. Monitoring requirements, including imposition of an annual monitoring charge.</p>
24.5.21	<p>Residential visitor accommodation – Lifestyle Precinct only</p> <p>24.5.21.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</p> <p>24.5.21.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</p> <p>24.5.21.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>24.5.21.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</p>	D

	Table 24.3 - Standards	Non-compliance status
	Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.21.1 to 24.5.21.4	
24.5.22	<p>Homestay</p> <p>Homestay– Excluding the Lifestyle Precinct</p> <p>24.5.22.1 Must not exceed 5 paying guests on a site per night.</p> <p>24.5.22.2 The Council must be notified in writing prior to the commencement of a Homestay activity.</p> <p>24.5.22.3 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.22.1 to 24.5.22.3.</p>	<p>C</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period; The management of noise, rubbish and outdoor activities; The keeping of records of Homestay use, and availability of records for Council inspection; and Monitoring requirements, including imposition of an annual monitoring charge.
24.5.23	<p>Homestay – Lifestyle Precinct only</p> <p>24.5.23.1 Must not exceed 5 paying guests on a site per night.</p> <p>24.5.23.2 The Council must be notified in writing prior to the commencement of a Homestay activity.</p> <p>24.5.23.3 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p>	<p>D</p>

	Table 24.3 - Standards	Non-compliance status
	Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.23.1 to 24.5.23.3.	

24.6 Non-notification of applications

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

- a. Rule 24.5.4 Building Size.
- b. Rule 24.5.5 Building coverage.
- c. Rule 24.5.6 Setback from internal boundaries.
- d. Rule 24.5.7 Height of buildings.
- e. Rule 24.5.8 Setback from roads.
- f. Rule 24.5.10 Setback from Escarpment, Ridgeline or River Cliff Feature.
- g. Rule 24.4.16 Retail sales of farm and garden produce and wine, where the access is onto a State Highway.

24.7 Assessment Matters

24.7.1 In considering whether or not to grant consent and/or impose conditions on a resource consent, regard shall be had to the assessment matters set out at 24.7.3 to 24.7.15.

24.7.2 All proposals for controlled activities or restricted discretionary activities will also be assessed as to whether they are consistent with the objectives and policies relevant to the identified matters of control or discretion (as applicable) in this Chapter 24 as well as those in Chapters 3 - Strategic Direction; Chapter 4 - Urban Development, Chapter 6 - Landscapes and Chapter 28 - Natural Hazards..

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	Assessment Matters-Controlled Activities
24.7.3	<p>The construction of buildings for residential activity:</p> <p>Landscape character and visual amenity</p> <ol style="list-style-type: none"> a. Whether the location, form, scale, design and finished materials including colours of the building(s) adequately responds to the identified landscape character and visual amenity qualities of the landscape character units set out in Schedule 24.9 – Landscape Character Units and the criteria set out below.

	Assessment Matters-Controlled Activities
	<p>b. The extent to which the location and design of buildings and ancillary elements and the landscape treatment complement the existing landscape character and visual amenity values, including consideration of:</p> <ul style="list-style-type: none"> i. building height; ii. building colours and materials; iii. building coverage; iv. design, size and location of accessory buildings; v. the design and location of landform modification, retaining, fencing, gates, accessways (including paving materials), external lighting, domestic infrastructure (including water tanks), vegetation removal, and proposed planting; vi. the retention of existing vegetation and landform patterns; vii. earth mounding and framework planting to integrate buildings and accessways; viii. planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.9 - Landscape Character Units; ix. riparian restoration planting; x. the retirement and restoration planting of steep slopes over 15° to promote slope stabilisation and indigenous vegetation enhancement; and xi. the integration of existing and provision for new public walkways and cycleways/bridlepaths. <p>c. The extent to which existing covenants or consent notice conditions need to be retained or are otherwise integrated into the proposed development in a manner that maintains or enhances landscape character and visual amenity values.</p> <p>d. The extent to which the development maintains visual amenity in the landscape, particularly from public places.</p> <p>e. Whether clustering of buildings or varied densities of the development areas would better maintain a sense of openness and spaciousness, or better integrate development development with existing landform and vegetation or settlement patterns.</p> <p>f. Where a residential flat is not located adjacent to the residential unit, the extent to which this could give rise to sprawl of buildings and cumulative effects.</p> <p>g. The extent to which the development avoids, remedies or mitigates adverse effects on the features, elements and patterns that contribute to the value of adjacent or nearby ONLs and ONFs. This includes consideration of the appropriate setback from such features as well as the maintenance of views from public roads and other public places to the surrounding ONL and ONF context.</p> <p>h. Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds or covenants.</p> <p>i. The merit of the removal of wilding exotic trees at the time of development.</p> <p>j. Whether the proposed development provides an opportunity to maintain landscape character and visual amenity through the registration of covenants requiring open space to be maintained in perpetuity.</p>
24.7.4	Infrastructure and access

Assessment Matters-Controlled Activities	
	<p>a. The extent to which the proposal provides for adequate on-site wastewater disposal and water supply. The provision of shared infrastructure servicing to more than one property is preferred in order to minimise environmental effects.</p> <p>b. The extent to which the proposed access utilises an existing access or provides for a common access in order to reduce visual and environmental effects, including traffic safety, minimising earthworks and vegetation removal.</p>

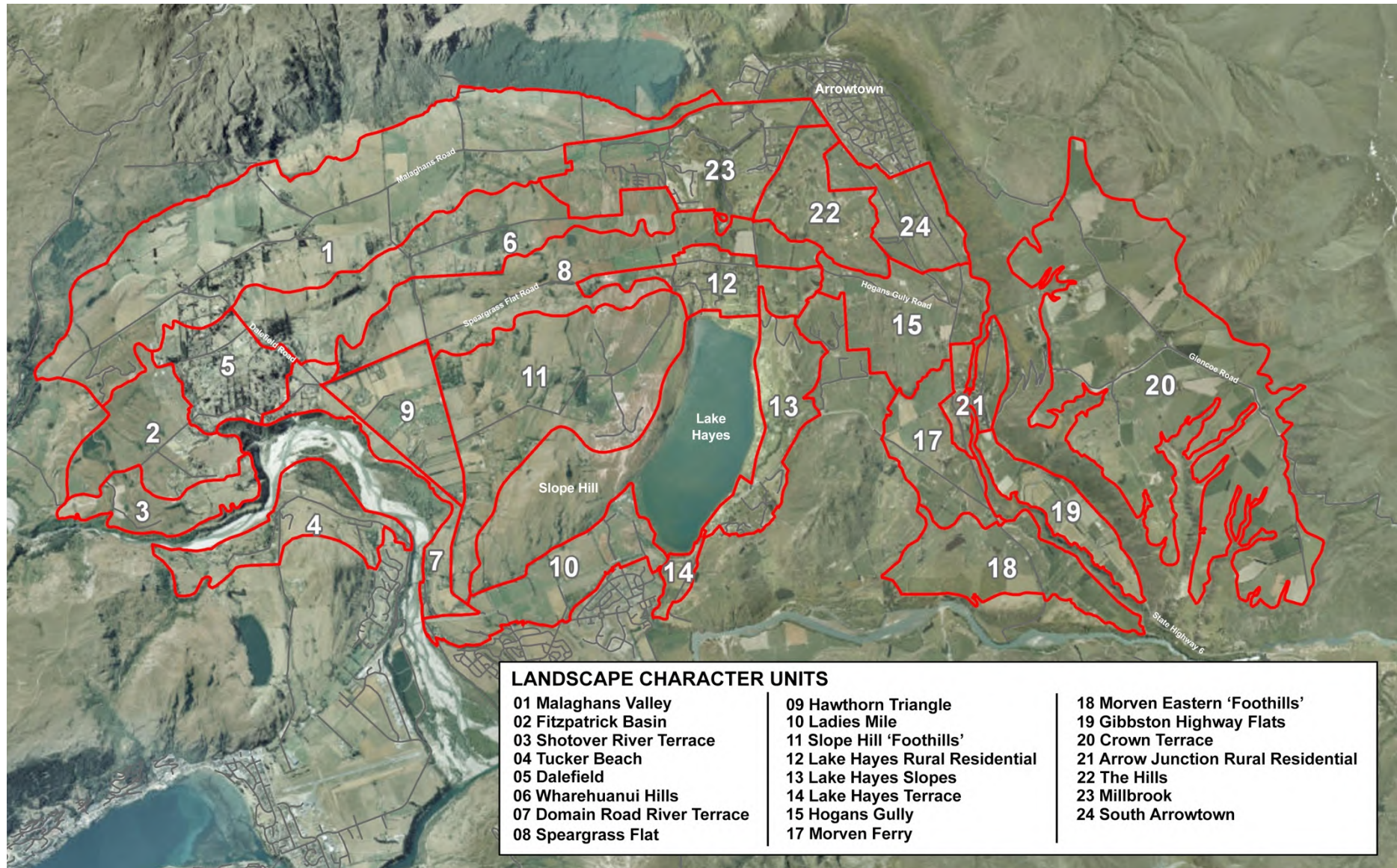
Assessment Matters- Restricted Discretionary Activities	
24.7.5	<p>New buildings (and alterations to existing buildings) including farm buildings and residential flats; and infringements of the standards for building coverage, building size, building material and colours, and building height:</p> <p>Landscape character and visual amenity</p> <p>a. Whether the location, form, scale, design and finished materials including colours of the building(s) adequately responds to the identified landscape character and visual amenity qualities of the landscape character units set out in Schedule 24.8 – Landscape Character Units and the criteria set out below.</p> <p>b. The extent to which the location and design of buildings and ancillary elements and the landscape treatment complement the existing landscape character and visual amenity values, including consideration of:</p> <ul style="list-style-type: none"> i. building height; ii. building colours and materials; iii. building coverage; iv. design, size and location of accessory buildings; v. the design and location of landform modification, retaining, fencing, gates, accessways (including paving materials), external lighting, domestic infrastructure (including water tanks), vegetation removal, and proposed planting; vi. the retention of existing vegetation and landform patterns; vii. earth mounding and framework planting to integrate buildings and accessways; viii. planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.8 - Landscape Character Units; ix. riparian restoration planting; x. the retirement and restoration planting of steep slopes over 15° to promote slope stabilisation and indigenous vegetation enhancement; and xi. the integration of existing and provision for new public walkways and cycleways/bridlepaths. <p>c. The extent to which existing covenants or consent notice conditions need to be retained or are otherwise integrated into the conditions governing the proposed development so as to ensure that landscape character and visual amenity values are maintained or enhanced in a manner that maintains or enhances landscape character and visual amenity values.</p> <p>d. The extent to which the development maintains visual amenity in the landscape, particularly from public places.</p>

	Assessment Matters- Restricted Discretionary Activities
	<p>e. Whether clustering of buildings or varied densities of the development areas would better maintain a sense of openness and spaciousness, or better integrate development with existing landform and vegetation or settlement patterns.</p> <p>f. Where a residential flat is not located adjacent to the residential unit, the extent to which this could give rise to sprawl of buildings and cumulative effects.</p> <p>g. The extent to which the development avoids, remedies or mitigates adverse effects on the features, elements and patterns that contribute to the value of adjacent or nearby ONLs and ONFs. This includes consideration of the appropriate setback from such features as well as the maintenance of views from public roads and other public places to the surrounding ONL and ONF context.</p> <p>h. Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds or covenants.</p> <p>i. The merit of the removal of wilding exotic trees at the time of development.</p> <p>j. Whether the proposed development provides an opportunity to maintain landscape character and visual amenity through the registration of covenants requiring open space to be maintained in perpetuity.</p>
24.7.6	<p>Servicing, firefighting water, natural hazards, infrastructure and access</p> <p>a. The extent to which the proposal provides for adequate on-site wastewater disposal and water supply. The provision of shared infrastructure servicing to more than one property is preferred in order to minimise environmental effects.</p> <p>b. The extent to which the proposed access utilises an existing access or provides for a common access in order to reduce visual and environmental effects, including traffic safety, minimising earthworks and vegetation removal.</p> <p>c. Whether adequate provision is made for firefighting activities and provision for emergency vehicles.</p> <p>d. The extent to which the objectives and policies set out in Chapter 28, Natural Hazards, are achieved.</p>
24.7.7	<p>Non-residential activities</p> <p>Whether the proposal achieves:</p> <p>a. An appropriate scale and intensity of the activity in the context of the amenity and character of the surrounding area including reference to the identified elements set out in Schedule 24.8 – Landscape Character Units for the relevant landscape character unit.</p> <p>b. Adequate visual amenity for neighbouring properties and from public places.</p> <p>c. Minimisation of any noise, odour and dust.</p> <p>d. Access that maintains the safety and efficiency of the roading and trail network.</p>
24.7.8	<p>Setback from boundaries, Queenstown Trail, roads and Escarpments, Ridgeline and River Cliff Features</p> <p>Whether the proposal achieves:</p>

Assessment Matters- Restricted Discretionary Activities	
	<ul style="list-style-type: none"> a. The maintenance of landscape character and visual amenity including reference to the identified elements set out in Schedule 24.8 - Landscape Character Units for the relevant landscape unit. b. The maintenance of views to the surrounding mountain context. c. Adequate privacy, outlook and amenity for adjoining properties.
24.7.9	<p>Setback from boundaries of non-residential buildings housing animals</p> <p>Whether the proposal achieves:</p> <ul style="list-style-type: none"> a. The maintenance of landscape character and visual amenity including reference to the identified elements set out in Schedule 24.8 – Landscape Character Units for the relevant landscape character unit. b. Minimisation of adverse odour, dust and/or noise effects on any neighbouring properties.
24.7.10	<p>Setback of buildings from waterbodies</p> <p>Whether the proposal achieves:</p> <ul style="list-style-type: none"> a. The maintenance or enhancement of biodiversity values. b. The maintenance or enhancement of landscape character and visual amenity values including reference to the identified elements set out in Schedule 24.8 – Landscape Character Units for the landscape character unit that the proposal falls into. c. The maintenance or enhancement of open space. d. Mitigation to manage any adverse effects of the location of the building including consideration of whether the waterbody is subject to flooding or natural hazards.
24.7.11	<p>Roadside stalls</p> <p>Whether the proposal achieves:</p> <ul style="list-style-type: none"> a. An appropriate scale and intensity of the activity in the context of the surrounding landscape character and visual amenity values. b. Preservation of visual amenity for neighbouring properties and from public places. c. Minimisation of any noise, odour and dust. d. Adequate parking, access safety and avoids adverse transportation effects.
24.7.12	<p>Retail sales</p> <p>Whether the proposal ensures:</p> <ul style="list-style-type: none"> a. An appropriate scale and intensity of the activity in the context of the surrounding landscape character and visual amenity values. b. Preservation of visual amenity for neighbouring properties and from public places. c. Minimisation of any noise, odour and dust. d. Adequate parking, access safety and avoids adverse transportation effects.

Assessment Matters- Restricted Discretionary Activities	
24.7.13	<p>Glare</p> <ul style="list-style-type: none"> a. The effects on adjacent roads and neighbouring sites. b. The extent of likely visual dominance from light fixtures, poles and lux levels. c. The nature and extent of any effects on character and amenity, including the night sky. d. The nature and extent of any effects on privacy, views and outlook from neighbouring properties. e. Whether there will be any reverse sensitivity effects on adjacent properties.
24.7.14	<p>Clearance, works within the root protection zone or significant trimming of exotic vegetation over 4m in height</p> <ul style="list-style-type: none"> a. The degree to which the vegetation contributes to the landscape character and visual amenity values, and the extent to which the clearance or significant trimming would reduce those values. b. The potential for buildings and development to become more visually prominent. c. The merits of any proposed mitigation or replacement plantings. d. The effects on the health and structural stability of the vegetation. e. The merit of the removal of identified wilding exotic trees.

24.8 Schedule 24.8 Landscape Character Units



Acronyms used in Schedule 24.8

ONF	Outstanding Natural Feature	ONL WB	Outstanding Natural Landscape Wakatipu Basin
ONL	Outstanding Natural Landscape	SHA	Special Housing Area
LCU	Landscape Character Unit	Ha	Hectare (10,000m ²)
PDP	Proposed District Plan	DoC	Department of Conservation
SH	State Highway	QLDC	Queenstown Lakes District Council

1: Malaghans Valley

Landscape Character Unit	1: Malaghans Valley
Landform patterns	Relatively open and gently-rolling valley framed by mountain range (Coronet Peak) to the north (outside the LCU), and steeply sloping hillslopes and escarpment faces that define the northern edges of the Fitzpatrick Basin, Dalefield and the Wharehuanui Hills, to the south (within the LCU).
Vegetation patterns	Scattered exotic shelterbelts and shade trees in places. Exotic amenity plantings around dwellings and farm buildings. Patches of scrub and remnant riparian vegetation in gullies. Exotic pasture grasses dominant.
Hydrology	Complex network of streams and overland flow paths draining from the mountain range to the north and the hillslopes to the south. Farm ponds in places.
Proximity to ONL/ONF	Adjoins Coronet Peak ONL (WB) to the north and the roche moutonnée ONF (part of Millbrook: LCU 11).
Character Unit boundaries	North: ONL which corresponds to the toe of the mountain range / study area boundary. East: Millbrook Special Zone, Meadow Park West Special Zone. South: Ridgeline crest of hillslopes and escarpments to the south. West: Study area boundary/ONL boundary.
Land use	Predominantly in pastoral land use with pockets of rural residential evident.

Landscape Character Unit	1: Malaghans Valley
Settlement patterns	<p>Rural residential development tends to be scattered along the elevated hillslopes that enjoy a northern aspect and frame the south side of the unit, and around the Malaghans Road – Dalefield Road intersection.</p> <p>Relatively limited number of consented platforms (given size of LCU) throughout the southern hillslopes and also throughout the valley flats on the north side of the road at the eastern end of the unit (20).</p> <p>Typical lots size:</p> <ul style="list-style-type: none"> • Predominantly 100-500ha. • Some smaller lots at either end of the unit, generally between 10-50ha in size. • Pockets of smaller lots (<4ha and 4-10ha) around the Dalefield Road, Coronet View and the Lower Shotover Road intersections.
Proximity to key route	Malaghans Road comprises an important scenic route between Queenstown and Arrowtown.
Heritage features	Three heritage buildings/features identified in PDP.
Recreation features	<p>No walkways, cycleways etc. through the area.</p> <p>Walkways and scenic roads throughout mountainsides immediately to the north (Coronet Peak Road, etc.).</p>
Infrastructure features	<p>No reticulated sewer or water.</p> <p>Limited stormwater reticulation.</p>
Visibility/prominence	The relatively open character of the unit makes it highly visible in views from Malaghans Road, Coronet Peak Road and the walkways to the north.
Views	<p>Key views relate to:</p> <ul style="list-style-type: none"> • the dramatic open vistas from Malaghans Road (scenic route) of the mountain range to the north; • views out over the unit from the scenic roads and walkways to the north; and, • the attractive, more rural and open vistas across the pastoral valley to the escarpments and hillslopes to the south.
Enclosure/openness	<p>Generally, the landscape unit exhibits a relatively high degree of openness with the landform features on either side providing a strong sense of containment to the valley.</p> <p>In places, plantings provide a localised sense of containment.</p>
Complexity	<p>The hillslopes and escarpment faces to the south of Malaghans Road display a reasonably high degree of complexity as a consequence of the landform and vegetation patterns.</p> <p>The valley floor lacks complexity as a consequence of the landform and vegetation patterns.</p>
Coherence	<p>The relatively simple and legible valley landform pattern, in combination with the predominantly open pastoral character, contributes an impression of coherence.</p> <p>Gully vegetation patterning throughout the hillslopes to the south serves to reinforce the landscape's legibility.</p>

Landscape Character Unit	1: Malaghans Valley
Naturalness	The unit exhibits a relatively high perception of naturalness as a consequence of its predominantly open and pastoral character combined with its proximity to the vastly scaled and relatively undeveloped ONL to the north. In the main, dwellings tend to be well integrated by plantings and or relatively modest, serving to reduce their prominence.
Sense of Place	Generally, the area displays a predominantly working rural landscape character with pockets of (mostly) sympathetic rural residential development evident in places. The valley also serves as an important 'breathing space' between Queenstown and Arrowtown and reads as a sensitive landscape 'transition' to the neighbouring ONL.
Potential landscape issues and constraints associated with additional development	The relatively open, exposed and 'undeveloped' nature of the unit, in addition to its importance as a scenic route, providing a buffer between Queenstown and Arrowtown, and as a transition to the ONL, makes it highly sensitive to additional development.
Potential landscape opportunities and benefits associated with additional development	Riparian restoration potential. Potential integration of walkway/cycleway etc. Larger-scaled lots suggest potential for subdivision.
Environmental characteristics and visual amenity values to be maintained and enhanced	Sense of openness and spaciousness associated with predominantly pastoral landscape. Subservience of buildings within the overall unit. Dramatic views from Malaghans Road to the mountain range. Highly attractive rural views from Malaghans Road to the Wharehuanui hillslopes and escarpment faces. Impression of the area as a buffer between Queenstown and Arrowtown. Impression of the area as a sympathetic transition between the wider basin and the surrounding mountain ONL.
Capability to absorb additional development	Very low.

2: Fitzpatrick Basin

Landscape Character Unit	2: Fitzpatrick Basin
Landform patterns	Generally south east / east facing basin landform framed by moderately to steeply sloping hills to the north and west, and a more gently undulating hill system throughout the south (adjoining the steep cliff and terraces framing the Shotover River - LCU 3).
Vegetation patterns	Fragmented and small pockets of woodlot plantings, exotic shelterbelts (in places) and exotic amenity plantings throughout rural residential lots. Mature evergreen vegetation along the Shotover River margins to the south and eastern edges. Pasture grasses and weed species dominate larger lots. Scrub / weeds in gullies throughout northern portion of the unit in particular.
Hydrology	Limited network of streams and overland flow paths draining to the Shotover River.
Proximity to ONL/ONF	Adjoins ONL Wakatipu Basin on its western and southern edges.
Character Unit boundaries	North: Ridgeline crest. East: Vegetated stream boundary/cadastral pattern. South: Crest of Shotover River cliff/terrace margins. West: ONL/study area boundary.
Land use	Rural lifestyle/hobby farming type uses with rural residential evident. Larger lots appear to be relatively unproductive (e.g. extensive gorse etc. evident).
Settlement patterns	Numerous existing dwellings are evident throughout the Fitzpatrick Basin. Buildings variably contained by vegetation. Buildings and platforms typically located throughout the basin floor, the undulating hill system in the southern portion, or along the southern edges to enjoy views of the Shotover River and ONL backdrop. Several consented but unbuilt platforms (25) with many clustered. Typical lot size: <ul style="list-style-type: none"> generally 20-50ha lots on the north side of Littles Road; smaller lots on the south side (<4ha and 4-10ha) with some larger lots (10-20ha). The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of residential activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.
Proximity to key route	Accessed via a lesser-used route between Dalefield Road and Arthurs Point Road (Littles Road).
Heritage features	One heritage building / feature identified in PDP.

Landscape Character Unit	2: Fitzpatrick Basin
Recreation features	No walkways, cycleways etc. through the area.
Infrastructure features	No reticulated sewer or stormwater. Reticulated water main through part of central area.
Visibility/prominence	The relatively contained landform pattern, in conjunction with the mature evergreen plantings along the Shotover River margins, means that the unit is not particularly prominent in views from the wider basin study area. It is however visible from Tucker Beach (LCU 4). The extensive plantings throughout Dalefield mean that whilst the unit is visible in places, it is not prominent. The area is also visible from the mountain tracks to the north, however the diminishing influences of distance / relative elevation in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.
Views	Key views relate to: <ul style="list-style-type: none"> the view from the mountain tracks to the north, in which the unit reads as part of a broad swathe of relatively low lying undulating land that extends in a west- east direction across the basin; the view from Tucker Beach (LCU 4), in which the unit reads as a more open area backdropped by the visually complex and relatively intensively inhabited Dalefield slopes. From within the unit, there are attractive long-range views to the surrounding ONL mountain setting. The southern margins enjoy views of the Shotover River (ONL).
Enclosure/openness	A variable sense of openness throughout the basin. The northern portion is generally more open, with the southern area reading as more enclosed as a consequence of vegetation and localised landform patterns.
Complexity	The undulating hill system, together with its associated vegetation patterns throughout the southern portion of the landscape unit, contributes complexity in this part of the basin.
Coherence	Vegetation patterns do not generally reinforce the landform patterns (excepting scrub and weeds in gully areas). The relatively fragmented vegetation, settlement and land use patterns results in a landscape of limited coherence.
Naturalness	Generally a relatively low perception of naturalness as a consequence of the level of rural residential development (both built and consented but unbuilt).
Sense of Place	Generally, the area reads as a predominantly rural residential landscape that, together with the adjacent Dalefield landscape character unit, forms a discrete enclave, apart from the balance of the Wakatipu Basin study area.
Potential landscape issues and constraints associated with additional development	Relatively open and exposed nature of the northern and central portion of the unit, albeit with the exposure effectively confined to the Fitzpatrick Basin and Dalefield catchment (i.e. not the wider Wakatipu Basin landscape). Elevated and southern aspect of the north portion. Integration with consented but unbuilt development - potential for adverse cumulative effects.

Landscape Character Unit	2: Fitzpatrick Basin
Potential landscape opportunities and benefits associated with additional development	<p>Visually contained nature of the location (in terms of the wider Wakatipu Basin landscape). Larger-scaled lots suggest potential for subdivision. Riparian restoration potential. Weed management potential. Potential integration of walkways/cycleways etc. Close proximity to Queenstown.</p>
Environmental characteristics and visual amenity values to be maintained and enhanced	<p>Integration of buildings with landform and/or planting. Avoiding built development on the elevated northern slopes that frame the unit. Avoiding built development on the Shotover River cliff/terrace (and ONL) edges. Maintaining the low 'public profile' of the unit with respect to the wider landscape of the Wakatipu Basin. Maintaining a sense of openness in views from Littles Road and the north western and eastern ends of Fitzpatrick Road (that are currently relatively open in character) to the surrounding ONL mountain context.</p>
Capability to absorb additional development	High.

3: Shotover River Terrace

Landscape Character Unit	3: Shotover River Terrace
Landform patterns	Flat alluvial river terraces edged by steep hill slopes to the north and river cliffs to the south.
Vegetation patterns	Predominantly exotic vegetation and scrub throughout the steep river cliffs (outside of the LCU). Scattered shade trees and scrub in places, with mown grass and grazed areas evident.
Hydrology	One stream crosses the terrace draining to the Shotover River.
Proximity to ONL/ONF	Adjacent ONL (WB) of the Shotover River and mountain landform (Sugar Loaf) to the south.
Character Unit boundaries	North: Ridgeline crest defining Fitzpatrick Basin LCU. East: Ridgeline crest defining Fitzpatrick Basin LCU. South: Shotover River vegetation-clad cliffs. West: ONL / study area boundary.
Land use	Rural residential and rural lifestyle use (hobby farming etc.). DoC land along southern edge of unit.
Settlement patterns	Generally, dwellings and platforms positioned to enjoy highly attractive views of Shotover River and the ONL mountain backdrop. A limited number of consented but unbuilt platforms (3). Limited access via a private road from Littles Road. Typical lot sizes: mix of lots < 4ha and 4-10ha.
Proximity to key route	Accessed via a lesser-used route between Dalefield Road and Arthurs Point Road (Littles Road).
Heritage features	No features identified in PDP.
Recreation features	No walkways / cycleways etc. through the area. DoC land.
Infrastructure features	No reticulated sewer. Limited reticulated water / stormwater in places.
Visibility/prominence	The containment of the hill slopes to the north means that visibility is limited to the Shotover corridor, the elevated landform to the south, and parts of the Tucker Beach LCU. Overall, the unit is not prominent within the wider basin landscape.
Views	The unit affords attractive mid-range views along the river, and to the Sugar Loaf and Ferry Hill ONL backdrop.

Landscape Character Unit	3: Shotover River Terrace
Enclosure/openness	A moderate sense of openness within the unit as a consequence of the limited vegetation patterns. Overall, the large-scale landforms framing the local area (particularly to the south) contribute a sense of containment.
Complexity	Steep slopes between the terrace and Fitzpatrick Basin provide localised complexity in places.
Coherence	Generally, a relatively low level of coherence as a consequence of varying landform and vegetation patterns.
Naturalness	A moderate sense of naturalness as a consequence of the landform separation of this area from the neighbouring Fitzpatrick Basin, its proximity to the Shotover and its aspect adjacent an undeveloped ONL area on the opposite side of the river.
Sense of Place	Generally the unit reads as a discrete rural residential area that is strongly connected to the Shotover River and the undeveloped ONL area to the south.
Potential landscape issues and constraints associated with additional development	Relatively open and exposed nature of the unit, within an extremely high value landscape context dominated by ONLs, makes it highly sensitive to landscape change. Southern aspect. A very private landscape with virtually no public access. Generally relatively small-scaled lots.
Potential landscape opportunities and benefits associated with additional development	Close proximity to Queenstown. Contained nature of location. Riparian restoration potential. Potential for integration of walkways/cycleways etc. associated with riverscape.
Environmental characteristics and visual amenity values to be maintained and enhanced	Sense of (relative) remoteness and connection with the riverscape and surrounding mountains.
Capability to absorb additional development	Low

4: Tucker Beach

Landscape Character Unit	4: Tucker Beach
Landform patterns	Flat alluvial river terraces edged and interspersed by steep hill slopes with steep river cliffs along northern edge.
Vegetation patterns	Predominantly exotic vegetation and scrub throughout the steep river cliffs (outside of the LCU) and hill slopes. Exotic amenity plantings around dwellings. Scattered shade trees and scrub in places, with mown grass and grazed areas evident.
Hydrology	The streams drain from Ferry Hill/Lake Johnson environs into the unit.
Proximity to ONL/ONF	Adjacent ONL (WB) of the Shotover River and mountain landform (Ferry Hill environs) to the south.
Character Unit boundaries	North: Shotover River vegetation clad cliffs/ONL. East: Quail Rise urban area. South: ONL/study area boundary. West: ONL/study area boundary.
Land use	Rural residential with some working rural uses evident throughout the land at the western end of the unit. A substantial portion of the undeveloped land at the western end of the unit is in DoC ownership.
Settlement patterns	Generally, dwellings and platforms positioned to enjoy highly attractive views of Shotover River and the ONL mountain backdrop. Numerous consented but unbuilt platforms (20). Typical lot size: <ul style="list-style-type: none"> • central and eastern end of the unit < 4ha (with the odd larger lot: 20-50ha); • western end of the unit: over 500ha. The Lifestyle Precinct Zoning anticipates change to the existing settlement pattern in the central and eastern end of the Unit.
Proximity to key route	Accessed via a dead - end road.
Heritage features	No buildings / features identified in PDP.
Recreation features	No walkways / cycleways etc. through the area. Substantial DoC reserve land within the central / western portion of the unit.
Infrastructure features	Reticulated water and (some) stormwater / sewer throughout central and western end of the unit. Western end- no reticulated services.

Landscape Character Unit	4: Tucker Beach
Visibility/prominence	The containment of the hill slopes to the south means that visibility is limited to the Shotover corridor, the river terraces to the south, and the upper reaches of Fitzpatrick Basin / Dalefield. The lower lying central and northern portions of the unit and the interior of the flat terraces in the western portion of the unit are not prominent within the wider basin landscape. The elevated hill slopes along the south edge of the unit are locally prominent.
Views	The unit affords attractive mid-range views along the river, and to the wider ONL mountain and hill context.
Enclosure/openness	A varying sense of openness within the unit as a consequence of vegetation patterns. Overall, the large-scale landforms framing the local area (particularly to the south) contribute a sense of containment.
Complexity	Steep slopes and plantings provide localised complexity in places.
Coherence	A relatively low level of coherence as a consequence of varying landform and vegetation patterns.
Naturalness	A moderate sense of naturalness throughout the western end of the unit as a consequence of the limited level of built development, its proximity to the Shotover and its position adjacent an undeveloped ONL area. The central and eastern end of the unit is considerably more developed and therefore has a lower perception of naturalness. Reinforced by the close proximity of Quail Rise.
Sense of Place	Generally the unit reads as a part of the Shotover River margins with a continuous sleeve of rural living as one moves westwards away from Quail Rise towards the DoC Reserve.
Potential landscape issues and constraints associated with additional development	Relatively open, exposed and undeveloped nature of the western portion of the unit, within an extremely high value landscape context dominated by ONLs and including a substantial DoC Reserve, makes it highly sensitive to landscape change. Absence of defensible boundaries to existing rural residential and urban zones in the vicinity, make the central and eastern portions of the unit in particular, vulnerable to development creep. Visibility of the development throughout the elevated slopes along the southern edge of the unit.
Potential landscape opportunities and benefits associated with additional development	Close proximity to Queenstown. Relatively contained nature of location. Riparian restoration potential. Potential for integration of walkways/cycleways etc. associated with riverscape. Integration of defensible edges with additional subdivision. Integrating effect of existing development context throughout eastern end of the unit in particular. Easy topography along central and northern portion of the unit. Close proximity of urban infrastructure.

Landscape Character Unit	4: Tucker Beach
Environmental characteristics and visual amenity values to be maintained and enhanced	<p>Sense of (relative) remoteness and connection with the riverscape and surrounding mountains at the western end of the unit. Integration of buildings, accessways and earthworks via planting.</p> <p>Maintaining a sense of openness in views from Tucker Beach Road to the Shotover River corridor and surrounding ONL mountain context. Maintaining a sense of openness throughout the elevated land between the Lifestyle Precinct and adjacent ONL (to the south).</p>
Capability to absorb additional development	<p>Low (at western end) Moderate-High (throughout central and eastern end of the unit)</p>

5: Dalefield

Landscape Character Unit	5: Dalefield
Landform patterns	South-west facing hillside that effectively frames the eastern side of the Fitzpatrick Basin.
Vegetation patterns	<p>Extensive patterning of exotic shelterbelts, hedgerows and exotic amenity plantings around dwellings.</p> <p>Some exotic woodlots.</p> <p>Mix of grazed and mown grass.</p>
Hydrology	Two streams drain across the unit to the Shotover. Third stream drains eastwards to the Wharehuanui Hills LCU.
Proximity to ONL/ONF	Unit does not adjoin ONL or ONF; however, has longer-range views to the surrounding ONL mountain context.
Character Unit boundaries	<p>North: Ridgeline crest defining Malaghans Valley LCU.</p> <p>East: Dalefield Road, vegetation and cadastral patterns.</p> <p>South: study area boundary/ONL.</p> <p>West: Vegetation and cadastral patterns.</p>
Land use	Rural lifestyle/hobby farming and rural residential land uses dominate.
Settlement patterns	<p>Dwellings scattered throughout the entire unit.</p> <p>Very few consented yet unbuilt platforms (6).</p> <p>Typical lot sizes: predominantly <4ha with some 4-10ha.</p> <p>The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of residential activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.</p>

Landscape Character Unit	5: Dalefield
Proximity to key route	Accessed via a lesser-used route between Dalefield Road and Arthurs Point Road (Littles Road) and Dalefield Road itself.
Heritage features	No heritage buildings/features identified in PDP.
Recreation features	No walkways/cycleways etc. through the area.
Infrastructure features	No reticulated sewer, water or stormwater.
Visibility/prominence	Despite the elevated hillslope location, the extensive vegetation throughout Dalefield means that development within the area is generally well screened/integrated. That said, the area is visible from the mountain tracks to the north however the diminishing influences of distance/relative elevation in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.
Views	The unit affords attractive long-range views to the surrounding ONL mountain setting (above or framed by vegetation). The unit is visible from the neighbouring Fitzpatrick Basin (Landscape Character Unit 2) and from the river terraces and ONL mountain slopes (Sugar Loaf and Ferry Hill) on the south side of the Shotover River (i.e. Tucker Beach: LCU 4 environs).
Enclosure/openness	A high level of enclosure and containment as a consequence of the vegetation patterning.
Complexity	The extensive vegetation patterns contribute a high degree of complexity.
Coherence	The coherence of the extensive vegetation patterns is compromised by the varied planting characters evident throughout individual lots.
Naturalness	Generally a relatively low perception of naturalness as a consequence of the level of rural residential development. Whilst many buildings are well integrated by plantings (and therefore visually discreet), the varied and complex patterning of the plantings reinforces the lot arrangement.
Sense of Place	Generally, the area reads as a well-established and reasonably intensively-inhabited leafy rural residential landscape.
Potential landscape issues and constraints associated with additional development	Very few larger-scaled lots. Existing platform and lot arrangement together with the vegetation patterning is likely to make it very difficult to locate new building platforms.
Potential landscape opportunities and benefits associated with additional development	Close proximity to Queenstown. Relatively visually discreet nature of the location (primarily due to vegetation patterning). Riparian planting potential. Potential to integrate walkways/cycleways.

Landscape Character Unit	5: Dalefield
Environmental characteristics and visual amenity values to be maintained and enhanced	Unobtrusiveness of buildings and their integration via planting. Retention of existing vegetation patterns. Maintaining a sense of openness from Littles Road and/or Dalefield Road where there are existing views available out over ONLs including the Shotover River and/or to the surrounding mountain context.
Capability to absorb additional development	High (Potentially limited by existing building, vegetation and lot patterns.)

6: Wharehuanui Hills

Landscape Character Unit	6: Wharehuanui Hills
Landform patterns	Elevated moraine landform with plateaus, hummocky hills, and remnant kettle lakes. Many of the latter have been converted into amenity pond features.
Vegetation patterns	Scattered exotic shelterbelts and shade trees throughout pastoral areas. Exotic shelterbelts and park-like amenity plantings throughout rural residential lots with native vegetation to pond and watercourse margins. Patches of scrub in gullies. Mix of grazed and mown grass.
Hydrology	Numerous pond and wetland areas together with short watercourses and overland flow paths.
Proximity to ONL/ONF	Unit does not adjoin ONL or ONF; however, has open, longer-range views to the surrounding ONL mountain context.
Character Unit boundaries	North: Ridgeline crest defining Malaghans Valley LCU. East: Millbrook Structure Plan area. South: Ridgeline crest defining Speargrass Flat LCU. West: Dalefield Road.

Landscape Character Unit	6: Wharehuanui Hills
Land use	A mix of rural and rural residential land uses evident.
Settlement patterns	Generally, dwellings are located clear of wet areas, positioned to enjoy long-range mountain views and sited to optimise the screening/privacy benefits of the localised hummock landform patterning and vegetation patterns. Relatively few consented but unbuilt platforms (9). Typical lot sizes: predominantly 20-50ha lots with pockets of 4-10ha and < 4ha. The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of residential activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.
Proximity to key route	Located away from key vehicular route, i.e. accessed via a dead-end road (Mooney Road) or via long driveways off Speargrass Flat Road, Dalefield Road or Lower Shotover Road.
Heritage features	No heritage buildings / features identified in PDP.
Recreation features	No walkways / cycleways etc. through the area.
Infrastructure features	No reticulated sewer, water or stormwater.
Visibility/prominence	The elevated and hummocky character of the central portion of the unit is not particularly prominent in terms of the wider basin landscape. The hills and escarpments along the north and south edges of the unit are however highly visible from the surrounding lower lying areas (noting that these areas have been included in the adjacent Landscape Character Units i.e. LCU1 and LCU 8). The area is visible from the (ONL) mountain tracks to the north however the diminishing influences of distance/relative elevation in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.
Views	The unit affords attractive long-range views to the surrounding ONL mountain setting. The containment of localised hummocks means that few dwellings within the unit are visible from the surrounding area (excepting the more distant areas at a higher elevation). In views from the mountain tracks to the north, the unit reads as part of a broad swathe of relatively low lying undulating land that extends in a west - east direction across the basin.
Enclosure/openness	A variable sense of openness and containment. Smaller lots tend to exhibit a more enclosed and contained character as a consequence of vegetation patterns. The hummocky landform pattern also serves to create a sense of containment.
Complexity	Generally, a relatively complex landscape as a consequence of the landform and vegetation patterns. The configuration of smaller lots and their associated boundary plantings adds to the complexity.

Landscape Character Unit	6: Wharehuanui Hills
Coherence	Vegetation patterns generally do not reinforce landform features (excepting pond and stream plantings), which results in the perception of a landscape lacking coherence. This is reinforced by the varying character of plantings evident on individual properties and the wide range of architectural styles evident.
Naturalness	Generally, a limited perception of naturalness as a consequence of the level of rural residential development evident, and the relatively contrived (albeit in the main, attractive) character of plantings.
Sense of Place	Generally, the area reads as a rural residential landscape in which buildings are reasonably well integrated by landform and vegetation. Whilst larger more 'rural' lots are evident, overall the amenity plantings throughout tend to contribute a parkland rather than a working rural landscape impression.
Potential landscape issues and constraints associated with additional development	Poor drainage/wet areas. Potential visibility of development along the north and south ridgeline edges of the unit. Accessways and large-scale buildings have the potential to compromise the distinctive hummocky landform pattern.
Potential landscape opportunities and benefits associated with additional development	Relatively visually discreet nature of the majority of the unit (due to landform and, to a lesser degree, vegetation patterns). Integration potential of landform pattern. Large-scaled lots suggest potential for subdivision. Riparian restoration potential. Potential to integrate walkways/cycleways.
Environmental characteristics and visual amenity values to be maintained and enhanced	Landform patterning. Integration of buildings with landform and planting. Set back of buildings from the ridgeline crests to the north and south edges of the unit. Maintaining a sense of openness where there are existing views from Mooney Road to the surrounding ONL mountain context. Maintaining a sense of openness in views from new internal roads to the surrounding ONL mountain context. Avoidance of built development on the elevated slopes that frame the north western portion of the Mooney Road 'basin' (and which serves to separate the LCU 6 from LCU 23 Millbrook).
Capability to absorb additional development	High except for the eastern end of the LCU where it adjoins LCU 23 Millbrook Low at the eastern end of the LCU where it adjoins LCU 23 Millbrook

7: Domain Road Shotover Terrace

Landscape Character Unit	7: Domain Road Shotover Terrace
Landform patterns	Flat alluvial river terrace edged by steep vegetation-clad river cliffs to the west.
Vegetation patterns	Predominantly exotic vegetation and weeds throughout steep river cliffs (outside of LCU). Scattered exotic shade trees, shelterbelts and amenity plantings around buildings. Mix of grazed and mown grass.
Hydrology	No streams, ponds or wetlands evident.
Proximity to ONL/ONF	Western boundary adjoins Shotover River ONL (WB).
Character Unit boundaries	North: the toe of the Wharehuanui / Dalefield hill slopes, vegetation / cadastral patterning. East: Domain Road, the Hawthorn Triangle hedging and Lower Shotover Road. South: SH6 cutting. West: Shotover River ONL.
Land use	Rural residential and rural lifestyle/hobby farming uses dominate. Some tourist accommodation.
Settlement patterns	Generally, dwellings are located to enjoy close-range views of the Shotover River corridor and wider mountain views. Several consented but unbuilt platforms along the south and north end of Domain Road (8 in total). Dwellings accessed from Spence Road (towards the south end of the unit) generally well integrated by plantings. Typical lot sizes: predominantly < 4ha or 4-10ha. The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of residential activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.
Proximity to key route	The southern end of the unit is close to SH6, a key route between Queenstown, Arrowtown, Wanaka, Cardrona, the Gibbston Valley and Cromwell.
Heritage features	Two heritage buildings/features identified in PDP, including the Old Shotover River Bridge at the southern end of the unit.
Recreation features	A council walkway/cycleway runs along the western edge of the south portion of the unit (i.e. along the Shotover). This forms part of the Queenstown Trail 'Countryside Ride' route.
Infrastructure features	No reticulated sewer or stormwater. Reticulated water in north and central parts of the unit.

Landscape Character Unit	7: Domain Road Shotover Terrace
Visibility/prominence	The dense plantings associated with the Hawthorn Triangle to the east means that visibility is limited to the Shotover corridor, the elevated hills to the east (Slope Hill ONF environs), Quail Rise/LCU4 to the west and Lower Shotover Road to the east. The area is generally not visible from SH6 (highway in substantial cutting), although is visible in part from the Shotover Bridge.
Views	The unit affords highly attractive views of the Shotover corridor and ONL mountain backdrop beyond. The unit is of importance in views from the river corridor, the walkway/cycleway route, Quail Rise, the highway Shotover Bridge (in part) and the Old Shotover River Bridge.
Enclosure/openness	There is a variable sense of enclosure throughout the unit as a consequence of vegetation patterns. The central portion of the unit is generally more open in character.
Complexity	The terrace landform patterning, together with the limited vegetation patterning throughout the central portion of the unit, results in a relatively low level of complexity. The more varied topography and vegetation in the north and south makes these areas more complex.
Coherence	A relatively low level of coherence as a consequence of the variance between landform and vegetation patterns.
Naturalness	A limited sense of naturalness as a consequence of the level of rural residential development, the proximity of the southern part of the unit to SH6, and the proximity to development within LCU 4 (Tucker Beach) and the Quail Rise Structure Plan Area. This is countered to a degree by the scale and undeveloped character of the Shotover River corridor in very close proximity.
Sense of Place	Generally, the area reads as a part of the river 'fringe', distinct from the densely-planted and inhabited units of Dalefield and the Hawthorn Triangle (to the north and east respectively), and the more open and elevated landscape associated with Slope Hill to the east.
Potential landscape issues and constraints associated with additional development	The relatively open and exposed nature of the central portion of the unit, within a high value landscape context, makes it sensitive to landscape change. Proximity of popular walkway/cycleway route. The relatively close proximity of visible urban development (Quail Rise) to the southern portion of the unit and proximity of the intensively developed Hawthorn Triangle to the east suggests a reduced sensitivity. The complex patterning of vegetation throughout this portion of the unit also serves to reduce its sensitivity. Integration with consented but unbuilt development - potential for adverse cumulative effects.
Potential landscape opportunities and benefits associated with additional development	Larger-scaled lots suggest potential for subdivision. Close proximity to Queenstown. 'Developed' context. Easy topography.

Landscape Character Unit	7: Domain Road Shotover Terrace
Environmental characteristics and visual amenity values to be maintained and enhanced	Connection with riverscape. Set back of buildings from river cliff/ONL edges. Integration of buildings with plantings. Maintaining a sense of openness in views from Domain Road to the Shotover River corridor and surrounding ONL mountain context.
Capability to absorb additional development	Moderate-High

8: Speargrass Flat

Landscape Character Unit	8: Speargrass Flat
Landform patterns	Relatively open pastoral flat framed by the south-facing slopes of the Wharehuanui Hills to the north, and the steep margins of the Slope Hill 'Foothills' to the south.
Vegetation patterns	Scattered exotic shelterbelts and patches of mixed scrubland in gullies. Isolated bush fragment to eastern end. Exotic pasture grasses dominate.
Hydrology	A series of watercourses and overland flow paths drain southwards across Speargrass Flat from the Wharehuanui Hills to Lake Hayes.
Proximity to ONL/ONF	Unit does not adjoin ONL or ONF; however, has open longer-range views to surrounding ONL mountain context.
Character Unit boundaries	North: ridgeline crest, Millbrook Structure Plan area. East: crest of hill slopes, Lake Hayes Rural Residential landuse pattern/cadastral boundaries, Speargrass Flat Road. South: ridgeline crest, Hawthorn Triangle hedging. West: vegetation patterns/stream.
Land use	Predominantly pastoral land use with sparsely scattered rural residential lots.
Settlement patterns	Dwellings tend to be well separated and framed by plantings, or set into localised landform patterns. Generally dwellings are located on the flat land adjacent the road although a very limited number of consented but unbuilt platforms located on elevated hill slopes to the south (that enjoy northern aspect). Overall very few consented but unbuilt platforms (3). Typical lot sizes: the majority of lots are over 50ha.

Landscape Character Unit	8: Speargrass Flat
Proximity to key route	Located away from a key vehicular route. Part of the area is adjacent to Speargrass Flat Road, Hogans Gully Road and Arrowtown Lake Hayes Road.
Heritage features	Two heritage buildings/features identified in PDP.
Recreation features	Speargrass Flat Road is identified as a Council walkway/cycleway. Forms part of Queenstown Trail 'Countryside Ride'.
Infrastructure features	No reticulated sewer or stormwater. Reticulated water in places.
Visibility/prominence	The relatively open character of the unit makes it highly visible from the public road network and the elevated hills to the north and south, although the escarpment confining the character unit to the north blocks some views from the north.
Views	Key views relate to the open and spacious pastoral outlook from Speargrass Flat Road (including the walkway/cycleway route) across to the escarpment faces and hillslopes flanking the valley, backdropped by mountains.
Enclosure/openness	The landform features to the north and south providing a strong sense of containment to the relatively open valley landscape.
Complexity	The hillslopes and escarpment faces to the north and south display a reasonably high degree of complexity as a consequence of the landform and vegetation patterns. The valley floor itself displays a relatively low level of complexity as a consequence of its open and flat nature.
Coherence	The relatively simple and legible bold valley landform pattern, in combination with the predominantly open pastoral character, contributes an impression of coherence. Gully vegetation patterning serves to reinforce the landscape legibility in places.
Naturalness	The area displays a reasonable degree of naturalness as a consequence of the relatively limited level of built development evident.
Sense of Place	Generally, the area displays a predominantly working rural landscape character with scattered and for the most part, relatively subservient rural residential development evident in places. Whilst Hawthorn Triangle and Lake Hayes Rural Residential LCUs form part of the valley landscape, their quite different character as a consequence of relatively intensive rural residential development sets them apart from the Speargrass Flat LCU, with the latter effectively reading as 'breathing space' between the two. To the eastern end of the unit, there is the perception of the Lakes Hayes Rural Residential area sprawling west into Speargrass Flat.
Potential landscape issues and constraints associated with additional development	Absence of a robust edge to the Lake Hayes Rural Residential LCU makes Speargrass Flat vulnerable to 'development creep'. Open character, in combination with walkway / cycleway, makes it sensitive to landscape change.

Landscape Character Unit	8: Speargrass Flat
Potential landscape opportunities and benefits associated with additional development	Riparian restoration potential. Easy topography.
Environmental characteristics and visual amenity values to be maintained and enhanced	<p><i>Central and western portion of LCU 8</i></p> <p>Sense of openness and spaciousness as a 'foil' for the more intensively developed rural residential areas nearby. Maintenance of unobstructed rural views from Speargrass Flat Road to the largely undeveloped hillslopes and escarpment faces to the north and south.</p> <p><i>Eastern portion of LCU 8</i></p> <p>Integration of buildings with landform and/or planting. Maintenance of a spacious and open outlook in views from the Queenstown Trail and Arrowtown Lakes Hayes Road, including the southbound view as one descends Christine's Hill. Maintenance of openness in views from Hogans Gully Road to the backdropping hill /escarpment landforms and broader ONL mountain context.</p>
Capability to absorb additional development	Low.

9: Hawthorn Triangle

Landscape Character Unit	9: Hawthorn Triangle
Landform patterns	Flat alluvial river terrace landform. Localised (man-made) mounding within the triangle to assist the integration of dwellings and provide privacy.
Vegetation patterns	Tall hawthorn hedging around almost all three sides of the triangle. Elsewhere exotic shelterbelt plantings. Extensive parkland and amenity plantings within the triangle. Mown grass.

Landscape Character Unit	9: Hawthorn Triangle
Hydrology	Sporadic amenity ponds and truncated streams.
Proximity to ONL/ONF	Unit does not adjoin ONL or ONF; however, has mid and longer-range views above the hedging and tree plantings to the ONL mountain context.
Character Unit boundaries	North: Speargrass Flat Road and shelterbelt/hawthorn hedging. East/South: Domain Road and hawthorn hedging. West/South: Lower Shotover Road and hawthorn hedging.
Land use	Rural residential.
Settlement patterns	Densely configured arrangement of consistently high value rural residential dwellings. Dwellings set into mounding and a planted parkland character. A high number of consented but unbuilt platforms (43). Evidence of a high degree of consistency in terms of building development controls (height, colours, fencing, etc.) Overall a distinctly large-lot suburban character. Typical lot sizes: predominantly under 4ha. Largest lots in the 4-10ha range. The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of residential activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.
Proximity to key route	Located away from a key vehicular route.
Heritage features	One heritage building / feature identified in PDP.
Recreation features	A council walkway / cycleway runs along the south portion of Domain Road edging the triangle, then dog-legs through the unit, emerging to run along the north end of the Lower Shotover Road bordering the triangle. Forms part of Queenstown Trail 'Countryside Ride'.
Infrastructure features	No reticulated sewer or stormwater. Reticulated water in several locations.
Visibility/prominence	The dense evergreen hedging around the unit's edges serve to screen views into the area from the surrounding road network and properties. The quite distinctive patterning of the triangle as a consequence of its shape, reinforced by the vegetation patterns and contrasting density of development in comparison to the surrounds, makes it a distinctive element in views from the elevated surrounds.

Landscape Character Unit	9: Hawthorn Triangle
Views	Key views relate to the strongly framed corridor views along the roads bordering the triangle. In many places, the roadside plantings serve to block views from the road to the surrounding mountain context. Other key views relate to the elevated views from Slope Hill environs to the east and the views from the walkway/cycleway route that passes through the unit.
Enclosure/openness	The unit displays a strong sense of enclosure as a consequence of vegetation patterns.
Complexity	The extensive plantings throughout the unit contribute a relatively high degree of complexity. The frequency of buildings and to a lesser degree, mounding adds to this complexity.
Coherence	The relatively limited palette of species and application of (what would appear to be) relatively consistent building development controls (building height, building colours, fencing, etc.) suggests a reasonable degree of coherence. However, the very flat topography and perimeter screen limits an appreciation of this coherence from the roads and landscape around the unit (excepting elevated vantage points).
Naturalness	The unit exhibits a low degree of naturalness as a consequence of the density of existing rural residential development and the relatively contrived character of much of the plantings.
Sense of Place	Generally, the Triangle displays a large-lot suburban parkland character. The tall, linear and dense perimeter plantings serve to screen road (and potentially, private property) views of the wider mountain setting of the Basin and contrast with the more varied planting patterns evident elsewhere in the Basin. This planting does, however, significantly diminish an awareness of the density of development within the triangle from the immediate surrounds (excepting elevated areas).
Potential landscape issues and constraints associated with additional development	Very few larger-scaled lots. Existing platform and lot arrangement, together with mounding and vegetation patterns (which may be covenanted), may physically constrain additional development. Proximity of popular walkway/cycleway route. Integration with consented but unbuilt development - potential for 'internal' adverse cumulative effects (i.e. effects within the triangle).
Potential landscape opportunities and benefits associated with additional development	The enclosed and screened nature of the area suggests the potential to integrate additional development with minimal impact on the wider Basin landscape. Close proximity to Queenstown. Easy topography.
Environmental characteristics and visual amenity values to be maintained and enhanced	Integration of buildings via appropriately-scaled mounding, planting, and the application of a consistent series of building development controls addressing such matters as building height, coverage, colours/materials, fencing, paving, etc.

Landscape Character Unit	9: Hawthorn Triangle
Capability to absorb additional development	High (Potentially limited by existing building, mounding, and vegetation patterns.)

10: Ladies Mile

Landscape Character Unit	10: Ladies Mile
Landform patterns	Largely flat alluvial river terrace landform spanning between the Shotover River and Lake Hayes. Adjacent the waterbodies at either end, the terrace is stepped.
Vegetation patterns	A fragmented patterning of exotic shelterbelts and scattered exotic amenity plantings around dwellings. Exotic river terrace, lake and river margin vegetation. Horticultural plantings in places.
Hydrology	No ponds and wetlands evident. A very short length of stream on the north side of Ladies Mile Highway.
Proximity to ONL/ONF	North boundary adjoins the Slope Hill ONF (WB). East boundary adjoins Lake Hayes ONF and west boundary adjoins the Shotover River ONL(WB). Longer range views to surrounding ONL mountain context.
Character Unit boundaries	North: Slope Hill ONF, cadastral boundary. East: Lake Hayes ONF. South: Shotover Country, Queenstown Country Club SHA, Lake Hayes Estate. West: Shotover River, Lower Shotover Road.
Land use	Predominantly rural residential with rural uses evident. A large scale retirement village (Queenstown Country Club SHA) has been recently consented on the south side of Ladies Mile Highway (unbuilt). Urban development to the south of the LCU set on lower lying terraces (Lake Hayes Estate, Shotover Country).
Settlement patterns	Dwellings tend to be set well back from the busy highway. Numerous consented but unbuilt platforms evident (36). A quite dense large-lot suburban pattern associated with the rural residential development in places, although the set back from the highway means that there is a limited awareness from the road (McDowell Drive environs). The SHA extends from Lakes Hayes Estate into the river terrace landform associated with Ladies Mile and serves to sever the south side of the LCU into two. The SHA buildings are set back 75m from the highway edge and fronted by orchard, parkland tree plantings and grazing land. Building heights within the SHA that coincide with Ladies Mile LCU range from one storey to three storey. Typical lot sizes: predominance of lots are less than 10ha with 3 lots in the 20-50ha range and 3 over 10ha (albeit straddling the adjacent ONL).

Landscape Character Unit	10: Ladies Mile
Proximity to key route	SH6 passes through the centre of the LCU and comprises a key vehicular route between Queenstown, Arrowtown, Wanaka, Cardrona, Gibbston Valley and Cromwell.
Heritage features	Approximately seven heritage buildings/features identified in PDP.
Recreation features	A Council walkway / cycleway route along the eastern end of the unit linking Lake Hayes Estate with the Lake Hayes circuit. Forms part of the Queenstown Trail 'Commuter Ride'. (NB cycleway runs from the Shotover Bridge along the river edge south of Lake Hayes Estate etc. to link with the Commuter Ride).
Infrastructure features	No reticulated services within the area however adjacent fully serviced urban development (Shotover Country, Lakes Hayes Estate) and reasonable to expect that the Queenstown Country Club SHA within the unit will be fully serviced.
Visibility/prominence	The unit is, for the most part, highly visible from SH6 and the Field Access Road up the Remarkables to the south. The lower-lying character and large-scale cut slopes adjacent the highway at the western end of the LCU means that this western portion (south of SH6) is relatively visually discreet.
Views	Key views relate to the open and relatively uncluttered views from SH6 southwards across the open and predominantly pastoral LCU to the dramatic mountain sequence framing the south side of the basin and Lake Wakatipu, and northwards to Slope Hill. The dramatic character of the views together with their marked contrast with the outlook afforded from SH6 further to the west (i.e. Frankton Flats) make them highly memorable. It is acknowledged that the approved Queenstown Country Club SHA will significantly alter this impression. The LCU also affords highly attractive vistas out across Lake Hayes. In more elevated views, the area also forms a distinctive green swathe, contrasting with the urban development of Shotover Country, Lake Hayes Estate immediately to the south and the approved SHA (unbuilt) on the terrace.
Enclosure/openness	The unit itself displays a relatively open character framed by Slope Hill to the north and the Remarkables Range to the south. To the south, plantings throughout the terrace faces edging the lower-lying urban areas of Lake Hayes Estate and Shotover Country provide low-level and reasonably distant containment. This will be disrupted by the plantings and buildings associated with the approved Queenstown Country Club SHA which will effectively sever the south side of the LCU into two separate areas.
Complexity	The limited extent of planting and relatively uniform topography contributes a low level of complexity throughout the LCU (excepting the SHA area).
Coherence	The flat topography and fragmented vegetation patterns suggests a low level of coherence. This is countered to a degree by the relatively consistently open and pastoral character of the majority of the unit (excepting the SHA).
Naturalness	The unit displays a low level of naturalness as a consequence of its proximity to the busy state highway (SH6), the distinctly urban character of the SHA consented in the area, and an awareness (albeit limited) at the eastern end of the LCU of the Lake Hayes Estate urban development.

Landscape Character Unit	10: Ladies Mile
Sense of Place	<p>Generally, Ladies Mile reads as a critical part of the 'green' entrance to Queenstown. The care that has been taken to ensure that both rural residential and urban development in the vicinity is not visible from the road reinforces the role of this unit as a spacious green entrance.</p> <p>This has however been significantly compromised by the Queenstown Country Club SHA retirement village development which confers a distinctly urban character in a prominent, central and sizeable part of the LCU.</p> <p>The LCU also functions as an important 'breathing space' between the urban development of Frankton Flats to the west (and Queenstown proper beyond) and the ribbon development and rural residential 'node' associated with Lake Hayes to the east. Again it is acknowledged that the character of development associated with the Queenstown Country Club SHA significantly compromises this impression.</p>
Potential landscape issues and constraints associated with additional development	<p>Role of the unit as a 'green' entrance to Queenstown.</p> <p>The function of the LCU as an important scenic route and its proximity to ONFs.</p> <p>Role of the area as a 'breathing space' between the urban area to the west and the relatively consistent and intensive patterning of rural residential development associated with Lake Hayes to the east.</p>
Potential landscape opportunities and benefits associated with additional development	<p>The discreet nature of the western end of the unit makes it more suited to absorbing change.</p> <p>Larger-scaled lots suggest the potential for subdivision whilst retaining generous setback from SH6.</p> <p>Close proximity to Queenstown.</p> <p>Close proximity to urban infrastructure.</p> <p>Urbanising effects of the approved Queenstown Country Club SHA suggest a tolerance for (sensitive) urban development.</p> <p>Potential for integration of walkways/cycleways.</p> <p>Riparian restoration potential (limited).</p>
Environmental characteristics and visual amenity values to be maintained and enhanced	<p>Sense of a spacious, green entrance to Queenstown.</p> <p>Views from SH6 to the surrounding mountain / hill / lake context.</p>
Capability to absorb additional development	High

11: Slope Hill 'Foothills'

Landscape Character Unit	11: Slope Hill 'Foothills'
Landform patterns	Elevated and complex patterning of hills ranging from moderate to steeply sloping in places. Elevated hummock pattern throughout central portion with remnant kettle lakes.

Landscape Character Unit	11: Slope Hill 'Foothills'
Vegetation patterns	Exotic shelterbelts, woodlots, remnant gully vegetation, and exotic amenity plantings around older rural residential dwellings. Predominantly grazed grass although smaller lots tends to be mown.
Hydrology	Numerous streams, ponds and localised wet areas.
Proximity to ONL/ONF	Adjoins Slope Hill/Lake Hayes ONF.
Character Unit boundaries	North: Ridgeline crest. East: Ridgeline crest/ONF. South: Toe of Slope Hill ONF. West: Lower Shotover Road.
Land use	Mix of rural and rural residential.
Settlement patterns	Dwellings generally located to enjoy long-range basin and mountain views. Older rural residential development tends to be well integrated by planting and/or localised landform patterns. Newer rural residential is considerably more exposed, with buildings sited to exploit landform screening (where possible). Clustered development evident in places. Numerous consented but unbuilt platforms (43). Typical lot sizes: evenly distributed mix. One property 100-500ha range, another 50-100ha. Balance typically shared lots or 4-10ha range.
Proximity to key route	Located away from key vehicular route.
Heritage features	No heritage buildings/features identified in PDP.
Recreation features	A Council walkway/cycleway runs along Slope Hill Road (forms part of the Queenstown Trail 'Countryside Ride').
Infrastructure features	Reticulated water, sewer and stormwater in places.
Existing zoning	PDP: Western slopes overlooking Hawthorn Triangle: Rural Lifestyle (no defensible edges). Balance of the unit: Rural.
Visibility/prominence	Visibility varies across the landscape unit. The elevated nature of the unit and its location adjacent a flat plain on its western side means that this part of the area is visually prominent. The steep hillslopes and escarpment faces edging Speargrass Flat to the north and Lake Hayes to the east, together with Slope Hill itself, serve to limit visibility of the balance of the unit from the wider basin landscape.

Landscape Character Unit	11: Slope Hill 'Foothills'
Views	Key views relate to the open vistas available from parts of Hawthorn Triangle environs to the western portion of the unit. The unit affords attractive long-range views out over the basin to the surrounding ONL mountain setting as well as open views of the nearby Slope Hill ONF from some public locations.
Enclosure/openness	A variable sense of openness and enclosure. The older and more established rural residential development throughout the elevated slopes on the western side of the unit are reasonably enclosed, despite their elevation. Throughout the central and eastern areas, landform provides containment at a macro scale.
Complexity	Generally, a relatively complex unit due to the landform patterning. Vegetation patterns add to the complexity in places.
Coherence	The coordination of landform and vegetation patterns in places (associated with gully plantings), contributes a degree of landscape coherence. Elsewhere the discordant vegetation and landform patterning means that there is a limited perception of landscape coherence.
Naturalness	A variable sense of naturalness, largely dependent on how well buildings are integrated into the landscape. The large number of consented but unbuilt platforms suggest that a perception of naturalness could reduce appreciably in time.
Sense of Place	Generally, the area reads as a mixed rural and rural residential landscape. The elevated portions of the area read as a rural residential landscape 'at, or very near, its limit'. The lower-lying stream valley area to the east remains largely undeveloped, and functions as somewhat of a 'foil' for the more intensive rural residential landscape associated with the surrounding elevated slopes.
Potential landscape issues and constraints associated with additional development	DoC ownership of part of low lying stream valley to the east. Drainage in places (e.g. low-lying stream valley to east). Potential visibility of development throughout western hillslopes in particular. Importance of the western slopes as a contrasting and highly attractive backdrop to the intensive patterning throughout the Hawthorne Triangle, particularly in views from within the triangle. Importance of existing open views to Slope Hill. Proximity of popular walkway/cycleway route. Environment Court history suggest that the capacity has been fully exploited in most parts of the LCU.
Potential landscape opportunities and benefits associated with additional development	Riparian restoration potential. Large-scaled lots suggest potential for subdivision. Improved landscape legibility via gully and steep slope planting.

Landscape Character Unit	11: Slope Hill 'Foothills'
Environmental characteristics and visual amenity values to be maintained and enhanced	Landform pattern. Careful integration of buildings with landform and planting. Set back of buildings from ridgeline crests to north and east of unit. Retention of existing open views to Slope Hill.
Capability to absorb additional development	Low

12: Lake Hayes Rural Residential

Landscape Character Unit	12: Lake Hayes Rural Residential
Landform patterns	Flat lake terrace / valley floor landform.
Vegetation patterns	Extensive exotic amenity plantings around established rural residential dwellings and along watercourses.
Hydrology	Several streams drain across the land unit to Lake Hayes.
Proximity to ONL/ONF	Adjoins Lake Hayes ONF along south edge.
Character Unit boundaries	North: Speargrass Flat Road, cadastral boundary, Hogans Gully. East: ridgeline crest. South: Toe of Speargrass Flat hillslopes, Lake Hayes ONF, descending ridgeline crest, Bendemeer Special Zone. West: cadastral boundary.
Land use	Almost entirely rural residential land use. Slivers of QLDC land including a lake front reserve. Agistment uses evident on the south-east corner of Arrowtown Lake Hayes Road/Hogans Gully intersection.

Landscape Character Unit	12: Lake Hayes Rural Residential
Settlement patterns	<p>Dwellings intensively clustered around the northern end of Lake Hayes and reasonably evenly distributed to the west, along the narrow flat margin on the south side of Speargrass Flat Road.</p> <p>Evenly dispersed arrangement of consented but unbuilt platforms throughout the flat land on the south-east corner of Arrowtown Lake Hayes Road/Hogans Gully intersection.</p> <p>Numerous consented but unbuilt platforms, particularly in the south-east corner of Arrowtown Lake Hayes Road / Hogans Gully intersection (27).</p> <p>More recent development would appear to have had consistent design controls applied and required mounding/planting which assist integration.</p> <p>Typical lot sizes: < 4ha.</p> <p>The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of residential activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.</p>
Proximity to key route	Located on a popular route between Queenstown and Arrowtown (Arrowtown Lake Hayes Road).
Heritage features	Approximately two heritage buildings / features identified in PDP.
Recreation features	<p>Council walkway / cycleway route passes through the area linking the Queenstown Trail 'Lake Hayes Circuit' to the 'Countryside Ride'.</p> <p>Art gallery, lakefront reserve.</p>
Infrastructure features	The majority of the unit has reticulated sewer and water. Limited reticulated stormwater.
Visibility/prominence	<p>The relatively low-lying and well-vegetated character of much of the unit makes it relatively visually discreet.</p> <p>The exceptions to this are the open and unbuilt (as yet) pocket at the eastern end and parts of the linear area adjacent Speargrass Flat Road at the western end of the unit.</p>
Views	<p>Key views relate to the outlook from the surrounding road network and walkway/cycleway route.</p> <p>Views from within the unit to Lake Hayes and the surrounding ONL mountain context.</p>
Enclosure/openness	<p>Generally, a high degree of enclosure as a consequence of the vegetation patterns.</p> <p>A considerably greater sense of openness at the western and eastern edges of the unit resulting in a direct relationship with the neighbouring Speargrass Flats LCU.</p>
Complexity	The extensive plantings throughout the unit contribute a relatively high degree of complexity, excepting the western and eastern ends, which are more open in character.
Coherence	<p>At a more detailed level, the varied patterning and character of plantings on individual lots results in a relatively low level of landscape coherence.</p> <p>However, at the macro level, the contrasting character of the relatively densely-planted (and inhabited) character of the unit in comparison to the surrounds lends a strong sense of coherence.</p>

Landscape Character Unit	12: Lake Hayes Rural Residential
Naturalness	Generally, a low perception of naturalness as a consequence of the level of rural residential development.
Sense of Place	Generally, the unit reads as a distinct 'node' of rural residential development at the northern end of Lake Hayes (despite not having a discernible 'heart') that is buffered from the lake by plantings/open space. The ribbon-type patterning at the western end, extent of (as yet, unbuilt) development at the eastern end, and absence of legible defensible edges, including for the development to the north of Speargrass Flat Road, confer the impression of an 'actively' spreading node.
Potential landscape issues and constraints associated with additional development	Absence of legible edges to the west and north edges of the unit. Very few larger-scaled lots to accommodate additional development. Existing platform and lot arrangement together with vegetation patterns may constrain additional development. Proximity of popular walkway / cycleway route.
Potential landscape opportunities and benefits associated with additional development	Riparian restoration potential. Integration of defensible edges with additional subdivision. The enclosed and screened nature of the area, together with its established rural residential node character, suggests the potential to integrate additional development with minimal impact on the wider basin landscape. Easy topography.
Environmental characteristics and visual amenity values to be maintained and enhanced	Integration of buildings via planting and the application of building design controls. Retention of existing vegetation patterns. Maintaining a sense of openness where there are existing views from Speargrass Flat Road to the surrounding escarpment and ONL mountain context.
Capability to absorb additional development	High (Potentially limited by existing building, vegetation and lot patterns)

13: Lake Hayes Slopes

Landscape Character Unit	13: Lake Hayes Slopes
Landform patterns	Variably steep to moderately sloping hillslopes.
Vegetation patterns	Fragmented patterning of exotic shelterbelts and amenity plantings. Viticulture in places.
Hydrology	No streams, ponds, wetlands evident.

Landscape Character Unit	13: Lake Hayes Slopes
Proximity to ONL/ONF	Southern edge adjoins Morven Hill ONL(WB). Overlooks Lake Hayes / Slope Hill ONF.
Character Unit boundaries	North: Descending ridgeline crest. East: Bendemeer Special Zone. South: Morven Hill ONL (WB). West: Lake Hayes or Arrowtown Lake Hayes Road / Low Density Residential zone straddling Lake Hayes.
Land use	Predominantly rural residential. QLDC land. Viticulture, hobby farming and public uses evident.
Settlement patterns	Dwellings scattered throughout slopes to enjoy panoramic lake and mountain views. Roading snakes up steep hillsides. Numerous consented but unbuilt platforms (24). Older dwellings reasonably well integrated by vegetation and generally of a relatively modest scale. Newer dwellings larger-scaled and generally very exposed with landscaping not providing material mitigation as at 2018. Typical lot sizes: almost all of the lots under 10ha.
Proximity to key route	The majority of the unit is located on a popular route between Queenstown and Arrowtown (Arrowtown Lake Hayes Road). The southern portion of the unit is located on SH6, a key vehicular route between Queenstown, Wanaka, Cardrona, Gibbston Valley and Cromwell.
Heritage features	Approximately four heritage buildings/features identified in PDP.
Recreation features	No specific walkway or cycleway through the area, although Lake Hayes circuit (part of Queenstown Trail), nearby. Winery, cafes, scenic reserve, rowing club
Infrastructure features	Majority of the area has reticulated water, sewer and stormwater.
Visibility/prominence	The elevated and exposed nature of much of the unit makes it prominent in views from Lake Hayes, parts of SH6, the walkway/cycleway around Lake Hayes and the Arrowtown Lake Hayes Road.
Views	Key views relate to the views from the road network and Lake Hayes (including walkway/cycleway) to the area, and from the unit to the lake and mountain (ONF and ONL) setting.
Enclosure/openness	Generally, a relatively low degree of enclosure as a consequence of the elevated hillslope location and absence of vegetation.
Complexity	The hillslope landform patterns contribute complexity in places; however, this is somewhat outweighed by the paucity of vegetation.

Landscape Character Unit	13: Lake Hayes Slopes
Coherence	Generally, a low degree of landscape coherence as a consequence of the open and exposed character, together with the frequency of highly visible large-scale buildings and winding roads up steep hill slopes.
Naturalness	Generally, a low degree of naturalness as a consequence of the frequency and exposure of buildings.
Sense of Place	Generally, the area displays a relatively unsympathetic rural residential character that reads as development sprawl up the hillsides. The exception to this is the older and lower lying, generally more modest development adjacent Arrowtown-Lake Hayes Road.
Potential landscape issues and constraints associated with additional development	Elevated and in many places exposed location that is highly visible from the surrounding area, including from key scenic routes. Steep topography. Absence of vegetation in some areas. Highly modified rural living area with a risk of exacerbating perception of development sprawl.
Potential landscape opportunities and benefits associated with additional development	Larger-scaled lots suggest potential for subdivision. Improve landscape legibility via gully/steep slope planting.
Environmental characteristics and visual amenity values to be maintained and enhanced	Landform patterning. Careful integration of buildings with landform and planting.
Capability to absorb additional development	Low

14: Lake Hayes Terrace

Landscape Character Unit	14: Lake Hayes Terrace
Landform patterns	Elevated alluvial terrace landform.
Vegetation patterns	Exotic and remnant riparian vegetation along Hayes Creek margins. Exotic amenity plantings around dwellings. Fragmented shelterbelt plantings and hedgerows.

Landscape Character Unit	14: Lake Hayes Terrace
Hydrology	Bordered by the Hayes Creek to the west. No streams or wetlands evident. Amenity pond.
Proximity to ONL/ONF	Adjoins Morven Hill ONL (WB) along east and south boundary and Lake Hayes ONF along north boundary.
Character Unit boundaries	North: Lake Hayes ONF. East: Morven Hill ONL (WB). South: Morven Hill ONL (WB). West: Hayes Creek.
Land use	Rural residential uses with some lifestyle / hobby farming evident.
Settlement patterns	Dwellings typically located to the eastern edges of the terrace. Few consented but unbuilt platforms within the unit (2). Typical lot sizes: Predominantly 10-20ha. Smaller lots along eastern edge straddling ONL (under 10ha). The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of residential activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.
Proximity to key route	Located adjacent SH6, although its elevated terrace setting means that the unit is reasonably discreet from the highway.
Heritage features	No heritage buildings / features identified in PDP.
Recreation features	No walkways/cycleways through the area.
Infrastructure features	Reticulated water supply. Reticulated sewer nearby along SH6. No reticulated stormwater.
Visibility/prominence	Despite its elevation, the area is relatively visually discreet as a consequence of its position tucked into the side of Morven Hill, and the low-lying position of SH6 relative to the terrace. The area is visible from Lake Hayes Estate and in more distant views from Ladies Mile Highway further to the west.
Views	Key 'external' views relate to the distant view from Ladies Mile Highway across to the terrace backdropped by Morven Hill and views from Lake Hayes (including the walkway/cycleway route) to the area. From within the unit, key views relate to the highly attractive northern views towards Lake Hayes and Slope Hill and the quite different outlook westwards to Lake Hayes Estate urban area.
Enclosure/openness	The unit has a reasonably high degree of openness as a consequence of the landform and vegetation patterns. That said, the Morven Hill landform and Remarkables Range to the east and south respectively, provide a strong sense of containment.
Complexity	Generally, the unit displays a low level of complexity as a consequence of landform and vegetative patterns.

Landscape Character Unit	14: Lake Hayes Terrace
Coherence	Similarly, the absence of distinctive and coordinated landform, vegetation or building patterning confers a relatively low level of landscape coherence.
Naturalness	Generally, a relatively low sense of naturalness as a consequence of the close proximity and exposure of the area to the lower lying Lake Hayes Estate urban area on the west side of Hayes Creek (despite close proximity of ONL/ONF).
Sense of Place	Generally, the area reads as a relatively undeveloped small-scale plateau sandwiched between the urban area of Lake Hayes Estate and the Morven Hill ONL (WB).
Potential landscape issues and constraints associated with additional development	Importance of the unit as a buffer between the urban area to the west and the ONL to the east and south.
Potential landscape opportunities and benefits associated with additional development	Larger-scaled lots suggest the potential for subdivision. Easy topography. 'Developed' context to the west. Proximity of urban infrastructure.
Environmental characteristics and visual amenity values to be maintained and enhanced	Impression of the area as a relatively visually discreet buffer between the urban area of Lake Hayes Estate and the undeveloped Morven Hill ONL to the east. Integration of buildings with plantings. Maintaining a sense of openness where there are existing views from Alec Robins Road to the surrounding mountain context.
Capability to absorb additional development	Moderate-High

15: Hogans Gully

Landscape Character Unit	15: Hogans Gully
Landform patterns	Gully framed by moraine-type landform, with the latter characterised by hummocky hills interspersed with plateaus.
Vegetation patterns	Isolated stands of bush, and patches of scrub in gullies and throughout some steeper areas. Exotic amenity plantings around buildings.
Hydrology	Complex network of streams and overland flow paths draining eastwards across the unit to the Arrow River.
Proximity to ONL/ONF	Does not adjoin ONL or ONF; however, open longer-range views to surrounding ONL context.
Character Unit boundaries	North: Ridgeline crest, SHA, golf course. East: toe of hummocky landform, Arrow River, cadastral boundary. South: Stream and Bendemeer Special Zone (LCU 16). West: Bendemeer Special Zone (LCU 16).
Land use	Mix of rural residential and rural. Relatively unkempt character of some of the larger rural lots suggests marginally productive.
Settlement patterns	Sparse scattering of dwellings, generally set back from the road and/or well contained by landform / vegetative patterns. No consented but unbuilt platforms evident. Typical lot sizes: predominantly larger lots >20ha. Some smaller lots (<4ha and 4-10ha) at north western end of unit.
Proximity to key route	McDonnell Road passes through the eastern end of the unit which is a popular route between Arrowtown and SH6 / Arrow Junction.
Heritage features	No heritage buildings/features identified in PDP.
Recreation features	No Council walkways/cycleways within the unit.
Infrastructure features	No reticulated sewer or stormwater. Reticulated water on north side of Hogans Gully Road.
Visibility/prominence	Visibility of the unit from Hogans Gully Road is limited to the plateaus and slopes immediately adjacent. The elevated hummocky nature of the balance of the unit means that visibility is limited to the higher ground to the north (The Hills LCU 22), the elevated land to the west (Bendemeer LCU 16), the Crown Terrace (LCU 20) and ONL(WB) mountain range to the east. The area is visible from the western edges of the Crown Terrace, the tracks throughout the ONL to the east (Mt Beetham environs) and the zigzag lookout. The diminishing influences of distance and relative elevation in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.

Landscape Character Unit	15: Hogans Gully
Views	Key views relate to the view out over the area from the tracks throughout the ONL to the east (Mt Beetham environs) and the zig zag lookout. In these views the area reads as a part of the swathe of relatively low lying, undulating rural/rural residential land flanking Morven Hill. The outlook from Hogans Gully Road comprises a relatively attractive, 'low key' rural view in which buildings are subservient. From within the unit, key views relate to the attractive long-range views to the surrounding ONL mountain setting.
Enclosure/openness	The gully itself displays a relatively open character; however, throughout the elevated areas on either side, the hummocky landform pattern serves to create a sense of enclosure.
Complexity	Generally, there is a variable degree of complexity that derives from the gully and moraine landform pattern.
Coherence	Vegetation patterns reinforce landform patterns in places, conferring a limited sense of coherence.
Naturalness	Generally, a moderate to high perception of naturalness as a consequence of the limited visibility and sparse arrangement of buildings and the relatively 'unkempt' character of the area.
Sense of Place	Generally, the area reads as a mixed rural and rural residential area that is somewhat tucked away and forgotten. As a consequence, the unit functions as 'breathing space' between the more intensive rural residential 'nodes' at the north end of Lake Hayes (to the west) and the Arrow River crossing (to the east).
Potential landscape issues and constraints associated with additional development	Potential visibility from nearby rural residential development on elevated land (Bendemeer), ONLs (including tracks) and zig zag lookout. Accessways and large-scale buildings have the potential to compromise the distinctive hummocky landform pattern. Potential visibility of development along ridgeline edges and from Hogans Gully Road. Lack of defensible edges in places. Potential for development to read as sprawl between the Lake Hayes Rural Residential and Arrow Junction 'nodes'. Also the potential for development here to read as sprawl between Arrow Junction and Arrowtown South.
Potential landscape opportunities and benefits associated with additional development	Integration potential of landform pattern. Riparian restoration potential. Larger-scaled lots suggest potential for subdivision. Relatively visually discreet nature of the majority of the unit (due to landform and to a lesser degree, vegetation patterns). Potential to integrate walkways/cycleways.
Environmental characteristics and visual amenity values to be maintained and enhanced	Buildings integrated by landform and vegetation. Retention of hummock landform pattern. Reinforcement of landform patterning via gully / stream plantings.
Capability to absorb additional development	Moderate

17: Morven Ferry

Landscape Character Unit	17: Morven Ferry
Landform patterns	Generally flat alluvial terrace landform.
Vegetation patterns	Exotic shelterbelts, scattered shade trees, the odd exotic woodlot planting, exotic amenity plantings around dwellings. Exotic pasture grasses dominate.
Hydrology	No streams, wetlands or ponds evident.
Proximity to ONL/ONF	Adjoins the Arrow River ONF along part of eastern edge and the Morven Hill ONL (WB) along western edge.
Character Unit boundaries	North: Cadastral boundaries. East: McDonnell Road, Arrow Junction rural residential land use edge (cadastral boundaries), Arrow River ONF. South: Toe of moraine landform east of Morven Hill. West: Morven Hill ONL boundary, Bendemeer Special Zone, toe of Hogans Gully hillslopes.
Land use	Predominantly rural residential and hobby farming type uses. Some areas of more open pastoral land particularly adjacent McDonnell Road.
Settlement patterns	Dispersed patterning with some consented but unbuilt platforms (7). Typical lot sizes: large lots on west side of McDonnell Road (>20ha). Elsewhere mix of under 4ha and 4-10ha with the odd lot between 20-50ha in size.
Proximity to key route	SH6 passes through the unit. McDonnell Road also traverses the unit – a popular route between SH6 and Arrowtown.
Heritage features	No heritage buildings/features identified in PDP.
Recreation features	Council walkway/cycleway passes through the unit. Forms part of Queenstown Trail 'Arrow Bridges Ride'.
Infrastructure features	No reticulated sewer or stormwater. Very limited water reticulation.
Visibility/prominence	The northern portion of the unit enjoys a reasonably high public profile as a consequence of its location adjacent SH6 and McDonnell Road in conjunction with the relatively open nature of this part of the unit. In contrast, the southern portion of the unit is considerably more visually discreet as a result of its quiet rural road context and vegetation patterns. The popular walkway/cycleway route that passes through this area increases its 'profile'. The area is visible from the western edges of the Crown Terrace, the tracks throughout the ONL to the east (Mt Beetham environs) and the zigzag lookout. The diminishing influences of distance and relative elevation, in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.

Landscape Character Unit	17: Morven Ferry
Views	Key views relate to the memorable vista from SH6 and the walkway/cycleway to the Crown Terrace escarpment and ONL ranges to the south, and the highly attractive open views across the area from SH6 and the walkway/cycleway to Morven Hill and the flanking moraine 'foothill' landscape to the north. With respect to the view out over the area from the tracks throughout the ONL to the east (Mt Beetham environs) and the zig zag lookout, the unit reads as a part of the swathe of relatively low lying, flat rural/rural residential land flanking Morven Hill.
Enclosure/openness	The unit displays a variable sense of openness and enclosure largely as a consequence of vegetation patterns.
Complexity	Similarly, the unit exhibits a variable degree of complexity, largely as a consequence of vegetation patterns.
Coherence	The fragmented patterning of vegetation features detracts from the underlying coherence associated with the relatively uniform flat topography. The range of building styles evident does not reinforce the landscape coherence.
Naturalness	Generally, a moderate to low level of naturalness as a consequence of the patterning and visibility of rural residential development.
Sense of Place	Generally, the area reads a mixed rural and rural residential landscape on the edge of the established Arrow Junction rural residential 'node'.
Potential landscape issues and constraints associated with additional development	The location of the northern portion of the area adjacent to scenic routes, in combination with its relatively open pastoral character, makes it sensitive to landscape change. Absence of legible edges to the rural residential enclave to the east associated with Arrow Junction makes the unit vulnerable to development creep. Potential for development in northern portion to read as sprawling into Hogans Gully and northwards to Arrowtown. Walkway/cycleway proximity.
Potential landscape opportunities and benefits associated with additional development	Large-scaled lots suggest potential for subdivision. Vegetation provides containment in places. Proximity to good roading infrastructure. Integration of defensible edges with additional subdivision. Potential for development to form a legible node, as a consequence of 'junction' function, landform pattern (contrasting 'flats') and noting that this patterning is already emerging immediately to the east. Easy topography.
Environmental characteristics and visual amenity values to be maintained and enhanced	Open views from SH 6 and McDonnell Road to the Crown Terrace escarpment and ONL ranges to the south. Open views from SH 6 and McDonnell Road to Morven Hill and the flanking moraine 'foothill' landscape to the north. Integration of buildings with planting.

Landscape Character Unit	17: Morven Ferry
Capability to absorb additional development	Moderate-Low

18: Morven Eastern 'Foothills'

Landscape Character Unit	18: Morven Eastern 'Foothills'
Landform patterns	Elevated moraine landform with plateaus, hummocky hills, swamps and remnant kettle lakes.
Vegetation patterns	Exotic shelterbelts and hedgerows in places. The odd scattered woodlot and patches of scrub in gullies. Pond edge plantings. Exotic pasture grasses dominate.
Hydrology	Stream, amenity and farm ponds, and wetland features evident.
Proximity to ONL/ONF	Adjoins ONL (WB) on west and south sides and Arrow River ONF on eastern side.
Character Unit boundaries	North: Toe of the moraine landform. East: Arrow River ONF. South: ONL(WB)/study area boundary. West: ONL(WB)/study area boundary.
Land use	Predominantly rural lifestyle / hobby farming and more generously proportioned working rural lots with a limited amount of rural residential development evident.
Settlement patterns	Dwellings reasonably evenly dispersed along road or stream edges, and well integrated by plantings. A few consented but unbuilt platforms evident (5). Typical lot sizes: majority of unit > 10ha with approximately half of the unit 50ha or greater.
Proximity to key route	Not located near a key route. Morven Ferry Road is a dead-end road.
Heritage features	Four heritage buildings/features identified in PDP.
Recreation features	Council walkway/cycleway passes through the area (forms part of Queenstown Trail 'Twin Rivers Ride' and 'Arrow River Bridges Ride').
Infrastructure features	No reticulated sewer, stormwater or water.

Landscape Character Unit	18: Morven Eastern 'Foothills'
Visibility/prominence	The somewhat sleepy backwater location (on a dead-end road), together with its (relatively) lower-lying topography means that the unit is not particularly prominent in terms of the wider basin landscape. The area is visible from the western edges of the Crown Terrace, the tracks throughout the ONL to the east (Mt Beetham environs) and the zigzag lookout. The diminishing influences of distance and relative elevation, in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.
Views	Key views relate to the dramatic mountain, Morven Hill and Crown Terrace escarpment views available from the walkway / cycleway network, local roads, and dwellings.
Enclosure/openness	A variable sense of openness and enclosure as a consequence of the landform patterning (west of Morven Ferry Road) and vegetation patterning (east of Morven Ferry Road).
Complexity	A correspondingly variable degree of complexity as a result of the landform and vegetation patterns.
Coherence	A low level of landscape coherence. Vegetation patterns generally do not reinforce landform features.
Naturalness	Generally, a moderate perception of naturalness as a consequence of the limited visibility of buildings, the open hummocky pastoral character (particularly to the western side of Morven Ferry Road), and the close proximity and open views to the mountain setting and Crown Terrace escarpment.
Sense of Place	Generally, the area reads as a mixed rural and rural lifestyle / hobby farming area that functions as a transition between the mountain ONL and the lower-lying and more 'developed' river terrace to the north and east.
Potential landscape issues and constraints associated with additional development	The visibility of the unit from public roads and vantage points and from parts of the Queenstown Trail located on Crown land, very close proximity to ONLs and ONFs, together with the role of the area as a transition between the mountain ONL and the lower-lying and more 'developed' river terrace to the north and east, makes it sensitive to additional development.
Potential landscape opportunities and benefits associated with additional development	Hummocky landform on western side of Morven Ferry Road, and vegetation patterns on eastern side of Morven Ferry Road, provide some potential to absorb additional development. Larger-scaled lots suggest the potential for subdivision. Riparian, pond, and wetland restoration potential. Dead-end road – limited 'profile'.
Environmental characteristics and visual amenity values to be maintained and enhanced	Landform patterning. Integration of buildings with landform and/or planting.

Landscape Character Unit	18: Morven Eastern 'Foothills'
Capability to absorb additional development	Low

19: Gibbston Highway Flats

Landscape Character Unit	19: Gibbston Highway Flats
Landform patterns	Flat river terrace unit sandwiched between the vegetation-clad steep slopes of the Arrow River and the steep scrub and weed-dominated Crown Terrace escarpment.
Vegetation patterns	Numerous exotic shelterbelts and hedgerows, exotic amenity plantings around buildings. Exotic pasture grasses dominate.
Hydrology	A series of streams drain from the Crown Terrace across the flats to the Arrow River. A pond evident.
Proximity to ONL/ONF	Adjoins Crown Range ONL (WB) to the east and Arrow River ONF to the west.
Character Unit boundaries	North: Cadastral boundary. East: Toe of Crown Terrace Escarpment (ONL WB)/study area boundary. South: Top of Arrow River streambanks (ONF). West: Top of Arrow River streambanks (ONF).
Land use	Predominantly working rural landscape with some rural residential development, particularly along the Arrow River edge.
Settlement patterns	Reasonably spacious pattern with very few consented but unbuilt platforms (2). Typical lot sizes: majority of unit > 10ha with approximately half falling in the 20-50ha range.
Proximity to key route	Located on key scenic route between Queenstown and Gibbston Valley, Cromwell (SH6).
Heritage features	No heritage buildings/features identified in PDP.
Recreation features	No walkways/cycleways in the area.
Infrastructure features	No reticulated sewer or stormwater. Limited reticulated water.
Visibility/prominence	The area is highly visible from SH6.

Landscape Character Unit	19: Gibbston Highway Flats
Views	Key views relate to the highly attractive vistas from SH6 westwards across the flats to the Arrow River margins, backdropped by Morven Hill (ONL WB) and the ONL mountain range to the south (Remarkables), and eastwards to the large-scale and scrub-clad Crown Terrace escarpment.
Enclosure/openness	The unit displays a variable sense of enclosure and openness as a consequence of vegetation patterning.
Complexity	Correspondingly variable degree of complexity as a consequence of vegetation patterning.
Coherence	Generally a limited landscape coherence as a consequence of the fragmented vegetation patterns and flat topography.
Naturalness	Generally, a moderate perception of naturalness as a consequence of the working rural landscape impression. The very close proximity of the 'wild' scrub-dominated Crown Terrace escarpment serves to counter the diminishing influence of visible dwellings etc. in terms of naturalness values.
Sense of Place	Generally, the unit reads as a working rural landscape on the very edge or at the entrance (depending on orientation) of the Wakatipu Basin.
Potential landscape issues and constraints associated with additional development	The location of the unit adjacent to a scenic route, in combination with its relatively open pastoral character, makes it sensitive to landscape change. Absence of legible edges to the rural residential enclave to the north associated with Arrow Junction makes the unit vulnerable to development creep. Role of the unit as a 'gateway' to the Wakatipu Basin. Potential for development to read as linear sprawl from the established and legible rural residential 'node' associated with Arrow Junction.
Potential landscape opportunities and benefits associated with additional development	Large-scaled lots suggest potential for subdivision. Vegetation provides containment in places. Proximity to good roading infrastructure. Integration of defensible edges with additional subdivision. Riparian restoration potential.
Environmental characteristics and visual amenity values to be maintained and enhanced	Maintenance of a relatively spacious and, in places, open, working rural landscape character. Open views from SH6 to the Crown Terrace escarpment, the Arrow River margins, Morven Hill and the Remarkables to the south. Impression of the area as a 'green' gateway to the Basin.
Capability to absorb additional development	Very Low.

20: Crown Terrace

Landscape Character Unit	20: Crown Terrace
Landform patterns	Elevated glacial terrace characterised by plateaus interspersed with rolling hummocky hills and includes the lower slopes of the Crown Range.
Vegetation patterns	Scattered exotic shelterbelts/hedgerows, shade trees, pockets of bush and patches of scrub in gullies. Exotic amenity plantings around dwellings in places. Exotic pasture grasses dominate.
Hydrology	Complex network of streams draining westwards across the terrace from the Crown Range to the Arrow River.
Proximity to ONL/ONF	Surrounded by ONL (WB).
Character Unit boundaries	North: ONL (WB) toe of mountain range/study area boundary. East: ONL (WB) toe of mountain range/study area boundary. South: ONL (WB) top of escarpment/study area boundary. West: ONL (WB) top of escarpment/study area boundary.
Land use	Predominantly in rural production with loose groupings of rural residential development throughout the unit.
Settlement patterns	Relatively spacious rural residential development loosely grouped throughout the terrace and oriented to take advantage of the panoramic views out over the Wakatipu Basin. Relatively few existing dwellings. Numerous consented but unbuilt platforms evident (33). Rural buildings evident. Typical lots sizes > 20ha.
Proximity to key route	The Crown Range Road passes through the terrace and comprises an important scenic route linking Queenstown to Cardrona and Wanaka. Formalised scenic lookouts at various points.
Heritage features	Three heritage buildings/features identified in PDP.
Recreation features	No walkways/cycleways in the area.
Infrastructure features	No reticulated sewer or stormwater. Limited reticulated water.
Visibility/prominence	The elevated and relatively flat topography of the unit means that only its western edges are visible from the basin. The reasonably open character and flat to gently rolling landform pattern makes much of the unit highly visible from the Crown Range Road.

Landscape Character Unit	20: Crown Terrace
Views	Key views relate to the views across the terrace from the Crown Range Road to the Crown Range and wider Wakatipu Basin landscape, and views from the scenic lookouts out over the Wakatipu Basin.
Enclosure/openness	Generally, the unit exhibits a relatively high degree of openness. The Crown Range provides a strong sense of enclosure to the east. The lower-lying large scale basin landscape to the west amplifies the perception of openness.
Complexity	Localised landform (hummocky hills) and vegetation patterns confer a reasonable degree of complexity in places.
Coherence	The legible and largely uncluttered landform patterning, in combination with the predominantly open pastoral character, contributes an impression of coherence. However, minimal interplay between landform and vegetation patterning.
Naturalness	A reasonably high degree of naturalness as a consequence of its predominantly open and pastoral character combined with its proximity to the vastly scaled and relatively undeveloped Crown Range landscape to the east. In the main, (existing) buildings tend to be well integrated by plantings serving to reduce their prominence.
Sense of Place	Generally, the unit displays a working rural landscape character with a reasonably spacious patterning of rural residential development in places. The terrace serves as an important transition between the 'inhabited' Wakatipu Basin landscape and the relatively unmodified 'wilderness' landscape of the Crown Range to the east.
Potential landscape issues and constraints associated with additional development	The relatively open and exposed nature of the unit, in addition to its importance as a scenic route and as a transition between the Wakatipu Basin and the Crown Range, makes it highly sensitive to landscape change.
Potential landscape opportunities and benefits associated with additional development	Riparian restoration potential. Potential integration of walkways/cycleways etc. Larger-scaled lots suggest potential for subdivision.
Environmental characteristics and visual amenity values to be maintained and enhanced	Sense of openness and spaciousness associated with a predominantly pastoral landscape. Dramatic views from the Crown Range Road to the Wakatipu Basin and surrounding mountain setting. Impression of the area as a transition between the inhabited basin landscape and the more 'wild' Crown Range mountain- scape to the east.
Capability to absorb additional development	Very low.

21: Arrow Junction Rural Residential

Landscape Character Unit	21: Arrow Junction Rural Residential
Landform patterns	Alluvial river terrace landform flanking the west and east sides of the Arrow River.
Vegetation patterns	Exotic amenity planting around dwellings.
Hydrology	A tributary of the Arrow River passes through the northern portion of the unit on the west side of the river, and a stream drains from the Crown Terrace to a pond in the portion of the unit located on the east side of the river.
Proximity to ONL/ONF	The Arrow River ONF passes through the unit. The eastern portion adjoins the Crown Terrace escarpment ONL (WB).
Character Unit boundaries	North: Cadastral boundary. East: Arrow River and toe of Crown Terrace escarpment. South: landuse / cadastral boundaries. West: cadastral boundaries, SH6, McDonnell Road.
Land use	Rural residential with some rural lifestyle / hobby farming uses evident. Council reserve and DoC land on the eastern side of the river.
Settlement patterns	Generally, a node of relatively intensive rural residential development around the SH6 Arrow River crossing. A limited number of consented but unbuilt platforms on the south west side of the unit (5). Some larger-scaled lots to the north end. Typical lot sizes: predominantly <4ha The Lifestyle Precinct Zoning anticipates change to the existing settlement patterns including an overall density of Residential Activity at 1 hectare average and settlement patterns that are sympathetic to the wider amenity landscape context and surrounding ONFs and ONLs.
Proximity to key route	Located on a popular route between Arrowtown and SH6 i.e. McDonnell Road. SH6 passes through the southern portion of the unit.
Heritage features	Three heritage buildings/features identified in PDP.
Recreation features	A council walkway/cycleway passes through the unit. Forms part of Queenstown Trail 'Arrow River Bridges Ride'.
Infrastructure features	No reticulated sewer or stormwater. Very limited water reticulation.

Landscape Character Unit	21: Arrow Junction Rural Residential
Visibility/prominence	The unit's location on a key vehicular route and a popular pedestrian, and cycle route suggests a prominent location. However, the extensive vegetation throughout much of the area, in combination with its low-lying and flat topography, limits visibility. The area is visible from the western edges of the Crown Terrace, the tracks throughout the ONL to the east (Mt Beetham environs) and the zigzag lookout. The diminishing influence of relative elevation, in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.
Views	Within the unit, roadside views tend to be framed and filtered by vegetation. The walkway / cycleway and SH6 river crossing affords highly attractive views of the Arrow River. Towards the edges of the unit, the open character affords longer range views to the surrounding mountain context. With respect to the view out over the area from the tracks throughout the ONL to the east (Mt Beetham environs) and the zig zag lookout, the unit reads as a distinct 'node' of rural residential development.
Enclosure/openness	Generally, a relatively high degree of enclosure as a consequence of vegetation patterns.
Complexity	A correspondingly high degree of complexity as a consequence of vegetation patterning.
Coherence	Despite the extensive plantings, the varied character of the vegetation in combination with the predominant patterning of smaller lots results in a landscape of limited coherence.
Naturalness	A relatively low degree of naturalness within the unit itself as a consequence of the level of rural residential development. This is partially offset by the very close proximity of the unit to the 'wild' Crown Terrace escarpment and the vegetated margins of the Arrow River.
Sense of Place	Generally, the area reads as an established node of rural residential development focused on the Arrow River crossing.
Potential landscape issues and constraints associated with additional development	Absence of legible edges to the unit to the southwest, southeast and north west. Existing platform and lot arrangement throughout the 'node' around the river crossing, together with vegetation patterns, may constrain additional development. Walkway/cycleway proximity. Scenic route proximity.
Potential landscape opportunities and benefits associated with additional development	Riparian, pond edge restoration potential. Some larger lots to the northern end of the unit suggest the potential for subdivision. Integration of defensible edges with additional subdivision. The relatively visually discreet nature of the area, together with its established rural residential node character, suggest the potential to integrate additional development with minimal impact on the wider basin landscape. Vegetation provides containment in places. Proximity to good roading infrastructure.

Landscape Character Unit	21: Arrow Junction Rural Residential
Environmental characteristics and visual amenity values to be maintained and enhanced	Maintaining a sense of openness in views from SH6 and McDonnell Road to the Crown Terrace escarpment and ONL ranges to the south; and Morven Hill and the flanking moraine 'foothill' landscape to the west and south. Maintaining a sense of openness where there are existing views from SH6 and the walkway/cycleway route to the Arrow River. Integration of buildings via planting. Retention of existing vegetation patterns.
Capability to absorb additional development	High

22: The Hills

Landscape Character Unit	22: The Hills
Landform patterns	Elevated moraine landform with hummocky hills, plateaus, and remnant kettle lakes, with the latter converted to amenity ponds.
Vegetation patterns	Exotic amenity plantings throughout the golf course and around rural residential dwellings. Native plantings around pond, stream, and wetland features. Isolated pockets of bush and woodlot plantings. Extensive roadside plantings to Arrowtown Lake Hayes Road.
Hydrology	Several streams, ponds, and wetland areas.
Proximity to ONL/ONF	Unit does not adjoin ONL or ONF; however, mid to long-range views to surrounding ONL mountain context.
Character Unit boundaries	North: cadastral boundary. East: McDonnell Road, toe of hummocky hill landform pattern. South: toe of hummocky hill landform pattern, stream pattern. West: Arrowtown Lake Hayes Road.
Land use	Golf course and rural residential.
Settlement patterns	Scattered dwellings throughout, primarily located around water features. Gated entrances requiring security codes. Typical lot sizes: one large lot of approximately 100ha, several smaller lots.

Landscape Character Unit	22: The Hills
Proximity to key route	Located on Arrowtown Lake Hayes Road which is a popular route between Queenstown and Arrowtown. Also located on McDonnell Road which is a popular route between Arrowtown and SH6 / Arrow Junction.
Heritage features	Two heritage buildings/features identified in PDP.
Recreation features	No walkways/cycleways through the unit.
Infrastructure features	Reticulated sewer. No reticulated water or stormwater.
Visibility/prominence	<p>The area is visible from the elevated streets along the western edge of Arrowtown. The relatively close proximity and (reasonably) similar elevation means that part of the unit is prominent in the outlook while the hummocky terrain limits visibility to other parts.</p> <p>Roadside plantings limit views from Arrowtown Lake Hayes Road.</p> <p>Eastern edges of the unit are visible from McDonnell Road.</p> <p>The unit is also visible from the western edges of the Crown Terrace, the tracks throughout the ONL to the east (Mt Beetham environs) and the zigzag lookout. The diminishing influences of distance and relative elevation in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.</p>
Views	<p>Key views relate to the view out over the unit from the tracks throughout the ONL to the east (Mt Beetham environs) and the zig zag lookout. In these views the unit reads as a part of the swathe of relatively low lying, undulating rural/rural residential land flanking Arrowtown.</p> <p>The outlook from McDonnell Road and the western margins of Arrowtown comprises a relatively attractive, golf course / parkland landscape on the edge of Arrowtown. The recently approved Arrowtown South SHA comprising a distinctly urban three storey high density retirement village development will also be visible in each of these outlooks (albeit to a varying degree depending on location). The Arrowtown South Special Zone appears in the foreground of views west from the southern end of Cotter Avenue.</p> <p>From within the unit, key views are expected to relate to the attractive long-range views to the surrounding ONL mountain setting.</p>
Enclosure/openness	Landform and vegetation create a variable sense of openness and enclosure.
Complexity	Generally, a relatively complex landscape as a consequence of the landform and vegetation patterns.
Coherence	The underlying golf course landscape lends a coherence to the unit.
Naturalness	Generally, a low level of naturalness as a consequence of the distinctly modified character of the golf course setting.
Sense of Place	Generally, the area reads as a distinctly private, highly modified golf course parkland landscape in which rural residential development is an established component. The unit forms part of the swathe of golf courses that 'contain' the western and southern edges of Arrowtown, effectively functioning as a green belt to the village.

Landscape Character Unit	22: The Hills
Potential landscape issues and constraints associated with additional development	Private golf course and previous resource consent processes suggest limited scope for residential development. Accessways and large-scale buildings have the potential to compromise the distinctive hummocky landform pattern.
Potential landscape opportunities and benefits associated with additional development	Relatively visually discreet nature of the location (due to landform and, to a lesser degree, vegetation patterns). Golf course landscape potentially suited to resort development. Landform pattern creates potential to integrate well sited buildings into the landscape. Riparian restoration potential. Integration of walkways / cycleways. Close proximity to Arrowtown. Large-scaled lots suggest some potential for subdivision.
Environmental characteristics and visual amenity values to be maintained and enhanced	Locating buildings so that they are visually discreet. Integration of buildings with landform and planting. Set back of buildings from the ridgeline crests to the eastern edges of the unit.
Capability to absorb additional development	Moderate

23: Millbrook

Landscape Character Unit	23: Millbrook
Landform patterns	The unit predominantly comprises an elevated moraine landform with plateaus, hummocky hills and remnant kettle lakes. The exceptions to this are a band of flat land (effectively part of Malaghans Valley) running along the northern margins., a roche moutonnée (ONF) in the north-eastern quadrant adjacent Malaghans Road and a small flat triangular parcel at the eastern end of the unit.
Vegetation patterns	Extensive exotic amenity planting around buildings and throughout golf course, native riparian and pond edge plantings. Dense evergreen shelterbelt plantings along much of the Malaghans Road frontage. Appreciable stand of native bush in steep-sided gully around Waterfall Park. Generally, manicured lawn and parkland plantings dominate.
Hydrology	Numerous watercourses and amenity ponds.
Proximity to ONL/ONF	Unit includes an ONF (roche moutonnée). Mid to long-range views to surrounding ONL mountain context.

Landscape Character Unit	23: Millbrook
Character Unit boundaries	North: Malaghans Road. East: McDonnell Road, cadastral boundary, Arrowtown Lake Hayes Road. South: Millbrook Special zone boundary. West: Millbrook Special zone boundary.
Land use	Golf course, commercial and rural residential uses dominate. A small area of grazing land around the roche moutonnée.
Settlement patterns	Generally, the area is relatively intensively developed with substantial clusters of two-storey semi-detached and terraced housing units throughout the golf course area, accessed via a complex patterning of semi-rural lanes. Generally, development is set into either a comprehensive parkland setting (Millbrook) or a comprehensive bush setting (Waterfall Park Special Zone – undeveloped). Pockets of more spacious rural residential development in places along Arrowtown Lake Hayes Road. Additional and similarly-scaled development is anticipated throughout the western portion of the Millbrook Special Zone. This area will be flanked by a golf course and landscape protection areas on its ‘exposed’ western margins. Large lot single ownership.
Proximity to key route	Located on Malaghans Road which comprises an important scenic route between Queenstown and Arrowtown. Also located on Arrowtown Lake Hayes Road – a popular route between Queenstown and Arrowtown.
Heritage features	Two heritage buildings/features identified in PDP.
Recreation features	Council walkway/cycleway through Millbrook (forms part of the Queenstown Trail ‘Countryside Ride’). Golf course, restaurant, etc.
Infrastructure features	Reticulated sewer, water and stormwater.
Visibility/prominence	The dense evergreen shelterbelt plantings along Malaghans Road mean that the majority of development within Millbrook is screened from the much of Malaghans Road. The more open character at the eastern end of the unit is such that the eastern portion of Millbrook is visible from the eastern end of Malaghans Road, Arrowtown Lake Hayes Road and the elevated north western margins of Arrowtown. Buildings are however relatively unobtrusive in these views as a consequence of the well-established parkland plantings. The far eastern triangular area is visually connected to Arrowtown. Waterfall Park (unbuilt) obscured from view by landform and vegetation patterns. The unit is also visible from the western edges of the Crown Terrace, the tracks throughout the ONL to the east (Mt Beetham environs) and the zigzag lookout. The diminishing influences of distance and relative elevation in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit’s prominence.

Landscape Character Unit	23: Millbrook
Views	<p>Key views relate to the view out over the area from the tracks throughout the ONL to the east (Mt Beetham environs) and the zig zag lookout. In these views the area reads as a part of the swathe of relatively low lying, undulating rural/rural residential land flanking Arrowtown.</p> <p>The outlooks from Arrowtown Lake Hayes Road and the north-western margins of Arrowtown which comprise a relatively attractive, golf course / parkland landscape on the edge of Arrowtown.</p> <p>The unit affords attractive long-range views to the surrounding ONL mountain setting.</p> <p>The containment of vegetation and localised hummocks means that a relatively limited number of dwellings are visible from the surrounding area (excepting areas at high elevation).</p>
Enclosure/openness	A variable sense of enclosure and openness deriving primarily from vegetation patterns.
Complexity	Generally, a relatively complex unit as a consequence of the landform and vegetation patterns, together with the dense arrangement of buildings.
Coherence	The relatively consistent planting treatment and architectural forms lend a reasonably strong degree of coherence to the Millbrook development. The varying planting and architectural styles associated with the handful of rural residential lots on Arrowtown Lake Hayes Road means that these parts of the unit display a reduced perception of coherence.
Naturalness	The unit displays a low level of naturalness as a consequence of the level of existing and anticipated development.
Sense of Place	<p>Generally, the unit reads as an intensively-developed attractive urban settlement set within a parkland landscape.</p> <p>The area also forms part of the swathe of golf courses that frame the western and southern edges of Arrowtown and effectively function as a greenbelt to the village.</p> <p>The far eastern triangle comprises a discrete flat area that contrasts with the more rolling golf course/parkland landscape to the west and south (LCU 22) and associates more closely with the adjacent urban area of Arrowtown.</p>
Potential landscape issues and constraints associated with additional development	<p>Existing density of development and the issue of absorbing additional development without compromising existing (urban) parkland feel.</p> <p>Ensuring existing development character does not sprawl westwards and southwards into the existing, 'more rural' areas.</p> <p>Private golf course and previous (recent) resource consent processes suggests limited further capability for development.</p>
Potential landscape opportunities and benefits associated with additional development	<p>Relatively visually discreet nature of the location (due to landform and vegetation patterns).</p> <p>Close proximity to Arrowtown.</p> <p>Urban infrastructure.</p> <p>Large-scaled lots suggest potential for subdivision.</p>
Environmental characteristics and visual amenity values to be maintained and enhanced	<p>Attractive urban parkland character.</p> <p>Landscape coherence.</p>

Landscape Character Unit	23: Millbrook
Capability to absorb additional development	Moderate: majority of unit High: triangular area at far eastern end of the unit

24: Arrowtown South

Landscape Character Unit	24: Arrowtown South
Landform patterns	The unit encompasses the flat to gently rolling land on the south side of Arrowtown and includes the steep escarpment that currently defines the south western edge of the village.
Vegetation patterns	Extensive exotic amenity planting around buildings and throughout the public golf course. A mix of native and weeds species along watercourses. Native and amenity pond edge plantings (in golf course) Scrub and weeds throughout escarpment. Extensive amenity plantings anticipated throughout the Arrowtown Lifestyle Retirement Village SHA (unbuilt).
Hydrology	A watercourse (running roughly parallel with McDonnell Road) and amenity ponds.
Proximity to ONL/ONF	Unit adjoins ONL (WB) along east boundary. Mid to long-range views to surrounding ONL mountain context.
Character Unit boundaries	North: Arrowtown Urban Growth Limit. East: ONL/study area boundary. South: cadastral boundaries. West: McDonnell Road, toe of hummocky hill landform pattern.
Land use	Golf course, rural residential (Arrowtown South Structure Plan) and retirement village (Arrowtown Lifestyle Retirement Village SHA) uses dominate. Open grazing land is required along the McDonnell Road frontage of the Arrowtown South Structure Plan area.
Settlement patterns	The Arrowtown South Special Zone anticipates a reasonably spacious patterning of rural residential development together with extensive riparian and escarpment restoration, pastoral areas and a landscape framework throughout the south western edges of Arrowtown to create an attractive edge to the settlement in conjunction with the adjacent golf courses and roads. The Arrowtown Lifestyle Retirement Village SHA anticipates an urban patterning of buildings ranging from one storey units along the McDonnell Road edge to three storey buildings in the central western margins of the area. Typical lot sizes: <ul style="list-style-type: none"> • Predominantly 4-10ha. • Some larger lots 10-20ha. The Arrowtown Lifestyle Retirement Village will have implications for future settlement patterns for the land around it south and west of McDonnell Road.

Landscape Character Unit	24: Arrowtown South
Proximity to key route	Located on Centennial Avenue and Mc Donnell Road, both of which comprise a popular routes between Arrowtown and SH6 / Arrow Junction.
Heritage features	Four heritage buildings/features identified in PDP.
Recreation features	No Council walkways/cycleways through the unit.
Infrastructure features	Reticulated sewer in part. No reticulated water and stormwater although it is expected that the Arrowtown Lifestyle Retirement Village SHA will be fully serviced.
Visibility/prominence	The area is visible from the elevated streets along the western edge of Arrowtown. The relatively close proximity means that the unit is prominent in the outlook. The unit is also visible from McDonnell Road and Centennial Avenue. Like The Hills, the unit is also visible from the western edges of the Crown Terrace, the tracks throughout the ONL to the east (Mt Beetham environs) and the zigzag lookout. The diminishing influences of distance and relative elevation in conjunction with the relative unimportance (visually) of the unit within the wider panorama reduces the unit's prominence.
Views	Key views relate to the view out over the area from the tracks throughout the ONL to the east (Mt Beetham environs) and the zig zag lookout. In these views the area reads as a part of the swathe of relatively low lying, undulating rural/rural residential land flanking Arrowtown. The outlooks from McDonnell Road, Centennial Avenue and the western margins of Arrowtown comprise a golf course and rural residential landscape on the edge of Arrowtown. The relatively wild and unkempt escarpment forms a prominent element in views from McDonnell Road. The recently approved Arrowtown Lifestyle Retirement Village SHA comprising a distinctly urban one - three storey high density retirement village development will also be visible in each of these outlooks (albeit to a varying degree depending on location). From within the unit, key views are expected to relate to the attractive long-range views to the surrounding ONL mountain setting.
Enclosure/openness	A variable sense of enclosure and openness deriving primarily from localised landform and vegetation patterns. The escarpment to the north east of the unit and the hummocky landform of The Hills to the south west provide containment to the McDonnell Road portion of the unit.
Complexity	Generally, a relatively complex unit as a consequence of the landform and vegetation patterns (golf course area), together with the dense arrangement of buildings (SHA area).
Coherence	A limited perception of coherence as a consequence of the varying landform and vegetation patterns and the somewhat anomalous urban character of development associated with the approved SHA located at some distance from the legible village edge (i.e. the escarpment).

Landscape Character Unit	24: Arrowtown South
Naturalness	The unit displays a low level of naturalness as a consequence of the level of existing and anticipated built development together with the golf course patterning. The relatively wild and unkempt character of the escarpment counters this to a limited degree.
Sense of Place	Generally, the unit reads as part of the swathe of golf courses and rural residential development that frame the western and southern edges of Arrowtown and effectively function as a 'greenbelt' to the village. However, this 'greenbelt' effect, together with the legibility of the escarpment as a robust defensible edge to Arrowtown has been significantly compromised by the Arrowtown Lifestyle Retirement Village SHA which confers a distinctly urban character in a prominent and sizeable part of the unit.
Potential landscape issues and constraints associated with additional development	Extent to which the unit can continue to operate as a 'greenbelt' to Arrowtown. Role of the escarpment as an edge to the village. Ensuring urban residential development is constrained within defensible boundaries and does not sprawl westwards and southwards in an uncontrolled manner into the existing, 'more rural' areas. Public golf course facility.
Potential landscape opportunities and benefits associated with additional development	Golf course landscape potentially suited to accommodating a reasonably high level of development (e.g. Millbrook). Close proximity to Arrowtown. Close proximity to urban infrastructure. Large-scaled lots suggest potential for subdivision. Urbanising effects of the approved Queenstown Country Club SHA suggest a tolerance for (sensitive) urban development. Potential for integration of walkways/cycleways. Riparian restoration potential. Easy topography.
Environmental characteristics and visual amenity values to be maintained and enhanced	Views from McDonnell Road and Centennial Avenue to the surrounding mountain/river context. Reinforcing/ re-establishing a robust and defensible edge to Arrowtown.
Capability to absorb additional development	High

Appendix 2: Variations to Chapters 2, 22, 27 and 36 as Recommended

Variation to Stage 1 Definition of Site Chapter 2:

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

Site	<p><u>Means:</u></p> <p><u>Any area of land which meets one of the descriptions set out below:</u></p> <p>(a) <u>An area of land which is:</u></p> <ul style="list-style-type: none">(i) <u>Comprised of one allotment in one certificate of title, or two or more contiguous allotments held together in one certificate of title, in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or</u>(ii) <u>Contained in a single lot on an approved survey plan of subdivision for which a separate certificate of title could be issued without any further consent of the council;</u> <p><u>Being in any case the smaller area of clauses (i) or (ii) above; or</u></p> <p>(b) <u>An area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are:</u></p> <ul style="list-style-type: none">(i) <u>Subject to a condition imposed under section 75 of the Building Act 2004; or</u>(ii) <u>Held together in such a way that they cannot be dealt with separately without the prior consent of the council; or</u> <p>(c) <u>An area of land which is:</u></p> <ul style="list-style-type: none">(i) <u>Partly made up of land which complies with clauses (a) or (b) above; and</u>(ii) <u>Partly made up of an interest in any airspace above or subsoil below a road where (a) and (b) are adjoining and are held together in such a way that they cannot be dealt with separately without the prior approval of the council;</u> <p><u>Except in relation to each description that in the case of land subdivided under the Unit Titles Act 1972 and 2010, the cross lease system or stratum subdivision, 'site' must be deemed to be the whole of the land subject to the unit development, cross lease or stratum subdivision.</u></p>
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1. An area of land which is:

- (i) — comprised in a single lot or other legally defined parcel of land and held in a single Certificate of Title; or
- (ii) — comprised in a single lot or legally defined parcel of land for which a separate certificate of title could be issued without further consent of the Council.

Being in any case the smaller land area of i or ii, or

2. an area of land which is comprised in two or more adjoining lots or other legally defined parcels of land, held together in one certificate of title in such a way that the lots/parcels cannot be dealt with separately without the prior consent of the Council; or

3. an area of land which is comprised in two or more adjoining certificates of title where such titles are:

- (i) — subject to a condition imposed under section 37 of the Building Act 2004 or section 643 of the Local Government Act 1974; or
- (ii) — held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or

4. In the case of land not subject to the Land Transfer Act 1952, the whole parcel of land last acquired under one instrument of conveyance;

Except:

- (i) — in the case of land subdivided under the cross lease of company lease systems, other than strata titles, site shall mean an area of land containing: —

- a) — a building or buildings for residential or business — purposes with any accessory buildings(s), plus any — land exclusively restricted to the users of that/those — building(s), plus an equal share of common property; or

- b) — a remaining share or shares in the fee simple creating a vacant part(s) of the whole for future cross lease or company lease purposes; and

- ii — in the case of land subdivided under Unit Titles Act 1972 and 2010 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units and an equal share of common property; and

~~iii — in the case of strata titles, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision.~~

~~In addition to the above.~~

~~a) — A site includes the airspace above the land.~~

~~b) — If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary.~~

~~e) — Where a site is situated partly within the District and partly in an adjoining District, then the part situated in the District shall be deemed to be one site.~~

Amendments to Chapter 6 Landscapes and Rural Character

Add new Policy 6.3.3A after Policy 6.3.3

6.3.3A Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zone, within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).

Variation to Stage 1 Rural Residential and Rural Lifestyle Chapter 22:

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

Part 22.1 Zone Purpose.

Paragraphs 5 and 6:

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

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

Provision 22.3.2.9

In addition to Tables 1 and 2, the following standards apply to the areas specified:

~~Table 3: Rural Lifestyle Deferred and Buffer Zones~~

~~Table 43: Rural Residential Zone at Forest Hill.~~

~~Table 54: Rural Residential Bob’s Cove and Sub Zone.~~

~~Table 6: Ferry Hill Rural Residential Sub Zone.~~

~~Table 5: Rural Residential Zone at Camp Hill.~~

~~Table 76: Wyuna Station Rural Lifestyle Zone.~~

Rule 22.5.4.3.

~~22.5.4.3 — Rural Residential zone at the north of Lake Hayes — 15m~~

Table 3: Rules 22.5.14 to 22.5.18

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

Table 6. Rules 22.5.33 to 22.5.37

	Table 6: Ferry Hill Rural Residential Sub Zone Refer to Part 22.7.2 for the concept development plan	Non-compliance:
22.5.33	Density There shall be no more than one residential unit per lot.	NC
22.5.34	Building Height The maximum building height shall be 6.5m for lots 9-15 on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. Chimney and ventilation structures may be 7.2m high in this sub-zone.	D
22.5.35	Building Location The location of buildings shall be in accordance with the Concept Development Plan for the Ferry Hill Rural Residential sub-zone, in rule 22.7.2.	D
22.5.36	Design Standards Within Lots 9-15 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone: 22.5.36.1 The roof pitch shall be between 20° and 30° and roof dormers and roof lights are to be incorporated in the roof pitch; 22.5.36.2 Roof finishes of buildings shall be within the following range: Slate shingle, cedar shingle, steel roofing (long run corrugated or tray) in the following colours, or similar, only: Coloursteel colours New Denim Blue, Grey Friars, Ironsand or Lignite; 22.5.36.3 Wall claddings of buildings shall be within the following range: cedar shingles, natural timber (clear stain), painted plaster in the following colours or equivalent: Resene 5YO18, 5B025, 5B030, 4GR18, 1B55, 5G013, 3YO65, 3YO20; stone cladding provided the stone shall be limited to Otago schist only and all pointing/mortar shall be recessed.	D
22.5.37	Landscaping 22.5.37.1 Any application for building consent shall be accompanied by a landscape plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. 22.5.37.2 The landscape plan shall ensure: a. That the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner which enhances naturalness; and	D

Variation to Stage 1 Subdivision and Development Chapter 27:

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

Amend Chapter 27 by inserting the following restricted discretionary activity rule into the table of Subdivision Activities – District Wide rules following Rule 27.5.1:

27.5.9 All subdivision activities, unless otherwise provided for, in the Wakatipu Basin Rural Amenity Zone or the Wakatipu Basin Lifestyle Precinct.

Discretion is restricted to:

- a. Location of building platforms and accessways
- b. Subdivision design and lot layout including the location of boundaries, lot sizes and dimensions;
- c. Location, scale and extent of landform modification, and retaining structures;
- d. Property access and roading;
- e. Esplanade provision;
- f. Natural and other hazards;
- g. Firefighting water supply and access;
- h. Water supply;
- i. Network utility services, energy supply and telecommunications;
- j. Open space and recreation provision;
- k. Ecological and natural landscape features;
- l. Historic Heritage features;
- m. Easements;
- n. Vegetation removal, and proposed planting;
- o. Fencing and gates;
- p. Wastewater and stormwater management;
- q. Connectivity of existing and proposed pedestrian networks, bridle paths, cycle networks;
- r. Adverse cumulative impacts on ecosystem services and nature conservation values.

Amend Chapter 27 by inserting the following discretionary activity rule into the table of Subdivision Activities – District Wide rules following Rule 27.5.1:

27.5.18A Within the Wakatipu Basin Lifestyle Precinct, subdivision which does not comply with the minimum net site area specified in Part 27.6 provided that the minimum net site area is not less than 4,000m² and the average area of all lots in the subdivision is not less than 1.0ha per lot..

Amend Chapter 27 by inserting the following non-complying activity rules into the table of Subdivision Activities – District Wide rules following Rule 27.5.1:

27.5.18B Within the Wakatipu Basin Lifestyle Precinct, subdivision with a minimum net site area less than 4,000m² or where the average area of lots in the subdivision is less than 1.0ha per lot.

27.5.26 The further subdivision of an allotment that has previously been used to calculate the average lot size net site area for subdivision in the Wakatipu Basin Lifestyle Precinct,

except where the further subdivision and any prior subdivision together complies with Rule 27.6.1.

Amend Chapter 27 by amending the table under Rule 27.6.1 as follows:

Zone		Minimum Lot Area
Rural	Rural	No minimum
	Gibbston Character	
	<u>Wakatipu Basin Rural Amenity Zone</u>	<u>80ha</u>
	<u>Wakatipu Basin Lifestyle Precinct</u>	<u>6000m²</u> <u>1.0ha minimum average</u>
Rural Lifestyle	Rural Lifestyle	One hectare providing the average lot size is not less than 2 hectares. For the purposes of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.
	Rural Lifestyle Deferred A and B.	No minimum, but each of the two parts of the zone identified on the planning map shall contain no more than two allotments.
	Rural Lifestyle Buffer.	The land in this zone shall be held in a single allotment
Rural Residential	Rural Residential	4000m ²
	Rural Residential Bob's Cove sub-zone	No minimum, providing the total lots to be created, inclusive of the entire area within the zone shall have an average of 4000m ² .
	Rural Residential Ferry Hill Subzone	4000m² with no more than 17 lots created for residential activity

Amend Objective 27.7.6 and Policy 27.7.6.1- Location Specific objectives, policies and provisions

~~**27.7.6 Objective - Ferry Hill Rural Residential Sub Zone – Maintain and enhance visual amenity values and landscape character within and around the Ferry Hill Rural Residential Sub Zone.**~~

Policies

~~27.7.6.1 At the time of considering a subdivision application, the following matters shall be had particular regard to:~~

- ~~• The subdivision design has had regard to minimising the number of accesses to roads;~~

- ~~the location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access;~~
- ~~The extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone;~~
- ~~The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road.~~

Insert the following after clause 27.9.3.2:

<p><u>27.9.3.3</u></p>	<p><u>Assessment Matters in relation to Rule 27.5.9 (Wakatipu Basin Rural Amenity zone and Wakatipu Basin Lifestyle Precinct Subdivision Activities)</u></p> <p><u>General</u></p> <p>a. <u>The extent to which the proposal is consistent with objectives and policies relevant to the matters of discretion.</u></p> <p>b. <u>The extent to which the subdivision provides for low impact design that avoids or mitigates adverse effects on the environment.</u></p> <p><u>Subdivision Design</u></p> <p>c. <u>The extent to which the location of future buildings, ancillary elements and the landscape treatment complements the existing landscape character, visual amenity values and wider amenity values of the Wakatipu Basin Rural Amenity Zone or Wakatipu Basin Lifestyle Precinct, including consideration of:</u></p> <ul style="list-style-type: none"><u>i. the retention of existing vegetation and landform patterns;</u><u>ii. the alignment of lot boundaries in relation to landform and vegetation features and neighbouring development;</u><u>iii. earth mounding, and framework planting to integrate buildings and accessways;</u><u>iv. planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.8 – Landscape Character Units;</u><u>v. riparian restoration planting;</u><u>vi. the retirement and restoration planting of steep slopes over 15° to promote slope stabilisation and indigenous vegetation enhancement;</u><u>vii. how controls addressing such matters as building height, building colours and materials, building coverage, earthworks, retaining, fencing, gates, accessways (including paving materials), external lighting, domestic infrastructure (including water tanks), vegetation removal, and proposed plantings might be incorporated in the development in a manner ensuring ongoing compliance;</u><u>viii. the integration of existing and provision for new public walkways and cycleways/bridlepaths.</u> <p>d. <u>The extent to which existing covenants or consent notice conditions need to be retained or are otherwise integrated into the conditions governing the proposed development so as to ensure that landscape character and visual amenity values are maintained or enhanced.</u></p> <p>e. <u>The extent to which the development maintains visual amenity from public places and neighbouring properties.</u></p> <p>f. <u>Whether clustering of future buildings or varied allotment sizes as part of subdivision design would offer a better solution for maintaining a sense of openness and spaciousness, or the integration of development with existing landform, vegetation or settlement patterns.</u></p> <p>g. <u>The extent to which the development avoids, remedies or mitigates adverse effects on the features, elements and patterns that contribute to the value of adjacent or nearby ONLs and ONFs. This includes consideration of an appropriate setback from</u></p>
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such features as well as the maintenance of views from public roads and other public places to the surrounding ONL and ONF context.

- h. The extent to which development adversely affects Escarpment, Ridgeline and River Cliff Features shown on the planning maps, and in particular the visual amenity values of those features in views from public places outside of the Wakatipu Basin Lifestyle Precinct.
- i. Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds and consent notices.
- j. Whether the layout of reserves and accessways provides for adequate public access and use.
- k. Whether the proposed subdivision provides an opportunity to maintain landscape character and visual amenity through the registration of covenants or consent notices requiring open space to be maintained in perpetuity.

Access and Connectivity

- l. Whether proposed sites are located and designed so that each site has a minimum frontage that provides for practical, legal and safe access from a formed public road that is suitable for both normal road going vehicles and construction traffic.
- m. Whether the location and design of any proposed pedestrian, cycle, bridlepaths and vehicle accessways on the proposed site(s) avoid or minimise any adverse effects on soil stability, landform patterns and features, and vegetation.
- n. Whether subdivision provides for safe and practical pedestrian paths and cycle ways (whether sealed or unsealed) and bridle paths that are located in a manner which connect, or have the potential to connect, to reserves (existing or proposed), roads and existing rural walkways.
- o. Whether site design recognises any impact of roading and access on waterbodies, ecosystems, drainage patterns and ecological values.
- p. Whether any subdivision provides for future roads to serve surrounding land or for road links that need to pass through the subdivision.

Infrastructure and Services

- q. Ensuring there is sufficient capacity and treatment to provide for the safe and efficient disposal of stormwater and wastewater from possible future development without adversely affecting natural water systems and ecological values.
- r. Ensuring the design of stormwater and wastewater disposal systems incorporate measures to reduce runoff rates where there may be damage caused to natural waterway systems.
- s. Whether any subdivision proposal demonstrates how any natural water system on the site will be managed, protected or enhanced.
- t. Whether subdivision provides for an adequate and reliable supply of potable water to each proposed site.
- u. Whether subdivision provides for an adequate and reliable supply of emergency water supply to each site in the event of fire.

- v. Whether subdivision has sufficient capacity for the disposal of any effluent or other wastewater flow within the boundaries of each proposed site regardless of seasonal variations and loading.
- w. Assessing where more than one site will be created, whether a shared or individual wastewater treatment and disposal system is the most appropriate, having regard to any known physical constraints.
- x. Considering the extent to which easements and consent notices should be applied to protect the integrity of stormwater and/or wastewater treatment and disposal systems.
- y. Assessing the extent to which access easements should provide for lines, including electric lines, telecommunication lines and other lines, where such lines or cables are or may be located within any private property and serve other properties or sites.
- z. Whether sites can be connected to services such as telecommunications and electricity using low impact design methods including undergrounding of services.

Natural Environment and Cultural values

- aa. Considering the extent to which the subdivision provides for ecological restoration and enhancement. Ecological enhancement may include enhancement of existing vegetation, replanting and weed and pest control.
- bb. Assessing the extent to which the subdivision and subsequent land use on the proposed site(s) adversely affects the historical, cultural or spiritual significance of any site or waahi tapu of significance to iwi.
- cc. Assessing the extent to which the subdivision design and layout preserves and enhances areas of archaeological, cultural or spiritual significance.
- dd. Assessing the extent to which the integrity of any identified heritage feature(s) is maintained and enhanced.
- ee. Considering the benefits of the removal of identified wilding exotic trees.

Earthworks and Hazards

- ff. Considering how earthworks can be undertaken in a manner which mitigates and remedies adverse effects from soil erosion and the generation of sediments into receiving environments.
- gg. Considering whether earthworks are likely to have adverse effects on landscape character or visual amenity values which cannot be avoided, remedied or mitigated.
- hh. Considering the extent to which subdivision will increase the risks associated with any natural hazard and/or how the subdivision avoids, remedies or mitigates any hazard prone area.
- ii. Considering the extent to which contaminated or potentially contaminated soil is able to be treated or disposed of.
- jj. Where the subdivision land includes waterbodies, considering the extent to which remediation measures and methodologies can be employed to avoid, remedy or mitigate any adverse effects on human health, water quality, and to the downstream receiving environment.

	<p>kk. <u>Considering whether consent notices or other protective instruments are needed to ensure that any hazard or contamination remediation measures and methodologies are implemented at the time of development.</u></p>
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27.8 Rules - Location Specific Standards

Delete.

~~27.8.6 — Ferry Hill Rural Residential sub-zone~~

~~27.8.6.1 — Notwithstanding any other rules, any subdivision of the Ferry Hill Rural Residential sub-zone shall be in accordance with the subdivision design as identified in the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.~~

~~27.8.6.2 — Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall be retained for Landscape Amenity Purposes and shall be held in undivided shares by the owners of Lots 1-8 and Lots 11-15 as shown on the Concept Development Plan.~~

~~27.8.6.3 — Any application for subdivision consent shall:~~

- ~~a — Provide for the creation of the landscape allotments(s) referred to in rule 27.8.6.2 above;~~
- ~~b — Be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in rule 27.8.6.2 above;~~
- ~~c — Be accompanied by a Landscape Plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. The landscape Plan shall ensure:

 - ~~• That the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner that enhances naturalness; and~~
 - ~~• That residential development is subject to screening along Tucker Beach Road,~~~~

~~27.8.6.4 — Plantings at the foot of, on, and above the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.~~

~~27.8.6.5 — Plantings elsewhere may include maple as well as indigenous species.~~

~~27.8.6.6 — The on-going maintenance of plantings established in terms of rule 27.8.6.3 above shall be subject to a condition of resource consent, and given effect to by way of consent notice that is to be registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.~~

~~27.8.6.7 — Any subdivision shall be subject to a condition of resource consent that no buildings shall be located outside the building platforms shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. The condition shall be subject to a consent notice~~

~~that is registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.~~

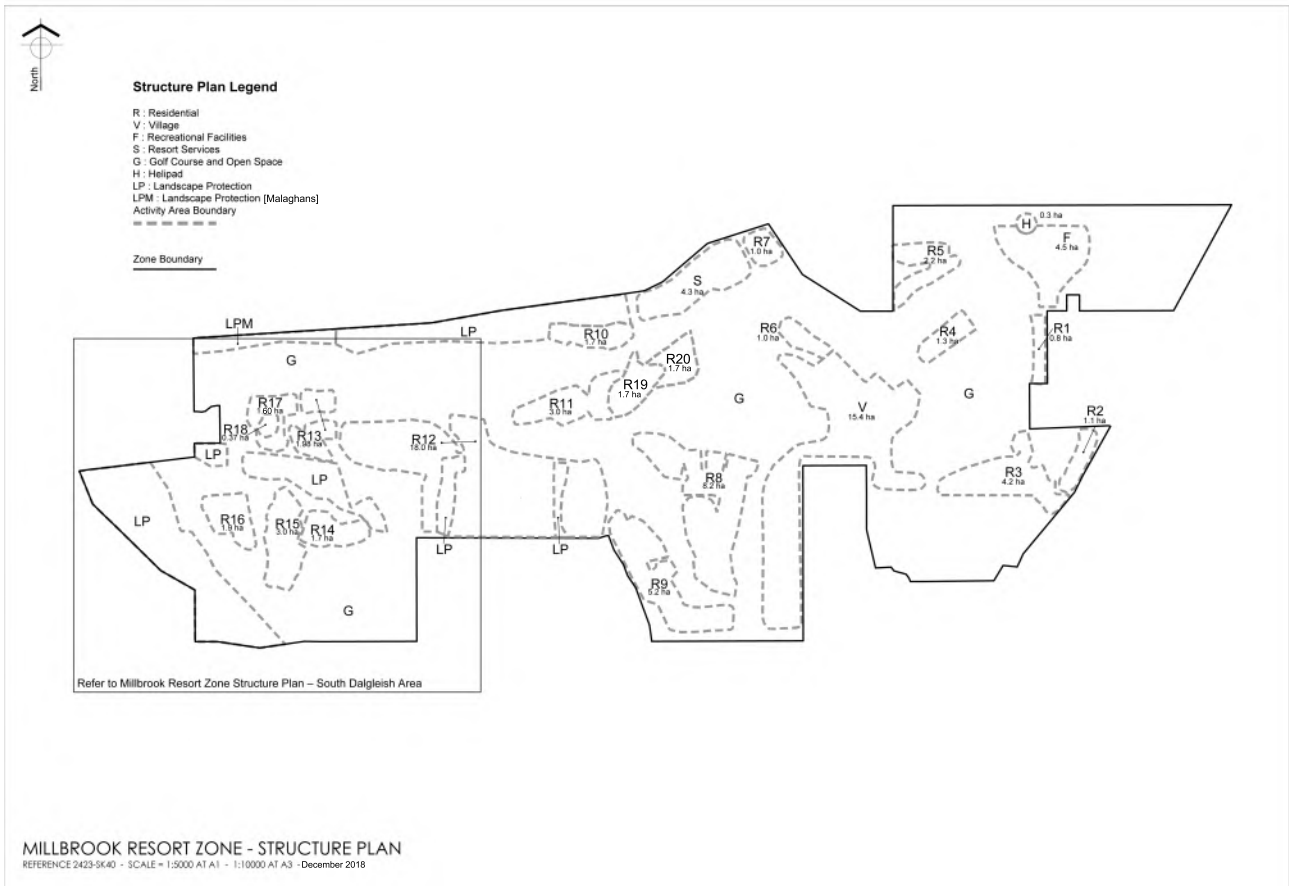
~~27.8.6.8 Any subdivision of Lots 1 and 2 DP 26910 shall be subject to a condition of resource consent that no residential units shall be located and no subdivision shall occur on those parts of Lots 1 and 2 DP 26910 zoned Rural General and identified on the planning maps as a building restriction area. The condition shall be subject to a consent notice that is to be registered and deemed to be a covenant pursuant to section 221(4) of the Act.~~

27.13 Structure Plans and Spatial Layout Plans

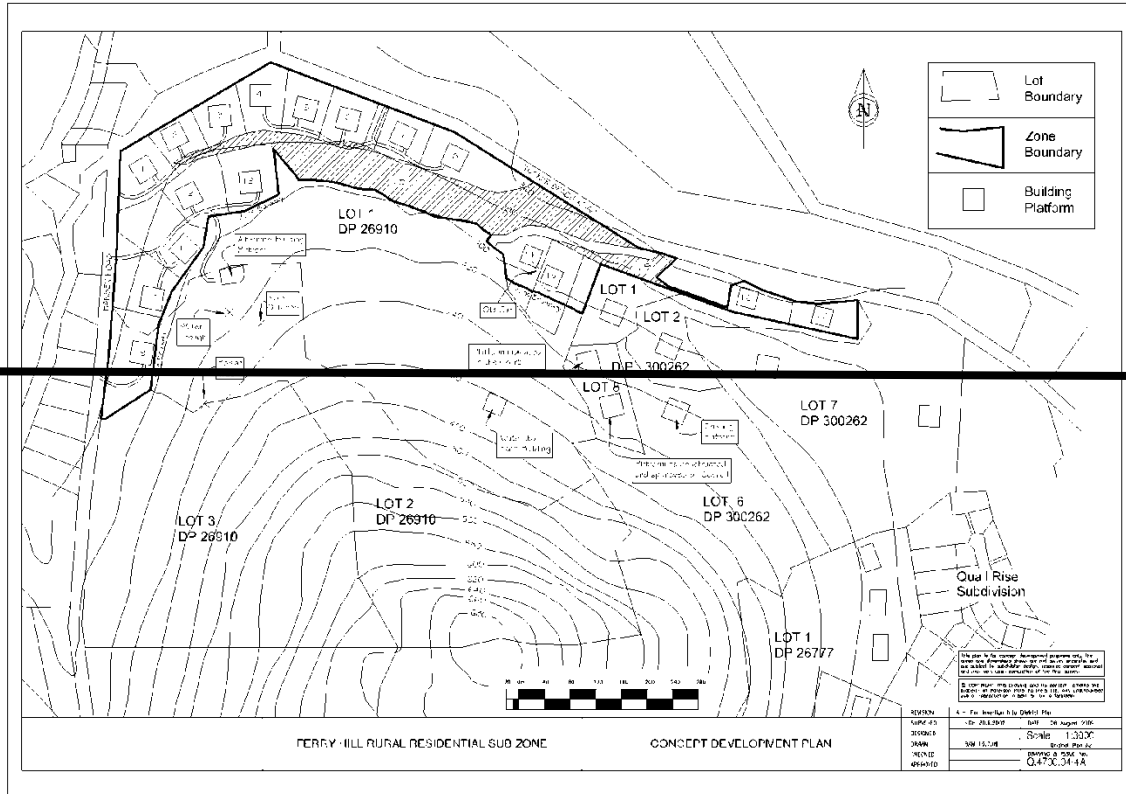
Amend 27.13.3 Waterfall Park Structure Plan



Amend 27.13.4 Millbrook Structure Plan



27.13.1 Ferry Hill Rural Residential Subzone



Variation to Stage 1 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
	Activity or sound source	Assessment location	Time	Noise limits	
36.5.1	<u>Wakatipu Basin Rural Amenity Zone</u>	Any point within the notional boundary of a residential unit.	0800h to 2000h	50 dB L _{Aeq(15 min)}	NC
			2000h to 0800h	40 dB L _{Aeq(15 min)} 75 dB L _{AFmax}	NC
36.5.2	<u>Wakatipu Basin Lifestyle Precinct</u>	Any point within any site	0800h to 2000h	50 dB L _{Aeq(15 min)}	NC
			2000h to 0800h	40 dB L _{Aeq(15 min)} 75 dB L _{AFmax}	NC

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report and recommendations of Independent Commissioners
regarding mapping of Wakatipu Basin and Arrowtown
(includes Stage 1 submissions not previously heard)

Report 18.2 – Mapping Introduction

Commissioners

Denis Nugent (Chair)

Rachel Dimery

Trevor Robinson

Quentin Smith

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Appendix 1: Recommendations on Submissions and Further Submissions on Mapping Where Submitter did not Appear

1. Introduction

1.1 Background and approach

1. Report 18.1 sets out our recommendations regarding Chapter 24. It provides an overview of the general approach taken¹, including the zoning principles which we considered, where relevant, in preparing our recommendations on submissions.
2. The abbreviations used in this report are those used in Report 18.1.
3. When the Stream 13 Hearing Panel made recommendations on the mapping submissions in the Queenstown area in Stage 1, those submissions relating to land within the Wakatipu Basin, including Arrowtown, and on the Crown Terrace were deferred to be heard with submissions on the zonings within the Wakatipu Basin notified in Stage 2. The Stream 13 Panel also deferred any recommendations on parts of property holdings around the edges of the Wakatipu Basin where the property was subject to a Stage 1 zoning (generally Rural), but in part subject to a Stage 2 zone. It also included the land within ONLs or ONFs within the Wakatipu Basin notified in Stage 1 (such as Slope Hill, Lake Hayes and Morven Hill).
4. A consequence of this situation is that, while our reports and recommendations are focused on those sites subject to submissions, we also recommend that the Council confirm the zoning of land which was notified in August 2015, but not subject to either submissions or decisions on Stage 1 zoning in May 2018, nor subject to a Stage 2 zoning notified in November 2017. These areas are included in the set of Planning Maps, which will accompany these reports when the Council considers our recommendations, but not specifically identified in these reports. The extent of the area at issue is shown on Figure 1 below.
5. We also note that some parts of the Wakatipu Basin were rezoned one of the Open Space and Recreation Zones in Stage 2. These areas included Coronet Forest and reserve lands on the banks of the Shotover and Kawarau Rivers. Submissions on those zonings have been heard and dealt with in Stream 15 (Report 19.6). In addition, submissions lodged by Bridesdale Farm Developments Limited² seeking the rezoning of the river flats portion of the Bridesdale land has been dealt with in Stream 15, while those parts of the same submissions seeking relocation of the ONL boundary and rezoning for urban purposes have been dealt with in these reports (Report 18.11).

1.2 Structure of the Mapping Reports

6. We were grateful to the Council staff for their detailed analysis of submissions presented in their Section 42A Reports. We did, however, form the view that analysing submissions by Landscape Character Unit (LCU) resulted in some unnecessary duplication. For example, the X-Ray Trust Limited and Avenue Trust³ submission related to land in two adjoining LCUs. For this reason, we have grouped our recommendations according to the areas we describe below, as shown in Figure 1. We have prepared a separate report (Reports 18.3 -18.11 inclusive) for each of the nine areas shown on Figure 1. There remain a few instances where submissions straddle two different areas

¹ See Section 2

² Submissions 655 and 2391

³ Submission 2619

based on our groupings. Where this is the case, we have noted this at the start of each report and have referred the reader to the report the submission is addressed in.

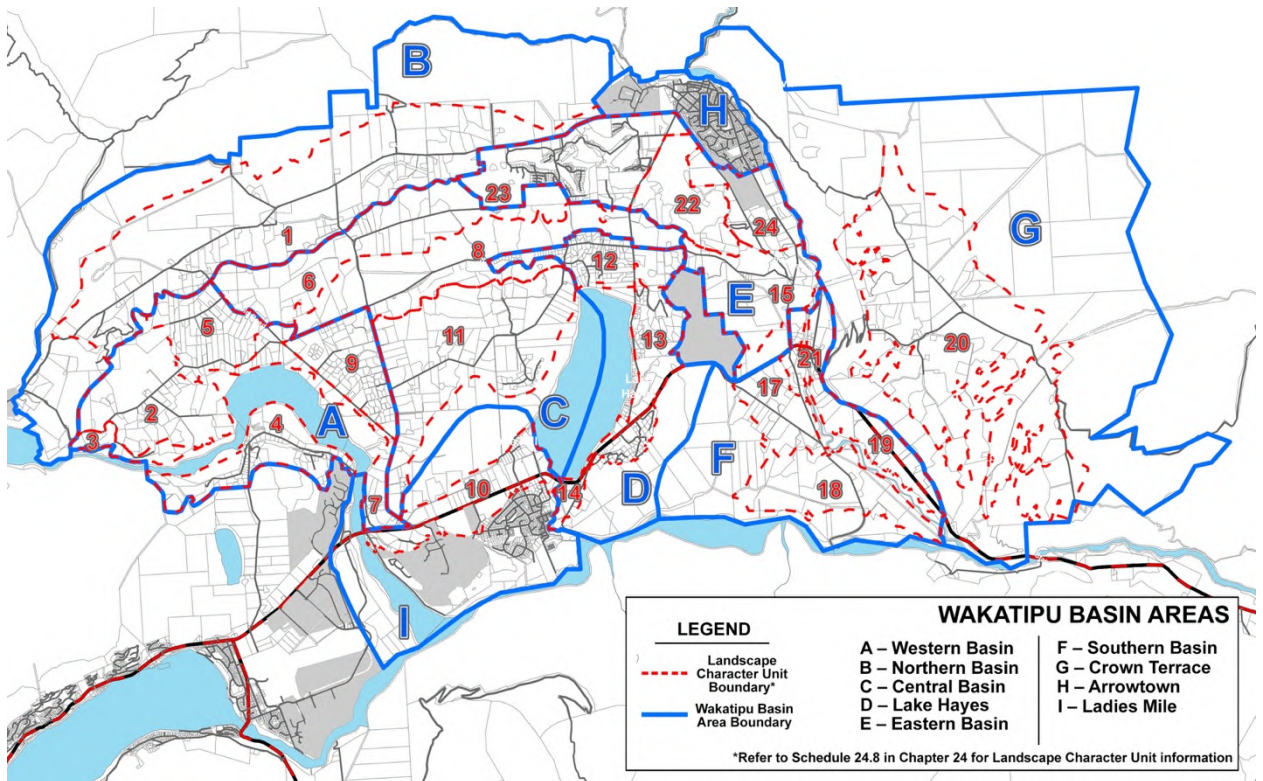


Figure 1: Areas used when considering submissions

7. A total of 272 submissions sought map amendments in this Hearing Stream. Of those, 146 were submissions lodged in Stage 1 that had not been heard pending the notification of Stage 2. While many of those submissions were overtaken by the introduction of the Rural Amenity Zone and the Lifestyle Precinct, there remained Stage 1 submissions on the following:
 - a. Location of ONL/ONF boundaries;
 - b. Location of Urban Growth Boundaries;
 - c. Zoning of land within and adjacent to the urban area of Arrowtown not affected by Stage 2; and
 - d. Zoning of land either side of Ladies Mile, in Lake Hayes Estate, and along the true left bank of the Kawarau River, that was not affected by Stage 2 zonings.

8. Submissions relating to zoning, the location of boundaries for ONLs and ONFs and the location of mapped Landscape Features are discussed within the report that corresponds with each area (e.g. submissions relating to Area A – Western Basin are discussed in Report 18.3). We note that we have recommended a name change for Landscape Features to Escarpment, Ridgeline and River Cliff Features. The reasons for this change are explained in Report 18.1. To avoid confusion, we have continued to refer to Landscape Features in our discussion in this report and Reports 18.3 -18.11.

9. In considering each group of submissions, we have carefully considered the submissions and evidence presented at the hearing. As outlined in Report 18.1, in cases where the submission did not contain supporting material and no evidence was presented at the hearing, we have generally recommended the submission be rejected unless evidence was presented by Council officers on which to base our recommendations. Where the Council officers recommended acceptance of such submissions, we have discussed them in the relevant report. Otherwise, our recommendations on the submissions for which we received no supporting evidence (and any relevant further submissions) are set out in Appendix 1 to this report and we discuss them no further.
10. Within each of Reports 18.3 to 18.11 we discuss the submissions in groups as far as possible, as frequently we were faced with several submissions seeking zoning amendments on adjacent sites.

1.3 Statutory framework

11. We have followed the approach outlined in Section 2.1 of Report 18.1 in considering the submissions.
12. The PDP is required to give effect to any relevant national policy statements. We have discussed the NPSFM and NPSET in Report 18.1 (in Sections 2.8 and 3 respectively). The NPSUDC is also relevant to our assessment of a limited number of submissions. These submissions relate to land where urban zonings are sought: variously, on the margins of the Arrowtown urban area, in the Ladies Mile area, west of the Shotover River and at Ayrburn Farm (Reports 18.10, 18.11, 18.3 and 18.5 respectively).
13. We heard no expert evidence disputing Ms Vanstone's assessment⁴ that the PDP meets the requirements of the NPSUDC in terms of its provision of total feasible development capacity⁵. We are therefore satisfied that irrespective of the recommended zoning of land that we are considering, the NPSUDC has already been given effect to through the decisions on Stage 1 of the PDP.

2. Overall comments

14. As we discussed in Report 18.1⁶, we are of the view that the cumulative effect of amending the zoning pattern, so as to apply a materially greater area of Precinct to land within the Wakatipu Basin than that notified, would erode the rural character and amenity values of the Wakatipu Basin and undermine the PDP Strategic Direction set out in Chapters 3, 4 and 6. The tipping point at which the cumulative effects would become too much was an important consideration for us.
15. In broad terms, the areas we recommend be rezoned Precinct have been concentrated in areas that are able to absorb a degree of change. In arriving at our recommendations, we consider it is important to maintain the interplay between openness and built form. It did not follow that every piece of land capable of absorbing further development has been recommended to be rezoned. As we noted in Report 18.1, we have assessed in every case whether the overall tipping point for the Basin would be reached, and if not, whether a tipping point for the local discrete area would be reached.

⁴ A Vanstone, Section 42A Report at [5.10] discussing submissions 451, 492, 655 (Ladies Mile)

⁵ A Vanstone, Section 42A Report at [5.11 to 5.13]

⁶ In Section 2.1

16. Our approach to submissions seeking site-specific zonings is as set out in Section 2.3 of Report 18.1. We have set out in Section 2.8 of Report 18.1 our assessment of how intensification of land uses in the catchment of Lake Hayes should be approached, and in Section 2.9 of Report 18.1, how we approached effects of increased traffic likely to be consequential on any increase in development. We do not repeat all that here or in Reports 18.3 to 18.11, but all those factors form part of our reasoning.

3. Recommendations

17. Our recommended changes to the PDP maps are set out in detail in Reports 18.3 – 18.11 that accompany this report. We have not reproduced our recommendations on zoning and map notations here.
18. Our reports also provide comment on various anomalies and strategic issues for Council's consideration. For convenience, we have identified those issues below, together with our recommendations on these issues:
 - a. In Section 2.6 of Report 18.1, we identify a scope issue arising from amendments to ONL and ONF boundaries. As a result of our recommendations, small areas of land on the Wakatipu Basin planning maps will be zoned Rural with a Rural Character Landscape notation.⁷ We recommend that Council consider promulgating a variation to rezone the land affected as Rural Amenity Zone where appropriate.
 - b. In Section 3.6 of Report 18.1, we discuss the potential for the restricted discretionary activity status of subdivision and development in the Precinct to be treated as a de facto controlled activity. We recommend Council consider developing a set of non-statutory guidelines for subdivision design in the Wakatipu Basin Lifestyle Precinct.
 - c. In Report 18.6, we note there is a small area of land zoned Rural Residential within the ONL. We recommend that Council consider including this as any other such anomalies in future variations to the district plan.
 - d. In Report 18.7, we discuss the land on McDonnell Road in LCU24 South Arrowtown.⁸ We observe that the location of the urban growth boundary on McDonnell Road is problematic given the development of the Arrowtown Retirement Village. We recommend Council undertake a structure planning exercise in this area.
 - e. In Report 18.10, we discuss the zoning of the Arrow Irrigation Depot at 31 Bush Creek Road⁹. We recommend that Council include this land in Stage 3 of the review of the District Plan.
 - f. In Report 18.11, we discuss the zoning of the land along Ladies Mile. We recommend Council complete the structure planning of this area and promote a variation to the district plan to give effect to the structure plan. We observe that the community would benefit from greater transparency on the likely sequencing and timing of future urban development in this area.

⁷ See recommendations on ONL/ONF boundaries in Reports 18.4, 18.6, 18.8, 18.9

⁸ See Section 3

⁹ See Section 3

For the Hearing Panel

A handwritten signature in blue ink, appearing to read "Nugent", written in a cursive style.

Denis Nugent, Chair

Dated: 15 February 2019

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report and recommendations of Independent Commissioners
regarding mapping of Wakatipu Basin and Arrowtown

Report 18.3 - Area A
Western Basin

Commissioners

Denis Nugent (Chair)

Rachel Dimery

Trevor Robinson

Quentin Smith

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1. INTRODUCTION

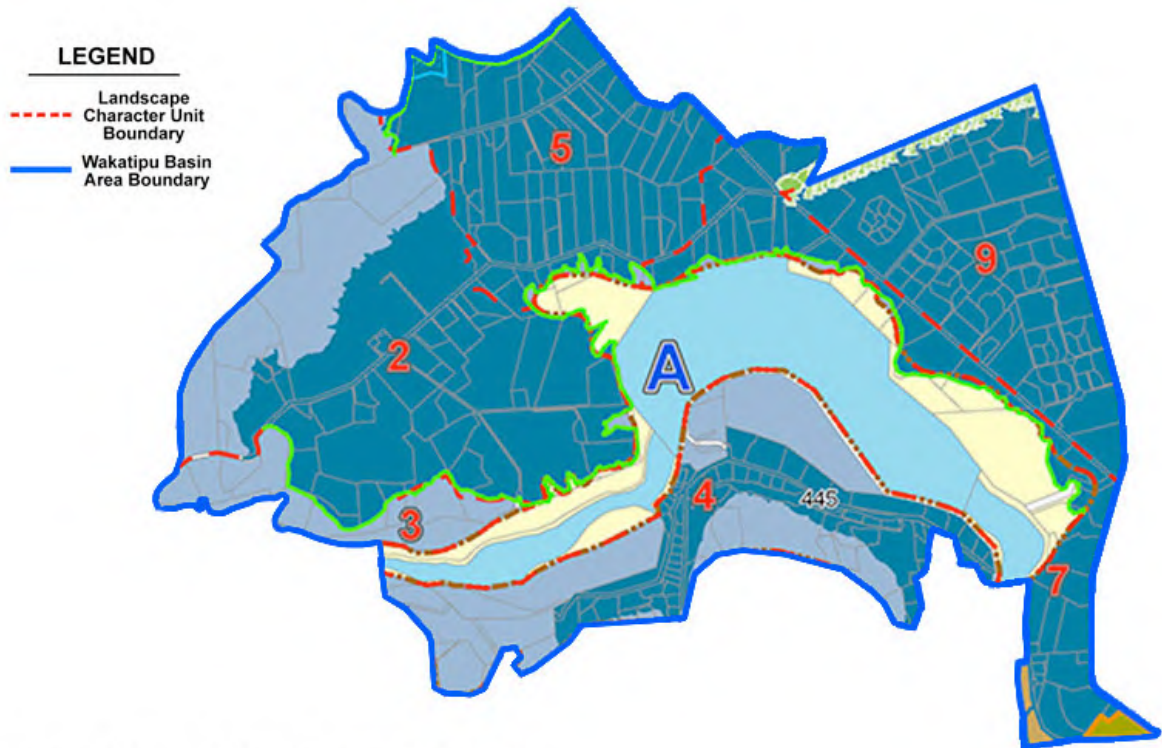
1.1 Preliminary

1. This report needs to be read in conjunction with Reports 18.1 and 18.2. Report 18.1 sets out the overall hearing process for Stream 14 and the approach we have taken to assessing the submissions in terms of the statutory requirements. In addition, it contains the Stream 14 Hearing Panel's recommendations on Chapter 24 Wakatipu Basin and the various variations to the text in Stage 1 of the PDP notified in conjunction with Chapter 24.
2. The abbreviations we use in the report are set out in Report 18.1, as is the list of persons heard.
3. Report 18.2 sets out the background to the zoning issues dealt with in Stream 14 and explains how we divided the area for the purposes of preparing the recommendation reports.

1.2 Overview

4. This report deals with the area we have called Western Basin. This area broadly encompasses LCU 2 Fitzpatrick Basin, LCU 3 Shotover River Terrace, LCU 4 Tucker Beach, LCU 5 Dalefield, LCU 7 Domain Road River Terrace, LCU 9 Hawthorn Triangle and part of the Shotover River ONL as shown on Figure 1 below.
5. As notified in Stage 2, most of this area was zoned Precinct. Areas of Rural Amenity Zone were applied generally to slopes above 400m elevation west of Littles Road and the slopes of Ferry Hill below the ONL boundary. It was also applied to terraces above the Shotover River ONL and some reserve land outside the ONL. The Shotover River and its banks were zoned Rural in Stage 1 and identified as ONL. That remained unaltered in Stage 2.
6. Apart from Tuckers Beach and the land between the outer lip of the Fitzpatrick Basin and the Shotover River, this area is generally characterised by some of the more intense levels of rural residential development in the basin. This is particularly evident in Hawthorne Triangle.
7. The notified version of Chapter 24 listed the capability of this area to absorb additional development as follows:

LCU Number	LCU Name	Capability to Absorb Additional Development
2	Fitzpatrick Basin	High
3	Shotover River Terrace	Low
4	Tucker Beach	Low at western end Moderate-High throughout central and eastern end
5	Dalefield	High
7	Domain Road Shotover Terrace	Moderate-High
9	Hawthorn Triangle	High



Area A – Western Basin

Figure 1: the Western Basin

1.3 Submissions Covered in This Report

8. Section 2 of our report discusses ONL/ONF boundaries and Landscape Feature lines. We then discuss the zoning requests in the following two sections. Section 3 relates to submissions seeking to retain or amend the notified zoning. Section 4 relates to the stand alone zone 'Tucker Beach Residential Precinct' requested by the Middleton Family Trust¹. This submission was supported by comprehensive evidence in support of a mix of urban densities. Given the extensive nature of the evidence presented, we have discussed this separately.
9. This report does not address the submission by M McGuinness², which relates to the property at 66 Dalefield Road. This property straddles the boundary of our Areas A and B. As this submission relates to land that it is mostly within our Area B, we have discussed it in Report 18.4.

2. ONL/ONF BOUNDARIES AND LANDSCAPE FEATURE LINES

10. We heard from the Bloomfield Family³, who opposed the ONL boundary at 90 Fitzpatrick Road, Dalefield. It transpired that the property was not in the ONL, but rather was subject to a Landscape Feature line and had a split zoning of predominantly Precinct, with a portion of Rural Amenity Zone

¹ Submission 2332

² Submission 2292

³ Submission 2423

adjacent to the Shotover River terrace. We discussed the submission with Mr Bloomfield and clarified that the property was not in an ONL. We also confirmed that we could not consider rezoning the Rural Amenity zoned land, as this was not requested in the submission.

11. We did not hear from any other submitters in relation to ONL/ONF boundaries or Landscape Feature lines. We therefore do not recommend any changes in response to submissions. However, we do recommend a change to the Landscape Feature line in the vicinity of Fitzpatrick Road and Littles Road. We discuss this change in Section 3 below in conjunction with the zoning amendments requested.

3. ZONING AMENDMENTS - GENERAL

3.1 Area Between Fitzpatrick Basin and Shotover River

12. Mr Chris Ferguson gave planning evidence for Crown Investments Limited⁴ who sought to retain Precinct over the land at Lot 1 DP 476877. Mr Ferguson's evidence in relation to this site was brief⁵. He agreed with Council's experts that Precinct was appropriate for this land and relied on the evaluation provided by Mr Langman.
13. Mr Hardley did not appear to speak to his submission seeking the Crown Investment Limited site and other adjoining land be rezoned Rural Amenity Zone⁶.
14. We discussed our impressions from our site visit with Ms Gilbert, which were that the southern edge of the Precinct zoned land 'rolled over' into the Shotover River terraces, rather than sloping inward to the basin. This had the effect of making this land more visible from the Shotover River and adjoining public land than the land within the Fitzpatrick Basin proper. Ms Gilbert addressed this issue in her reply evidence⁷. After reviewing the mapping analysis of the area and site photographs, she concluded the area in question did read as part of LCU 3 and demonstrated a similar sensitivity to landscape change and capability to absorb additional development as outlined in the Schedule 24.8 description for LCU 3. For those reasons, she recommended the alignment of the Precinct boundary and Landscape Feature line be amended as shown in Figure 2 below.

⁴ Submission 2307

⁵ C Ferguson, EiC, pp 46-47

⁶ Submission 2440

⁷ B Gilbert, Reply Evidence at Section 4

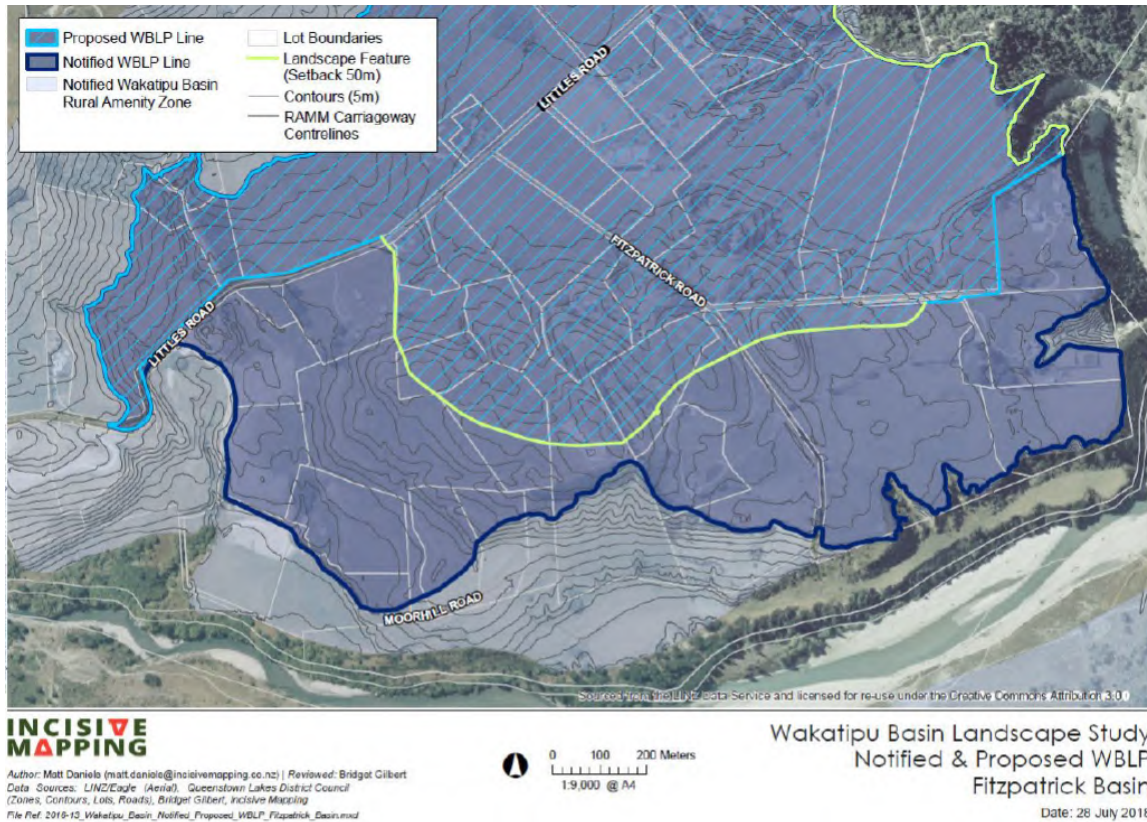


Figure 2: Blue hatched area showing recommended extent of Precinct and Landscape Feature line, as per Figure 3 of Ms Gilbert’s reply evidence

15. Mr Langman advised us there was scope to remedy this and the change would *‘better protect and maintain the landscape values of the area, including the interaction of the lower terrace and the Shotover River ONF/L.’*⁸ We rely on this advice as to scope although we note that more general submissions seeking the deletion of the Precinct in total also provide scope⁹.
16. We agree with Ms Gilbert and Mr Langman. In our view, this amendment would better achieve the Strategic Direction of the PDP and the objectives of Chapter 24. Therefore we recommend the Precinct be reduced in area and the Rural Amenity Zone extended, and an Escarpment, Ridgeline and River Cliff Features line be applied in the locations shown on Figure 3.
17. Ms Gilbert also noted that if we were minded to accept her revised recommendation, a consequential change to the LCU mapping would be needed to extend LCU 3 to include the land she was recommending be rezoned to Rural Amenity. We agree with that and recommend that the boundaries of LCUs 2 and 3 be amended to be located along the boundary between the Precinct and Rural Amenity Zone. This is shown in Schedule 24.8 in Appendix 1 to Report 18.1.

⁸ M. Langman, Reply Evidence, at paragraph 10.3ff

⁹ See for instance Submission 2150

18. In conclusion, we recommend the area south of Littles Road and the Fitzpatrick Basin be zoned as shown on Figure 3 below:

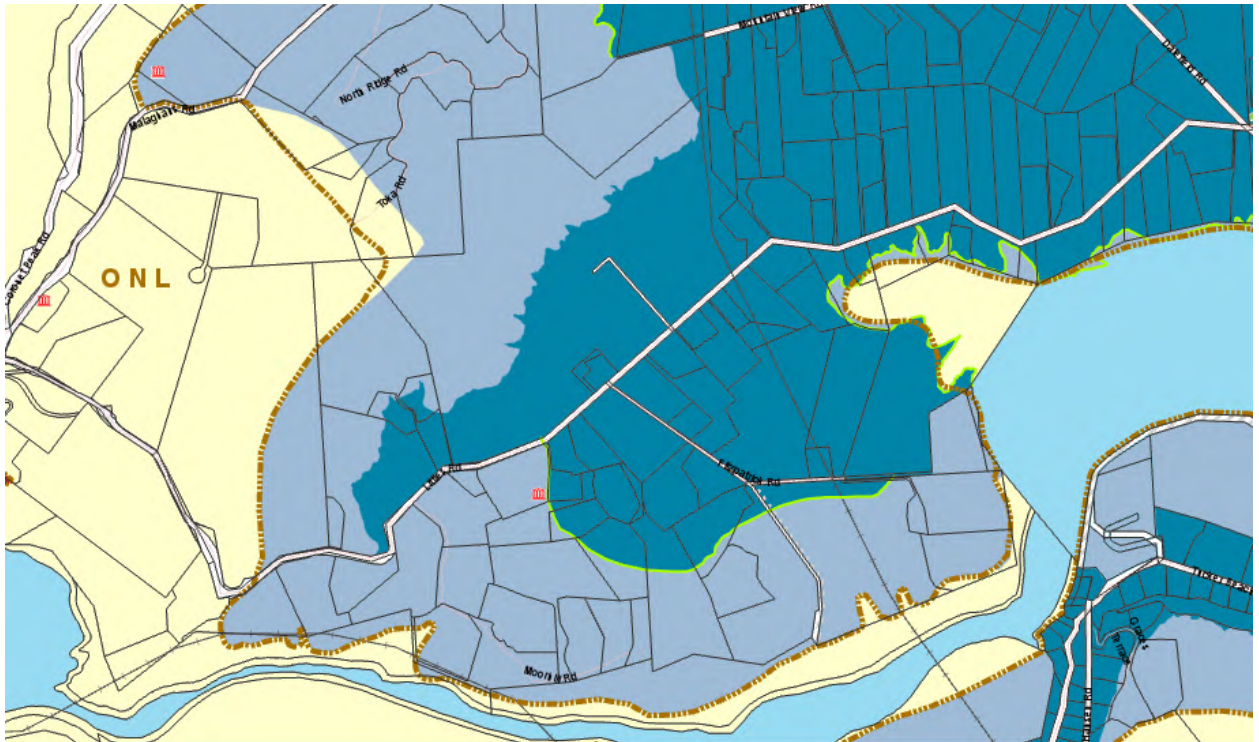


Figure 3: Recommended Zoning in Vicinity of Fitzpatrick Basin

3.2 Tucker Beach Road

19. Three submissions¹⁰ sought adjustments to the boundary of the Precinct zoned land along Tucker Beach Road, in the area between Hansen Road and the eastern end of LCU 4, to include additional land as Precinct above the 400m contour line (but below the boundary of the Ferry Hill ONL).
20. Mr Vivian, providing evidence in support of Submissions 500 and 2276, suggested that the use of the 400m contour line to delineate the Precinct boundary was arbitrary and failed to take into account an existing resource consent and consented building platforms¹¹. It was his opinion that we should amend the Precinct boundary to encompass the approved building platforms¹².
21. Ms Hutton and Mr Baxter took this a step further in relation to the Waterston property¹³, proposing that the amended Precinct boundary encompass two unconsented building platforms on the Waterston property. Mr Baxter told us that he considered the most relevant viewpoints to be Domain Road and Little's Road, some 1.5 to 2km distant¹⁴. He didn't consider that further development would appear to 'creep up the hill' and was content to rely on design controls over

¹⁰ Submissions 500, 2276 and 2308

¹¹ Resource consent RM130386

¹² C Vivian, EiC at paragraph 2.19

¹³ Submission 2308

¹⁴ Notes of hearing, 23 July 2018

colour and height to get a good outcome and in his words *‘to avoid what has come about at the bottom of Tucker Beach Road’*.

22. Ms Hutton relied on Mr Baxter’s evidence and further suggested that the Waterston land should be rezoned as the building platforms were proposed in an area that was difficult to farm productively; they sat outside the No Build Zone established by the Environment Court and were set back from the ONL (260m and 42m); existing dwellings are located above the 400m contour; the proposed building platforms could be readily accessed with minimal work; and the proposed zoning would create split zoning across lots¹⁵.
23. It was Ms Gilbert’s opinion that using the 400m contour line was the best method to define the Precinct boundary. She told us that *“this contour was selected as it approximates the ‘upper level’ of the majority of existing built and consented development in this part of the unit and will therefore avoid the perception of development creeping up the lower slopes of Ferry Hill ONL in views from the surrounding area”*¹⁶. She considered this important to safeguard the integrity of the visual amenity and landscape character values associated with the ONL and as a consequence of the high visibility of the area¹⁷.
24. Ms Gilbert acknowledged that there are a number of what she termed ‘peripheral’ dwellings sitting above the 400m contour on the lower slopes of Ferry Hill but considered the dominant patterning to be buildings below that contour.¹⁸ She was critical of Mr Baxter’s evidence and considered it *“amounts to an evaluation of the two platforms (assuming his location-specific development controls) rather than an analysis as to why he considers the Precinct is more appropriate in this location from a landscape perspective.”*¹⁹
25. While there is some validity in Mr Vivian’s argument that drawing the line at the 400m is arbitrary²⁰, we agree with Ms Gilbert²¹ that the line proposed by Mr Vivian and Mr Baxter was even more arbitrary.
26. We do not consider that introducing site-specific controls to eke out some additional Precinct land at this location has merit. Nor do we consider that defining the Precinct boundary to capture consented development is desirable. We agree with Mr Gilbert that this would be difficult to administer and is likely to be vulnerable to development creep when compared with using the 400m contour line. We also agree with Mr Langman and Ms Gilbert that the values of the Ferry Hill ONF/L are better protected by retaining the extent of the Precinct as notified.

¹⁵ A Hutton, EiC at paragraph 11

¹⁶ B Gilbert, EiC at paragraph 15.5

¹⁷ ibid

¹⁸ B. Gilbert, EiC at paragraph 16.3

¹⁹ B Gilbert, Rebuttal Evidence at paragraph 6.4

²⁰ See the comment in *Waterson v Queenstown Lakes District Council* C169/2000 at paragraph 4

²¹ B Gilbert, Rebuttal Evidence at paragraph 6.5

27. We note the concern raised by Ms Hutton concerning split zoning. However, this has been addressed by the variation to the definition of “site” and the drafting of rules in Chapter 24 as recommended in Report 18.1. In addition, as we noted in Report 18.2 in our general comments, we do not consider the fact that a building platform may be located on a site with minimal infrastructure works so as to utilise land with constraints on its productivity provides a sound basis for rezoning on its own.
28. For those reasons, we recommend that the zones in this area be retained as notified.

4. ZONING AMENDMENTS – TUCKER BEACH RESIDENTIAL PRECINCT²²

4.1 Explanation of Submission

29. The Middleton Family Trust lodged a comprehensive submission seeking provision for a ‘Tucker Beach Residential Precinct’ (“TBRP”) within Chapter 24 and the application of the TBRP to land at the western end of LCU 4, largely on terraces above the Tucker Beach Reserve and above the low-lying farmland adjoining the Shotover River. The TBRP was largely based on the provisions of the Lower Density Suburban Residential Zone²³, with a structure plan to be incorporated into the PDP. The submission also sought that the Urban Growth Boundary be applied around the TBRP.
30. As notified, the eastern end of the Middleton land within LCU 4 was zoned Lifestyle Precinct. The submission proposed that most of that remain and that the lower-lying farmland close to the river also be zoned Lifestyle Precinct.
31. We had the benefit of a comprehensive suite of evidence prepared in relation to this request. The evidence for the submitter traversed matters relating to planning, landscape, infrastructure, traffic and economic effects. The Council also provided evidence on these matters, bar economic effects. While Mr Todd provided legal submissions on behalf of submitters in opposition to this submission, no expert evidence was received from any submitters in opposition.²⁴
32. Mr Geddes’ evidence included a set of plan provisions to be included in Chapters 7, 24 and 27; a structure plan intended to become part of Chapter 27; and a set of plans showing an indicative subdivision layout. He explained that the relief sought had been amended since the submission was lodged. Legal counsel for the submitter, Ms Macdonald, addressed us on this and explained it thus *‘No matter the “label” the submission seeks a zoning to provide for a low density residential environment, consistent with the character and amenity to other land zoned for low density residential living in the District.’*²⁵

²² Submission 2332, opposed by FS2714, FS2802

²³ N Geddes, EiC, paragraphs 3.5ff

²⁴ As discussed in Section 1.5 of Report 18.1, we did not consider the evidence of Mr Healy that attached a traffic report.

²⁵ J. Macdonald, Legal submissions at paragraph 6

33. When describing the provisions, Mr Geddes told us that they had been crafted to achieve similar outcomes to those for the Lower Density Residential Zone and would produce a built environment that would provide a desirable, healthy and safe place to live and play.
34. The key areas of disagreement between the witnesses for the submitter and the Council related to landscape, infrastructure (three waters) and planning.
35. To the extent that the submitter sought rezoning to urban zones, we discussed the potential application of the NPSUDC in section 1.3 of Report 18.2, and do not address it further in this report.

4.2 Transport

36. We were surprised at the paucity of traffic evidence on the nature of the upgrades required to Tucker Beach Road. When we visited the site, we observed that the road formation is narrow and less than two lanes wide. We were told that upgrades to Tucker Beach Road would be dealt with at subdivision stage. The traffic evidence for both the Council and the submitter focused on the planned NZTA upgrade to provide a grade separated exit to Frankton-Ladies Mile Highway. Both traffic experts concluded that the proposal was acceptable on transportation grounds. Mr Smith stated that he agreed with the submission *'that this is a preferable location for additional development in the Wakatipu Basin over other locations to the east of the Shotover River, as it is unlikely to generate significant additional traffic over the Shotover River Bridge.'*²⁶
37. Mr Smith's position changed in his reply evidence. The reason for his change in position was based on the information provided by NZTA in relation to 2018 traffic counts at the intersection of SH6 and Stalker Road roundabout. Having considered this information, Mr Smith advised that this *'reinforces my position that there should be no additional development beyond that which is notified in the Wakatipu Basin chapter of the PDP.'*²⁷
38. Section 2.9 of our Report 18.1 discusses in detail our findings on issues relating to transport network capacity. As stated there, we conclude that capacity issues *'ought not to prevent incremental development of parts of the Wakatipu Basin, if that is appropriate for other reasons.'* However, we remain concerned about the lack of information on necessary upgrades to Tucker Beach Road which is a different issue, and one specific to this submission. We do not consider that a submission seeking the establishment of a new urban area at the end of a no-exit road can leave the matter to subdivision stage. We would have expected at minimum, details of the quantity of traffic likely to be generated and its effects on the physical infrastructure as well as on other users of the road.

4.3 Economics

39. Mr Copeland was one of the few economists to give evidence during the hearing. He emphasized that the zoning of the land would generate economic benefits from increased competition. Relying on the evidence of Mr Hansen, he was satisfied that the proposed zoning would not give rise to

²⁶ D. Smith, EiC at paragraph 15.5

²⁷ D. Smith, Reply Evidence at paragraph 4.12

infrastructure and transport economic externality costs. He concluded that enabling residential development at this location will give rise to net economic benefits for the district. Mr Copeland provided no quantification of costs and benefits that may have fed into a section 32AA analysis.

40. In questions, Mr Copeland confirmed that his analysis was not particular to this land but could be applied to almost any land in the district.
41. We agree with Mr Langman's view that *'Mr Copeland appears to be conflating increased competition with providing endless opportunities for development. Even were the NPS-UDC relevant it does not, in my view, embody a mandate where the continual rezoning for residential land represents the most economically efficient outcome.'*²⁸
42. As we have already noted, the Council did not produce any economic evidence. Because of the general nature of Mr Copeland's evidence, we did not find it to be of particular assistance to the task at hand.

4.4 Infrastructure

43. Mr Hansen prepared infrastructure evidence for the Middleton Family Trust. In his evidence he acknowledged that upgrades would be required to the wastewater network. He considered that any effects on water supply and wastewater infrastructure could be mitigated by headworks fees at the time of connection. Mr Hansen was unable to attend the hearing and we were instead assisted by Mr Neil McDonald who adopted the evidence of Mr Hansen. Mr McDonald told us that he was content for servicing to be dealt with at greater detail at the consenting stage.
44. When we discussed the issues of water supply and wastewater reticulation with Ms Jarvis, she told us that there was a large question mark over the issue of water supply and that she wouldn't classify an extension of the wastewater network along the entire length of Tucker Beach Road as a minor upgrade. She maintained her view that the relief sought was not supportable from an infrastructure servicing perspective. Mr Langman also noted that the water reservoir proposed by the submitter was in the ONL.
45. We agree with Ms Jarvis. We do not think it is satisfactory for the issue of servicing to be left to the consenting stage. While it is not necessary for a detailed design of servicing at this stage, we are not satisfied that there is capacity in the existing network and nor are we satisfied as to the extent of upgrades necessary. As we have discussed in Section 2.9 of Report 18.1, it would be contrary to the purpose of the Act to zone land for an activity when the necessary three waters infrastructure is not in place and there is no Council commitment to a scheme extension.

4.5 Landscape, Visual and Urban Design

46. The landscape experts differed in their assessments of the proposal. Ms Gilbert considered that Mr Espie had underestimated the adverse visual effects of the proposal and had placed too great a

²⁸ M Langman, Rebuttal Evidence at paragraph 7.26

reliance on the screening by the vegetation on the escarpment face below the terrace. She described the adverse visual effects to range from moderate-low to high. Ms Gilbert saw the adverse urban design effects as potentially even more problematic. She considered *'a fragmented urban development pattern on a dead-end road is fundamentally contrary to the principles of connectivity and context that underpin sound urban design'*.²⁹

47. Mr Espie considered it an exaggeration to describe the western end of the unit as highly sensitive to change and considered it to be relatively hidden. He concluded *'the site would become a treed, contained instance of suburban development that forms something of a book-end to the rural living activity that currently extends along Tucker Beach Road.'*³⁰ Mr Espie was not troubled by the site being adjacent to an ONL. He went on to state that *'in many cases more developed land can (and does) appropriately sit immediately adjacent to an ONL.'*³¹ He concluded that the adverse visual effects would generally be low, ranging up to a moderate degree at the western end.
48. In response to questions, Mr Espie agreed the upper terrace is a legible formation and made even more so by its use for grazing. He didn't think this made it unique, but acknowledged that it was unusual, as other areas of similar geomorphology such as Quail Rise have been developed. He went on to tell us that Crown Terrace is similar, but on a broader scale.
49. Mr Espie reiterated his opinion that he did not consider the 'bookend effect' of placing development adjacent an ONL to be adverse. Rather, he was of the view the ONL provides a logical and robust line.
50. We noted that there was a discrepancy between the evidence of Mr Geddes and Mr Espie. The provisions attached to Mr Geddes' evidence proposed a density of one lot per 450m², while Mr Espie's assessment was based on one lot per 600m². This was later confirmed by Mr Geddes to be an error. However, when asked, Mr Espie advised us that provided the density at the perimeter of the zone was 600m² and not 450m², he supported the proposal. He commented that it wouldn't make much difference to his assessment if there was an increase in the number of lots in the central areas, but he would not support development at a greater density (than 600m²) at their margins.
51. More generally, Mr Espie said that he supported the methodology of the WB Landscape Study and the approach of locating rural living areas where it will not be conspicuous. In that way, from a traveller's point of view, the continuation of rural character will remain. He was supportive of the careful identification of rural living areas and non-complying status outside identified areas. In his view, this proposal ties in with that approach because it would not be conspicuous.
52. When we discussed the proposal with Ms Gilbert, she maintained her opinion that the visual effects to certain audiences would be high. In her words *'the proposal would read as a distinctly urban environment and quite foreign'*. In her opinion, it was incongruous and relied too heavily on the filtering of views by existing vegetation.

²⁹ B. Gilbert, Rebuttal Evidence at 4.33

³⁰ B. Espie, EiC at [5.9]

³¹ Ibid at [7.6]

53. We agree with Mr Espie’s comments that applying any new zone that departs from the existing zone inevitably affects people immediately next door. The question for us is whether the extent of the adverse visual and urban design effects will be acceptable. We agree with Ms Gilbert that the proposal would result in a fragmented urban pattern. We have also placed some weight on the degree of adverse visual effects on the Department of Conservation reserve land adjacent to the Shotover River and public vantage points along the Shotover corridor.
54. Overall, we find the adverse landscape, visual and urban design effects would not be acceptable.

4.6 Planning

55. Mr Geddes provided us with a Section 32 evaluation of the reasonably practicable options open to us. Unusually, while he set out the costs and benefits associated with each of the options, he did not articulate why the proposal would be the most appropriate in terms of Section 32.
56. The key area of difference between the planning witnesses was the extent to which the proposal would achieve the objectives of the PDP and the now Partially Operative RPS 2019.
57. In relation to Policy 4.5.2 of the Partially Operative RPS 2019, we agree with Mr Langman that in the absence of a future development strategy, the proposal cannot be said to be taking place in a strategic or coordinated way.
58. We also prefer the evidence of Mr Langman with regards the PDP and agree that the proposal *‘does not sit comfortably with the objective and policy framework of the PDP.’*³² We found considerable force in his views on the application of urban growth boundaries. In his opinion, there is a *‘very high threshold to be met in terms of delivering urban development to a completely new location in the Basin.’*³³ We agree. We do not find that this proposal meets this threshold, as expressed in the objectives and policies in Chapter 4 of the PDP³⁴.
59. It is difficult to see how the proposal can be said to be anything other than sporadic and sprawling development and contrary to Objective 3.2.2.1. It would appear, as Ms Gilbert described it, as an ‘island’ of urban development, sandwiched between the Shotover River ONL to the north and the Ferry Hill/Sugar Loaf ONL to the south.

4.7 Conclusion

60. In our view, this proposal does not give effect to the Partially Operative RPS 2019 and is contrary to the Strategic Direction chapters of the PDP. We therefore do not find the zoning proposed in the submission to be the most appropriate zone. For the reasons given above, we recommend that Submission 2332 be rejected, and the zoning of this land be confirmed as notified.

³² M. Langman, Section 42A Report at paragraph 13.11

³³ M. Langman, Rebuttal Evidence at [13.15

³⁴ See in particular Objectives 4.2.1, 4.2.2A and Policies 4.2.1.2, 4.2.14, 4.2.1.5, 4.2.2.14 and 4.2.2.21

5. OVERALL RECOMMENDATIONS

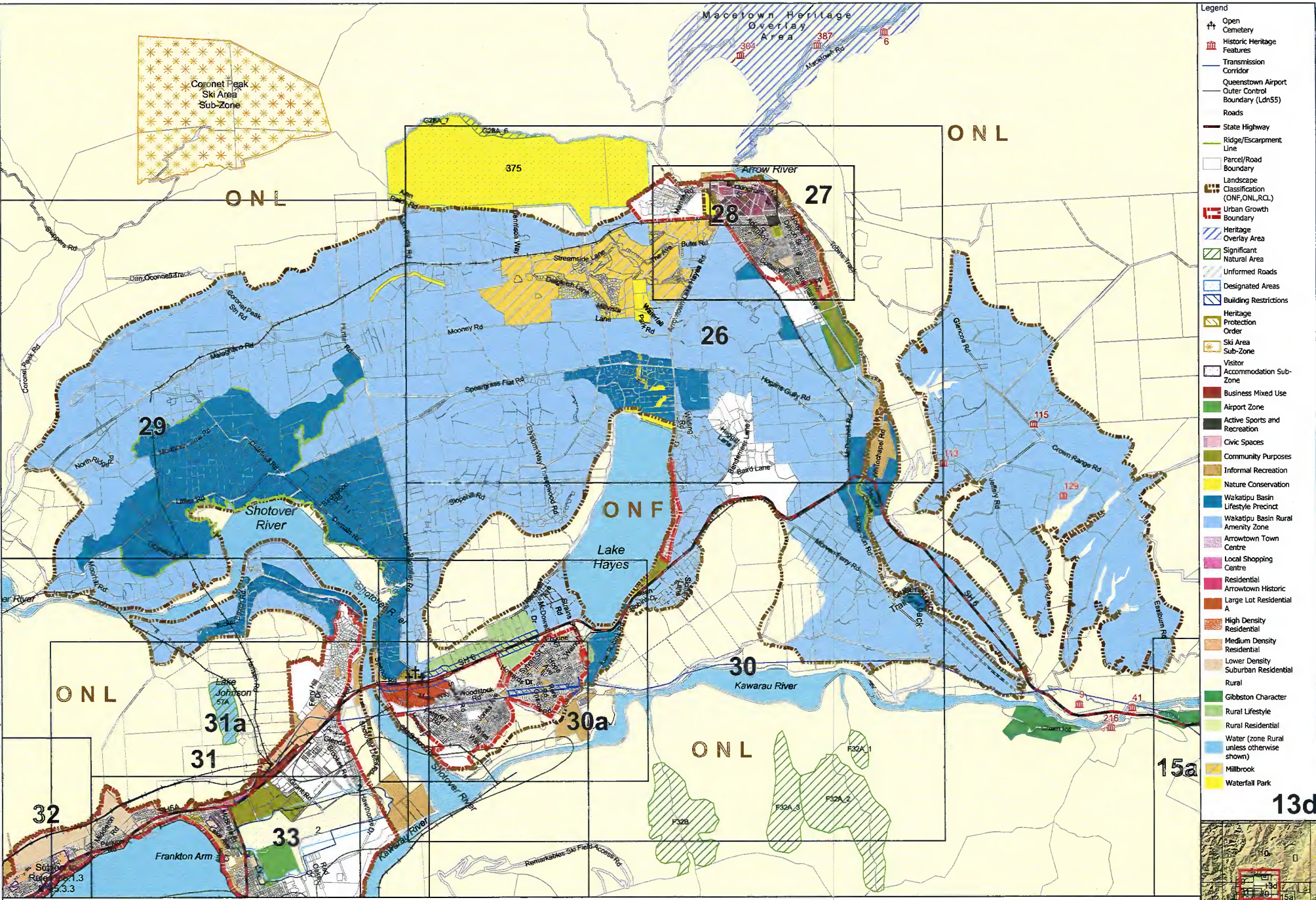
61. For the reasons set out above, we recommend that:
- a. Submission 2423 by Bloomfield Family be rejected;
 - b. Submission 2307 by Crown Investments Limited be rejected;
 - c. Submission 2440 by T Hardley be accepted;
 - d. Submission 2150 by C Dumarchant be accepted in part;
 - e. Submission 500 by D Broomfield be rejected;
 - f. Submission 2276 by Woodlot Properties Limited be rejected;
 - g. Submission 2308 by J Waterston be rejected;
 - h. Submission 2332 by Middleton Family Trust be rejected;
 - i. Further Submission 2714 by J Muspratt be accepted;
 - j. Further Submission 2802 by Tucker Beach Residents Association be accepted;
 - k. The Rural Amenity Zone be applied to part of the land to the south of Littles Road as shown in Figure 3 above.
 - l. The Escarpment, Ridgeline and River Cliff Features Line be relocated in the area south of Littles Road as shown in Figure 3 above.
 - m. The boundary of LCU 2 and LCU 3 is amended as shown in Schedule 24.8 in Appendix 1 to Report 18.1.
 - n. All other land in Area A retain the zones as notified.
 - o. The ONF/ONL boundaries and planning map notations in Area A remain as notified.

For the Hearing Panel

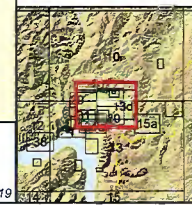


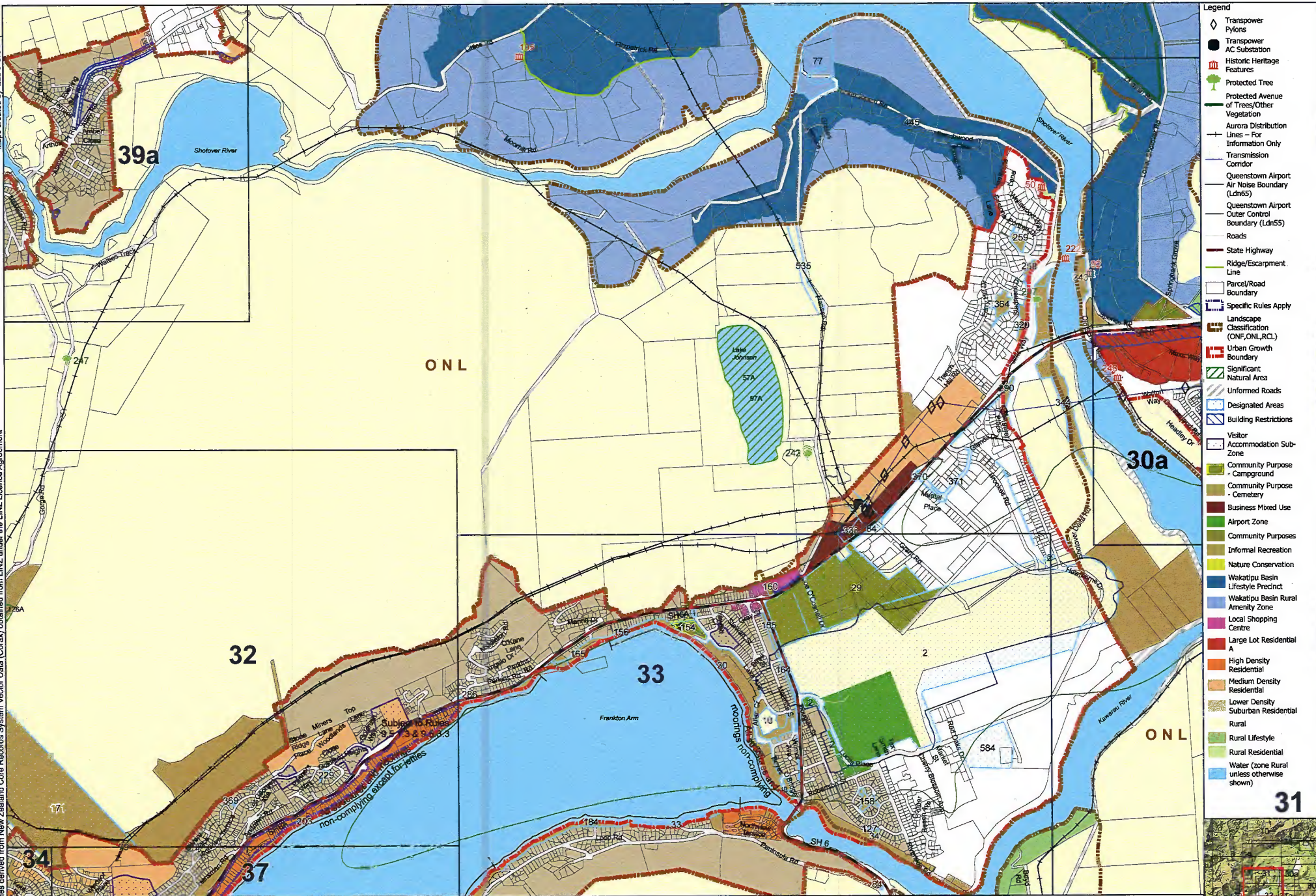
Denis Nugent, Chair

Dated: 15 February 2019

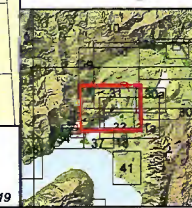


- Legend**
- † Open Cemetery
 - Historic Heritage Features
 - Transmission Corridor
 - Queenstown Airport Outer Control Boundary (Ldn55)
 - Roads
 - State Highway
 - Ridge/Escarpment Line
 - Parcel/Road Boundary
 - Landscape Classification (DNF, ONL, RCL)
 - Urban Growth Boundary
 - Heritage Overlay Area
 - Significant Natural Area
 - Unformed Roads
 - Designated Areas
 - Building Restrictions
 - Heritage Protection Order
 - Ski Area Sub-Zone
 - Visitor Accommodation Sub-Zone
 - Business Mixed Use
 - Airport Zone
 - Active Sports and Recreation
 - Civic Spaces
 - Community Purposes
 - Informal Recreation
 - Nature Conservation
 - Wakatipu Basin Lifestyle Precinct
 - Wakatipu Basin Rural Amenity Zone
 - Arrowtown Town Centre
 - Local Shopping Centre
 - Residential Arrowtown Historic
 - Large Lot Residential
 - High Density Residential
 - Medium Density Residential
 - Lower Density Suburban Residential
 - Rural
 - Gibbston Character
 - Rural Lifestyle
 - Rural Residential
 - Water (zone Rural unless otherwise shown)
 - Millbrook
 - Waterfall Park





- Legend**
- ◇ Transpower Pylons
 - Transpower AC Substation
 - Historic Heritage Features
 - 🌳 Protected Tree
 - 🌿 Protected Avenue of Trees/Other Vegetation
 - Aurora Distribution Lines - For Information Only
 - Transmission Corridor
 - Queenstown Airport Air Noise Boundary (Ldn65)
 - Queenstown Airport Outer Control Boundary (Ldn55)
 - Roads
 - State Highway
 - Ridge/Escarpment Line
 - ▭ Parcel/Road Boundary
 - Specific Rules Apply
 - Landscape Classification (ONF, ONL, RCL)
 - Urban Growth Boundary
 - Significant Natural Area
 - ▭ Unformed Roads
 - ▭ Designated Areas
 - ▭ Building Restrictions
 - ▭ Visitor Accommodation Sub-Zone
 - Community Purpose - Campground
 - Community Purpose - Cemetery
 - Business Mixed Use
 - Airport Zone
 - Community Purposes
 - Informal Recreation
 - Nature Conservation
 - Wakatipu Basin Lifestyle Precinct
 - Wakatipu Basin Rural Amenity Zone
 - Local Shopping Centre
 - Large Lot Residential A
 - High Density Residential
 - Medium Density Residential
 - Lower Density Suburban Residential
 - Rural
 - Rural Lifestyle
 - Rural Residential
 - Water (zone Rural unless otherwise shown)



Visitor Accommodation Variations

Key:

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

Variation to Stage 1 PDP Chapter 2 - Definitions:

<p><u>Residential Visitor Accommodation</u></p>	<p>Means the use of a residential unit including a residential flat by paying guests where the length of stay by any guest is less than 90 nights.</p> <p><u>Excludes: Visitor Accommodation and Homestays.</u></p> <p><u>Note:</u></p> <p><u>Additional requirements of the Building Act 2004 may apply.</u></p>
<p>Homestay</p>	<p>Means a residential activity where an occupied the use of a residential unit or including a residential flat is also used by paying guests (<u>where the length of stay by any guest is less than 90 nights</u>) at the same time that either the residential unit or the residential flat is occupied by residents for use as a Residential Activity. Includes bed & breakfasts and farm-stays.</p> <p><u>Excludes: Residential Visitor Accommodation and Visitor Accommodation.</u></p> <p><u>Note:</u></p> <p><u>Additional requirements of the Building Act 2004 may apply.</u></p>
<p>Registered Holiday Home</p>	<p>Means a stand-alone or duplex residential unit which has been registered with the Council as a Registered Holiday Home. For the purpose of this definition:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A stand-alone residential unit shall mean a residential unit contained wholly within a site and not connected to any other building; <input type="checkbox"/> A duplex residential unit shall mean a residential unit which is attached to another residential unit by way of a common or party wall, provided the total number of residential units attached in the group of buildings does not exceed two residential units; <input type="checkbox"/> Where the residential unit contains a residential flat, the registration as a Registered Holiday Home shall apply to either the letting of the residential unit or the residential flat but not to both. <input type="checkbox"/> Excludes the non-commercial use of a residential unit by other people (for example making a home available to family and/or friends at no charge).
<p>Registered Homestay</p>	<p>Means a Homestay used by up to 5 paying guests which has been registered with the Council as a Registered Homestay.</p> <p><u>Advice Note:</u></p> <p>(i) <u>A formal application must be made to the Council for a property to become a Registered Homestay.</u></p>

<p>Visitor Accommodation</p>	<p>Means the use of land or buildings for short term, fee paying, living accommodation to provide accommodation for paying guests where the length of stay for any visitor/guest is less than 3 months<u>90 nights</u>; and</p> <p>a. Includes such accommodation as camping grounds, motor parks, hotels, motels, boarding houses, guest houses, backpackers' accommodation, bunkhouses, tourist houses, lodges, <u>timeshares, and managed apartments</u> homestays, and the commercial letting of a residential unit; and</p> <p>b. May <u>Includes some centralised services or facilities that are directly associated with, and ancillary to, the visitor accommodation, such as food preparation, dining and sanitary facilities, conference, bar, and recreational facilities and others of a similar nature if such facilities are associated with the visitor accommodation activity. The primary role of these facilities is to service the overnight guests of the accommodation however they can be used by persons not staying overnight on the site.</u></p> <p>iii. <u>Includes onsite staff accommodation.</u></p> <p>iv. <u>Excludes Residential Visitor Accommodation and Homestays.</u></p> <p>For the purpose of this definition:</p> <p>a. The commercial letting of a residential unit in (i) excludes:</p> <ul style="list-style-type: none"> • A single annual let for one or two nights. • Homestay accommodation for up to 5 guests in a Registered Homestay. • Accommodation for one household of visitors (meaning a group which functions as one household) for a minimum stay of 3 consecutive nights up to a maximum (ie: single let or cumulative multiple lets) of 90 nights per calendar year as a Registered Holiday Home. <p>(Refer to respective definitions).</p> <p>b. “Commercial letting” means fee paying letting and includes the advertising for that purpose of any land or buildings.</p> <p>c. Where the provisions above are otherwise altered by Zone Rules, the Zone Rules shall apply.</p>
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Residential Activity	<p>Means the use of land and buildings by people for the purpose of permanent residential accommodation, including all associated accessory buildings, recreational activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include Community Housing, emergency, refuge accommodation and the non-commercial use of holiday homes. Excludes visitor accommodation, <u>residential visitor accommodation and homestays.</u></p>
Commercial Activity	<p>Means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment and services, and includes shops, postal services, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas. Excludes recreational, community and service activities, home occupations, visitor accommodation, registered holiday homes <u>residential visitor accommodation and registered homestays-homestays.</u></p>
Activity Sensitive to Aircraft Noise (ASAN)/ Activity Sensitive to Road Noise	<p>Means any residential activity, visitor accommodation activity, <u>residential visitor accommodation activity, homestay activity,</u> community activity and day care facility activity as defined in the District Plan including any outdoor spaces associated with any education activity, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.</p>

New Stage 2 PDP provisions, added to Stage 1 Chapter 7 Lower Density Suburban Residential chapter

7 Lower Density Suburban Residential

7.1 Zone Purpose

[Note: The following is new text at end of 7.1 Zone Purpose:]

Visitor accommodation is anticipated in the Visitor Accommodation Sub-Zones shown on planning maps, which have historically provided (and will continue to provide) important locations for visitor accommodation to meet the District's needs. The sub-zones are located in residential areas, and applications for visitor accommodation activities and associated development must address matters that impact on residential amenity, including character, traffic and noise effects. Visitor accommodation located outside of the Visitor Accommodation Sub-Zones is restricted.

The commercial letting of residential properties as short-term accommodation for paying guests on a year-round or permanent basis is restricted where it would result in a loss of residential character, cohesion and amenity values. Low intensity use of residential units, including residential flats, to accommodate paying guests is enabled where the predominant residential character of the environment is retained and the residential amenity values of nearby residents are maintained.

Visitor Accommodation is defined in the District Plan separately from accommodation activities involving paying guests occurring in residential units and residential flats, which are defined as Residential Visitor Accommodation and Homestay activities.

7.2 Objectives and Policies

7.2.8 Objective - Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.

Policies

7.2.8.1 Provide for visitor accommodation and residential visitor accommodation in the Visitor Accommodation Sub-Zones that are appropriate for the low density residential environment, ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated.

7.2.8.2 Restrict the establishment of visitor accommodation in locations outside the Visitor Accommodation Sub-Zones to ensure that the zone maintains a residential character.

7.2.8.3 Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.

7.2.8.4 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing.

7.2.8.5 Manage the effects of residential visitor accommodation and homestays outside the Visitor Accommodation Sub-Zone by controlling the scale, intensity and frequency of use and those effects of the activities that differentiate them from residential activities.

7.3 Other Provisions and Rules

7.3.2 Interpreting and Applying the Rules

Renumber 7.3.2.6 as 7.3.2.7

Insert 7.3.2.6 References to the Visitor Accommodation Sub-Zones in this Chapter only apply to the sub-zones within the Lower Density Suburban Residential Zone.

7.4 Rules - Activities

	Activities located in the Lower Density Suburban Residential Zone	Activity status
<u>7.4.4</u>	<u>Homestays</u>	<u>P</u>
<u>7.4.5</u>	<p><u>Residential Visitor Accommodation</u></p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> a. <u>The scale of the activity, including the number of guests on site per night;</u> b. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> c. <u>The location, provision, use and screening of parking and access;</u> d. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> e. <u>Health and safety provisions in relation to guests;</u> f. <u>Guest management and complaints procedures;</u> g. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> h. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u> 	<u>C</u>
<u>7.4.5A</u>	<p><u>Visitor Accommodation in the Visitor Accommodation Sub- Zone</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>Parking and access;</u> c. <u>Landscaping;</u> d. <u>Noise generation and methods of mitigation;</u> e. <u>Hours of operation, including in respect of ancillary activities; and</u> f. <u>The external appearance of buildings.</u> 	<u>RD</u>
<u>7.4.13</u>	<u>Visitor Accommodation not otherwise identified</u>	<u>NC</u>

7.4 Rules - Standards

	Standards for activities in the Lower Density Suburban Residential Zone	Non- compliance status
7.5.18	<p><u>Residential Visitor Accommodation</u></p> <p><u>7.5.18.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p><u>7.5.18.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>7.5.18.3 Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 7.5.18.1 to 7.5.18.3.</u></p>	<p><u>Sites within the Visitor Accommodation Sub-Zone:</u></p> <p style="text-align: center;"><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> <u>a. The location, nature and scale of activities;</u> <u>b. The location, provision, use and screening of parking and access;</u> <u>c. The management of noise, outdoor lighting, use of outdoor areas, rubbish and recycling;</u> <u>d. The compliance of the residential unit with the Building Code as at the date of the consent;</u> <u>e. Health and safety provisions in relation to guests;</u> <u>f. Guest management and complaints procedures;</u> <u>g. The keeping of records of RVA use, and availability of records for Council inspection; and</u> <u>h. Monitoring requirements, including imposition of an annual monitoring charge.</u> <p style="text-align: center;"><u>All other sites:</u></p> <p><u>Standard 7.5.18.1:</u> <u>91-180 nights RD</u> <u>>180 nights NC</u></p> <p><u>All other Standards:</u> <u>NC</u></p> <p><u>For RD non-compliance with Standard 7.5.18.1 discretion is restricted to:</u></p> <ol style="list-style-type: none"> <u>i. The nature of the surrounding residential context, including its residential amenity values, cohesion and character, and the effects of the activity on the neighbourhood;</u>

		<ul style="list-style-type: none"> j. <u>The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;</u> k. <u>The scale and frequency of the activity, including the number of guests on site per night;</u> l. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> m. <u>The location, provision, use and screening of parking and access;</u> n. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> o. <u>Health and safety provisions in relation to guests;</u> p. <u>Guest management and complaints procedures;</u> q. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> r. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>
<p><u>7.5.19</u></p>	<p><u>Homestay</u></p> <p><u>7.5.19.1 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>7.5.19.2 Must comply with minimum parking requirements of standard 29.8.9 in Chapter 29 Transport.</u></p> <p><u>7.5.19.3 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>7.5.19.4 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>7.5.19.5 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection, at 24 hours'</u></p>	<p><u>Standards 7.5.19.1 and 7.5.19.2: RD</u></p> <p><u>All other Standards: NC</u></p> <p><u>For non-compliance with Standards 7.5.19.1 and 17.5.19.2 discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The nature of the surrounding residential context, including its residential amenity values and character, and the effects of the activity on the neighbourhood;</u> b. <u>The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;</u> c. <u>The scale and frequency of the activity, including the number of</u>

	<u>notice, in order to monitor compliance with rules 7.5.19.1 to 7.5.19.5.</u>	<u>nights per year;</u> d. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> e. <u>The location, provision, use and screening of parking and access;</u> f. <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u> g. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>
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7.5 Rules - Non-Notification of Applications

7.6.1.2 Visitor Accommodation and residential visitor accommodation in the Visitor Accommodation Sub-Zones

New Stage 2 PDP provisions, added to Stage 1 Chapter 8 Medium Density Residential chapter

8 Medium Density Residential

8.1 Zone Purpose

[Note: The following is new text at end of 8.1 Zone Purpose:]

Visitor accommodation is anticipated in the Visitor Accommodation Sub-Zones shown on planning maps, which have historically provided (and will continue to provide) important locations for visitor accommodation to meet the District’s needs, and in the Wanaka Town Centre Transition Overlay. The sub-zones are located in residential areas, and applications for visitor accommodation activities and associated development must address matters that impact on residential amenity, including character, traffic and noise effects.

Visitor accommodation located outside of the Visitor Accommodation Sub-Zones and the Wanaka Town Centre Transition Overlay is restricted, although residential visitor accommodation is provided for in proximity to the Wanaka town centre.

The commercial letting of residential properties as short-term accommodation for paying guests on a year-round or permanent basis is restricted, where it would result in a loss of residential character, cohesion and amenity values. Low intensity use of residential units, including residential flats, to accommodate paying guests is enabled, where the predominant residential character of the environment is retained and the residential values amenity of nearby residents are maintained.

Visitor accommodation is defined in the District Plan separately from accommodation activities involving paying guests occurring in residential units and residential flats, which are defined as Residential Visitor Accommodation and Homestay activities.

8.2 Objectives and Policies

8.2.11 Objective - Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.

Policies

8.2.11.1 Provide for visitor accommodation and residential visitor accommodation in the Visitor Accommodation Sub-Zones and the Wanaka Town Centre Transition Overlay Sub-Zones, and for residential visitor accommodation in proximity to the Wanaka town centre, that are appropriate for the medium density residential environment, ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated.

8.2.11.2 Restrict the establishment of visitor accommodation in locations outside the Visitor Accommodation Sub-Zones and the Wanaka Town Centre Transition Overlay to ensure that the zone maintains a residential character.

8.2.11.3 Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.

8.2.11.4 Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.

8.2.11.5 Manage the effects of residential visitor accommodation and homestays outside the Visitor Accommodation Sub-Zone by controlling the scale, intensity and frequency of use and those effects that differentiate them from residential activities.

8.3 Other Provisions and Rules

8.3.2 Interpreting and Applying the Rules

Renumber 8.3.2.7 as 8.3.2.8

Insert 8.3.2.7 References to Visitor Accommodation Sub-Zones in this Chapter only apply to the sub-zones within the Medium Density Residential Zone.

8.4 Rules - Activities

	Activities located in the Medium Density Residential Zone	Activity status
<u>8.4.7</u>	<u>Homestays</u>	<u>P</u>
<u>8.4.7A</u>	<p><u>Residential Visitor Accommodation</u></p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> a. <u>The scale of the activity, including the number of guests on site per night;</u> b. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> c. <u>The location, provision, use and screening of parking and access;</u> d. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> e. <u>Health and safety provisions in relation to guests;</u> f. <u>Guest management and complaints procedures;</u> g. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> h. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u> 	<u>C</u>
<u>8.4.11</u>	<p><u>Visitor Accommodation in the Visitor Accommodation Sub-Zone and Wanaka Town Centre Transition Overlay</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>Parking and access;</u> c. <u>Landscaping;</u> d. <u>Noise generation and methods of mitigation;</u> e. <u>Hours of operation, including in respect of ancillary activities;</u> f. <u>The external appearance of buildings; and</u> g. <u>Infrastructure, servicing and capacity.</u> 	<u>RD</u>
<u>8.4.17</u>	<u>Visitor Accommodation not otherwise identified</u>	<u>NC</u>

8.5 Rules - Standards

	Standards for activities located in the Medium Density Residential Zone	Non- compliance status
8.5.17	<p><u>Residential Visitor Accommodation</u></p> <p>8.5.17.1 <u>Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p>8.5.17.2 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>8.5.17.3 <u>Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 8.5.17.1 to 8.5.17.3.</u></p>	<p><u>Sites within the Visitor Accommodation Sub-Zone & the MDRZ on Map 21:</u></p> <p style="text-align: center;"><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> <u>a. The location, nature and scale of activities;</u> <u>b. The location, provision, use and screening of parking and access;</u> <u>c. The management of noise, outdoor lighting, use of outdoor areas, rubbish and recycling.</u> <u>d. The compliance of the residential unit with the Building Code as at the date of the consent;</u> <u>e. Health and safety provisions in relation to guests;</u> <u>f. Guest management and complaints procedures;</u> <u>g. The keeping of records of RVA use, and availability of records for Council inspection; and</u> <u>h. Monitoring requirements, including imposition of an annual monitoring charge.</u> <p style="text-align: center;"><u>All other sites:</u></p> <p><u>Standard 8.5.17.1:</u> <u>91-180 nights...RD</u> <u>>180 nights...NC</u></p> <p><u>All other Standards:</u> <u>NC</u></p> <p><u>For RD non-compliance with Standard 8.5.17.1 discretion is restricted to:</u></p> <ol style="list-style-type: none"> <u>i. The nature of the surrounding residential context, including its residential amenity values and character, and the effects of the activity on the neighbourhood;</u>

		<ul style="list-style-type: none"> j. <u>The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;</u> k. <u>The scale and frequency of the activity, including the number of nights per year;</u> l. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> m. <u>The location, provision, use and screening of parking and access;</u> n. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> o. <u>Health and safety provisions in relation to guests;</u> p. <u>Guest management and complaints procedures;</u> q. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> r. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>
<p><u>8.5.18</u></p>	<p><u>Homestay</u></p> <p>8.5.18.1 <u>Must not exceed 5 paying guests on a site per night.</u></p> <p>8.5.18.2 <u>Must comply with minimum parking requirements of standard 29.8.9 in Chapter 29 Transport.</u></p> <p>8.5.18.3 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>8.5.18.4 <u>The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p>8.5.18.5 <u>Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 8.5.18.1 to 8.5.18.5.</u></p>	<p><u>Standards 8.5.18.1 and 8.5.18.2:</u> <u>RD</u></p> <p><u>All other Standards:</u> <u>NC</u></p> <p><u>For non-compliance with Standards 8.5.18.1 and 8.5.18.2 discretion is restricted to</u></p> <ul style="list-style-type: none"> a. <u>The nature of the surrounding residential context, including its residential amenity values and character, and the effects of the activity on the neighbourhood;</u> b. <u>The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;</u> c. <u>The scale and frequency of the activity, including the number of nights per year;</u>

		<ul style="list-style-type: none"> d. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> e. <u>The location, provision, use and screening of parking and access;</u> f. <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u> g. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>
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8.6 Rules - Non-Notification of Applications

8.6.1.2 Visitor Accommodation and residential visitor accommodation within the Visitor Accommodation Sub-Zone and Wanaka Town Centre Transition Overlay.

New Stage 2 PDP provisions, added to Stage 1 Chapter 9 High Density Residential chapter

9 High Density Residential

9.1 Zone Purpose

[Note: The following is new text at end of 9.1 Zone Purpose:]

Visitor accommodation, residential visitor accommodation and homestays are anticipated and enabled in this zone, which is located near the town centres, to respond to projected growth in visitor numbers, provided that adverse effects on the residential amenity values of nearby residents is avoided, remedied or mitigated.

9.2 Objectives and Policies

9.2.8 Objective – Visitor accommodation, residential visitor accommodation and homestays are enabled in urban areas close to town centres to respond to strong projected growth in visitor numbers, whilst ensuring that adverse effects on residential amenity values and traffic safety are avoided, remedied or mitigated.

Policies

- 9.2.8.1 Provide sufficient high density zoned land to enable a range of accommodation options for visitors to establish close to town centres.
- 9.2.8.2 Enable a range of accommodation options which positively contribute to residential amenity values by ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated.
- 9.2.8.3 Ensure that visitor accommodation development utilises existing infrastructure and minimise impacts on infrastructure and roading networks.
- 9.2.8.4 Ensure that the design of buildings for visitor accommodation contributes positively to the visual quality of the environment through the use of connection to the street, interesting built forms, landscaping, and response to site context.

9.4 Rules - Activities

	Activities located in the High Density Residential Zone	Activity status
9.4.4	<u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>
9.4.6	<p><u>Visitor Accommodation</u> including licensed premises within a visitor accommodation development</p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>Parking and access;</u> c. <u>Landscaping;</u> d. <u>Noise;</u> e. <u>Hours of operation, including in respect of ancillary activities; and</u> f. <u>The external appearance of buildings.</u> 	<u>RD</u>

9.5 Rules – Standards

	Standards for activities located in the High Density Residential Zone	Non- compliance status
9.5.14	<p><u>Residential Visitor Accommodation</u></p> <p><u>9.5.14.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p><u>9.5.14.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>9.5.14.3 Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p><u>9.5.14.4 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u></p> <p><u>9.5.14.5 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>9.5.14.6 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 9.5.14.1 to 9.5.14.5.</u></p>	<p>RD</p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> <u>The location, nature and scale of activities;</u> <u>The location, provision, and screening of parking and access;</u> <u>The management of noise, rubbish and outdoor activities;</u> <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> <u>Health and safety provisions in relation to guests;</u> <u>Guest management and complaints procedures;</u> <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>
9.5.15	<p><u>Homestay</u></p> <p><u>9.5.15.1 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>9.5.15.2 Must comply with minimum parking requirements of standard 29.8.9 in Chapter 29 Transport.</u></p> <p><u>9.5.15.3 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>9.5.15.4 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>9.5.15.5 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a</u></p>	<p>RD</p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> <u>The location, nature and scale of activities;</u> <u>The location, provision, and screening of parking and access;</u> <u>The management of noise, rubbish and outdoor activities;</u> <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u>

	<p><u>form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 9.5.15.1 to 9.5.15.5.</u></p>	<p>e. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u></p>
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9.6 Rules – Non-Notification of Applications

9.6.2.3 Visitor accommodation and residential visitor accommodation

New Stage 2 PDP provisions, added to Stage 1 Chapter 10 Arrowtown Residential Historic Management chapter

10 ARROWTOWN RESIDENTIAL HISTORIC MANAGEMENT ZONE

10.2 Zone Purpose

[Note: The following is new text at end of 10.1 Zone Purpose:]

Visitor accommodation is anticipated in the Visitor Accommodation Sub-Zones shown on planning maps, which have historically provided (and will continue to provide) important locations for visitor accommodation to meet the District's needs, and in the Arrowtown Town Centre Transition Overlay. The sub-zones are located in residential areas, and applications for visitor accommodation activities and associated development must address matters that impact on residential amenity, including character, traffic and noise effects.

Visitor accommodation outside of the Arrowtown Town Centre Transition Overlay and the Visitor Accommodation Sub-Zone is restricted.

The commercial letting of residential properties as short-term accommodation for paying guests on a year-round or permanent basis, is restricted, where it would result in a loss of residential character, cohesion and amenity values. Low intensity use of residential units, including residential flats, to accommodate paying guests is enabled, where the predominant residential character of the environment is retained and the residential amenity values of nearby residents is maintained.

Visitor accommodation is defined in the District Plan separately from accommodation activities involving paying guests occurring in residential units and residential flats, which are defined as Residential Visitor Accommodation and Homestay activities.

10.2 Objectives and Policies

10.2.5 Objective –Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.

Policies

10.2.5.1 Provide for visitor accommodation and residential visitor accommodation that is appropriate for the low density residential environment in the Arrowtown Town Centre Transition Overlay and the Visitor Accommodation Sub-Zone.

10.2.5.2 Restrict the establishment of visitor accommodation in locations outside the Arrowtown Town Centre Transition Overlay and the Visitor Accommodation Sub-Zone to ensure that the zone maintains a residential character.

10.2.5.3 Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.

10.2.5.4 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing.

10.2.5.5 Manage the effects of residential visitor accommodation and homestays outside the

Visitor Accommodation Sub-Zone by controlling the scale, intensity and frequency of use and those effects of the activities that differentiate them from residential activities.

10.3 Other Provisions and Rules

10.3.2 Interpreting and Applying the Rules

Renumber 10.3.2.5 as 10.3.2.6

Insert 10.3.2.5 References to the Visitor Accommodation Sub-Zones in this Chapter only apply to the sub-zones within the Arrowtown Residential Historic Management Zone.

10.4 Rules – Activities

Table 1	Activities located in the Arrowtown Residential Historic Management Zone	Activity status
<u>10.4.5</u>	<u>Homestays</u>	<u>P</u>
<u>10.4.5A</u>	<p><u>Residential Visitor Accommodation</u></p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> a. <u>The scale of the activity, including the number of guests on site per night;</u> b. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> c. <u>The location, provision, use and screening of parking and access;</u> d. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> e. <u>Health and safety provisions in relation to guests;</u> f. <u>Guest management and complaints procedures;</u> g. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> h. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u> 	<u>C</u>

<p><u>10.4.7</u></p>	<p><u>Visitor Accommodation in the Arrowtown Town Centre Transition Overlay and the Visitor Accommodation Sub-Zone</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>Parking and access;</u> c. <u>Landscaping;</u> d. <u>Noise generation and methods of mitigation;</u> e. <u>Hours of operation, including in respect of ancillary activities; and</u> f. <u>The external appearance of buildings.</u> 	<p><u>RD</u></p>
<p><u>10.4.11</u></p>	<p><u>Visitor Accommodation not otherwise identified</u></p>	<p><u>NC</u></p>

10.5 Rules – Standards

Table 2	Standards for Activities: Arrowtown Residential Historic Management Zone	Non- compliance status
<p><u>10.5.9</u></p>	<p><u>Residential Visitor Accommodation</u></p> <p>10.5.9.1 <u>Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p>10.5.9.2 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>10.5.9.3 <u>Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 10.5.9.1 to 10.5.9.3.</u></p>	<p><u>Sites within the Visitor Accommodation Sub-Zone and/or Town Centre Transition Overlay:</u></p> <p><u>RD*</u></p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> <u>a. The location, nature and scale of activities;</u> <u>b. The location, provision, use and screening of parking and access;</u> <u>c. The management of noise, outdoor lighting, use of outdoor areas, rubbish and recycling.</u> <u>d. The compliance of the residential unit with the Building Code as at the date of the consent;</u> <u>e. Health and safety provisions in relation to guests;</u> <u>f. Guest management and complaints procedures;</u> <u>g. The keeping of records of RVA use, and availability of records for Council inspection; and</u> <u>h. Monitoring requirements, including imposition of an annual monitoring charge.</u> <p><u>All other sites:</u></p> <p><u>Standard 10.5.9.1:</u> <u>91-180 nights RD</u> <u>>180 nights NC</u></p> <p><u>All other Standards:</u> <u>NC</u></p> <p><u>For RD non-compliance with Standard 10.5.9.1 discretion is restricted to:</u></p> <ol style="list-style-type: none"> <u>i. The nature of the surrounding residential context, including its residential amenity values, cohesion and character, and the effects of the activity on the neighbourhood;</u> <u>j. The cumulative effect of the</u>

		<p><u>activity, when added to the effects of other activities occurring in the neighbourhood;</u></p> <p>k. <u>The scale and frequency of the activity, including the number of guests on site per night;</u></p> <p>l. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u></p> <p>m. <u>The location, provision, use and screening of parking and access;</u></p> <p>n. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u></p> <p>o. <u>Health and safety provisions in relation to guests;</u></p> <p>p. <u>Guest management and complaints procedures;</u></p> <p>q. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u></p> <p>r. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u></p>
<p><u>10.5.10</u></p>	<p><u>Homestay</u></p> <p><u>10.5.10.1 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>10.5.10.2 Must comply with minimum parking requirements of standard 29.8.9 in Chapter 29 Transport.</u></p> <p><u>10.5.10.3 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>10.5.10.4 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>10.5.10.5 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 10.5.10.1 to 10.5.10.5.</u></p>	<p><u>Standards 10.5.10.1 and 10.5.10.2: RD</u></p> <p><u>All other Standards: NC</u></p> <p><u>For non-compliance with Standards 10.5.10.1 and 10.5.10.2 discretion is restricted to:</u></p> <p>a. <u>The nature of the surrounding residential context, including its residential amenity values and character, and the effects of the activity on the neighbourhood;</u></p> <p>b. <u>The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;</u></p> <p>c. <u>The scale and frequency of the activity, including the number of nights per year;</u></p> <p>d. <u>The management of noise, use</u></p>

		<p><u>of outdoor areas, rubbish and recycling;</u></p> <p>e. <u>The location, provision, use and screening of parking and access;</u></p> <p>f. <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u></p> <p>g. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u></p>
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10.6 Rules – Non-Notification of Applications

10.6.1 The following Restricted Discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified:

10.6.1.1 Visitor Accommodation and residential visitor accommodation in the Arrowtown Town Transition Overlay and the Visitor Accommodation Sub-Zone.

New Stage 2 PDP provisions, added to Stage 1 Chapter 11 Large Lot Residential chapter

11 Large Lot Residential

11.1 Zone Purpose

[Note: The following is new text at end of 11.1 Zone Purpose:]

Visitor accommodation is anticipated in the Visitor Accommodation Sub-Zones and shown on planning maps, which have historically provided (and will continue to provide) important locations for visitor accommodation to meet the District's needs. The sub-zones are located in residential areas, and applications for visitor accommodation activities and associated development must address matters that impact on residential amenity, including character, traffic and noise effects.

Visitor accommodation outside of the Visitor Accommodation Sub-Zones is restricted.

The commercial letting of residential properties as short-term accommodation for paying guests on a year-round or permanent basis, is restricted, where it would result in a loss of residential character, cohesion and amenity values. Low intensity use of residential units, including residential flats, to accommodate paying guests is enabled, where the predominant residential character of the environment is retained and the residential amenity values of nearby residents are maintained.

Visitor accommodation is defined in the District Plan separately from accommodation activities involving paying guests occurring in residential units and residential flats, which are defined as Residential Visitor Accommodation and Homestay activities.

11.2 Objectives and Policies

11.2.3 Objective – Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.

Policies

11.2.3.1 Provide for visitor accommodation and residential visitor accommodation that are appropriate for the low density residential environment in the Visitor Accommodation Sub-Zones, while ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated.

11.2.3.2 Restrict the establishment of visitor accommodation in locations outside the Visitor Accommodation Sub-Zones to ensure that the zone maintains a residential character.

11.2.3.3 Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.

11.2.3.4 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing.

11.2.3.5 Manage the effects of residential visitor accommodation and homestays outside the Visitor Accommodation Sub-Zone by controlling the scale, intensity and frequency of the use and those effects of the activities that differentiate them from residential activities.

11.3 Other Provisions and Rules

11.3.2 Interpreting and Applying the Rules

Renumber 11.3.2.5 as 11.3.2.6

Insert 11.3.2.5 References to the Visitor Accommodation Sub-Zones in this Chapter only apply to the sub-zones within the Large Lot Residential Zone.

11.4 Rules – Activities

Table 1	Activities located in the Large Lot Residential Zone	Activity status
<u>11.4.4</u>	<u>Homestays</u>	<u>P</u>
<u>11.4.5</u>	<u>Residential Visitor Accommodation</u> <u>Control is reserved to:</u> <ol style="list-style-type: none"> a. <u>The scale of the activity, including the number of guests on site per night;</u> b. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> c. <u>The location, provision, use and screening of parking and access;</u> d. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> e. <u>Health and safety provisions in relation to guests;</u> f. <u>Guest management and complaints procedures;</u> g. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> h. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u> 	<u>C</u>
<u>11.4.5A</u>	<u>Visitor Accommodation in the Visitor Accommodation Sub-Zone</u> <u>Discretion is restricted to:</u> <ol style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>Parking and access;</u> c. <u>Landscaping;</u> d. <u>Noise generation and the methods of mitigation;</u> e. <u>Hours of operation, including in respect of ancillary activities; and</u> f. <u>The external appearance of buildings.</u> 	<u>RD</u>
<u>11.4.10</u>	<u>Visitor Accommodation not otherwise identified</u>	<u>NC</u>

11.5 Rules – Standards for Activities

Table 2	Standards for Activities	Non- compliance status
<p><u>11.5.13</u></p>	<p><u>Residential Visitor Accommodation</u></p> <p>11.5.13.1 <u>Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p>11.5.13.2 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>11.5.13.3 <u>Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 11.5.13.1 to 11.5.13.3.</u></p> <p>-</p>	<p><u>Sites within the Visitor Accommodation Sub-Zone:</u></p> <p style="text-align: center;"><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>The location, provision, use and screening of parking and access;</u> c. <u>The management of noise, outdoor lighting, use of outdoor areas, rubbish and recycling.</u> d. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> e. <u>Health and safety provisions in relation to guests;</u> f. <u>Guest management and complaints procedures;</u> g. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> h. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u> <p style="text-align: center;"><u>All other sites:</u></p> <p><u>Standard 11.5.13.1:</u> <u>91-180 nights RD</u> <u>>180 nights NC</u></p> <p><u>All other Standards:</u> <u>NC</u></p> <p><u>For RD non-compliance with Standard 11.5.13.1 discretion is restricted to:</u></p> <ul style="list-style-type: none"> i. <u>The nature of the surrounding residential context, including its residential amenity values, cohesion and character, and the effects of the activity on the neighbourhood;</u>

		<ul style="list-style-type: none"> j. <u>The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;</u> k. <u>The scale and frequency of the activity, including the number of guests on site per night;</u> l. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> m. <u>The location, provision, use and screening of parking and access;</u> n. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> o. <u>Health and safety provisions in relation to guests;</u> p. <u>Guest management and complaints procedures;</u> q. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> r. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>
<p><u>11.5.14</u></p>	<p><u>Homestay</u></p> <p><u>11.5.14.1 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>11.5.14.2 Must comply with minimum parking requirements of standard 29.8.9 in Chapter 29 Transport.</u></p> <p><u>11.5.14.3 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>11.5.14.4 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>11.5.14.5 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p>Note: The Council may request that records are</p>	<p><u>Standards 11.5.14.1 and 11.5.14.2: RD</u></p> <p><u>All other Standards: NC</u></p> <p><u>For non-compliance with Standards 11.5.14.1 and 11.5.14.2 discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The nature of the surrounding residential context, including its residential amenity values and character, and the effects of the activity on the neighbourhood;</u> b. <u>The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;</u> c. <u>The scale and frequency of the</u>

	<p><u>made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 11.5.14.1 to 11.5.14.5.</u></p>	<p><u>activity, including the number of nights per year;</u></p> <p>d. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u></p> <p>e. <u>The location, provision, use and screening of parking and access;</u></p> <p>f. <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u></p> <p>g. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u></p>
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11.6 Rules – Non-Notification of Applications

11.6.1 The following Restricted Discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified:

11.6.1.1 Visitor Accommodation and residential visitor accommodation in the Visitor Accommodation Sub-Zone.

New Stage 2 PDP provisions, added to Stage 1 Chapter 16 Business Mixed Use chapter

16 Business Mixed Use Zone

16.4 Rules – Activities

	Activities located in the Business Mixed Use Zone	Activity status
16.4.2	<u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>

16.5 Rules – Standards

	Standards for activities located in the Business Mixed Use Zone	Non- compliance status
16.5.12	<p><u>Residential Visitor Accommodation</u></p> <p>16.5.12.1 <u>Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p>16.5.12.2 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>16.5.12.3 <u>Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p>16.5.12.4 <u>The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u></p> <p>16.5.12.5 <u>Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p>16.5.12.6 <u>Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 16.5.12.1 to 16.5.12.6.</u></p>	<p><u>C</u></p> <p><u>Control is reserved to:</u></p> <ol style="list-style-type: none"> <u>The location, nature and scale of activities;</u> <u>The location, provision, and screening of parking and access;</u> <u>The management of noise, rubbish and outdoor activities;</u> <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> <u>Health and safety provisions in relation to guests;</u> <u>Guest management and complaints procedures;</u> <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>

<p><u>16.5.13</u></p>	<p><u>Homestay</u></p> <p><u>16.5.13.1 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>16.5.13.2 Must comply with minimum parking requirements of standard 29.8.9 in Chapter 29 Transport.</u></p> <p><u>16.5.13.3 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>16.5.13.4 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>16.5.13.5 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 16.5.13.1 to 16.5.13.5.</u></p>	<p style="text-align: center;"><u>C</u></p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>The location, provision, and screening of parking and access;</u> c. <u>The management of noise, rubbish and outdoor activities;</u> d. <u>The keeping of records of Homestay use, and availability of records for Council inspection;</u> e. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>
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New Stage 2 PDP provisions, added to Stage 1 Chapter 21 Rural chapter

21 Rural

21.4 Rules – Activities

Table 1	Activities – Rural Zone	Activity status
<u>21.4.15</u>	<u>Residential Visitor Accommodation and Homestays</u>	P

21.9 Rules - Standards for Commercial Activities

<u>Table 6</u>	<u>Standards for Commercial Activities</u>	<u>Non- compliance status</u>
<u>21.9.5</u>	<p><u>Residential Visitor Accommodation</u></p> <p><u>21.9.5.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p><u>21.9.5.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u></p> <p><u>21.9.5.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>21.9.5.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 21.9.5.1 to 21.9.5.4.</u></p>	<p style="text-align: center;"><u>C</u></p> <p><u>Control is reserved to:</u></p> <ol style="list-style-type: none"> <u>a. The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period;</u> <u>b. The management of noise, rubbish and outdoor activities;</u> <u>c. The compliance of the residential unit with the Building Code as at the date of the consent;</u> <u>d. Health and safety provisions in relation to guests;</u> <u>e. Guest management and complaints procedures;</u> <u>f. The keeping of records of RVA use, and availability of records for Council inspection; and</u> <u>g. Monitoring requirements, including imposition of an annual monitoring charge.</u>

<p><u>21.9.6</u></p>	<p><u>Homestay</u></p> <p><u>21.9.6.1 Must not exceed 5 paying guests per night.</u></p> <p><u>21.9.6.2 The Council must be notified in writing prior to the commencement of a Homestay activity</u></p> <p><u>21.9.6.3 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 21.9.6.1 to 21.9.6.3.</u></p>	<p style="text-align: center;"><u>C</u></p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> a. <u>The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period;</u> b. <u>The management of noise, rubbish and outdoor activities;</u> c. <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u> d. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>
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22 New Stage 2 PDP provisions, added to Stage 1 Chapter 22 Rural Residential & Rural Lifestyle chapter

23 Rural Residential & Rural Lifestyle

22.2 Objectives and Policies

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

22.2.2.5 Enable residential visitor accommodation and homestays in conjunction with residential units (including residential flats) whilst limiting the scale, intensity and frequency of these activities.

22.4 Rules - Activities

Table 1	Activities – Rural Residential and Rural Lifestyle Zones	Activity status
<u>22.4.7</u>	<u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>

22.5 Rules - Standards

Table 2	Standards - Rural Residential and Rural Lifestyle Zones	Non-compliance status
<u>22.5.14</u>	<p><u>Residential Visitor Accommodation</u></p> <p><u>22.5.14.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p><u>22.5.14.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u></p> <p><u>22.5.14.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>25.5.14.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 22.5.14.1 to 22.5.14.4.</u></p>	<u>D</u>

<p><u>22.5.15</u></p>	<p><u>Homestay</u></p> <p><u>22.5.15.1 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>22.5.15.2 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>22.5.15.3 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 22.5.15.1 to 22.5.15.3.</u></p>	<p><u>D</u></p>
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New Stage 2 PDP provisions, added to Stage 1 Chapter 23 Gibbston Character Zone chapter

23 Gibbston Character Zone

23.4 Rules - Activities

Table 1	Activities	Activity status
<u>23.4.21</u>	<u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>

23.5 Rules - Standards

Table 4	Standards for Residential Visitor Accommodation and Homestays	Non-compliance status
<u>23.5.12</u>	<p><u>Residential Visitor Accommodation</u></p> <p><u>23.5.12.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p><u>23.5.12.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u></p> <p><u>23.5.12.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>23.5.12.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 23.5.12.1 to 23.5.12.4.</u></p>	<u>D</u>
<u>23.5.13</u>	<p><u>Homestay</u></p> <p><u>23.5.13.1 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>23.5.13.2 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>23.5.13.3 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 23.5.13.1 to 23.5.13.3.</u></p>	<u>D</u>

New Stage 2 PDP provisions, added to Stage 2 Chapter 24

Key:

No underlining shown for additional text for Wakatipu Basin Rural Amenity Zone. All text is new text to be added.

24 Wakatipu Basin Rural Amenity Zone

- 24.2.5.3** Provide for non-residential activities, including restaurants, visitor accommodation, and commercial recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures that the amenity, quality and character of the Precinct is retained.

24.4 Rules - Activities

	Table 24.1 – Activities in the Wakatipu Basin Rural Amenity Zone	Activity Status
[...]		
24.4.15	Residential visitor accommodation and homestays.	P
24.4.21	Visitor accommodation	D
[...]		

	Table 24.3 – Standards	Non-compliance status
[...]		
24.5.20	<p>Residential visitor accommodation</p> <p>Residential visitor accommodation – Excluding the Lifestyle Precinct</p> <p>24.5.20.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</p> <p>24.5.20.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</p> <p>24.5.20.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>24.5.20.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.20.1 to 24.5.20.4.</p>	<p>C</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period; The management of noise, rubbish and outdoor activities; The compliance of the residential unit with the Building Code as at the date of the consent; Health and safety provisions in relation to guests; Guest management and complaints procedures; The keeping of records of RVA use, and availability of records for Council

		inspection; and g. Monitoring requirements, including imposition of an annual monitoring charge.
24.5.21	<p>Residential visitor accommodation – Lifestyle Precinct only</p> <p>24.5.21.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</p> <p>24.5.21.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</p> <p>24.5.21.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>24.5.21.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.21.1 to 24.5.21.4</p>	D
24.5.22	<p>Homestay</p> <p>Homestay– Excluding the Lifestyle Precinct</p> <p>24.5.22.1 Must not exceed 5 paying guests on a site per night.</p> <p>24.5.22.2 The Council must be notified in writing prior to the commencement of a Homestay activity.</p> <p>24.5.22.3 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.22.1 to 24.5.22.3.</p>	<p>C</p> <p>Control is reserved to:</p> <p>a. The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period;</p> <p>b. The management of noise, rubbish and outdoor activities;</p> <p>c. The keeping of records of Homestay use, and availability of records for Council inspection; and</p> <p>d. Monitoring requirements, including imposition of an annual monitoring charge.</p>

<p>24.5.23</p>	<p>Homestay – Lifestyle Precinct only</p> <p>24.5.23.1 Must not exceed 5 paying guests on a site per night.</p> <p>24.5.23.2 The Council must be notified in writing prior to the commencement of a Homestay activity.</p> <p>24.5.23.3 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.23.1 to 24.5.23.3.</p>	<p><u>D</u></p>
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New Stage 2 PDP provisions, added to Stage 1 Chapter 41 Jacks Point chapter

41 Jacks Point

41.4 Rules - Activities

Table 1	Activities Located within the Jacks Point Zone	Activity status
41.4.1.9	<u>All Residential (R) Activity Areas and Rural Living (RL) Activity Area</u> Residential Visitor Accommodation and Homestays	<u>P</u>

Table 2	Activities located in the Jacks Point Zone – Village and Education Activity Areas	Activity Status
41.4.2.1	Any commercial, community, residential, <u>residential visitor accommodation, homestay, or visitor accommodation activity</u> within the Jacks Point (V) or Homestead Bay (HB) Village Activity Areas, including the addition, alteration or construction of associated buildings, provided the application is in accordance with a Comprehensive Development Plan incorporated in the District Plan, which applies to the whole of the relevant Village Activity Area and is sufficiently detailed to enable the matters of control listed below to be fully considered.	C

41.5 Rules – Activity Standards

Table 6	Standards for activities located in the Jacks Point Zone – Residential Activity Areas	Non-compliance status
41.5.1.12	<u>Residential Visitor Accommodation</u> 41.5.1.12.1 <u>Must be limited to one residential unit or residential flat per site not exceeding a cumulative total of 42 nights occupation by paying guests on a site per 12 month period.</u> 41.5.1.12.2 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u> 41.5.1.12.3 <u>Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the</u>	<u>D</u>

	<p><u>residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p>41.5.1.12.4 <u>The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u></p> <p>41.5.1.12.5 <u>Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p>41.5.1.12.6 <u>Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u></p> <p>Note: <u>The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 41.5.1.12.1 to 41.5.1.12.6.</u></p>	
<p><u>41.5.1.13</u></p>	<p><u>Homestay</u></p> <p>41.5.1.13.1 <u>May occur within either an occupied residential unit or an occupied residential flat on a site, and must not occur within both on a site.</u></p> <p>41.5.1.13.2 <u>Must not exceed 3 paying guests on a site per night.</u></p> <p>41.5.1.13.3 <u>Must comply with minimum parking requirements of standard 29.8.9 in Chapter 29 Transport.</u></p> <p>41.5.1.13.4 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>41.5.1.13.5 <u>The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p>41.5.1.13.6 <u>Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p>Note: <u>The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 41.5.1.13.1 to 41.5.1.13.6.</u></p>	<p><u>D</u></p>

New Stage 2 PDP provisions, added to Stage 1 Chapter 42 Waterfall Park chapter

42 Waterfall Park

42.4 Rules - Activities

	Activities Located within the Waterfall Park Zone	Activity status
<u>42.4.13</u>	<u>In the Residences Area (R) of the Structure Plan</u> <u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>

42.5 Rules - Standards

	Standards for activities located in the Waterfall Park Zone	Non- compliance status
<u>42.5.9</u>	<u>Residential Visitor Accommodation</u> 42.5.9.1 <u>Must be limited to one residential unit or residential flat per site–not exceeding a cumulative total of 179 nights occupation by paying guests on a site per 12 month period.</u> 42.5.9.2 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u> 42.5.9.3 <u>Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u> 42.5.9.4 <u>The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u> 42.5.9.5 <u>Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u> 42.5.9.6 <u>Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u>	<u>C</u> Control is reserved to: a. <u>The location, nature and scale of activities;</u> b. <u>The location, provision, and screening of parking and access;</u> c. <u>The management of noise, rubbish and outdoor activities;</u> d. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> e. <u>Health and safety provisions in relation to guests;</u> f. <u>Guest management and complaints procedures;</u> g. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> h. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>

	<p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 42.5.9.1 to 42.5.9.6.</u></p>	
<p>42.5.10</p>	<p><u>Homestay</u></p> <p>42.5.10.1 <u>May occur within either an occupied residential unit or an occupied residential flat on a site, and must not occur within both on a site.</u></p> <p>42.5.10.2 <u>Must not exceed 5 paying guests on a site per night.</u></p> <p>42.5.10.3 <u>Must comply with minimum parking requirements of standard 29.8.9 in Chapter 29 Transport.</u></p> <p>42.5.10.4 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>42.5.10.5 <u>The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p>42.5.10.6 <u>Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 42.5.10.1 to 42.5.10.6.</u></p>	<p style="text-align: center;"><u>C</u></p> <p><u>Control is reserved to:</u></p> <ol style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>The location, provision, and screening of parking and access;</u> c. <u>The management of noise, rubbish and outdoor activities;</u> d. <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u> e. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>

New Stage 2 PDP provisions, added to Stage 1 Chapter 43 Millbrook chapter

43 Millbrook

43.4 Rules - Activities

	Activities – Millbrook	Activity status
43.4.26	Residential Visitor Accommodation and Homestays in the Residential Activity Area	<u>P</u>

43.5 Rules - Standards

	Rules – Millbrook	Non- compliance status
43.5.14	<p><u>Residential Visitor Accommodation.</u></p> <p>43.5.14.1 <u>Must be limited to one residential unit or residential flat per site not exceeding a cumulative total of 179 nights occupation by paying guests on a site per 12 month period.</u></p> <p>43.5.14.2 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>43.5.14.3 <u>Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p>43.5.14.4 <u>The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u></p> <p>43.5.14.5 <u>Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p>43.5.14.6 <u>Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 43.5.14.1 to 43.5.14.6.</u></p>	<p><u>C</u></p> <p><u>Control is reserved to:</u></p> <ol style="list-style-type: none"> <u>The location, nature and scale of activities;</u> <u>The location, provision, and screening of parking and access;</u> <u>The management of noise, rubbish and outdoor activities;</u> <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> <u>Health and safety provisions in relation to guests;</u> <u>Guest management and complaints procedures;</u> <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>

<p><u>43.5.15</u></p>	<p><u>Homestay</u></p> <p><u>43.5.15.1 May occur within either an occupied residential unit or an occupied residential flat on a site, and must not occur within both on a site.</u></p> <p><u>43.5.15.2 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>43.5.15.3 Must comply with minimum parking requirements of standard 29.8.9 in Chapter 29 Transport.</u></p> <p><u>43.5.15.4 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>43.5.15.5 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>43.5.15.6 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 43.5.15.1 to 43.5.15.6.</u></p>	<p style="text-align: center;"><u>C</u></p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>The location, provision, and screening of parking and access;</u> c. <u>The management of noise, rubbish and outdoor activities;</u> d. <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u> e. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>
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QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Stream 15 Report

**Report and Recommendations of Independent Commissioners
Regarding Chapters 25, 29, 31, 38, and Visitor Accommodation**

Report 19.2

Visitor Accommodation, including Visitor Accommodation Sub-Zones

Commissioners

Denis Nugent (Chair)

Sarah Dawson

Calum MacLeod

Robert Nixon

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Appendix 1: Variations to Chapters 2, 7, 8, 9, 10, 11, 16, 21, 22, 23, 24, 41, 42 and 43 as Recommended

Appendix 2: Recommendations on Submissions and Further Submissions on the Variations to Chapters 2, 7, 8, 9, 10, 11, 16, 21, 22, 23, 24, 41, 42 and 43

Appendix 3: Recommendations on Submissions Seeking Map Amendments Where no Evidence was Presented

PART A – VARIATIONS AMENDING PDP TEXT

1. PRELIMINARY

1.1 Introduction

1. This report needs to be read in conjunction with Report 19.1. That report sets out the appearances and procedural matters for Stream 15. It also contains our recommendations on matters applicable generally to all the provisions covered by Stream 15.

1.2 Terminology in this Report

2. The majority of the abbreviations used in this report are set out in Report 19.1. In addition, throughout this report, we use the following abbreviations:

ASAN	Activity Sensitive to Aircraft Noise
BnB	Bed and breakfast
BRA	Building Restriction Area
District	Queenstown Lakes District
Federated Farmers	Federated Farmers of New Zealand Inc
Fish and Game	Otago Fish and Game Council
GCZ	Gibbston Character Zone
Group of proforma submissions identified by Ms Bowbyes	Submissions 2057, 2058, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2080, 2081, 2082, 2092, 2093, 2102, 2180, 2111, 2112, 2113, 2114, 2116, 2117, 2119, 2179, 2396, 2399, 2402, 2415, 2416, 2427, 2428, 2431, 2438, 2481, 2495, 2507, 2533, 2565, 2570, 2583, 2588, 2704, 2705, 2730, 2736, 2801
HDCA	Housing Development Capacity Assessment, 2017. Prepared for Queenstown Lakes District Council, by m.e. consulting. Draft Final (Ref. QLDC002.17)
Jacks Point Group	Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited ¹ ; and Darby Planning LP ²
JPZ	Jacks Point Zone
LLRZ	Large Lot Residential Zone

¹ Submission 2381

² Submission 2376

Low and medium density residential zones	LDSRZ, MDRZ, ARHMZ and LLRZ
Luxury Accommodation Providers	MajorDomo Limited ³ ; Touch of Spice Limited ⁴ ; NZSIR Luxury Rental Homes Limited ⁵
MRZ	Millbrook Resort Zone
NPS-UDC	National Policy Statement for Urban Development Capacity 2016
ORC	Otago Regional Council
Reply Version	The version of Chapter 25 attached to the Reply Evidence of J Wyeth
RLZ	Rural Lifestyle Zone
RRZ	Rural Residential Zone
RVA	Residential visitor accommodation
TCTO	Town Centre Transition Overlay
VA	Visitor accommodation
Variation	The notified visitor accommodation variations, incorporating variations to Stage 1 PDP Chapters 2 Definitions; 7 Low Density Suburban Residential; 8 Medium Density Residential; 9 High Density Residential; 10 Arrowtown Residential Historic Management Zone, 11 Large Lot Residential; 16 Business Mixed Use; 21 Rural; 22 Rural Residential & Rural Lifestyle; 23 Gibbston Character Zone; 41 Jacks Point; 42 Waterfall Park; and 43 Millbrook Resort; and notified Stage 2 provisions relating to visitor accommodation added to Stage 1 PDP Chapter 24 Wakatipu Basin Rural Amenity Zone.
VASZ	Visitor Accommodation Sub-Zone
WBRAZ	Wakatipu Basin Rural Amenity Zone

³ Submission 2592

⁴ Submission 2600

⁵ Submission 2598

1.3 Background

3. This report deals with the submissions and further submissions lodged in respect of The Council's notified visitor accommodation variation, which inserted provisions into the PDP (Stage 1) relating to Residential Visitor Accommodation, Homestays, and other visitor accommodation, including applying Visitor Accommodation Sub-Zones on the Planning Maps.
4. Ms Amy Bowbyes, a senior policy planner employed by the Council, prepared a Section 42A Report, rebuttal evidence and a reply statement relating to all aspects of the variation, other than the mapping of VASZs. She also provided an additional statement of evidence responding to the submission of Relax Its Done⁶. Ms Bowbyes' evidence was supported by expert economics evidence-in-chief, rebuttal and reply evidence from Mr Robert Heyes, an economics consultant engaged by the Council. Ms Bowbyes and Mr Heyes contributed to a Memorandum of Counsel for the Council responding to issues raised during the hearing⁷. Ms Rosalind Devlin, a consultant planner engaged by the Council, prepared a Section 42A Report, supplementary evidence, rebuttal evidence and a reply statement relating to the mapping of VASZs. Ms Bowbyes advised us that she was not the author of the notified variation or the accompanying section 32 report. We also had the benefit of evidence from numerous submitters.
5. Due to a change in circumstances for Ms Devlin during the course of the hearing⁸, Ms Bowbyes took over advising the Panel in relation to the VASZ sought by Teece Irrevocable Trust No. 3⁹. Ms Bowbyes prepared additional rebuttal evidence in relation to this submission. We appreciate being advised of this situation and are satisfied that both Ms Devlin and Ms Bowbyes approached their tasks as the Council's reporting officers on this matter professionally.
6. The hearings proceeded as described in Report 19.1.

1.4 General Submissions

7. As set out in Report 19.1, where a submission seeking a change to the variation 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.
8. Several submissions on Stage 1 of the PDP were carried over to be heard in conjunction with the variation. These were listed and addressed in the Section 42A Report prepared by Ms Bowbyes¹⁰. Ms Bowbyes noted that these submissions¹⁰ related only to the definitions of Visitor Accommodation (VA) and Residential Activity notified in Stage 1 of the PDP. It was Ms Bowbyes' opinion that these submissions have been materially overtaken by the provisions of the variation, in particular the amendments to these definitions proposed in the variation. We agree with Ms Bowbyes. We consider that the matters raised in these Stage 1 submissions have been addressed through consideration of submissions on the definitions contained in the variation, which we consider to be more appropriate (subject to amendments we discuss later

⁶ Submission 2662

⁷ Memorandum of Counsel for Queenstown Lakes District Council providing expert witness responses to issues raised during the hearing, Hearing Stream 15 – Visitor Accommodation, 14 September 2018, section 10

⁸ As advised to the Panel in paragraph 5.8 of the Opening Representations / Legal Submissions for the Council, Stream 15, 31 August 2018

⁹ Submission 2599

¹⁰ A Bowbyes, EiC, paragraphs 12.1 – 12.3

in this report). We have not addressed the Stage 1 submissions further in this report, and recommend they be rejected.

9. There were a very large number of submissions received on the variation. As stated in Report 1¹¹, it is not necessary for the Hearing Commissioners 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, as there are many submitters who made similar requests in relation to the variation 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 variation.
10. Several submissions require consideration before discussing the provisions in the variation and the submissions on those provisions. Some submissions supported the variation generally. A comprehensive summary of these submissions was provided by Ms Bowbyes¹², which we accept and have had regard to. As we are recommending changes to the provisions, we recommend these submissions be accepted in part. A large number of submissions¹³ generally opposed the variation and asked that the entire variation be rejected or withdrawn in its entirety. Ms Bowbyes also provided a comprehensive analysis of these submissions¹⁴, which we accept and have had regard to. As we recommend retaining the variation, albeit with substantial changes, we recommend that these submissions be rejected.
11. Some submitters suggested alternative approaches to the issues the Council seeks to address through the variation – long-term rental housing availability and effects of visitor accommodation in residential areas. Alternatives were suggested such as additional rates¹⁵, development contributions or tourist taxes¹⁶; provision of more affordable housing or dedicated worker's accommodation; requiring employers to provide housing for employees;¹⁷ the Council to stop promoting tourism; and greater regulation of freedom camping¹⁸. Other submissions sought reconsideration by the Council of the issues and approaches, such as through a task force or a public report¹⁹. Although these suggestions are related to the issues raised by the variation, we do not consider that these alternatives fall within the Council's resource management functions or can be achieved through the PDP. On this basis, we recommend that these submissions be rejected.
12. Many submissions requested that the "current" regime be retained²⁰. By this, we assume the submitters meant the approach under the operative district plan (ODP), combined with the

¹¹ Report 1 para [52]-[53]

¹² A Bowbyes, EIC, paragraphs 9.3-9.16

¹³ These included the large group of pro-forma submissions identified by Ms Bowbyes, as well as opposition from Airbnb, Bookabach and Bachcare and its associated similar submissions (which sought an alternative regime for managing RVA and homestays)

¹⁴ A Bowbyes, EIC, paragraphs 9.17-9.45 & 11.2-

¹⁵ For example, Submissions 2023, 2037, 2053, 2056, 2061, 2062, 2065, 2333, 2556 and the large group of pro-forma submissions identified by Ms Bowbyes

¹⁶ For example, Submissions 2027, 2053, 2059, 2063, 2091, 2127, 2130, 2333

¹⁷ For example, Submissions 2044, 2064, 2083, 2099, 2100, 2162, 2173, 2238, 2220, 2283, 2486

¹⁸ For example, Submissions 2110, 2137, 2212

¹⁹ For example, Submissions 2053, 2148

²⁰ For example, Submissions 2052, 2094, 2141, 2162, 2149, 2238, 2354, 2486, FS2798. Some requested specific alterations to the current regime, such as reducing or removing the minimum stay period of 3 consecutive nights. Bookabach and Bachcare and its associated similar submissions, specifically sought continuation of the current registration system

Council’s “registration” process (set out in Appendix 12 to the ODP - Standards for a Registered Holiday Home or Registered Homestay). The ODP is being replaced, in stages, by the PDP. Even if we were to recommend rejection of the variation in its entirety, the provisions for visitor accommodation in the residential zones would not revert to those under the ODP. On this basis, we recommend that these submissions be rejected. However, we note that aspects of the approach under the ODP have been specifically requested as amendments to the variation, including the incorporation of a registration system. We address these aspects later in our Report as we consider each of the variation provisions. Closely related to this, some submitters asked that the Council enforce the “current” regime more effectively. Although the ability to effectively enforce any provisions is a matter we consider for each provision, the Hearings Panel cannot determine the Council’s approach to enforcement of the PDP provisions. Accordingly, we recommend that these submissions be rejected.

13. Fiskin & Associates²¹, Streat Developments Limited²² and Church Street Trustee Limited²³ sought an addition to Chapter 3 Strategic Directions to include an objective and policies recognising the economic contribution of visitor accommodation to the economic wellbeing of the District. The Stream 1B Hearing Panel, differently constituted, has heard Chapter 3 and made its recommendations to the Council, which it has accepted. The Council’s decision’s version of Chapter 3 (albeit subject to appeals) includes the following provisions relevant to visitor accommodation and its economic contribution to the District. Objective 3.2.1.1 and Policy 3.3.1 read:

The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District²⁴.

Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District’s urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone.²⁵

14. Although Chapter 3 does not form part of this variation, as we consider that the Council’s decided Strategic Objectives and Policies already give effect to the relief sought by these submitters, we recommend that their submissions be accepted in part.²⁶
15. Gerry Oudhoff and James Hennessy²⁷ requested that the variation be amended to make provision for, and recognise the importance of, of camping grounds. Camping grounds are a form of visitor accommodation, so we accept that they are included within the provisions of this variation. However, as the submitters did not provide any evidence it is unclear what additional or alternative wording they were seeking. Therefore, we recommend the submission be accepted in part.

²¹ Submission 2372

²² Submission 2311, supported by FS2738

²³ Submission 2375

²⁴ Strategic Objective 3.2.1.1

²⁵ Strategic Policy 3.3.1

²⁶ As stated in paragraph 52 of Report 19.1, we agree with and adopt the reasoning of the Stream 14 Hearing Panel in Report 18.1 regarding the approach to be taken to the objectives and policies in Chapters 3-6 of the PDP (Report 18.1, paragraphs 168-176)

²⁷ Submission 2326

2. HOW TO CONTROL RVA AND HOMESTAYS IN THE PDP

2.1 Summary of the Issue, Submissions and Evidence

16. The submission from Airbnb²⁸, in particular, as well as those from Bachcare²⁹, Bookabach³⁰, the Luxury Accommodation Providers³¹, Fiskin & Associates³², RSJ Tahuna Trust³³ and the many submissions from individuals, addressed the issue of whether the effects of residential visitor accommodation (RVA) and/or homestays differ from the effects of residential activities and, therefore, whether a separate regime to manage the effects of these activities is required (separate from that for managing the effects of residential activities). Submissions and further submissions were lodged with supporting and opposing positions to those expressed in the Airbnb submission³⁴. The opening legal submissions from the Council agreed³⁵ that this was an outstanding substantial matter of dispute relating to the variation. In our view, it is appropriate to consider this matter at the outset rather than through a piecemeal approach, policy by policy or rule by rule. Accordingly, we address this broad matter first, having regard to all relevant submissions and further submissions.
17. The Airbnb submission sought the withdrawal or decline of the variation in its entirety, with all its provisions to be deleted. The legal submissions from Ms Sheard on behalf of Airbnb³⁶ stated that RVA, holiday homes and homestays should be included within the definition of “residential activity” and managed in accordance with the zone rules applying to residential activities. It was Airbnb’s submission³⁷ that there is no justification for imposing restrictions on RVA and homestays that are different from those for managing the effects of residential activities.
18. We understand from the legal submissions³⁸, and from the evidence and answers to our questions of Mr Thomas, that Airbnb’s opposition to specific regulatory control of RVA stems (at least in part) from its concerns at the significant regulatory burden (and costs) it would impose on hosts³⁹ in the District; the difficulty existing hosts will have in proving they have existing use rights; and the significant challenges for the Council in enforcing and monitoring the provisions. The submission stated that *“Airbnb strongly believes in the right of people to share their houses, townhouses and apartments across the Queenstown Lakes District in a responsible and sustainable way, without extreme restrictions Airbnb believes that to maximise participation in the sharing economy, any regulations should be clear, easy to understand and comply with, and cost-effective for hosts”*.
19. The legal submissions summarised Airbnb’s opposition⁴⁰ as being based on the lack of compelling evidence that:

²⁸ Submission 2390

²⁹ Submission 2620

³⁰ Submission 2302

³¹ MajorDomo Limited (Submission 2592); Touch of Spice Limited (Submission 2600); NZSIR Luxury Rental Homes Limited (Submission 2598)

³² Submission 2372

³³ Submission 2226

³⁴ A Bowbyes EIC, paragraphs 9.1-9.46, contains a comprehensive summary of the various viewpoints received through the submissions. We have had regard to this summary.

³⁵ Opening legal submissions for the Council from Ms Scott, paragraph 5.3

³⁶ Legal submissions, paragraph 9.1

³⁷ Legal submissions, paragraphs 5.15 & 9.2

³⁸ Legal submissions, paragraph 10.1

³⁹ Host is the term Airbnb gives to the providers of RVA or Homestay accommodation and we adopt that usage for this report.

⁴⁰ Legal submissions, paragraph 1.3

- there are existing adverse amenity, parking, traffic or residential cohesion effects that need to be addressed;
- there is a shortfall of long term housing capacity in the District;
- the provisions will be effective in addressing any housing affordability or long term rental availability; and
- holiday homes currently used for RVA will convert to long term rentals rather than remaining empty when not being used by their owners.

In addition, the legal submissions stated⁴¹ that the impact of the variation on the availability of tourist accommodation and the impacts on tourism within the District have not been adequately assessed.

20. In her legal submissions, Ms Sheard accepted the statutory framework for the preparation of district plans set out in Appendix 1 of the Council’s opening legal submissions⁴² (as did the legal submissions on behalf of Bookabach and Bachcare⁴³, and the Luxury Accommodation Providers⁴⁴). We have proceeded on the basis that this framework has been accepted by all parties involved and, as stated in Report 19.1⁴⁵, that the principles set out in Report 1 remain applicable.
21. Ms Sheard did not dispute that, in principle, managing adverse effects associated with RVA falls within the Council’s functions under section 31 of the Act and adverse effects on housing affordability and availability of long term rental accommodation could be considered in the context of Part 2 of the Act (under section 5), assuming there are such adverse effects. This was consistent with the response from Ms Bowbyes to our written questions during the hearing⁴⁶. We did not receive any legal submissions or evidence from other parties that suggested otherwise⁴⁷. Later in this Report, we discuss whether the variation’s provisions will be effective in addressing any effects identified.
22. The evidence of Mr Thomas, Airbnb’s Head of Public Policy for Australia and New Zealand, outlined⁴⁸ the scale of Airbnb operations in the District – approximately 2300 listings, 71,000 bookings, and 203,000 guests in 2017⁴⁹. It was Mr Thomas’s evidence⁵⁰ that Airbnb guests who stayed in Queenstown⁵¹ spent \$130.2 million and made a total economic contribution of approximately \$89 million in value added, supporting 713 full time equivalent jobs. The expenditure figures from Mr Thomas were different from those of Mr Heyes⁵² for the Council,

⁴¹ Legal submissions, paragraph 10.1

⁴² Opening legal submissions for the Council from Ms Scott, section 2 and Appendix 1

⁴³ Legal submissions from Ms Hartley, paragraph 3.1

⁴⁴ Legal submissions from Mr Leckie, paragraph 5

⁴⁵ Report 19.1, Section 2.1

⁴⁶ Panel Minute 12 September, and response from Counsel for the Council 14 September 2018

⁴⁷ See also M Chrisp, for Bookabach and Bachcare, Summary of evidence; Legal submissions from Mr Leckie, for the Luxury Accommodation Providers, paragraph 22; and B Farrell for the Luxury Accommodation Providers, Summary of evidence.

⁴⁸ B Thomas, EIC, paragraph 5.4

⁴⁹ Attached to Mr Thomas’s evidence was a report from Deloitte, prepared for Airbnb, Economic effects of Airbnb in Queenstown, 2018. We did not have the opportunity to question the authors of this report. However, the broad scale of Airbnb operation in the District was not a matter in dispute.

⁵⁰ B Thomas, EIC, paragraph 5.4, based on the Deloitte report.

⁵¹ In answer to a question, Mr Thomas confirmed that the information in his evidence regarding “Queenstown” referred to Queenstown Lakes District.

⁵² Mr Heyes gave his opinion as to the reason for the difference (his Rebuttal evidence, paragraphs 3.2-3.5), being the use of different models of the District’s economy. However, Mr Heyes accepted that RVA is a significant part of the District’s visitor accommodation sector and provides benefits to the

with each questioning the other's figures and their sources. However, we have not needed to decide on this matter, as it was not fundamental to our decision-making, and we accept that (whatever the figure) Airbnb has a considerable presence in the District and the economic contribution of its guests to the District is substantial.

23. Mr Thomas stated⁵³ that, at times when demand and occupancy rates are high, Airbnb provides Queenstown with additional accommodation supply, allowing more people to be hosted in the District without having to build new accommodation, and provide better management of surges in demand. It was his evidence⁵⁴ that Airbnb guests and hosts distribute the economic benefits of travel to neighbourhoods that have not traditionally received the benefits of the tourism industry, and encourage guests to experience wider parts of the District. These benefits of RVA were not disputed by the Council and were accepted by Mr Heyes and Ms Bowbyes.
24. Mr Thomas also dealt with the impact of the variation's provisions on Airbnb hosts and guests. It was his evidence⁵⁵ that the variation will reduce the supply of an important accommodation option in the market, with risks that there will be a reduction in affordability of properties with existing rights or consents to provide RVA, and an increase in the price of RVA. He also referred to⁵⁶ the time and cost required to apply for resource consents.
25. Mr Thomas particularly addressed his concerns⁵⁷ over the reliability of the data used by Mr Heyes in his analysis of Airbnb's operations in the District (and other house-sharing platforms). He referred to the unreliability of using scraped data from AirDNA, including for distinguishing between homes booked out for personal use by the owners (and their family / friends) and those booked out by paying guests. In his opinion, the use of this data considerably over-inflates rental figures. Mr Thomas also expressed his concern⁵⁸ about the conclusions reached by Mr Heyes relating to Airbnb's share of the Queenstown market (compared with other listing platforms) and regarding the growth of the RVA sector as a whole. He referred to the lack of analysis by Mr Heyes of the extent to which RVA's in Queenstown are now making greater use of previously unoccupied holiday homes. We note here that Mr Heyes⁵⁹ stated he was aware of, and had taken account of, the limitations of the AirDNA data and he acknowledged he was unable to quantify the growth in Airbnb's share of the market relative to other listings. Mr Heyes did not accept that these limitations should change his conclusions regarding the scale, nature and growth of Airbnb (or other RVA) listings. We return to our consideration of the issue regarding the reliability of data and information before us, later in this Report.
26. In answer to our questions, Mr Thomas stated that there is potential for growth in RVA in the District, due to its popularity; particularly for more holiday homes to be listed, those listed to be used more often, or more residents listing their houses when they are away from home. It was his evidence that two thirds of hosts share their own homes, with the majority of the balance sharing their holiday home. It was not clear to us if this applied to Airbnb as a whole, or to this District, however, it was Mr Thomas's evidence that most Airbnb hosts are listing

District, including catering for the growth in tourist numbers and being an important source of revenue for hosts and service businesses (R Heyes, Summary of evidence).

⁵³ B Thomas, EIC, paragraph 5.7

⁵⁴ B Thomas, EIC, paragraph 5.8

⁵⁵ B Thomas, EIC, paragraph 6.11

⁵⁶ B Thomas, EIC, paragraph 7.1

⁵⁷ B Thomas, EIC, paragraphs 6.6-6.7 & 6.10

⁵⁸ B Thomas, EIC, paragraphs 6.8-6.9

⁵⁹ R Heyes, Rebuttal evidence, paragraphs 3.6-3.18

their own permanent home (either shared with the owner or while they are away) or their holiday home, rather than being purely investment properties or corporate accommodation businesses. This was also the evidence from the other accommodation management companies that addressed us⁶⁰.

27. In answer to our questions, Mr Thomas provided examples of other options for addressing any problems identified with the operation of RVA. However, these options mostly stemmed from countries with different statutory and enforcement powers than those currently available to local authorities in New Zealand. None of them came within the Council's powers to implement through the PDP. Some required voluntary implementation by RVA operators and platforms, which we have taken into consideration below.
28. In her evidence for Airbnb, Ms McLeod disputed the evidence base relied on by the Council to conclude that there are potential adverse effects of RVA and homestays that require management through the PDP.
29. In relation to adverse effects on residential cohesion, character and amenity, it was Ms McLeod's opinion⁶¹ that the discussion paper referred to by the Council⁶² has limited reliability because of its age and scope – it does not distinguish between potentially different effects from commercial visitor accommodation, RVA or homestay; and relates to the HDRZ of the ODP. Ms McLeod referred⁶³ to the lack of complaints (or very few) regarding noise and disturbance from RVA and homestays. She also pointed out⁶⁴ that noise and parking provision associated with RVA and homestays are managed by standards in the other chapters of the PDP (Chapters 29 and 36), in the same way that these effects are managed for residential activities.
30. In relation to adverse effects on the availability of housing for long term rental accommodation, Ms McLeod referred⁶⁵ to the limitations of Mr Heyes' conclusions and the lack of support for this concern in the Council's recently released Housing Development Capacity Assessment report (HDCA)⁶⁶. We return to both these matters later in this Report.
31. Ms McLeod addressed the position of the Council that the variation assists in giving effect to the NPS-UDC 2016. Ms McLeod's conclusion⁶⁷ was that the variation's provisions are not appropriate or necessary to give effect to this NPS, and they would have the effect of constraining choices and reducing efficiency in a manner that is inconsistent with policies of the NPS. As we refer to below, the Council's opening legal submissions, which clarified the Council's position in relation to the NPS-UDC, is that the PDP Stage 1 decision already gives effect to this NPS, but that the provisions of this variation also give effect to / implement it⁶⁸. We note here that Mr Farrell, on behalf of the Luxury Accommodation Providers, gave evidence⁶⁹ regarding this NPS. He also did not agree that restricting RVA will help the Council

⁶⁰ Submissions 2303, 2592, 2598, 2600, 2620 & 2662

⁶¹ A McLeod, EIC, paragraphs 7.5-7.7, 7.9-7.10

⁶² Hill Young Cooper, Discussion Paper on Residential Coherence, prepared in relation to Plan Change 23, 2008

⁶³ A McLeod, EIC, paragraphs 7.10 & 7.14

⁶⁴ A McLeod, EIC, paragraphs 7.10 & 7.11

⁶⁵ A McLeod, EIC, paragraph 7.14

⁶⁶ Housing Development Capacity Assessment, 2017. Prepared for Queenstown Lakes District Council, by m.e. consulting. Draft Final (Ref. QLDC002.17)

⁶⁷ A McLeod, EIC, paragraph 6.23

⁶⁸ Opening legal submissions, paragraph 5.14-5.20

⁶⁹ B Farrell, EIC, paragraphs 8-10

to implement its responsibilities under the NPS. His opinion was that the NPS is about urban development and capacity, for both housing and business purposes, with no primacy of one over the other.

32. Ms McLeod's evidence also examined the provisions of the Proposed RPS⁷⁰. Ms McLeod concluded the variation is not necessary to give effect to the Proposed RPS and has the potential to limit the extent to which the economic well-being of Otago's people and communities is provided for under its Policy 1.1.1. Ms Bowbyes, in her evidence for the Council, also considered the provisions of the Proposed RPS and concluded that the variation would give effect to the objectives and policies of Chapter 1 relating to economic, social and cultural wellbeing for people and communities, as well as those for urban growth and development, commercial activities and tourism.
33. Ms McLeod considered the over-arching direction provided in the PDP through the Strategic Direction (Chapter 3) and relating to Urban Development (Chapter 4)⁷¹. She did not consider the latter to be relevant, and that the variation is either not necessary to achieve the strategic objectives and policies, or is not the best way to achieve them. Ms Bowbyes also set out those strategic objectives and policies she considered relevant to the variation, although she did not analyse these⁷². We note here that the strategic objectives were also examined by Mr Chrisp, on behalf of Bookabach and Bachcare⁷³. He noted that their emphasis is on enabling activities to occur and does not signal any intention or requirement to restrict provision of short term rental accommodation for visitors, except where this would be inconsistent with the objectives and policies of the underlying zone.
34. In her opening legal submissions for the Council, Ms Scott clarified the Council's position in relation to the NPS-UDC, which we have already referred to above. Ms Scott submitted⁷⁴ that, for the Council, the variation provisions are seeking to achieve something other than only providing sufficient development capacity for dwellings (which is a valid matter to consider under the NPS-UDC). She submitted the Council is aiming to satisfy the purpose of the Act in section 5, by addressing housing affordability and also demand for long-term rental, seeking to strike an appropriate balance between providing flexibility for the provision of visitor accommodation and not adversely affecting the supply of residential housing types for a range of residents of the District. Ms Scott submitted that demand for housing is a broader concept than just total capacity, and it is relevant to consider the increasing unaffordability of housing, both for permanent residence and long term rental. Although she accepted that the variation's provisions do not land or fall only on the NPS-UDC, in fact they do give effect to / implement it. In answer to our questions, Ms Scott also accepted that the Council's evidence does not go so far as to draw a causal link between RVA and the lack of housing affordability.
35. Mr Heyes⁷⁵ acknowledged that there are several factors responsible for the deterioration in rental affordability in the District and that he has not been able to quantify the extent to which RVA has had an impact on the availability and affordability of the long term rental market. However, he maintained his position that, against the backdrop of strong population and tourism growth, the growth of RVA (driven primarily by the growth in Airbnb) has likely had a

⁷⁰ A McLeod, paragraphs 9.1-9.11

⁷¹ A McLeod, EIC, paragraphs 9.12-9.13

⁷² A Bowbyes, EIC, paragraphs 5.36-5.44

⁷³ M Chrisp, EIC, paragraphs 5.1-5.5

⁷⁴ Opening legal submissions, paragraphs 5.16-5.20

⁷⁵ R Heyes, Summary of evidence and Rebuttal evidence, paragraphs 3.9, 4.6 & 6.2, 6.6

negative impact on its affordability and capacity. It was his evidence⁷⁶ that, even if half the number of properties he had estimated⁷⁷ were transferred between RVA and long term rental, this would be an equivalent number to the long term rental vacancy rate and enough to cause upward pressure on rental prices. He accepted that not all RVA property owners would enter the long term rental market, and that his conclusions only apply to a proportion of the RVA properties. However, in answer to our questions, Mr Heyes continued to hold the view that this is sufficient to potentially affect the capacity and affordability of that market. When asked by the Panel as to whether the housing market may respond in time, Mr Heyes stated that his main concern was the short-term impact of RVA on the rental market and the cost of this for the District's residents. He acknowledged that there are a mix of problems and pressures within the District's housing market that contribute to difficulties with housing and long term rental affordability⁷⁸. However, he maintained his opinion that the growth of RVA (alongside the rapid growth in tourist numbers) has added to these pressures. We return to our consideration of this matter later in this Report.

36. Ms Bowbyes, in her planning evidence for the Council⁷⁹, relied on the evidence of Mr Heyes to support her conclusions that, if not appropriately regulated, RVA will likely impact on the supply and availability of accommodation for residents. In response to questions from the Panel, she stated that her assessment was that, on "the balance of probabilities", RVA will have an impact on the availability of long term rental housing.
37. In relation to potential adverse effects of RVA and homestays on amenity and residential cohesion (different from those of residential activities), it was Ms Bowbyes' evidence that they are different⁸⁰. She relied on the Section 32 Report⁸¹ and the evidence of Mr Chrisp and Mr Farrell (which we refer to below). The Section 32 Report appears to rely on reports prepared in 2008 relating to the effects of visitor accommodation in high density residential zones⁸². In answer to the Panel's questions, Ms Bowbyes acknowledged that the Council has no record of complaints and has undertaken no specific monitoring in relation to this matter. She stated that her conclusions have come from her own observations across the District, anecdotal conversations and her examination of the submissions received. She noted that the impacts of RVA and homestay activities had become subject of widespread topical concern in the District. Ms Bowbyes elaborated on this in response to our written questions⁸³. She stated that the potential effects of RVA (as compared with residential activities) include and exceed the quantifiable and enforceable metrics for noise and parking effects⁸⁴, as well as more qualitative effects on social cohesion and residential character⁸⁵, such that, in her opinion, RVA is a fundamentally different activity to residential use, with different characteristics. As we

⁷⁶ R Heyes, Rebuttal evidence, paragraph 3.9

⁷⁷ 300 of his estimated 700 properties

⁷⁸ In response to written questions from the Panel (Minute of 12 September 2018), Mr Heyes outlined a range of methods and measures sitting outside the Act that may also assist housing and long-term rental accommodation affordability.

⁷⁹ A Bowbyes, EIC, paragraph 6.15

⁸⁰ A Bowbyes, Rebuttal evidence, paragraphs 7.7-7.9

⁸¹ Included as Appendix 3 to A Bowbyes EIC

⁸² Hill Young Cooper, Discussion Paper on Residential Coherence, prepared in relation to Plan Change 23, 2008

Rationale Limited. High Density Residential Subzones Project Social Impact Assessment (June 2008)

⁸³ Panel Minute 12 September, and response from Counsel for the Council 14 September 2018

⁸⁴ We were not able to question Ms Bowbyes as to her meaning with this statement

⁸⁵ She referred to such characteristics as knowing your neighbours, seeing the same people in your street or locality (rather than a regular turnover of strangers), living in a community where people contribute to and volunteer in their communities

note below, this is consistent with the evidence of the other planning experts (other than Ms McLeod).

38. The submissions from Bookabach and Bachcare opposed the proposed variation, particularly as it was more restrictive than the provisions of the ODP. They sought an alternative, more flexible, approach to managing the potential adverse effects from RVA and, following their presentation to the Panel, they provided us with an updated set of amendments to the variation's definitions and rules for the LDSRZ. Unlike Airbnb, Bookabach and Bachcare did not seek a regime where RVA is managed purely in accordance with the rules applying to residential activities. They accepted that some management of effects from RVA is appropriate. Aspects of their case, however, are relevant to our fundamental question of whether (or to what extent) a separate regime in the PDP to manage the effects of RVA is required.
39. The legal submissions from Bookabach and Bachcare stated⁸⁶ that there is no evidence that a restrictive regime for RVA will result in those houses being available for long term rental, as many of the houses listed through those platforms are holiday homes where the owners want flexible access for themselves, family and friends. They submitted that, if properties are not available for short term accommodation, they will be left empty for longer periods, not making a significant contribution to residential cohesion. They also submitted that there is no evidence that RVA is currently having an adverse effect on residential character and amenity. As with those for Airbnb, the legal submissions from Ms Hartley emphasised⁸⁷ the limitations of the data, analysis and conclusions from Mr Heyes⁸⁸; the limited applicability of the discussion paper from 2008 relied on by Ms Bowbyes; and the lack of clear evidence or analysis provided by the Council regarding the effects of RVA on residential character, coherence and amenity.
40. Ms Hartley referred⁸⁹ us to case law⁹⁰ which expressed concern about the risk of plan provisions being established in an arbitrary manner, over significant parts of a district, and imposing significant additional burdens on a wide group of landowners, without sufficient information on the effects of the rules. It was Ms Hartley's submission that similar factors apply here and that the Panel should consider the risks of an overly restrictive and prescriptive regime. We agree with this submission and have approached our assessment of the rules in this manner.
41. In his evidence for Bookabach and Bachcare, Mr Chrisp agreed⁹¹ with the Council's evidence that visitor accommodation⁹² has the potential to adversely affect the environment, for example where it results in a pattern or intensity of effects which are not anticipated with a location. However, he considered this is readily addressed through appropriate performance standards relating to the range of different accommodation that is expected to be provided, with consents and assessment criteria where the standards are not achieved. He noted that accommodation for short term visitors can take a variety of forms and can result in a character and intensity of effects that are difficult to distinguish from commercial visitor

⁸⁶ Legal submissions, paragraph 4.5

⁸⁷ Legal submissions, paragraphs 4.26-4.33

⁸⁸ Legal submissions, paragraphs 4.8-4.16

⁸⁹ Legal submissions, para 3.8-3.10

⁹⁰ *Horticulture New Zealand Ltd v Far North District Council* [2016] NZEnvC 47 at [101]

⁹¹ M Chrisp, EIC, paragraph 6.2

⁹² It appears to us that Mr Chrisp, here, is referring to short-term, residential visitor accommodation, including RVA and homestays.

accommodation, such as where the residential component, if it exists at all, is ancillary to the visitor accommodation element. However, Mr Chrisp also pointed out⁹³ that effects on residential amenity, such as noise, traffic generation and management of rubbish, are not just restricted to visitors. He stressed the importance of evidence, that is not purely anecdotal or incapable of inquiry, to substantiate any concerns about visitor-related effects.

42. In relation to the availability of housing for long term rental, Mr Chrisp⁹⁴ recognised that anticipated visitor growth is a significant component of the District's growth projections and accommodation for short term rental is an essential resource that needs to be available. He recognised⁹⁵ that it is appropriate for a plan to include provisions that will improve the supply of dwellings to meet local needs. However, he did not consider it was appropriate for this to be achieved, nor did he consider it would be achieved, through a restriction on other forms of occupancy which clearly form part of the District's overall projected requirements. As with other witnesses, Mr Chrisp emphasised⁹⁶ there is no evidence that restrictions on RVA will result in an increase in the availability of houses for long term rental accommodation and the only certain outcome is that holiday houses will stay empty for longer periods of time – a less efficient use of resources.
43. The submissions from the Luxury Accommodation Providers also opposed the proposed variation as it was more restrictive than in the ODP. They sought a return to an approach similar to the previous plan, but with more flexibility. Like Bookabach and Bachcare, the Luxury Accommodation Providers did not seek a regime where RVA is managed purely in accordance with the rules applying to residential activities. They accepted⁹⁷ that some management of the potential amenity effects of RVA is appropriate. In his legal submissions, Mr Leckie stated⁹⁸ that their amendments to the variation struck an appropriate balance between managing the effects of RVA and providing sufficient flexibility for people to use their properties as RVA.
44. The legal submissions⁹⁹ for the Luxury Accommodation Providers emphasised the lack of sufficient recognition in the Council's cost-benefit evaluation of the benefits of RVA for the District; and, like Airbnb and Bookabach / Bachcare, the lack of credible or certain evidence demonstrating that the control of RVA will result in a discernible benefit to housing supply or affordability issues.
45. In his evidence for the Luxury Accommodation Providers, Mr Farrell¹⁰⁰ agreed with the Council that it is appropriate the potential adverse effects of RVA are managed through standards and resource consents, but they should not be discouraged through the plan's provisions. Mr Farrell noted¹⁰¹ that he had reviewed the submissions and concluded there are no submitters seeking discouragement of RVA based on amenity values and residential cohesion, rather, most support some use of homes for RVA, but seek to ensure that potential effects on amenity values and residential cohesion are managed. This is consistent with what we heard from a wide range of individual submitters who presented to the Panel.

⁹³ M Chrisp, EIC, paragraph 6.10

⁹⁴ M Chrisp, Summary of Evidence

⁹⁵ M Chrisp, EIC, paragraphs 6.20-6.33

⁹⁶ M Chrisp, Summary of Evidence

⁹⁷ Legal submissions, paragraphs 35 & 37

⁹⁸ Legal submissions, paragraph 46

⁹⁹ Legal submissions, paragraphs 15-21 & 22-33

¹⁰⁰ B Farrell, EIC, paragraphs 20 & 27 and Summary of Evidence

¹⁰¹ B Farrell, EIC, paragraph 17 and Summary of Evidence

46. Like Ms McLeod and Mr Chrisp, Mr Farrell examined¹⁰² the evidence of Mr Heyes and Ms Bowbyes and found a lack of credible or certain evidence, with no cause and effect link between RVA and housing supply and affordability; as well as reliance on, in his view, an outdated and irrelevant discussion paper to support the Council's position that residential cohesion is a perceived issue as a result of RVA. With respect to the residential characteristics of RVA, Mr Farrell considered¹⁰³ that there are differences in effects between RVA and residential activities, that these are discernible in each instance and can be managed on a case-by-case basis (we presume, through the standards and resource consent provisions he supported).
47. As well as the legal submissions and expert evidence we have examined above, the Panel had the benefit of a substantial body of evidence from submitters with direct involvement in, or experience of, the operation and effects of RVA and homestays. This assisted us greatly in understanding the role of these forms of visitor accommodation in the District, their benefits for hosts and guests, as well as their potential effects on surrounding neighbourhoods. We will not summarise all the evidence we received from submitters, as this would make our Report even longer, however, we set out here some examples that were useful to us.
48. Mr Alastair McIlwrick appeared for Relax it's Done Limited¹⁰⁴, an example of a local property management company. He told us about the important role of private holiday homes, rented as RVA, in providing accommodation for visitors to the District, being a preferred option for a significant number of visitors. He explained that this is not a recent activity in the District, but has been happening since the first holiday homes were built in the area. Although their primary purpose is to provide a holiday home for the owner's use, many owners have regularly let them out to cover some of the costs associated with owning a holiday home.
49. Ella Hardman¹⁰⁵, Amanda Murry¹⁰⁶, Abe¹⁰⁷ & Kellie¹⁰⁸ Francis, Nona James¹⁰⁹, Adrienne Kendall¹¹⁰ and many others told us about the benefits to them from being RVA and/or homestay hosts. These benefits included helping with the cost of building or buying their own homes (or holiday homes) in the District's expensive property market; enabling them to have a reasonable income without working multiple jobs; enabling them to work from home when they have young children; and allowing them to afford to rent in the District and live close to family. We heard from numerous submitters that the opportunity to be an RVA or homestay host was significant economic and social benefit to them, in a District where the cost of living and property values are high and many jobs are low-wage positions. We accept that these economic and social benefits are important for a substantial number of RVA and/or homestay hosts and that their loss, as a result of increased restrictions on RVA and/or homestay opportunities, would be significant for many District residents. The great majority of hosts who spoke to us stressed that they would not rent their properties long term, if they did not undertake short-term visitor hosting, although some told us about properties where, over

¹⁰² B Farrell, EIC, paragraphs 11-16 and Summary of Evidence

¹⁰³ B Farrell, Summary of evidence

¹⁰⁴ Submission 2662

¹⁰⁵ Submission 2048

¹⁰⁶ Submission 2345

¹⁰⁷ Submission 2115

¹⁰⁸ Submission 2166

¹⁰⁹ Submission 2238, in her tabled statement

¹¹⁰ Submission 2396 in her tabled email statement

time, use has changed between long term occupancy, short term hosting or family holiday home use.

50. We also heard from some submitters who had experienced adverse changes to their residential amenity as a result of RVA use of neighbouring properties. As an example, Heidi Ross¹¹¹ provided us with detailed information and photographs of intensive RVA and/or homestay use of 2 residential units adjoining her property on a private lane in a residential neighbourhood. She described unacceptable noise (including late at night), access blockages, property and driveway damage, and general intrusion and disturbance from repeatedly-changing, large groups of visitors staying at the units. Ms Ross provided us with details of her attempts to engage with the property manager, owner and the Council over her concerns with the RVA use, which she considered to be insufficiently managed, with controls not enforced by the Council. Members of the Wakatipu Youth Trust, Young Changemakers¹¹² spoke about over-crowding and parking problems along residential streets, and new people coming and going in their neighbourhoods every few days, as a result of increased RVA. Other submitters¹¹³ referred to locations where multiple houses in a local residential street are used as RVA, with buses dropping off groups of visitors at several houses on a daily changing basis, and associated loss of residential amenity and cohesion for the remaining residents. The submission from Nona James¹¹⁴ also detailed ongoing late night disruptions and loss of privacy from guests at RVA adjoining her property.
51. Amongst the many individual RVA / homestay hosts that took the time to present to the Panel, very few took the view that RVA use of residential properties should be permitted in a completely unrestrained manner, in any location or year-round. Most¹¹⁵ were clear that not every location may be suitable for RVA use; specific conditions may need to be applied in different circumstances; case-by-case consideration is needed as the scale and intensity of use, and the nature of their location, varies in terms of potential for adverse effects; and cumulative effects on a neighbourhood would need to be considered. The need to manage noise and parking effects were mentioned the most often, as well as cumulative effects on neighbourhood amenity and cohesion. This was consistent with the planning evidence from Ms Bowbyes, Mr Chrisp and Mr Farrell.
52. In considering this issue, we start by accepting the position of all parties that, in principle, the provisions of the variation that seek to manage adverse effects associated with RVA and homestays fall within the Council's functions under section 31, and that adverse effects on housing affordability and availability of long term rental accommodation can be considered in the context of Part 2 of the Act (under section 5), assuming there are such adverse effects. No matters under section 6 of the Act were brought to our attention as being relevant to our consideration of this matter. In terms of section 7 of the Act, Ms Bowbyes¹¹⁶ stated that sub-sections b, c and f are directly relevant to the visitor accommodation provisions. We agree that matters of efficient use of resources (b), amenity values (c), and quality of the environment (f) are integral to our consideration of these matters.
53. Before we address consistency with the higher order statutory documents and requirements, we consider whether or not there are adverse effects of RVA and homestays which differ from

¹¹¹ Submission 2371

¹¹² Submission 2495

¹¹³ Submission 2001, as an example

¹¹⁴ Submission 2238

¹¹⁵ Examples include Submissions 2001, 2057, 2138 & 2233

¹¹⁶ A Bowbyes, EIC, paragraphs 5.9-5.10

those of residential activities and which, subject to our evaluation under section 32AA, warrant consideration of appropriate controls through the PDP.

2.2 Effects from Homestays

54. With respect to the effects of homestays, we received little in the way of contested evidence. The Council supported homestays being permitted to operate throughout a year, with limitations on the number of guests per night (depending on the zone) and on the generation of heavy vehicle movements. As homestays are defined to require concurrent occupancy of the residential unit (including a residential flat) as a residential activity (defined to be permanent residential accommodation¹¹⁷), there is little significant potential for adverse effects on availability of housing for long term occupancy¹¹⁸. Each residential site used for a homestay would continue to be occupied as a residential unit, providing the contribution to residential cohesion that is anticipated in the District's low and medium density residential zones¹¹⁹.
55. In terms of potential for adverse effects of homestays on residential amenity, we consider that, for the most part, they would be indistinguishable from the effects of the associated residential use. However, we heard evidence of residential units being used as homestays with minimal residential occupancy and maximum use by short-stay guests¹²⁰. If large-scale and with high occupancy levels, we accept that homestays can result in adverse effects for neighbours, as a result of noise; traffic; access and parking difficulties; general intrusion and disturbance from repeatedly-changing, large groups of visitors, and associated service providers, coming and going throughout the year. We accept that this could result in adverse effects on residential amenity that are greater than those anticipated from residential activity, even in this District where residential activity includes medium-term rental accommodation for seasonal residents and those on working holiday visas (≥ 90 nights) and non-commercial use of holiday homes. However, we agree with the evidence from Mr Chrisp, Mr Farrell and Ms Bowbyes that this potential for adverse effects is able to be effectively managed by standards and consent processes within the PDP. With appropriate and effective controls, we consider the effects of homestays can be managed such that they would be indistinguishable from residential activity and can similarly be provided for as permitted activities (with consents required where standards are not complied with). We return to our consideration of the particular standards and consent requirements later in this Report.

2.3 Effects from Residential Visitor Accommodation

56. With respect to the effects of RVA, we found the situation to be more complex.
57. RVA does not require concurrent occupancy by the residents of the residential unit (or residential flat) used for RVA. However, we note that the residential unit must continue to be a residential activity¹²¹ (and, therefore, must continue to be used by someone as their

¹¹⁷ For the purposes of the definition, residential activity includes non-commercial use of holiday homes

¹¹⁸ We received submissions from Alastair McIlwrick on behalf of Relax it's Done Limited (Submission 2662) that the use of spare bedrooms and "granny flats" for homestays has removed a traditional source of medium-long term rental accommodation. However, we received no data or conclusive evidence on this matter. It was Ms Bowbyes' evidence, in response, that homestays are not likely to have significant effects on the availability of accommodation for tenants and workers.

¹¹⁹ In this Report, where we refer to low and medium density residential zones, we are referring to the LDSRZ, MDRZ, ARHMZ and LLRZ

¹²⁰ For example, the evidence Ms Heidi Ross (Submission 2371) presented at the hearing, and the submission from Ms Nona James (Submission 2238)

¹²¹ In accordance with the definition of "residential unit"

permanent residential accommodation or holiday home, even if only occasionally). Our interpretation of the definitions is that a residential unit that is never used as permanent residential accommodation or as a holiday home would not come within the definition of RVA but rather would be “visitor accommodation”.

58. With RVA, short-term guests can come and go on a repeatedly changing basis, with no on-site residential activity required at the same time. We accept the evidence of Ms Bowbyes and Mr Chrisp (and other submitters) that this has the potential to adversely affect residential cohesion, which we acknowledge is an integral part of residential amenity. It was put to us that this lack of residential cohesion is no different from the effect of the many largely-unoccupied holiday homes throughout the District’s residential areas. However, we accept the evidence from Mr Chrisp that most holiday home owners come and go regularly throughout their years of property ownership; and in low and medium density residential zones, they get to know their neighbours and catch up when in residence. In this District, holiday homes are an expected part of residential areas. Neighbourliness between permanent residents and holiday owners provides an anticipated level of residential cohesion, which is not provided by properties rented short-term as RVA where there is little or no regular residential occupancy. It was also put to us that medium-term rental accommodation for seasonal, or annual, residents (≥ 90 nights), which is a feature of the District’s accommodation market, does not provide residential cohesion for a neighbourhood. However, we accept that a plan may seek to distinguish between visitors and short-term residents (for the purposes of managing effects from their accommodation), and that the 90 night threshold in the ODP and PDP is a reasonable basis for identifying the point at which the occupants form part of a local community.
59. Whether or not a lack of residential cohesion is an adverse effect for a particular neighbourhood will depend on factors such as the frequency of short-term RVA use; whether there is also permanent occupancy of the property from time to time (such as through holiday home use); the location of the property relative to neighbours; and cumulative effects on the neighbourhood. We consider potential adverse effects on residential cohesion can be effectively managed through appropriate standards and consent processes, which we will return to later in this Report.
60. In terms of potential for adverse effects of RVA on other aspects of residential amenity, as with homestays, we found the evidence from submitters to be compelling and generally consistent with the evidence from the expert planners. We accept that, if RVA use of residential properties was permitted in an unrestrained manner, at any scale and frequency, in any location or year-round, there would be potential for adverse effects for neighbours, as a result of noise; traffic; access and parking difficulties; general intrusion and disturbance from repeatedly-changing groups of visitors, and associated service providers, coming and going throughout the year. We accept that this could result in adverse effects on residential amenity that are greater than those anticipated from residential activity. As many submitters acknowledged, and consistent with the planning evidence from Mr Chrisp, Mr Farrell and Ms Bowbyes, we agree that case-by-case consideration is needed as to the scale and intensity of particular RVA activities and the nature of their locations, site-specific effects-management conditions may need to be applied, and cumulative effects considered. However, we consider the potential for adverse effects of RVA on residential amenity can be effectively managed through appropriate standards and consent processes, which we will return to later in this Report.

61. We turn now to the contested matter of whether or not the use of residential units (and flats) for RVA is likely to result in adverse effects on the affordability and availability of housing for long term rental accommodation.
62. We firstly consider the evidence of Mr Heyes, who was the only expert economist to give evidence to us. In the face of criticism from several parties, including the evidence of Mr Thomas, and questioning from the Panel, Mr Heyes maintained his position that, despite the limitations in the data available to him (and his inability to fully analyse the issue¹²² or quantify his conclusions), the growth of RVA in the District has likely had a negative impact on the affordability and capacity of the long term rental market. He acknowledged there are a mix of factors in this District that contribute to difficulties with long term rental capacity and affordability, but he continued to hold the firm opinion that, in the short term at least, RVA was likely to be an exacerbating factor, alongside the strong population and housing growth.
63. We note the following limitations identified in Mr Heyes’ analysis (and his responses to those):
- Mr Heyes acknowledged¹²³ there is insufficient information to determine exactly how many RVA listed properties have been taken out of long term rental stock, because the personal circumstances and desires of the owners are unknown. In order to estimate this, he used data from AirDNA to identify houses listed on Airbnb that are available for short-term rental for at least 90% of the year. This was criticised, including by Mr Thomas, for not being a reliable way of distinguishing between homes booked out for personal use by the owners and those booked by paying guests, resulting in over-inflation of the number of properties available for RVA year-round. Mr Heyes, in response, stated that he was aware of the limitations of this data, but had taken a conservative approach to the use of this information and that his conclusions stand, even if the number of houses available for RVA year-round was half of that he had estimated using the AirDNA data¹²⁴.
 - He examined listings on Airbnb and other platforms to estimate the growth of the RVA sector as a whole over recent years. Mr Thomas considered this under-estimated the extent to which many Airbnb listings were houses that had historically been listed, or advertised, elsewhere for RVA. Mr Heyes acknowledged this possibility and that he was unable to quantify the growth in Airbnb’s share of the District’s RVA market. However, he made the assumption that it was unlikely that a host would move from another holiday-home booking website to Airbnb, but would maintain duplicate listings. He maintained his overall conclusion that Airbnb has been the driver of rapid RVA growth in the District¹²⁵ and that any over-estimation of this (as a result of data limitations) would have to be considerable for his opinion to change.
 - Mr Heyes¹²⁶ based his conclusions regarding the size of the long term rental housing stock on an assessment of bond lodgement numbers for rental properties in the District, as he was unaware of any more direct information about the number of such properties. He acknowledged that a cautious approach is required to this data as bond lodgement numbers may reflect changes in other factors, however, he concluded this information “indicates” that the stock of rental properties has not grown in size in recent years, which he stated will have put pressure on rental prices¹²⁷.

¹²² R Heyes, EIC, paragraph 10.3

¹²³ R Heyes, RIC, paragraph 10.7

¹²⁴ R Heyes, Rebuttal evidence, paragraph 3.8

¹²⁵ R Heyes, Rebuttal evidence, paragraphs 3.10-3.15 & 4.2-4.4

¹²⁶ R Heyes, EIC, paragraphs 9.12-9.13

¹²⁷ R Heyes, EIC, paragraph 10.2(c)

- He provided a comparison¹²⁸ between earnings from short-term (Airbnb) and long term rental. Although he acknowledged that the two earnings figures he used are not strictly comparable, he concluded that the per-night earnings of Airbnb properties are much higher than those of long term rental properties. Mr Heyes noted that RVA properties will have additional costs, such as cleaners, but the amount of these costs was not included. He concluded that PDP constraints on the extent to which a property can be used for RVA may result in a number of RVA properties being released back into the long-term rental market, but he was unable to quantify the likelihood of this.
64. We were able to ascertain some further information from other submitters and sources, that assisted by giving context to these matters.
65. The legal submissions from Bookabach and Bachcare referred us to the outcome of surveys these companies have undertaken, attached to their submissions (Appendix C). A Bachcare owner survey of Queenstown Lakes holiday home owners indicated that only 3% of owners would be likely to put their home into long term rental and 5% would be likely to sell their properties, if they could only rent their homes for a maximum of 28 nights per year (as per the notified variation). The remainder would continue with limited short term rental and/or leave the property vacant when not being used by the owners. Whilst we treat this information with some caution, as it was not put to us in evidence, it is consistent with the evidence we received directly from the great majority of hosts who spoke to us¹²⁹, who stated they would not consider long term rental as an alternative to RVA¹³⁰.
66. The evidence from the directors of the Luxury Accommodation Providers was that the properties they manage are high-value holiday homes, maintained to a very high standard both for guests and home owners; that the owners wish to use them for their personal use during the year; and they would not be available for long term rental¹³¹. Similarly, the properties managed by Mr McIlwrick of Relax it's Done¹³² are holiday homes and will never be part of the long term rental market.
67. The Council provided us with a copy of their recently prepared HDCA (required under the NPS-UDC).¹³³ We were surprised this useful resource was not more widely referred to in the Council's evidence. The HDCA analyses the main components of the District's housing market, divided into: resident households (property owners and long-term renters); and absentee owners from other parts of New Zealand and from overseas (who own houses either as holiday homes and/or investment properties). This report analyses recent population and household growth and current structure, and estimates projections of housing demand to 2046.
68. The base data used in the HDCA is mostly from 2016, so was difficult to compare with that used by Mr Heyes. However, the HDCA informed us that:
- holiday homes account for a large share of the housing estate (23-25%) and are characterised by relatively high value dwellings¹³⁴;

¹²⁸ R Heyes, EIC, paragraphs 10.14-10.17

¹²⁹ We refer also to the tabled statement from Nona James (Submission 2238)

¹³⁰ For example, Judy Bryant (Submission 2057); Andi Delis (Submission 2174); Jill Gardiner (Submission 2406); Amanda Murray (Submission 2354);

¹³¹ M Harris, EIC, paragraph 23; and L Hayden, EIC, paragraph 8

¹³² Submission 2662

¹³³ Housing Development Capacity Assessment, 2017. Prepared for Queenstown Lakes District Council, by m.e. consulting. Draft Final (Ref. QLDC002.17)

¹³⁴ HDCA, page 95

- a significant proportion of the District’s residential properties are owned by absentee owners, either from other parts of New Zealand (34.5% of the total estate) or overseas (7.3%)¹³⁵;
- 41.8% of the occupied dwellings are rented (occupied by long term tenants)¹³⁶;
- many of the holiday homes also have an investment role, through short term visitor rental (one third is estimated)¹³⁷;
- an estimated 1,800 to 2,200 houses (that would otherwise usually be unoccupied) are occupied by short-term tenants on an average day¹³⁸;
- the urban environment accounts for 87% of owner-occupier dwellings, 74% of long-term rental dwellings; and 58% of holiday homes¹³⁹.

69. In terms of total projected growth in housing demand, the HDCA estimates have included growth in demand by absentee owners for holiday and investment properties; and growth in demand for short-term dwelling rental by visitors (recognising the substantial overlap between these)¹⁴⁰. The HDCA recognises that demand for absentee owners’ holiday and investment dwellings has a range of drivers, including the relative attractiveness of the District as a place for both holidays and investment, and the potential to rent dwellings on a short-term basis (visitors) or long-term basis (residents). Demand in the District is also influenced by population growth and economic conditions in other areas of New Zealand and in overseas markets. These drivers have been taken into account in the HDCA when coming to its estimates of projected housing demand, by way of low, medium and high growth scenarios for each of the components of the District’s housing market, including for long-term rentals.

70. The HDCA concludes¹⁴¹ that the land zoned for residential use in the PDP is able to meet the NPS-UDC requirements in terms of total capacity for housing growth, through a range of dwelling types and locations. This is expected to meet the housing requirements of the majority of the future District population. A shortfall in lower value / affordable dwellings is indicated, although the shortfall is relatively small in the short and medium-terms¹⁴². Specific effort and initiatives to make development of such dwellings feasible are recommended, in addition to the broad-brush mechanisms like zoning and development controls in the PDP. Amongst those mechanisms, restrictions on residential visitor accommodation (to maintain capacity for permanent accommodation and long term rental) are briefly mentioned in the Executive Summary of the HDCA, however, there is no analysis in the HDCA report of the extent to which this is needed or would be effective.

71. We have also had regard to the information provided in the Council’s Section 32 Report on the notified variation, and Ms Bowbyes section 32AA evaluations¹⁴³ for the changes she has recommended to the variation. The Section 32 Report’s evaluation of the relationship between RVA and housing availability was based on a report prepared for the Council by Infometrics¹⁴⁴. This report also formed the basis of Mr Heyes’ evidence that we have already

¹³⁵ HDCA, pages 96-97

¹³⁶ HDCA, page 96

¹³⁷ HDCA, page 97

¹³⁸ HDCA, page 110

¹³⁹ HDCA, page 5

¹⁴⁰ HDCA, Section 3.4

¹⁴¹ HDCA, Section 6.8

¹⁴² HDCA, page 243

¹⁴³ A Bowbyes, EIC, Appendix 4

¹⁴⁴ Infometrics, Measuring the scale and scope of Airbnb in Queenstown-Lakes District. Prepared for Queenstown Lakes District Council, November 2017

addressed. The Section 32 Report acknowledged, as did the Council to us, that there is insufficient evidence to confirm a direct causative relationship between the growth of RVA and the District's high rental and property prices. However, it went on to state it is reasonable to assume the growth of RVA is a contributing factor to the District's affordability challenge. In its evaluation of the costs and benefits of the notified RVA rules, the Section 32 Report stated that the proposed restrictions on RVA in low and medium density residential zones may result in the return of residential units to long-term accommodation, generating additional supply and reducing the value of property, land and rental prices. Ms Bowbyes section 32AA evaluation stated, as a cost from her recommended easing of these restrictions, that a greater number of houses may be used exclusively for RVA rather than being available for residential accommodation. We have discussed the data limitations and assumptions around these conclusions earlier in this report.

72. No party asked us to draw a causal link between RVA and housing affordability in the District. Having considered all the information provided to us, we generally accept the evidence of Mr Heyes that the use of residential units for RVA may have an effect on the availability of housing for long term rental, at least in the short term. However, the evidence for this is not conclusive, and the limitations of his data and analysis (outlined above) mean it is difficult to draw any stronger conclusion. If there is an effect, the Panel¹⁴⁵ considers it would be small, and a marginal influence on the overall problem of long term rental housing availability and affordability in the District. Our conclusions on this matter are supported by evidence, which we accept, from submitters that only a small minority of RVA hosts would transfer their home into the long term rental market. We find the conclusions from the HDCA point overall to sufficient zoned land capacity to meet the District's long term housing needs, and a much more complex situation underpinning the shortage of lower value / affordable housing in the District.
73. The evidence before us points to a combination of factors, specific to this District, that together contribute to the problem of long term rental availability and affordability. The District has a fast growing economy with rapid growth in tourist numbers¹⁴⁶, population, and the number of new houses, over the last two decades¹⁴⁷. Much of the District's housing estate has been developed in the last 25 years¹⁴⁸. Accordingly, the District has a low proportion of older housing stock, a high proportion of holiday homes¹⁴⁹, relatively high property values¹⁵⁰, and limited properties suitable for long term rental. The District has some of the least affordable housing in the country¹⁵¹. Median house prices have been at or greater than those in Auckland for at least 2 decades¹⁵², and mean rents have been close to, or exceeding, those in Auckland during several periods over this same timeframe¹⁵³, in a District with lower average annual and weekly earnings. For the significant proportion of house purchasers in the District

¹⁴⁵ Commissioner Nixon's opinion on this matter differed from that of the other Panel members. He considered the effect on the availability of housing for long term rental from the use of residential units for RVA is likely to be greater than as expressed here (small and a marginal influence on the overall problem). However, he did not consider the likely effect would be sufficiently large to change the Panel's overall conclusions and recommended provisions in this Report, which Commissioner Nixon supports.

¹⁴⁶ R Heyes, EIC, paragraph 3.8

¹⁴⁷ HDCA, pages 98-102 & 146

¹⁴⁸ HDCA, page 127

¹⁴⁹ HDCA, pages 95, 121 & 146

¹⁵⁰ HDCA, page 146 & 264

¹⁵¹ R Heyes, EIC, paragraphs 9.1-9.5

¹⁵² R Heyes, EIC, Figure 7

¹⁵³ R Heyes, EIC, Figure 7

who are purchasing investment and/or holiday homes, affordability is not a matter for concern¹⁵⁴. There is some indication that housing supply in the District has lagged behind demand, especially in terms of affordable dwellings for lower and middle-income households¹⁵⁵. However, we do not find the evidence points to rental availability and affordability being a new problem corresponding to recent growth of RVA.

74. The evidence from Mr Heyes¹⁵⁶ is that there is a range of methods and measures sitting outside the Resource Management Act, that may assist to manage housing and long term rental affordability¹⁵⁷. He referred us to existing initiatives, such as the Queenstown-Lakes Housing Accord, Special Housing Areas, Housing New Zealand housing, Council and community ownership and management of affordable housing, Kiwibuild, KiwiSaver Home Start Grant, amongst other funding initiatives. This is supported by the conclusions of the HDCA that specific effort and initiatives will be required to make development of affordable dwellings feasible. The HDCA refers¹⁵⁸ to the potential for KiwiBuild or other interventions to improve housing affordability in the District's market, the initiatives of the Queenstown Lakes Community Trust, and the range of recommendations from the Mayoral Housing Affordability Taskforce set up to investigate new ways of addressing housing availability and affordability in the District.
75. On the basis of the above considerations, although we accept that the use of residential units for RVA may have an effect on the availability of long term rental housing, at least in the short term, we consider this effect would be small and a marginal influence on the District's overall problem of long term rental housing availability and affordability¹⁵⁹. We consider this problem is driven by a much wider combination of factors specific to this District, which require more targeted focus and initiatives. We do not consider that restricting RVA through the PDP (and, thereby, restricting its benefits) would be an effective or efficient way to address this issue.

2.4 National Policy Statement on Urban Development Capacity

76. With the Council's clarification regarding Ms Bowbyes' evidence, no party claimed that the variation is necessary to give effect to the NPS-UDC. It was Ms McLeod's evidence for Airbnb that the provisions of the variation are inconsistent with Policies PA3(a) and (b) of the NPS-UDC¹⁶⁰, whereas it was the Council's position¹⁶¹ that the variation is one component of many plan provisions that aim to assist (directly or indirectly) the PDP to give effect to, and implement, the NPS-UDC, in particular its Policies PA1 and PA3.
77. From our consideration of the evidence, and our reading of the NPS-UDC, we understand the primary emphasis of the NPS is to ensure that sufficient housing and business development capacity is provided¹⁶². This requires sufficient zoned (with suitable standards, etc.) and serviced land for both housing and business development for there to be enough capacity to meet the demands for different housing and business types and locations (and different

¹⁵⁴ HDCA, page 127

¹⁵⁵ HDCA, page 122

¹⁵⁶ Memorandum of Counsel for Queenstown Lakes District Council providing expert witness responses to issues raised during the hearing, Hearing Stream 15 – Visitor Accommodation, 14 September 2018, section 10

¹⁵⁷ Noting here that Mr Heyes maintained his position that these sit alongside the Council's recommended RVA and homestay provisions.

¹⁵⁸ HDCA, pages 244-245

¹⁵⁹ Refer to footnote above for Commissioner Nixon's opinion on this matter.

¹⁶⁰ A McLeod, EIC, paragraph 6.23

¹⁶¹ A Bowbyes, EIC, paragraphs 5.23-5.32; and Rebuttal evidence, paragraph 7.5

¹⁶² NPS-UDC, National Significance, page 9

housing price points)¹⁶³. Restricting RVA within residentially zoned land may assist with providing capacity for residential activities, rather than short-term letting (although, as we have discussed above, we do not consider this will be significant). We consider that RVA controls are not necessary to implement the NPS policies. It is the role of the housing and business development capacity assessment to estimate the additional development capacity needed¹⁶⁴, and of the future development strategy to demonstrate how sufficient, feasible capacity will be provided¹⁶⁵. We agree with Ms Bowbyes that there will be many PDP provisions (and actions outside the PDP) that assist the Council to ensure sufficient development capacity is provided for, including ensuring that the PDP provides for sufficient, suitably zoned, housing and business land. We understand from the Council's PDP Stage 1 decision that this is the case¹⁶⁶.

78. We accept there are wider section 5 matters to be provided for when considering development capacity under the NPS, as well as the requirement in Policy PA3a) to provide for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations and places to locate businesses¹⁶⁷. However, we agree with Mr Farrell that the NPS-UDC does not express any primacy for housing over business capacity provision. We also note the requirement in Policy PA3c) to have particular regard to limiting as much as possible adverse impacts on the competitive operation of land and development markets. Having regard to these broad policies of the NPS-UDC, we generally agree with Ms Bowbyes¹⁶⁸, that the provisions of the variation need to strike a balance between providing flexible opportunities for visitor accommodation in residential units (to satisfy the demand for that choice of accommodation) and providing sufficient capacity for a choice of residential housing types in suitable locations. If the variation does not achieve this, then we would agree with Ms McLeod that it would be inconsistent with Policy PA3, but if it does then the variation will assist in giving effect to the NPS. With the amendments to the variation we recommend later in this Report, we conclude that the variation will strike this balance and, within its limited focus, will give effect to the NPS-UDC.

2.5 Otago Regional Policy Statement

79. In relation to the Proposed RPS, we note first that the provisions at issue have been made operative by the Regional Council as from 14 January 2019¹⁶⁹, and the PDP must therefore give effect to them. We generally accept the evidence of Ms Bowbyes that the variation would give effect to the objectives and policies relating to urban growth and development (Objective 4.5 and Policy 4.5.1), commercial activities (Policy 5.3.3) and tourism (Policy 5.3.6). Ms McLeod disagreed¹⁷⁰ with Ms Bowbyes, stating that the variation is not appropriate to give effect to Objective 4.5 and Policy 4.5.1, as RVA does not compromise housing capacity and makes efficient use of housing stock. We are recommending amendments to the variation which provide greater flexibility for establishment of RVA and homestays in residential areas than the provisions supported by Ms Bowbyes. With these amendments, we consider the variation will give effect to the above objective and policies. With respect to Chapter 1

¹⁶³ NPS-UDC, Policies PA1 and PA3, and definitions of "sufficient" and "demand"

¹⁶⁴ NPS-UDC, Policy PB4

¹⁶⁵ NPS-UDC, Policy PC12

¹⁶⁶ Report 17-01, Section 3

¹⁶⁷ NPS-UDC, Policy PA3

¹⁶⁸ A Bowbyes, EIC, paragraph 5.29

¹⁶⁹ Memorandum of Counsel for Queenstown Lakes District Council Regarding the Otago Regional Policy Statement, dated 7 January 2019

¹⁷⁰ Ay McLeod, EIC, paragraphs 9.6-9.7

(relating to economic, social cultural wellbeing), Ms McLeod disagreed¹⁷¹ with Ms Bowbyes that the variation would give effect to Objective 1.1 and Policy 1.1.1, stating that it would frustrate, or limit, their achievement. Having considered evidence from the range of submitters, we were concerned at the extent to which the variation, as supported by the Council, would limit the ability of residents, property owners and visitors to the District to gain economic and social wellbeing from the provision and use of RVA and homestays in residential areas. With the amendments we are recommending to the variation, we are now satisfied that the variation will give effect to Objective 1.1 and Policy 1.1.1 of the Partially Operative RPS 2019.

2.6 Strategic Direction Chapters of PDP

80. With respect to Chapter 3 Strategic Direction and Chapter 4 Urban Development, which are to be implemented by the variation's policies and rules, we agree with Ms McLeod that the policies of Chapter 4 are not relevant to our consideration of this variation. The Strategic Objectives emphasise the *"significant economic benefits of well designed and appropriately located visitor industry facilities and services ... across the District"* (3.2.1.1); *"diversification of the District's economic base"* (3.2.1.6) and *"diversification of land use in rural areas"* (3.2.1.8). They also seek *"access to housing that is more affordable for residents to live in"* (3.2.2.1 f.) and *"residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety"* (3.2.6). In relation to the Visitor Industry, the specific policy (3.3.1) refers to making *"provision for the visitor industry to maintain and enhance attractions, facilities and services ... within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone"*. We agree with Ms McLeod and Mr Chrisp that the Strategic Objectives and Policies would be implemented through PDP provisions that generally enable the benefits to the District from RVA and homestays, and that restrictions are not necessary to implement this higher order PDP direction, except where the effects would be inconsistent with the outcomes sought for a zone. As we have concluded above, we consider that the potential for adverse effects on residential amenity from RVA and homestays do require management but that this can be effectively achieved through appropriate standards and consent processes for each zone.

3. MANAGING EFFECTS OF HOMESTAYS AND RVA

3.1 Low and Medium Density Residential Zones

3.1.1 Approach Taken

81. Most of the evidence presented to us related to the provisions for homestays and RVA in the low and medium density residential zones. These submitters were concerned about the scale at which resource consents would be required for RVA and homestays, and the activity status for such consents (i.e. how difficult they would be to obtain). Although we will address submissions on the specific provisions for these (and other) zones later in this Report, we consider it is appropriate to consider this matter generally at the outset rather than through a piecemeal approach, rule by rule. Accordingly, we address this broad matter first, having regard to all relevant submissions and further submissions.

3.1.2 Homestays -Maximum Number of Guests per Night

82. The submissions from Airbnb¹⁷² and Fiskens & Associates¹⁷³ sought, in conjunction with other changes, that the standards for Homestays are deleted. A group of proforma submissions

¹⁷¹ A McLeod, EIC, paragraphs 9.5 & 9.11

¹⁷² Submission 2390

¹⁷³ Submission 2372, as well as Submission 2375

identified by Ms Bowbyes¹⁷⁴ opposed the definition of homestay and sought that any primary place of residence or family holiday home / bach should be able to be used as a homestay, without restriction or the need for resource consent. These submissions stated that limiting the number of paying guests to no more than 5 per night is an overly restrictive standard, would be difficult to comply with and enforce, and would unfairly punish families. Meg Taylor¹⁷⁵ and Heather Juergensen¹⁷⁶ sought that the number of guests accommodated within a homestay at any one time should be increased from 5 (as notified) to 6. Campbell Bevan¹⁷⁷ sought that homestays be limited to 3 guests at any one time. In terms of the activity status for non-compliance the standards, Bookabach and Bachcare asked that the notified non-complying activity status be changed to restricted discretionary activity status.

83. During the course of the hearing, we received evidence from residents who operate homestays in their homes or who had experience with homestays operating in the vicinity of their homes¹⁷⁸. We also received evidence relating to homestays from Ms Bowbyes on behalf of the Council, and from the witnesses for Airbnb, Bookabach and Bachcare.
84. We have addressed the evidence from Airbnb earlier in this report. We concluded there is potential for adverse effects on residential amenity from homestay activity, but this is able to be effectively managed by standards within the PDP. With appropriate and effective standards, we consider the effects of homestays can be managed as permitted activities.
85. Ms Bowbyes¹⁷⁹ relied on the submission from Campbell Bevan to recommend reducing the permitted scale of homestays to 3 guests at any one time. She stated that the notified 5 guest limit (with unlimited nights' occupation) may result in significant adverse effects in the zones where a high level of residential amenity is sought. She agreed with Campbell Bevan that 5 guests would impact on residential amenity, although she acknowledged it is unlikely that a homestay would operate at full capacity at all times. However, Ms Bowbyes did not present us with any specific information regarding existing problems or complaints as a result of adverse effects of homestay activities, despite the ODP allowing registered homestays to accommodate 5 guests as a permitted activity.
86. With respect to activity status for non-compliance with the standards for homestays, the evidence from Mr Chrisp¹⁸⁰, for Bookabach and Bachcare, was that where performance standards are unable to be complied with, the identified issues are readily expressed as matters of discretion and assessment criteria. He stated that they relate to aspects of amenity that are well understood and described through the objectives and policies, indicating that they can be assess on a restricted discretionary activity basis. The Panel asked Ms Bowbyes to respond to this matter through our Minute of 12 September. In her response¹⁸¹, she

¹⁷⁴ Submissions 2057, 2058, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2080, 2081, 2082, 2092, 2093, 2102, 2180, 2111, 2112, 2113, 2114, 2116, 2117, 2119, 2179, 2396, 2399, 2402, 2415, 2416, 2427, 2428, 2431, 2438, 2481, 2495, 2507, 2533, 2565, 2570, 2583, 2588, 2704, 2705, 2730, 2736, 2801

¹⁷⁵ Submission 2039

¹⁷⁶ Submission 2573

¹⁷⁷ Submission 2521

¹⁷⁸ For example: Ella Hardman (Submission 2048); Andi Delis (Submission 2174); Katie Francis (Submission 2166) and Heidi Ross (Submission 2371)

¹⁷⁹ A Bowbyes, EIC, paragraph 11.22

¹⁸⁰ M Chrisp, EIC, paragraph 6.13

¹⁸¹ Memorandum of Counsel for Queenstown Lakes District Council providing expert witness responses to issues raised during the hearing, Hearing Stream 15 – Visitor Accommodation, 14 September 2018, section 5

accepted that homestays do not have the same impact as RVA and that adverse effects created by homestays are more likely to be effectively monitored and managed due to residents being on the site. She agreed that non-complying activity status for breaches of homestay standards would be onerous, and recommended amendment to restricted discretionary activity status. She provided matters of discretion she considered would be appropriate. However, we note that the variation provisions attached to Ms Bowbyes' Reply evidence did not make this change and continued to show non-complying activity status for non-compliance with homestay standards. We assume that this was an oversight.

87. The Section 32 Report prepared by the Council for the notified variation, supported a limit of 5 paying guests, but provided no evaluation of its costs and benefits (presumably because no change was proposed from the ODP). In relation to activity status, the Section 32 Report supported the introduction of non-complying activity status, but recognised that this may impose significant costs for those wishing to obtain resource consents to operate beyond the permitted standards, and would act as an effective disincentive to consent applications. There was, however, no discussion of the efficiency of these costs in the context of homestays. Ms Bowbyes' section 32AA evaluation¹⁸² considered her recommended reduction to 3 guests as a permitted activity standard. This evaluation stated there would be positive outcomes in terms of the nature and scale of adverse effects on the residential amenity of neighbours and character and cohesion of residential localities, but with costs in terms of reduced benefits for hosts, reduced availability of accommodation for visitors, and additional resource consenting costs. It concluded the 3 guest limit would be more effective and efficient than 5 guests, setting a more realistic threshold for homestays in residential neighbourhoods. However, as with her evidence, the Section 32AA evaluation did not provide any supporting information or analysis for this conclusion.
88. We have considered the submissions and evidence. We are not satisfied that reducing the permitted scale of homestays in low and medium density residential zones from 5 paying guests at any one time (as notified) to 3 is the most appropriate way to achieve the objectives of the PDP. We have considered the objectives contained in the variation, as well as the strategic objectives and policies we have referred to previously. We consider that the costs of reduced diversity of accommodation options for visitors, reduced economic and social benefits for homestay hosts and associated service providers, and the additional resource consenting costs to exceed 3 guests, are not outweighed by the indeterminate benefits for residential amenity, given the lack of any clear evidence on this. We do not see any direction in the relevant objectives that would lead to rules that disincentivise the activity of homestays in low and medium density residential zones. We accept the evidence of Mr Chrisp and Ms Bowbyes that non-complying activity status for breaches of homestay standards would be unduly onerous. We are satisfied that potential adverse effects on residential amenity can be managed through restricted discretionary activity status with appropriate matters of discretion. On this basis, we recommend that the permitted activity threshold for homestays in the low and medium density residential zones remain at the notified level of 5 paying guests at any one time, with non-compliance being considered as a restricted discretionary activity. We will return to the other standards later in this Report.

3.1.3 Residential Visitor Accommodation - Maximum Number of Nights per Year

89. Most of the submissions on this matter, and the evidence before us, related to RVA. As we stated at the start of this Report, some submissions supported the variation¹⁸³, and a large

¹⁸² A Bowbyes, EIC, Appendix 4

¹⁸³ For example, Chris Worth (Submission 2278) supported the reduction in commercial letting of non-occupied premises; Sean McLeod (Submission 2349) supported restrictions on the use of residential

number of submissions asked that the entire variation be rejected or withdrawn in its entirety. Many of these submissions focussed on the provisions for RVA. In particular, they expressed opposition to the change from the ODP in terms of the number of nights per year that RVA can operate as a permitted activity (from 90 in the ODP to 28 in the notified variation), and the status of applications to exceed that threshold (from discretionary in the ODP to non-complying activity in the notified variation). We accept Ms Bowbyes' summary of these submissions in her evidence in chief¹⁸⁴.

90. Airbnb¹⁸⁵ sought there be no restrictions on RVA, and that hosts should be able to operate RVA, at any scale, without the need for a resource consent. We have addressed the evidence from Airbnb earlier in this report. We concluded there is potential for RVA to adversely affect residential cohesion, and residential amenity for neighbours, and that these potential adverse effects can be effectively managed through appropriate standards and consent processes. We also concluded that, although RVA may have an effect on the availability of long term rental housing, restricting RVA through the PDP would not be an effective or efficient way to address the District's problem of long term rental housing availability and affordability.
91. The group of proforma submissions identified by Ms Bowbyes¹⁸⁶ opposed the notified restriction on permitted RVA to a total of 28 nights per year. They stated that this is an extremely restrictive standard which will require the majority of Airbnb hosts to apply for a resource consent to let their houses or apartments and is difficult to comply with and enforce. Many submissions sought the retention of the 90 nights per year for RVA in the ODP. Others sought a variety of different thresholds for permitted RVA, for example: TradeMe¹⁸⁷ (60); Ella Hardman¹⁸⁸ (42 or 60); Rachael Walker¹⁸⁹ (70); John Wilkinson¹⁹⁰ (100); Mark Smith¹⁹¹ (90 or 180); the Luxury Accommodation Providers¹⁹² (120); and Ian Sawers¹⁹³ (200). In terms of the activity status for non-compliance with the standards, Bookabach and Bachcare, as well as other submitters, asked that the notified non-complying activity status be changed to restricted discretionary activity status. The pro-forma submissions also opposed the non-complying activity status for RVA not complying with the standards.
92. Having considered the views of the submitters, Ms Bowbyes recommended¹⁹⁴ increasing the number of permitted nights for RVA to 42 nights per year. She based this number on the number of nights the usual residents occupying the house could vacate the house during their annual leave and public holidays. In her opinion, this would ensure that the main use of the residential unit would be for residential activity, with the RVA being secondary. She considered that this limit would also achieve the goal of limiting adverse effects on residential amenity and residential cohesion. In her subsequent evidence, and in answer to the Panel's questions, Ms Bowbyes continued to hold her view that the permitted threshold for RVA

properties for RVA and homestays, including supporting the 28 nights per annum limit; Chris Abel (Submission 2087) supported restricting short-term letting of whole residential buildings

184 A Bowbyes, EIC, paragraphs 9.1-9.46

185 Submission 2390

186 Refer to Footnote 173

187 Submission 2285

188 Submission 2048

189 Submission 2217

190 Submission 2089

191 Submission 2172

192 MajorDomo Limited, Submission 2592; Touch of Spice Limited, Submission 2600; NZSIR Luxury Rental Homes Limited, Submission 2598

193 Submission 2038

194 A Bowbyes, EIC, paragraph 9.82

should be 42 nights (lower than the ODP's 90 nights). She summarised by saying that it is not the intent of the variation to "stamp out" RVA, but to limit it to a greater extent than in the ODP and to introduce a regime that is more effective for monitoring and enforcement. In her view, the variation is intended to encourage RVA in low and medium density residential zones to be in conjunction with residential occupancy (either as permanent residents or as holiday homes) and to direct stand-alone RVA and VA to more appropriate zones, such as the high density residential zone.

93. At the hearing, we received evidence from numerous submitters giving their opinions as to the appropriate threshold for permitted RVA. As we noted above, many were happy with the 90 nights per year for permitted RVA in the ODP¹⁹⁵, provided that resource consents to exceed that threshold were not too hard to get. Others were happy with Ms Bowbyes recommendation for 42 nights¹⁹⁶, and some considered 90 nights too restrictive¹⁹⁷.
94. In their combined presentation to the Panel, Bookabach and Bachcare confirmed their preferred approach¹⁹⁸ was the simpler method identified in their legal submissions from Ms Hartley¹⁹⁹ – permitted activity for registered RVA to 90 nights per year, with restricted discretionary beyond that. It was Ms Hartley's submissions that, at 90 nights of RVA use per year, the residential unit would still be predominantly used for a residential activity, and with specific, carefully worded matters of discretion, the effects of RVA beyond this threshold (including cumulative effects) can be controlled with restricted discretionary activity status. In relation to activity status for non-compliance with the threshold, Mr Chrisp held the same views for RVA as we have summarised above for homestays, that aspects of effects on residential amenity can be assessed on a restricted discretionary activity basis.
95. Mr Farrell²⁰⁰, for the Luxury Accommodation Providers, supported their submission for a threshold of 120 nights per year, but in "urban" zones he supported a controlled activity application up to this threshold, in order for standards to be able to be imposed relating to noise, parking, vehicle access and other site-specific operational management matters. Beyond 120 nights, he supported discretionary or restricted discretionary activity status, with a focus on assessment of effects on residential amenity values and residential cohesion. In answer to the Panel's questions, the representatives²⁰¹ of the Luxury Accommodation Providers stated that 120 nights was a "sweetspot" for their type of accommodation, which provides a good economic return to the owner and the property managers, covers the high costs involved, and suits the balance of use alongside owner use. It was their evidence that, on average, the houses they manage are used by the owners for about 1/3 of the year, rented for 1/3, and left empty for the remaining 1/3.

¹⁹⁵ For example, Kaye Parker (Submission 2233); Andre Simon (Submission 2138); Judy Bryant (Submission 2057); Patrick Dodson (Submission 2053)

¹⁹⁶ For example, Ella Hardman (Submission 2048)

¹⁹⁷ For example, Andi Delis (Submission 2174); Jill Gardiner (Submission 2406); Amanda Murray (Submission 2345)

¹⁹⁸ Their submissions had requested a sub-zoning approach, with parts of the residential areas being identified as being primarily for residential use, and the balance having more liberal provision for RVA. The submitters pulled back from this approach in their verbal comments to the Panel at the hearing. We have not considered this aspect of their submission further in this Report and recommend their submissions on this approach, and the similar proforma submissions be rejected.

¹⁹⁹ Legal Submissions, paragraphs 2.8-2.10

²⁰⁰ B Farrell, EiC, paragraph 27

²⁰¹ Lisa Hayden, Fiona Stevens, Charlotte Nevill and Jacqui Spice, on behalf of Touch of Spice (Submission 2600) and/or MajorDomo (Submission 2592); and Katie Scholes on behalf of NZSIR Luxury Rental Homes Limited (Submission 2598)

96. The Section 32 Report prepared by the Council for the notified variation, evaluated the permitted limit of 28 nights per year for RVA. It recognised that this may reduce the income obtained by RVA hosts and may compromise the financial position of those relying on this income; and may result in a loss of vibrancy and vitality from areas where fewer short term visitors are accommodated. In terms of benefits, the report stated that the frequency of visitor-derived adverse effects on amenity for neighbours may be reduced; some residential units may return to the general pool of accommodation available for long term residents and workers; and the conversion and construction of residential units for RVA would slow. As with homestays, the Section 32 Report identified that non-complying status to exceed the permitted RVA threshold may impose significant costs for those wishing to obtain consents, and would act as an effective disincentive to consent applications. Ms Bowbyes' section 32AA evaluation²⁰² considered her recommended increase to 42 nights. She evaluated that this increase would be more efficient and effective than the notified provisions, as it would allow occupants to let their home during their annual leave as well as public holidays, and would provide greater flexibility of accommodation options during peak periods; whilst "balancing" the need to restrict adverse impacts on house supply and residential cohesion.
97. We have considered the submissions and evidence, and are not satisfied that a threshold of 42 nights per year for permitted RVA in low and medium density residential zones (the Council's final position) is the most appropriate way to achieve the objectives of the PDP. We empathise with the statement from one submitter²⁰³ who asked "what is the logic" behind any particular number of nights per year, and that it doesn't seem to be easy to find a clear "effects-basis" for any threshold. We agree there is an element of arbitrariness in any such threshold, but we have not been asked to consider any other basis for managing the scale and intensity of effects from RVA.
98. We have considered the objectives contained in the variation, as well as the strategic objectives and policies we have referred to previously. We have considered the benefits for visitors and the District as a whole of enabling a diversity of accommodation options for visitors, particularly at peak visitor times; and the economic and social benefits for homestay hosts and associated service providers. We have also considered the potential for social and environmental costs in terms of adverse effects on residential amenity for neighbours and loss of residential cohesion in a neighbourhood. However, we consider such adverse effects can be effectively managed through appropriate standards and consent processes. We do not see any direction in the relevant objectives that would lead to rules that disincentivise the activity of RVA in low and medium density residential zones, particularly as we have recommended rejecting the use of RVA controls through the PDP for addressing the District's issue with long term rental availability and affordability. We have not been persuaded, on the basis of any evidence before us, that the 90 night per year threshold in the ODP has resulted in problems relating to residential amenity or cohesion, that cannot be addressed through standards, consent processes and associated enforcement. We are satisfied on the evidence from the many RVA hosts who presented to us, that 90 nights enables viable RVA use, whilst being an appropriate starting point for considering RVA proposals that may or may not be suitable in terms of their nature, scale, intensity and location, and may need to be declined.
99. We have turned our minds to the enforcement difficulties raised by several parties in relation to the ODP provisions, and the difficulties of writing standards for permitted activities that capture the diversity of RVA situations.

²⁰² A Bowbyes, EIC, Appendix 4

²⁰³ Peter Howe (Submission 2429)

100. In terms of enforcement, Ms Bowbyes referred to the difficulties the Council currently faces with monitoring RVA under the ODP, where it is a permitted activity provided it is registered with the Council. It is very difficult for the Council to know whether an RVA is operating in a residential unit, and a huge task to check for all potential RVA's. Without this information, it is very difficult for the Council to enforce the standards the ODP requires permitted RVA to meet (i.e. the limit of 90 nights per year, one household of visitors, and a minimum stay of 3 consecutive nights). Several submitters told us that a major concern regarding RVA was the lack of Council enforcement of the ODP provisions. Heidi Ross²⁰⁴ provided us with detailed information regarding her difficulties with getting the Council to monitor and enforce its rules regarding visitor accommodation on the site adjoining her house. We found Ms Ross to be a balanced and persuasive witness and we sympathise with her frustrations and the efforts that she has had to go to.
101. Ms Bowbyes²⁰⁵ considered two options to address this enforcement difficulty – a resource consent trigger for all RVA, to provide the opportunity for resource consent compliance and monitoring processes; or a permitted activity standard requiring all RVA to be registered with the Council prior to their establishment (with requirements for record keeping). In her Reply evidence, Ms Bowbyes²⁰⁶ considered providing for RVA as a controlled activity (rather than permitted with standards). She saw merits in this, as it would have the benefit of bringing all RVA activities onto the Council's 'radar', the opportunity for appropriate conditions to be applied²⁰⁷. However, she cautioned against applying this activity status for too many nights per year²⁰⁸, as it would provide limited scope to address effects on housing supply and residential cohesion (including cumulative effects).
102. Having considered the benefits and costs of controlled and permitted activity status for RVA, we recommend that RVA in the low and medium density residential zones be a controlled activity up to a maximum of 90 nights per year. We consider the additional costs of obtaining a controlled activity consent are outweighed by the benefits for record-keeping, monitoring, enforcement and the ability to impose specific conditions for the particular RVA use, site and neighbourhood. Conditions could be imposed relating to such matters as: the number of guests at any one time, guest management (e.g. in relation to noise, use of outdoor areas, parking and access), compliance with the building code (e.g. for smoke alarms), complaints, record-keeping and monitoring. A consent process would bring each RVA to the Council's attention (and on to its records) enabling the Council to check other requirements outside the PDP, such as health and safety requirements. The Council, if it wished, could levy an annual monitoring fee to cover the cost of regular checking of RVA's. It is possible that, as it cannot be declined, the security of obtaining a controlled activity consent may outweigh the insecurity of relying on existing use rights, and encourage existing RVA hosts to obtain a consent. Over time, the Council would be able to collect data regarding the nature, scale and prevalence of RVA use in these zones, to input into consideration of the wider question of long term rental availability and affordability. We consider controlled activity status would be an effective and efficient means of achieving the PDP's objectives and policies relating to

²⁰⁴ Submission 2371

²⁰⁵ A Bowbyes, Rebuttal evidence, paragraph 7.13

²⁰⁶ A Bowbyes, Reply evidence, paragraphs 3.23-3.26

²⁰⁷ In her Rebuttal evidence, paragraph 7.13, Ms Bowbyes stated that there is scope for requiring resource consents for all residential visitor accommodation and homestays in Submission 2143 from the Wanaka Bed and Breakfast Association

²⁰⁸ Ms Bowbyes was referring to the 120 night limit put forward by Mr Farrell, who supported the controlled activity approach

residential amenity and cohesion, whilst 90 days is a scale that retains a predominantly residential use of the property.

103. Finally, we have considered the appropriate activity status for exceeding the threshold of 90 nights per year. Throughout the hearing, Ms Bowbyes maintained her view that non-complying activity status for breaches to permitted standards for RVA in the low and medium density residential zones is appropriate. In particular, it was her view²⁰⁹ that non-complying activity status is necessary to effectively manage the adverse effects of RVA on residential capacity in these zones and to support residential activities as the predominant activity. She stated²¹⁰ that restricted discretionary activity status is not a suitable resource management approach for implementing a clear policy direction to limit the growth of an activity such as RVA, or for addressing potential cumulative effects. She considered²¹¹ that amending the status to discretionary or restricted discretionary in these key residential zones would fail to limit the proliferation of RVA activities and the resulting cumulative adverse effects on residential cohesion and amenity.
104. We acknowledge Ms Bowbyes' concern that limiting a proliferation of (by-themselves) small activities can be difficult to control through discretionary or restricted discretionary activity consents. We agree that it can be very difficult for a Council to determine, on a consent-by-consent basis, when incremental cumulative effects reach a critical threshold such that no more activities can be accommodated in an area. Non-complying activity status can be a useful tool for strongly managing these types of cumulative effects. However, we also agree with the evidence of Mr Chrisp that non-complying activity status for minor breaches of RVA standards would be onerous. We consider that some, but not unlimited, flexibility should be provided by enabling some additional nights per year to be considered by way of restricted discretionary activity. We have settled on, and recommend, a maximum of 180 nights per year to provide this flexibility. We have chosen this as a compromise between 120 nights supported by the Luxury Accommodation Providers and 200 nights sought by and Ian Sawers²¹², although we recognise there is an element of arbitrariness in any such threshold. At that scale, we are satisfied that potential adverse effects on residential amenity and residential cohesion (including cumulative effects) can be managed through restricted discretionary activity status with appropriate matters of discretion. We, therefore, recommend restricted discretionary activity status for RVA up to 180 nights per year, and non-complying activity status beyond this scale and for non-compliance with other standards.

4. DEFINITIONS

105. The variation included new definitions for RVA and Homestay; deleted definitions notified in Stage 1 of the PDP for Registered Holiday Home and Registered Homestay; and amended the PDP (Stage 1) definitions of Visitor Accommodation (VA), Residential Activity, Commercial Activity and Activity Sensitive to Aircraft Noise (ASAN)/ Activity Sensitive to Road Noise. The Panel was well assisted by Ms Bowbyes' analysis of the submissions relating to the definitions and, for the main part, we have recommended accepting the definitions attached to her Reply Evidence.

²⁰⁹ A Bowbyes, EIC, paragraphs 9.100-9.103

²¹⁰ A Bowbyes, EIC, paragraph 9.124

²¹¹ Memorandum of Counsel for Queenstown Lakes District Council providing expert witness responses to issues raised during the hearing, Hearing Stream 15 – Visitor Accommodation, 14 September 2018, section 5; A Bowbyes, Reply evidence, paragraph 3.26

²¹² Submission 2038

106. Some submitters supported the definitions in the notified variation²¹³. As we are recommending accepting those definition, with some changes, we recommend accepting those submissions in part. Hospitality New Zealand²¹⁴ supported the separate categorising of visitor accommodation, RVA and homestays, which are we recommending be retained. That organisation also sought that a note be added to the definitions advising that additional building code and building warrant of fitness compliance may apply. Ms Bowbyes²¹⁵ recommended adding a note referring to requirements of the Building Act 2004, which we have recommended be included in the definitions of RVA and homestay²¹⁶. We note here that we recommend deleting the two other notes notified with the homestay definition (referring to registration and rates), as they are no longer relevant to the variation’s provisions.
107. Other submitters²¹⁷ expressed general opposition to the definitions in the notified variation, including Airbnb. As we are recommending that the definitions generally be retained in the variation, with some amendments, we recommend these submissions be rejected.
108. The submissions from Streat Developments, Fiskin & Associates and Church Street Trustee Ltd²¹⁸ sought that the definitions of RVA and homestay are deleted, such that the definition of VA would encompass holiday homes and Airbnb holiday rentals. We did not hear evidence from these submitters at the hearing. As discussed earlier in this Report, we have found that the different forms of visitor accommodation are distinguishable from each other, and from residential activities, in terms of their potential for adverse effects. We also accept the evidence of Ms Bowbyes that the effects of RVA, homestays and VA (as defined in the PDP) are different and should be defined and treated differently. We accept Ms Bowbyes’ evidence that these should be defined and managed separately²¹⁹, providing a more fine-grained regulatory response to their potential for adverse effects, and therefore recommend rejecting these submissions.
109. The large group of proforma submissions identified by Ms Bowbyes²²⁰ requested that any primary place of residence or family holiday home /baches be excluded from the definition of RVA and instead be included within the definition of homestays, with no distinction as to whether the property was occupied or unoccupied by its permanent residents. Only investment properties would be defined as RVA. We did not hear any evidence on this matter from the submitters. We accept Ms Bowbyes’ evidence²²¹ that she is not aware of any efficient or effective method of making this distinction without the Council establishing the use of every dwelling in the District to determine its primary use, and that it would be difficult to practically separate a family holiday home from an investment property. We agree with Ms Bowbyes that this would introduce significant and unnecessary complexity into the District Plan that would not be effective or efficient to implement. We recommend that these submissions be rejected.

²¹³ For example, Submissions 2165, 2409, 2450, 2455, 2540 & 2556. Jack’s Point (Submission 2381) similarly sought that RVA and homestay be included within the definition of visitor accommodation.

²¹⁴ Submission 2556. Bridgit Parker appeared at the hearing on behalf of this submitter.

²¹⁵ A Bowbyes, EiC, paragraph 9.15

²¹⁶ Accordingly, we recommend rejection of the submission from Christine Byrch (Submission 2357) that sought deletion of notes in the definitions

²¹⁷ For example, Submissions 2042, 2223 & 2390

²¹⁸ Submissions 2311, 2372 & 2375

²¹⁹ A Bowbyes, EiC, paragraph 6.8 & 9.56

²²⁰ Refer to Footnote 173

²²¹ A Bowbyes, EiC, paragraphs 9.51-9.54

110. Submissions from Bookabach²²² and Bachcare²²³ sought to add a requirement into the definitions of RVA and homestay such that they apply only to a single household, rather than multiple parties occupying the same property²²⁴. The evidence from Mr Chrisp²²⁵ was that the intensity of the activities, and associated effects, increase where they involve multiple parties staying in the same accommodation. He stated that the key to ensuring such activities remain low intensity is to manage occupancy, and this is most appropriately achieved through a requirement that they are occupied by a single household. It was Ms Bowbyes' evidence²²⁶ that the concept of a "household" is vague, lacks definition and certainty, and would consequently be challenging to implement or effectively enforce. Mr Chrisp disagreed with this view, noting that the concept of a single household is already defined in the PDP and used as the basis for managing other activities. However, we note that the definition of "household" in the PDP is for a group "who normally occupy the same primary residence". We accept Ms Bowbyes' evidence²²⁷ that this concept would be much more difficult to enforce with certainty if applied to visitors who may, or may not, be holidaying together as a group. We also accept her evidence that embedding "rules" within definitions results in difficulties for interpretation of activity status. We recommend rejecting these submissions.
111. Retention of a registration system for homestays and RVA was requested by several submitters²²⁸, and that this should form part of the definitions for those activities. Bookabach and Bachcare, along with the similar proforma submissions, requested that different controls be adopted in regard to registered and unregistered RVA and Homestay activities. Separate definitions for registered RVA and registered homestays were provided to us in their recommended definitions, following the hearing. In answer to the Panel's questions, Mr Chrisp suggested a standard requiring some form of registration, however, his evidence to us did not address the differentiation of definitions based on registration. Ms Bowbyes' evidence²²⁹ was that it was inappropriate to embed a requirement for registration into a definition, as it was a separate Council process for the purpose of apportioning rates correctly, which is not a resource management purpose. She noted that it has been problematic, for the administration and enforcement of the plan, to require people to go through a process outside the district plan as part of achieving an activity status (as has been the case with the ODP)²³⁰. In response to a request for an annual registration requirement, she considered²³¹ that this would be overly onerous, with more effective and efficient measures being achieved through the PDP rules. We have accepted Ms Bowbyes' position on this matter. We agree with her that it is problematic and complex to embed a separate process outside the District Plan (which does not have a resource management purpose) into a plan's definitions and rules. Whilst we support mechanisms to ensure that RVA and homestays are brought to the Council's notice, for the purpose of monitoring and enforcement of the plan's provisions, we do not support the linking of the current registration system into the definitions or rules.

²²² Submission 2302

²²³ Submission 2620 and the proforma submissions that seek identical relief to Bachcare (Submissions 2621-2655)

²²⁴ Other individual and proforma submissions sought the same relief; for example, Submissions 2098, 2099, 2105 & 2342

²²⁵ M Chrisp, EiC, paragraph 6.4-6.5

²²⁶ A Bowbyes' EiC, paragraphs 8.6-8.7; Rebuttal evidence, paragraph 8.2; and Reply evidence, paragraph 3.34

²²⁷ A Bowbyes, Rebuttal evidence, paragraph 8.4

²²⁸ For example, Submissions 2137, 2561, 2595, the large group of proforma submissions identified by Ms Bowbyes, Bookabach (2302) and Bachcare (2620) and their associated individual submissions

²²⁹ A Bowbyes, EiC, paragraph 11.5 & 12.11

²³⁰ Also, A Bowbyes, Reply evidence, paragraphs 3.29-3.32

²³¹ A Bowbyes, EiC, paragraph 9.66 & 12.11

Accordingly, we have not recommended including this in the PDP, and recommend that these submissions be rejected.

112. The Luxury Accommodation Providers²³² sought that the definition of RVA be amended to remove the words “*where the length of stay is less than 90 days*”, although we received no evidence on this from the submitters. We accept the evidence from Ms Bowbyes²³³ that the 90 night threshold in the definition serves to set ‘short-term’ letting apart from ‘long-term’ letting. It also forms part of the definition of ‘visitor accommodation’ and is an important differentiator between these definitions and ‘residential activity’ which would include a paying guest staying for 90 or more nights (such as long-term rental, homestay students). We recommend that these submissions be rejected, and the words be retained within the definitions and added to the definition of homestay as recommended by Ms Bowbyes.
113. Bookabach and Bachcare sought that bed and breakfasts (BnB’s) that cater for more than one household group should be excluded from the definition of homestay²³⁴. Ms Bowbyes’ evidence²³⁵ was that BnB’s are typically small-scale and have traditionally established in residential and rural areas. It was her view that BnB’s are more akin to peer-to-peer letting of individual rooms within an occupied residential unit, rather than being commercial VA (as defined in the PDP). She considered that, with standards to control scale and associated occupancy by the permanent residents, BnB’s can be appropriately considered within the definition of homestays. Mr Chrisp²³⁶ disagreed as, in his view, the provision of additional services to BnB guests introduces a commercial aspect that is markedly different from, and more intense than, residential accommodation and BnB’s should, therefore, be defined as VA. Having considered the range of scales and intensities that could come within the definition of homestay, including farm stays and BnB’s, we prefer the evidence of Ms Bowbyes as being a more pragmatic and effective approach to managing the range of possible effects, without unduly fragmenting the definition, and recommend these submissions be rejected.
114. Nikki Gladding²³⁷ presented evidence opposing the part of the notified definition of VA²³⁸ that allows services and facilities primarily for overnight guests of the accommodation to also be used by persons not staying overnight on the site²³⁹. She noted the definition does not limit the scale of the ancillary activities, and the range of activities that would be allowed is unclear. She sought the deletion of this provision. She also sought an ability for the rules, in any particular zone, to over-ride the definition, primarily in relation to ancillary services and facilities. Ms Gladding was particular concerned regarding the implications of this part of the definition, and its effects, for the operative Township Zones which have not yet formed part of this review of the District Plan. In Glenorchy, under the ODP, visitor accommodation is a controlled activity in the Visitor Accommodation Sub-Zone (VASZ), and she was concerned that combining the variation’s definition with this rule would allow a wide range of commercial facilities as of right, without controls.

²³² Submissions 2592, 2598 & 2600

²³³ A Bowbyes, EiC, paragraph 8.1

²³⁴ Christine Byrch (Submission 2357) also sought this deletion

²³⁵ A Bowbyes, Reply evidence, paragraphs 8.8-8.10

²³⁶ M Chrisp, EiC, paragraph 6.9

²³⁷ Submission 2411

²³⁸ We note here that the definition of Visitor Accommodation was also the subject of submissions and further submissions carried over from Stage 1 of the PDP, including in relation to the level of services and facilities that can be used by persons not staying overnight on the site.

²³⁹ Christine Byrch (Submission 2357) made a similar submission to Submission 2411.

115. It was Ms Bowbyes' view²⁴⁰ that the requirement for these facilities to be directly associated with, and ancillary to, VA provides sufficient safeguard against the outcomes of concern to Ms Gladding. Ms Bowbyes also considered it is not appropriate for zone rules to alter a definition, as this would result in uncertainty regarding application of the definition.
116. Ms Gladding's submission was opposed by Matakauri Lodge Limited²⁴¹ which supported the definition as notified (and the amendments recommended by Ms Bowbyes). The legal submissions²⁴² for Matakauri Lodge from Ms Morrison-Shaw noted that there is no standard definition for visitor accommodation that applies across New Zealand, and that any definition should be broad enough to capture the full range of likely activities in this District. She submitted that including ancillary activities within the definition, and providing for limited use by non-residents, appropriately recognises the reality of existing VA facilities and provides a clear indication to plan users as to what activities the definition encompasses. Ms Morrison-Shaw pointed out that Ms Gladding's concerns can be addressed through future resource consents for particular VA proposals, and future rules requiring resource consents to be obtained. We also received evidence from Ms Rebecca Holden²⁴³ for Matakauri Lodge. She pointed out that many existing VA facilities throughout the District contain services and facilities that are often utilised by people not staying at the venue, including those used for this hearing, and that these provide an important service and economic benefit to the community and the District.
117. Having considered the submissions received, and the evidence and legal submissions presented to us, we accept the position put forward on behalf of Matakauri Lodge, and supported by Ms Bowbyes. Given the importance of VA and its associated services and facilities to the social and economic wellbeing of the District and its residents, we agree that the definition of VA needs to clearly and realistically identify the range of ancillary activities that are anticipated, and that it is expected that they will also be used by those not staying overnight on the site. We consider the definition is sufficiently clear as to the balance of use anticipated between overnight guests and others. Any particular limitations can be considered as part of any resource consent processes required. We note that VA is proposed through this variation to be a restricted discretionary activity in the LDSRZ and MDRZ where within a VASZ, and that any application of this definition to the Township Zones would be considered as part of a review of those provisions in due course. We recommend accepting the definition attached to Ms Bowbyes Reply evidence, and that the submissions from Ms Gladding be rejected and from Matakauri Lodge be accepted.
118. A final matter which was of concern to the Panel, and discussed with Ms Bowbyes at the hearing, was whether the definitions of homestay and RVA allow the use of both a residential unit and a residential flat on a site, at the same time, for paying guests. Both definitions use the words '*the use of a residential unit including a residential flat by paying guests*'. We have interpreted this as meaning either a unit or a flat, or both at the same time, being used by paying guests on a site. For a homestay, we have also considered the requirement in the definition that there be concurrent occupancy by residents as a residential activity. The definition includes the words '*at the same time that the residential unit or residential flat is occupied by residents ...*'. We do not interpret these words as limiting the occupancy to the particular unit or flat that is being used by the paying guests. Rather, we interpret this as requiring either the unit or flat to be occupied by residents, irrespective of whether the unit

²⁴⁰ A Bowbyes, EIC, paragraphs 11.30-11.31 & 11.34

²⁴¹ Submission 2611 and Further Submission 2735

²⁴² Legal Submissions (Submission 2611), paragraphs 7-19

²⁴³ R Holden, EIC, section 3.3

or flat or both are being used for paying guests. We acknowledge this is contrary to Ms Bowbyes' understanding from these words, but we consider her interpretation is inconsistent with the plain meaning of the words in the definition. We recommend a slight amendment to the definition of homestay to make this clearer.

119. Mr John Kyle confirmed at the hearing that the submission from Queenstown Airport Corporation²⁴⁴ regarding the definition of Activity Sensitive to Aircraft Noise (ASAN) has been resolved through the amendment to this definition recommended by Ms Bowbyes, and that this has also resolved the related submissions regarding standards for RVA and homestays. We recommend that this amendment and submission be accepted.

5. ZONE PURPOSES

120. The notified variation introduced additional paragraphs relating to visitor accommodation into the Zone Purpose for the LDSRZ, MDRZ, High Density Residential Zone (HDRZ), Arrowtown Residential Historic Management Zone (ARHMZ) and Large Lot Residential Zone (LLRZ). Other than from Ms Bowbyes and Mr Gala²⁴⁵ (whom we refer to below), we did not hear any specific evidence on the amendments sought by submitters to the Zone Purposes. Ms Bowbyes' evidence addressed the specific amendments sought by some submitters (which we will refer to further below). Resulting from her consideration of submissions, she recommended some substantial amendments and additions to the notified Zone Purposes through the updated variation attached to her evidence. We have used the version attached to her Reply Evidence as the basis for our consideration of the relevant submissions.
121. The majority of the submissions seeking amendments to the Zone Purposes did so as part of their general opposition to the provisions of the variation²⁴⁶. At the start of this Report we addressed the general submissions seeking no, or more liberal, controls over RVA and homestay accommodation. As a result of our findings on these general matters, we recommend amendments to the Zone Purposes for the LDSRZ, MDRZ, ARHMZ and LLRZ, to align those statements with our findings and recommendations regarding the provision for RVA and homestays in those low and medium density residential zones. In particular, we recommend removing the focus on managing the supply of residential housing for long term rental accommodation through restricting RVA and homestays outside VASZs; and on ensuring that each residential unit (and residential flat) is predominantly used for residential activities. Instead, we have recommended strengthening the focus of the Zone Purposes on managing the effects of RVA and homestays in order to maintain residential character and residential amenity values, in accordance with our findings on those matters earlier in this Report. We recommend these alterations, as shown in Appendix 1, accordingly and recommend that those submissions which support these changes be accepted in part.
122. Ms Bowbyes' evidence²⁴⁷ addressed the submissions from the Luxury Accommodation Providers who requested that the references in the Zone Purposes to "restricting" visitor accommodation be altered to "controlling", and that the references to loss of housing supply be removed. Consistent with her firmly expressed views, Ms Bowbyes considered that the amendments proposed by these submitters²⁴⁸ would undermine the Council's ability to

²⁴⁴ Submission 2618

²⁴⁵ N Gala for Coherent Hotel Limited (Submission 2524)

²⁴⁶ Examples include RSJ Tahuna Trust (Submission 2226); Nona James (Further Submission 2798)

²⁴⁷ A Bowbyes, EiC, paragraphs 9.72-9.75

²⁴⁸ The changes sought to the objectives, policies and rules, as well as those considered here to the Zone Purposes.

deliver residential development capacity to meet anticipated demand, and would not provide sufficient regulatory methods to manage adverse effects. Mr Farrell's evidence for the submitters did not specifically address the changes sought to the Zone Purposes. Our recommended amendments remove the references to loss of housing supply for the reasons we have expressed earlier, and have clarified the circumstances under which RVA and homestays are restricted or managed. Accordingly, we recommend that these submissions are accepted in part.

123. Ms Bowbyes also addressed²⁴⁹ the submissions from Submitters 2216, 2221 and 2342²⁵⁰ who sought that the zone purpose, objectives and policies in the LDSRZ and MDRZ are amended to acknowledge the importance of the supply of VA in Wanaka because the market relies on accommodation within these zones to meet demand. We did not hear any evidence from these submitters, however, Ms Bowbyes acknowledged that Wanaka does have very few VASZs, and it has only a small amount of land zoned HDRZ (where VA is enabled more readily). She did not recommend any amendments to the Zone Purposes, objectives or policies, as a result of these submissions. However, she recommended less restrictive rules for RVA in the MDRZ in central Wanaka. We recommend these rules be accepted and be reflected in the Zone Purpose and policies for this zone and these submissions be accepted in part.
124. The submissions from Fisken & Associates²⁵¹ and Church Street Trustees Limited²⁵² asked for greater recognition of visitor accommodation in Arrowtown in the Zone Purpose for the ARHMZ. Ms Bowbyes²⁵³ acknowledged that there was insufficient recognition of the visitor accommodation provisions in the Zone Purpose for that zone. She recommended additions, which we recommend are accepted.
125. Coherent Hotel Limited²⁵⁴ sought changes to the Zone Purposes for the LDSRZ and MDRZ to recognise the importance of VA and its importance for Queenstown's economy. Ms Bowbyes' evidence²⁵⁵ agreed with this submitter that the purpose statements could be improved to elaborate on the role of VASZs, and to provide greater clarity regarding how VA is provided for outside of VASZs. She recommended these changes to all the zone chapters that include VASZs, including them in her Reply version of the variation.
126. The legal submissions from Mr Brabant²⁵⁶ and the evidence from Mr Grala²⁵⁷, for Coherent Hotel Limited, generally supported the amendments recommended by Ms Bowbyes, other than her disagreement with recognising the importance of VA in the Zone Purposes. Ms Bowbyes²⁵⁸ considered that the higher order policy in the Strategic Directions and Urban Development Chapters sufficiently highlight the importance of tourism to the District's economy. She reiterated this in her Rebuttal evidence²⁵⁹ where she stated that it is important not to overstate the significance of VA in these zones because they have the principal purpose of providing for residential activities. Mr Grala, however, was of the opinion that the most

²⁴⁹ A Bowbyes, EiC, paragraphs 9.111-9.122

²⁵⁰ Wanaka Selection Limited, Varina Proprietary Ltd and Krook Nominees Proprietary Limited; and Te Wanaka Lodge Limited

²⁵¹ Submission 2372

²⁵² Submission 2375

²⁵³ A Bowbyes, EiC, paragraphs 12.7-12.8

²⁵⁴ Submission 2524

²⁵⁵ A Bowbyes, EiC, paragraph 11.38-11.41

²⁵⁶ Legal Submissions, paragraphs 5, 6 and 39-43

²⁵⁷ N Grala, EiC, paragraphs 33-38

²⁵⁸ A Bowbyes, EiC, paragraph 11.39

²⁵⁹ A Bowbyes, Rebuttal evidence, paragraph 4.3

appropriate way of recognising the importance of VA, at the zone purpose level, would be to briefly express this – to give context as to why VA is provided for in these residential zones. He considered this would achieve the balance Ms Bowbyes was seeking, whereby the primary intent is to encourage residential development but also to enable VA in appropriate locations. Mr Grala suggested the following wording as additions to the LDSRZ and MDRZ Zone Purposes:

“Well designed and appropriately located visitor accommodation has an important role in the district, providing socioeconomic benefits and contributes to a prosperous, resilient and equitable economy.”

127. We have generally recommended acceptance of the amendments put forward by Ms Bowbyes in her Reply version of the variation. However, we agree with Mr Grala that a statement about why VA is anticipated in the VASZ would add context for the zone policies and rules. We acknowledge Ms Bowbyes’ concerns regarding over-emphasising some aspect of the zone, rather than its other important roles and, accordingly, have recommended a more limited addition to the Zone Purposes than that suggested by Mr Grala. We recommend the relevant submissions from Coherent Hotel Ltd be accepted in part. The first sentences of the Zone Purposes for the LDSRZ and MDRZ are recommended to read as follows:

Visitor accommodation is anticipated in the Visitor Accommodation Sub-Zones shown on planning maps, which have historically provided (and will continue to provide) important locations for visitor accommodation to meet the District’s needs.

Visitor accommodation is anticipated in the Visitor Accommodation Sub-Zones shown on planning maps, which have historically provided (and will continue to provide) important locations for visitor accommodation to meet the District’s needs, and in the Wanaka Town Centre Transition Overlay.

128. The notified variation also proposed to add one paragraph to the Zone Purpose for the HDRZ. The majority of the submissions on this Zone Purpose supported its wording and asked that it be retained. We have a concern with the wording of this paragraph as it does not express the zone’s purpose with sufficient clarity and it does not fully reflect the substantive outcome for the zone expressed through the objective. We consider this can be remedied as a minor grammatical change in accordance with Clause 16(2), and recommend an amendment accordingly as set out in Appendix 1.

6. OBJECTIVES AND POLICIES

6.1 Overview

129. The notified variation introduced new objectives and policies relating to visitor accommodation for the LDSRZ, MDRZ, HDRZ, ARHMZ and LLRZ, as well as an amended and new policy for the Rural Residential and Rural Lifestyle Zones (RRZ & RLZ) and the Wakatipu Basin Rural Amenity Zone (WBRAZ). Ms Bowbyes’ evidence considered the amendments sought by submitters and responded to questions from the Panel regarding the wording of the objectives in particular²⁶⁰. She recommended amendments to, and reconfiguring of, the notified objectives and policies through the updated variations attached to her evidence. We have used the version attached to her Reply Evidence as the basis for our consideration of the relevant submissions.

²⁶⁰ Minute of 12 September 2018

130. Ms Bowbyes' evidence addressed the specific amendments sought by some submitters. We have considered her evidence on these points, as well as the submissions themselves and evidence from submitters presented to us at the hearing.

6.2 Low and Medium Density Residential Zones

131. In a general sense, the submissions seeking amendments to the objectives and policies for the low and medium density residential zones did so as part of their general support of, or opposition to, the provisions of the variation²⁶¹. In the preliminary sections at the start of this Report we addressed the submissions seeking no, or more liberal, controls over RVA and homestay accommodation in these zones. As a result of our findings on these general matters, we recommend amendments to the objectives and policies for the low and medium density residential zones, to align with our findings and recommendations regarding the provision for RVA and homestays. As with the Zone Purposes, we recommend removing the focus on maintaining the supply of residential housing; and on maintaining residential activity as the predominant use of each site. Instead, we have recommended a more enabling approach to providing for VA, RVA and homestays, whilst strengthening the focus of the objectives and policies on managing the effects of RVA and homestays in order to maintain residential character and residential amenity values. We consider these amendments are necessary for the objectives and policies to be consistent with our findings on these matters earlier in this Report. We recommend these alterations accordingly and recommend that those submissions which support these changes be accepted in part.
132. We discussed the submissions from Submitters 2216, 2221 and 2342²⁶² above in relation to the Zone Purposes. As a consequential change, we recommend that Policy 8.2.14.1 for the MDRZ be amended to reflect Ms Bowbyes' recommended rules for RVA in the MDRZ in central Wanaka and that these submissions be accepted in part.
133. Coherent Hotel Limited sought changes to the objectives and policies for the LDSRZ and MDRZ relating to VA and the VASZs, to recognise the importance of VA and its importance for Queenstown's economy. Ms Bowbyes' evidence²⁶³ agreed with this submitter that there is a need to separate out VA from RVA and homestays in the policies, and that the policies relating to VA should be more clearly linked to the effects of VA to ensure that the residential character of these zones is maintained. She recommended changes to the policies for the zones that include VASZs, including them in her Reply version of the variation. The legal submissions from Mr Brabant²⁶⁴ and the evidence from Mr Grala²⁶⁵, for Coherent Hotels Limited, generally supported the policy amendments recommended by Ms Bowbyes. We recommend that Ms Bowbyes' amendments to the policies be accepted, subject to our amendments referred to above. Accordingly, we recommend this submission be accepted in part.

6.3 High Density Residential Zone

134. The notified variation proposed to add an objective and four policies to the HDRZ. The majority of the submissions on this Zone Purpose supported its wording and asked that it be

²⁶¹ Examples include Bookabach (Submission 2301), Bachcare (Submission 2620), RSJ Tahuna Trust (Submission 2226); Nona James (Further Submission 2798), Fiskin & Associates (Submission 2372), Church Street Trustee Limited (Submission 2375), Luxury Accommodation Providers (Submissions 2592, 2598 & 2600)

²⁶² Wanaka Selection Limited, Varina Proprietary Ltd and Krook Nominees Proprietary Limited; and Te Wanaka Lodge Limited

²⁶³ A Bowbyes, EiC, paragraph 11.46-11.47

²⁶⁴ Legal Submissions, paragraphs 5, 6 and 39-43

²⁶⁵ N Grala, EiC, paragraphs 33-38

retained. Ms Bowbyes did not recommend any amendments to these provisions. The Luxury Accommodation Providers ²⁶⁶ sought that Objective 9.2.7 be amended to “enable” visitor accommodation, rather than *provide for* it; and that the words “ensuring that adverse effects on residential amenity are avoided, remedied or mitigated” be removed from Policy 9.2.7.2. Mr Farrell’s evidence for these submitters did not specifically address the changes sought to this objective and policy for the HDRZ. Neither did Ms Bowbyes’ evidence directly address these submissions relating to the HDRZ, other than to state that the changes they seek to the policy framework would erode the zones’ ability to ensure that residential development capacity is provided. Fiskén & Associates²⁶⁷ also sought a replacement objective and amendments to Policies 9.2.7.1, 9.2.7.2 & 9.7.2.4. We heard no evidence from this submitter. Ms Bowbyes’ evidence also did not directly address these submissions on the HDRZ, other than recommending they be rejected in her attached table of recommended decisions. We have no basis to make any substantive changes to this objective and policies, although we agree with the submission from the Luxury Accommodation Providers that use of the word “enable” in the Objective is more consistent with the wording of the policies and the Zone Purpose. With this amendment, and some wording clarifications as minor changes, we recommend the HDRZ Objective and the policies remain as notified.

6.4 Rural Zones

135. We received no specific evidence from submitters regarding the proposed policies for the RRZ & RLZ. Streat Developments Limited²⁶⁸ and Fiskén & Associates²⁶⁹ sought deletion of the proposed new and amended policies, and the introduction of other new policies, which would anticipate the introduction of VASZ within these zones. Ms Bowbyes’ evidence²⁷⁰ addressed the Streat submission, stating that the implications of introducing a VASZ framework into these zones would have a far-reaching effect, beyond the submitter’s land (RRZ - Cemetery Road, Hāwea). In her view, the submitter had not sufficiently considered the implications of such provisions, nor considered the Stage 1 decisions version of the PDP which provides for VA as a discretionary activity in those zones. On the basis of Ms Bowbyes’ evidence, we do not recommend the changes sought to these policies and that these submissions be rejected. We have recommended a minor wording change to Policy 22.2.2.5 for consistency with the wording of similar policies in other zones, and with the focus of the rules for RVA. We consider this can be remedied as a minor change in accordance with Clause 16(2). Apart from this minor change, we recommend these policies remain as notified.
136. There were no submissions specifically related to the visitor accommodation aspect of Policy 24.2.5.3 for the WBRAZ. To the extent that there are submissions on this policy more generally, they have been addressed in Stream 14.

7. RULES - ACTIVITIES AND STANDARDS - HOMESTAYS AND RESIDENTIAL VISITOR ACCOMMODATION

7.1 Low and Medium Density Residential Zones

137. In the following sections we consider submissions on the rules for homestays and RVA in the various zones. We consider the submissions on the rules for VA, for all zones, later in this Report.

²⁶⁶ Submissions 2592, 2598 & 2600

²⁶⁷ Submission 2372

²⁶⁸ Submission 2311

²⁶⁹ Submission 2372

²⁷⁰ A Bowbyes, EiC, paragraph 11.65

7.1.1 Homestays

138. Earlier in this Report, we recommended that permitted activity standard for homestays in the low and medium density residential zones remain at the notified level of 5 paying guests at any one time; and that the activity status for not complying with the permitted activity standards be amended to restricted discretionary activity (rather than non-complying as notified). We have added matters to which discretion is restricted for homestay applications. We have included the matters recommended by Ms Bowbyes for homestays in the HDRZ²⁷¹. In addition, we recommend including a wider range of matters that would enable consideration of the nature of the surrounding neighbourhood; the effects of the activity on the neighbourhood (including cumulative effects); the scale and frequency of use (including number of guests per night); and record keeping and monitoring. These are matters that were put to us in evidence from submitters at the hearing. They address the potential for effects from homestays, and the requirements for monitoring and enforcement, we have discussed and accepted earlier in this Report. We have not included matters relating to health and safety provisions for guests, or guest management and complaints procedures (which we have included for RVA), on the basis that homestay guests are sharing the same accommodation as the occupants, with the same health and safety requirements and greater ability to control guest behaviour.
139. Ms Bowbyes recommended amendments to the notified standards for homestays – deletion of the standard restricting the number of vehicle trips per day to 8²⁷²; and addition of a standard²⁷³ requiring notification of the activity to the Council and record keeping²⁷⁴. She also recommended retention of the notified parking standard²⁷⁵. Attached to her Reply evidence²⁷⁶, Ms Bowbyes included an evaluation pursuant to section 32AA of her recommendation to include standards relating to notification and record-keeping for permitted activity RVA and homestays. She concluded such standards would be effective and efficient. They would enable the Council to develop a robust information base, enable effective operation of the Council’s monitoring and compliance functions, and provide long-term evidence for review of the effectiveness of the PDP provisions. We heard no evidence to the contrary regarding Ms Bowbyes’ recommended amendments and, apart from some minor wording changes for clarification, we recommend these amendments be accepted.
140. The notified variation included a standard²⁷⁷ for homestays which required the activity to occur in either an occupied residential unit or an occupied residential flat on a site, but not in both at the same time. Ms Bowbyes’ evidence²⁷⁸ recommended the retention of this standard. We did not receive evidence directly on this matter for the low and medium density residential zones. However, Ms Bowbyes addressed²⁷⁹ the matter in relation to a related submission from Anna Elms and Peter Smith²⁸⁰. She stated that residential flats make up a substantial portion of the economically feasible development capacity of the PDP and will play a key role in achieving a compact urban form and help address the affordability of housing in the District. She considered renting out residential flats to long-term occupants is anticipated,

²⁷¹ A Bowbyes, Reply evidence, Appendix A

²⁷² A Bowbyes, EiC, paragraph 9.99; and Appendix A to her Reply evidence

²⁷³ A Bowbyes, Reply evidence, paragraphs 4.1-4.3 and Appendix A

²⁷⁴ With an associated Note regarding making records available to the Council for monitoring purposes

²⁷⁵ A Bowbyes, Reply evidence, Appendix A

²⁷⁶ A Bowbyes, Appendix B to her Reply evidence

²⁷⁷ Rule 7.5.18.1 (as notified)

²⁷⁸ A Bowbyes, Reply evidence, Appendix A

²⁷⁹ A Bowbyes, EiC, paragraph 11.24-11.25

²⁸⁰ Submission 2323, which referred to the Rural Zone

but short-term letting could undermine the PDP’s capacity to provide for population growth. We are concerned this standard is unnecessarily restrictive, given our accepted focus on the potential for adverse effects from homestays on residential character and amenity values, rather than on housing supply and affordability. We do not consider the potential for adverse effects on residential character and amenity values would be influenced by both a residential unit and a residential flat on a site being used for homestay guests at the same time. This is particularly so where there is a requirement for permanent residents to be on the site, and a limit of 5 paying guests. We recommend this standard be deleted, with the associated addition of the words “*on a site*” to the standard limiting the number of paying guests (in order to clarify that this is the overall permitted activity threshold for a site). We are satisfied that there is scope to delete this standard, based on the submissions seeking the deletion of all standards or controls for homestays²⁸¹.

7.1.2 Residential Visitor Accommodation

141. In this Report, we have already recommended that RVA be a controlled activity up to a maximum of 90 nights per year; and (outside the VASZ) restricted discretionary activity status for RVA up to 180 nights per year, and non-complying activity status beyond this scale and for non-compliance with other standards. We have added matters to which control is reserved for the controlled activity, and to which discretion is restricted for the restricted discretionary activity applications for RVA outside the VASZ. For the matters of discretion, we have included the same matters as we have recommended above for homestays (for the same reasons), but with the addition of specific references to residential cohesion; the number of guests per night; compliance with the Building Code; health and safety provisions in relation to guests; and guest management and complaints procedures. The matters of control are similar but necessarily more limited given the focus only on conditions, and do not include matters relating to residential context, and cumulative effects on the neighbourhood. These matters were put to us in evidence from submitters at the hearing. They address the potential for effects from RVA, and the requirements for conditions, monitoring and enforcement, we have discussed and accepted earlier in this Report.
142. Ms Bowbyes recommended amendments to the notified standards for RVA – deletion of the standard limiting RVA to 3 lets per year²⁸²; and the standard restricting the number of vehicle trips per day to 8²⁸³.
143. Bridget Parker²⁸⁴ presented evidence to us supporting the standard limiting RVA to 3 lets per annum. Her main concerns related to fairness with commercial accommodation providers and effects for neighbours. Other submissions²⁸⁵ stated that 3 lets is too restrictive and would be inconsistent with the number of letting opportunities a home-owner could accommodate whilst continuing to live in their home over a 12 month period. Ms Bowbyes²⁸⁶ considered the submissions and the costs and benefits of this standard and, on the basis of the inflexibility of the rule for RVA operators, she recommended its deletion. She did not consider this standard would assist with addressing the effects of RVA on residential amenity or cohesion, and considered the limit on the number of nights a year would be more effective. We accept her evidence on this matter and recommend this standard be deleted and Ms Parker’s submission be rejected.

²⁸¹ For example, Airbnb (Submission 2390) and Fiskin & Associates (Submission 2372)

²⁸² A Bowbyes, EiC, paragraph 9.91; and Appendix A to her Reply evidence

²⁸³ A Bowbyes, EiC, paragraph 9.99; and Appendix A to her Reply evidence

²⁸⁴ Submission 2152

²⁸⁵ For example, Ella Hardman (Submission 2048); Gilbert Gordon (Submission 2031)

²⁸⁶ A Bowbyes, EiC, paragraphs 9.84- 9.91

144. We heard no evidence to the contrary on deletion of the standard restricting the number of vehicle trips per day and recommend this amendment also be accepted.
145. Ms Bowbyes also recommended the addition of a standard²⁸⁷ requiring notification of the activity to the Council and record keeping²⁸⁸. Whilst we support the need for notification and record keeping, as a result of our recommendation for a controlled activity application for RVA, there is no need for these as standards. Notification of the activity to the Council will be achieved through the resource consent process. Conditions regarding record keeping can be imposed through this process, and we have included this as matters of control and discretion rather than a standard as recommended by Ms Bowbyes. With that change, we recommend that the amendments regarding record keeping be accepted.
146. Inadequate on-site parking, and the adverse effects for neighbours of overflow parking on surrounding streets, was a matter raised with us by several submitters at the hearing²⁸⁹. No standard for parking was included in the notified provisions for RVA and Ms Bowbyes did not recommend an addition. We recommend including a parking standard cross-referring to the relevant minimum parking requirements in Chapter 29 Transport. This would prevent an existing residential unit, for example, that does not have sufficient parking to meet the Chapter 29 minimum standards, being able to be used as RVA as a controlled activity.
147. The notified variation included a standard²⁹⁰ which required the RVA activity to occur in either one residential unit or one residential flat per site, but not in both. Ms Bowbyes' evidence²⁹¹ recommended the retention of this standard. We have discussed her related evidence on this matter in our assessment of homestay controls earlier in this Report. We are concerned that this standard is unnecessarily restrictive, given our accepted focus for RVA on the potential for effects on residential character, cohesion and amenity values, rather than on housing supply. We do not consider that the potential for these effects would be influenced by both a residential unit and a residential flat on a site being used for RVA at the same time, within the limit of 90 nights per year. The capacity of a residential flat is also limited by its maximum size of 70m². However, more pertinently, the number of guests on a site per night can be considered as part of the controlled activity application and conditions imposed where appropriate. We have included a matter of control specifically for this purpose. Alongside our recommendations for controlled activity status and matters of control, we recommend the notified standard, limiting occupancy to one residential unit or one residential flat per site, be deleted. We also recommend the associated addition of the words "*on a site*" to the standard limiting the number of nights of occupation by paying guests per year (in order to clarify that this is the overall threshold for all occupancy on a site). We are satisfied that there is scope to delete this standard, based on the submissions seeking the deletion of all standards or controls for RVA²⁹².

7.1.3 Additional Standards Sought

148. Many submissions sought additional standards be imposed on homestay and/or residential visitor accommodation. These included:

²⁸⁷ A Bowbyes, Reply evidence, paragraphs 4.1-4.3 and Appendix A

²⁸⁸ With an associated Note regarding making records available to the Council for monitoring purposes

²⁸⁹ For example, Heidi Ross (Submission 2371); Wakatipu Youth Trust, Young Changemakers (Submission 2495); Nona James' (Further Submission 2798) written submissions tabled at the hearing

²⁹⁰ Rule 7.5.18.1 (as notified)

²⁹¹ A Bowbyes, Reply evidence, Appendix A

²⁹² For example, Airbnb (Submission 2390); Fiske & Associates (Submission 2372)

- RVA being limited to a single household group at any one time²⁹³;
- A limit on the number of guests per bedroom²⁹⁴;
- A limit of 28 nights per year for homestays²⁹⁵;
- A minimum 3 night stay for guests²⁹⁶;
- Well-defined noise limits and limits on late night outside activities²⁹⁷;
- A requirement for a manager/local contact person to be available 24 hours, to handle complaints²⁹⁸;
- A limit of 30 paying guests per month for homestays and restricted to overnight accommodation only²⁹⁹;
- All loading/unloading and parking be contained within the respective site and screened from adjoining residential properties³⁰⁰;
- Fire, health & safety and building compliance requirements³⁰¹.

149. Although we have reviewed the submissions, we did not hear evidence from the majority of the submitters who requested these additional standards. We received a written statement from Ms Nona James which mostly focussed on other aspects of her submission, as well as reiterating her suggestions relating to noise, parking, loading/ unloading, and 24 hour contact availability. Bridget Parker presented to us supporting a limit of 28 days per annum for homestays, based on her concerns for neighbours. We received evidence from Mr Chrisp, for Bachcare and Bookabach, regarding their submission to require RVA and homestay to be limited to a single household, rather than multiple parties occupying the same property. We have considered this submission earlier in our Report³⁰² and have recommended that it be rejected. Mr Chrisp also supported a standard requiring a limit of 2 persons per bedroom, plus 2 additional guests. He considered this would ensure that properties were occupied at the same level of intensity as if they were used for permanent dwellings. He stated this is an established and effective method for managing the effects of visitor accommodation.

150. Ms Bowbyes addressed some of these requests for additional standards in her evidence, and did not recommend any be accepted. In relation to the introduction of a 2 night minimum stay rule, she referred³⁰³ to the Section 32 Report³⁰⁴ which found that the average stay of guests in Airbnb's in the District (in 2017) was 4.2 nights, and the national average was 3.9 nights. On that basis, she was not persuaded that a minimum stay rule is necessary. With respect to fire safety, and health and safety standards, Ms Bowbyes considered³⁰⁵ that building requirements (such as achieving approved fire-rating and providing smoke detectors) would be regulated by the building consent process rather than through the PDP. In terms of additional standards limiting the scale of homestays, Ms Bowbyes considered³⁰⁶ the 5 person

²⁹³ Bookabach & Bachcare; Nona James (Further Submission 2798); Kaye Parker (Submission 2233)

²⁹⁴ Bookabach & Bachcare; Keith Murray (Submission 2046)

²⁹⁵ Sean McLeod (Submission 2549); Bridget Parker (Submission 2152)

²⁹⁶ Allan McLaughlin (Submission 2045); Sean McLeod (Submission 2549); Nona James (Further Submission 2798); L&D Gregory (Submission 2304)

²⁹⁷ Allan McLaughlin (Submission 2045); Nona James (Further Submission 2798)

²⁹⁸ Allan McLaughlin (Submission 2045); Nona James (Further Submission 2798)

²⁹⁹ Linda Worth (Submission 2351); Chris Worth (Submission 2278)

³⁰⁰ Nona James (Further Submission 2798)

³⁰¹ Bridget Parker (Submission 2152)

³⁰² When considering submissions on the Definitions

³⁰³ A Bowbyes, EiC, paragraphs 9.84 & 9.89

³⁰⁴ Section 32 Report, Page 16. Included as Appendix 3 to A Bowbyes EiC.

³⁰⁵ A Bowbyes, EiC, paragraphs 9.11 & 11.17

³⁰⁶ A Bowbyes, EiC, paragraphs 11.14 & 11.16

limit, alongside the other standards she had recommended, was sufficient, necessary and justified. She stated that homestays are by definition small scale and ancillary to the residential use of the dwelling or flat.

151. We have considered these submissions requesting additional standards and the limited evidence before us on these matters. In the face of Ms Bowbyes' recommendations not to accept any additional standards, we do not consider that we have received adequate evidence of the costs and benefits of these additional regulations to be able to consider them in terms of section 32AA of the Act and recommend their inclusion. However, our recommendation to require a controlled activity application for RVA up to 90 days per annum, and the associated matters for control, mean that the additional concerns raised by these submitters can be considered in the context of any particular RVA proposal, and conditions imposed as required. We have specifically included reference to several of the matters raised by these submitters. Similarly, under our recommended matters of discretion, larger scale homestays and RVA can have appropriate conditions imposed on resource consents. Accordingly, although we do not recommend inclusion of these additional standards, we recommend accepting the submissions in part (as a result of these other related amendments).

7.2 High Density Residential Zone

152. For the HDRZ, the notified variation included homestays and RVA as permitted activities, to limits of 5 guests per night for homestays and 28 nights and 3 lets per year for RVA. VA was listed as a restricted discretionary activity, and non-compliance with the standards for homestay and RVA resulted in each of those activities also becoming a restricted discretionary activity. As a result of her consideration of the submissions, Ms Bowbyes recommended³⁰⁷ some changes to these rules, in particular increasing the nights per year limit for RVA to 42; removing the limit of 3 lets per year; deletion of the standard restricting the number of vehicle trips per day to 8; addition of a standard requiring notification of the activity to the Council and record keeping³⁰⁸; and changes to the matters to which discretion is reserved for restricted discretionary activity applications.
153. We did not hear a great deal of evidence relating to the provisions in the HDRZ. Ms Bowbyes' evidence addressed her recommendations for an increase in the nights per year limit for RVA to 42, removal of the limit of 3 lets per year, other changes across all zones³⁰⁹; retention of the notified activity status for VA³¹⁰; and the changes to the matters of discretion³¹¹.
154. Some submissions³¹² generally opposed the HDRZ variation provisions, whilst others³¹³ generally supported them. The submissions from the Luxury Accommodation Providers requested controlled activity status for RVA which does not comply with the permitted activity standards. However, at the hearing, Mr Farrell did not support this position, stating that, in urban zones, beyond the permitted thresholds³¹⁴, RVA should be managed as a restricted

³⁰⁷ A Bowbyes, Appendix A to her Reply evidence

³⁰⁸ With an associated Note regarding making records available to the Council for monitoring purposes

³⁰⁹ A Bowbyes, EiC, paragraphs 9.82-9.83

³¹⁰ A Bowbyes, EiC, paragraph 11.57

³¹¹ A Bowbyes, EiC, paragraph 11.59, in response to the submission from Coherent Hotel Limited (Submission 2524)

³¹² For example, George Bridgewater (Submission 2011); Rachel Bridgewater (Submission 2012); Fiske & Associates (Submission 2372)

³¹³ For example, Bronwyn Brock (Submission 2042); Chris Worth (Submission 2278)

³¹⁴ In their submissions, 120 nights per year

discretionary activity status. We accept this evidence and recommend the notified restricted discretionary activity status be retained.

155. The large group of proforma submissions identified by Ms Bowbyes³¹⁵ opposed the restricted discretionary activity standard for Homestays in the HDRZ, as hosts should be able to operate Homestays without the need for a resource consent. At the start of this Report, we addressed the general matter of whether or not the PDP should control Homestays separately from controls over Residential Activities. We concluded that there is potential for adverse effects on residential amenity from homestay activity, but this is able to be effectively managed by standards within the PDP, and an associated resource consents process for non-compliance with those standards. Accordingly, we recommend that these submissions be rejected.
156. As with the low and medium density residential zones, submissions³¹⁶ requested a range of amendments to the standards for RVA and homestays. These related to the permitted number of nights and number of lets per year for RVA; and the number of people per night and number of guests per month for homestay. We have addressed each of these matters in our consideration of the same standards for the low and medium density residential zones. We consider our findings and recommendations on these matters for those zones apply equally to the HDRZ, particularly when combined with restricted discretionary activity status for non-compliance with all standards, as notified and recommended to be retained by Ms Bowbyes. For the same reasons as we have given in relation to the low and medium density residential zones, we recommend that:
- the permitted limit for RVA in the HDRZ be increased to 90 days per annum;
 - the requirements be deleted for RVA and homestays to only occupy a residential unit or a residential flat on a site, but not both at the same time;
 - addition of a minimum parking standard for RVA;
 - clarification of the standards relating to Council notification and record-keeping; and
 - other minor consequential and grammatical changes.
157. We note that, with RVA being a permitted activity in the HDRZ rather than a controlled activity, there would not be the ability to impose consent conditions relating to health and safety and guest management matters. We consider there is a need to include a standard for permitted activity RVA requiring smoke alarms to be provided in accordance with Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016. Based on the evidence we received from numerous submitters, we consider this to be an important, fundamental requirement protecting guests and the reputation of the District in terms of health and safety for visitors. In all other respects, we agree with the amendments to the RVA and homestay standards recommended by Ms Bowbyes and recommend they be accepted.

7.3 Business Mixed Use Zone

158. For the BMUZ, the notified variation included homestays and RVA as permitted activities, to limits of 5 guests per night for homestays and 28 nights and 3 lets per year for RVA. Non-compliance with the standards for homestay and RVA resulted in each of those activities becoming a controlled activity. As a result of her consideration of the submissions, Ms Bowbyes recommended³¹⁷ some changes to these rules, in particular increasing the nights per year limit for RVA to 42; removing the limit of 3 lets per year; deletion of the standard

³¹⁵ Refer to Footnote 173

³¹⁶ For example, Linda Worth (Submission 2351); Ella hardman (Submission 2048); Skyview Magic Ltd (Submission 2032); Dynamic Guest House Limited (Submission 2175); and the Luxury Accommodation Providers.

³¹⁷ A Bowbyes, Appendix A to her Reply evidence

restricting the number of vehicle trips per day to 8; addition of a standard requiring notification of the activity to the Council and record keeping³¹⁸; and changes to the matters to which control is reserved for controlled activity applications.

159. We did not hear any evidence from submitters relating to the provisions in the BMUZ. Ms Bowbyes' evidence addressed her recommendations for an increase in the nights per year limit for RVA to 42, removal of the limit of 3 lets per year, other changes across all zones³¹⁹; and the changes to the matters of control³²⁰.
160. The submissions from Ngai Tahu Property Limited³²¹, and from Bachcare and Bookabach, and their associated proforma submissions, supported the notified provisions for the BMUZ. We recommend these submissions be accepted in part, subject to the amendments we recommend below.
161. The large group of proforma submissions identified by Ms Bowbyes³²² opposed the controlled activity standard for Homestays in the BMUZ, as hosts should be able to operate Homestays without the need for a resource consent. As we stated above in relation to the HDRZ, we concluded that there is potential for adverse effects on residential amenity from homestay activity, but this is able to be effectively managed by standards within the PDP, and an associated resource consents process for non-compliance with those standards. Accordingly, we recommend that these submissions be rejected.
162. The Luxury Accommodation Providers sought an increase in the permitted number of nights per year for RVA to 120, although the evidence from Mr Farrell did not specifically refer to the BMUZ provisions. We have addressed this matter in our consideration of the same standard for the low and medium density residential zones. We consider our findings and recommendations for those zones apply equally to the BMUZ, particularly when combined with controlled activity status for non-compliance with all standards, as notified and recommended to be retained by Ms Bowbyes. For the same reasons as we have given in relation to the low and medium density residential zones³²³, we recommend that:
- the permitted limit for RVA in the BMUZ be increased to 90 days per annum;
 - the requirements be deleted for RVA and homestays to only occupy a residential unit or a residential flat on a site, but not both at the same time;
 - addition of a minimum parking standard for RVA;
 - addition of a standard requiring smoke alarms for RVA;
 - clarification of the standards relating to Council notification and record-keeping; and
 - other minor consequential and grammatical changes.
- In all other respects, we agree with the amendments to the RVA and homestay standards recommended by Ms Bowbyes and recommend they be accepted.

7.4 Rural Zone

163. For the Rural Zone, the notified variation included homestays and RVA as permitted activities, to limits of 5 guests per night for homestays and 28 nights and 3 lets per year for RVA. Non-

³¹⁸ With an associated Note regarding making records available to the Council for monitoring purposes

³¹⁹ A Bowbyes, EIC, paragraphs 9.82-9.83

³²⁰ A Bowbyes, EIC, paragraph 11.59, in response to the submission from Coherent Hotel Limited (Submission 2524)

³²¹ Submission 2336

³²² Refer to Footnote 173

³²³ And for the reasons we have given for a standard requiring smoke alarms for permitted activity RVA in the HDRZ

compliance with the standards for homestay and RVA resulted in each of those activities becoming a discretionary activity. As a result of her consideration of the submissions, Ms Bowbyes recommended³²⁴ some changes to these rules, in particular increasing the nights per year limit for RVA to 42; removing the limit of 3 lets per year; addition of a standard requiring notification of the activity to the Council and record keeping³²⁵; and a change to the non-compliance status for both RVA and homestays to controlled activity with associated matters to which control is reserved.

164. We did not hear a great deal of evidence relating to the provisions in the Rural Zone. Ms Baker-Galloway presented legal submissions and Mr Fergusson provided evidence on behalf of a group of companies with interests in the Rural Zone³²⁶. Ms Bowbyes' evidence addressed her recommendations for an increase in the nights per year limit for RVA to 42, removal of the limit of 3 lets per year, the change to activity status for non-compliance with the standards³²⁷, and other changes across all zones³²⁸.
165. Some submitters³²⁹ generally supported the Rural Zone variation provisions. Others opposed the rules for RVA and homestay and asked that they be deleted. For example, Glencoe Station Ltd³³⁰ submitted that the Rural Zone contributes little to housing capacity and the housing in the zone will not be affordable. If there are any wider effects of short term visitor stays, the rural zone has capacity to absorb and avoid such adverse effects due to the generous nature of open space, distances between neighbours and the ability to provide for car parking and services. The submission states that short stay visitor stays within residential units and residential flats provides for the economic wellbeing of people and communities without adversely affecting the environmental qualities of the rural environment. Other submitters³³¹ made similar points regarding the effects of RVA and homestays in the Rural Zone. Some submitters³³² opposed the activity status for non-compliance with the permitted activity standards for RVA and homestays, generally seeking restricted discretionary or controlled activity status.
166. Mr Fergusson's evidence³³³ analysed the variation's rural zone provisions in terms of statutory framework of the NPS-UDC; the Proposed RPS; and Section 32 of the Act. He concluded³³⁴ that there is no basis in policy for the Rural Zone being regarded as an area for the supply of housing. He considered³³⁵ there is much greater support in the PDP policies for the Rural Zone being a more diverse environment designed to accommodate a range of business activity, rather than being a zone for residential activity, with nothing in the Rural Zone provisions

³²⁴ A Bowbyes, Appendix A to her Reply evidence

³²⁵ With an associated Note regarding making records available to the Council for monitoring purposes

³²⁶ Glendhu Bay Trustees Ltd (Submission 2382); Darby Planning LP (Submission 2376); Glencoe Station Ltd (Submission 2379); Mt Christina Limited (Submission 2383)

³²⁷ A Bowbyes, EIC, paragraph 10.10; Reply evidence 5.1-5.2

³²⁸ A Bowbyes, EIC, paragraphs 9.82-9.83

³²⁹ For example, Bookabach and Bachcare; Otago Fish and Game Council (Submission 2455); Federated Farmers of New Zealand (Submission 2540); Chris Abel (Submission 2087)

³³⁰ Submission 2379 and similar submissions from Glendhu Bay Trustees Ltd (Submission 2382); Darby Planning LP (Submission 2376), and further submissions from Lake Hayes Ltd (FS2783) and Lake Hayes Cellar Limited (FS2784); Mt Christina Limited (Submission 2383),

³³¹ For example, Jeremy Bell Investments Limited (Submission 2225); BSTGT Limited (Submission 2487)

³³² For example, Release NZ Ltd (Submission 2041); the large group of proforma submissions identified by Ms Bowbyes. (Refer to Footnote 173

³³³ C Fergusson, EIC, paragraphs 36-64

³³⁴ C Fergusson, EIC, paragraph 15

³³⁵ C Fergusson, EIC, paragraphs 89-104

supporting the concept of residential coherence or contributing towards housing capacity. It was his evidence³³⁶ that the regulation of RVA and homestays has marginal utility in the Rural Zones and should be permitted without standards.

167. In her Evidence-in-chief, Ms Bowbyes agreed³³⁷ with the submitters that residential cohesion and character are not as relevant in rural areas compared to urban residential areas. However, she did not agree with deleting the rules all together, as she considered they have a role in managing effects on rural amenity and landscape values. Ms Bowbyes did agree that reconsideration of the notified thresholds for permitted activities and the activity status for non-compliance warranted reconsideration in the rural zones generally. Ms Bowbyes further considered her position in relation to the rural areas during the hearing. In response to questions from the Panel, she noted³³⁸ that providing for RVA and homestays would assist with achieving the strategic objective of diversification of land use in rural areas and that it would be appropriate to apply a less restrictive regime in the Rural Zone and WBRAZ. She recommended requiring controlled activity (rather than discretionary) for non-compliance with the standards, with matters of control relating to the scale of the activity, and management of noise, rubbish and outdoor activities.
168. At the hearing, Mr Fergusson confirmed the remaining difference between him and Ms Bowbyes for the Rural Zones was her recommendation for a limited number of standards and controlled activity status for non-compliance, as opposed to his recommendation for permitted activity with no standards. Mr Fergusson's evidence did not fully address the matters raised by Ms Bowbyes regarding the need for some standards and consent processes to effectively manage effects of RVA and homestays on rural amenity and landscape values. On the basis of her analysis, we accept the recommendation of Ms Bowbyes, and recommend that the activity status for non-compliance with the standards for RVA and homestays in Rural Zones be changed to controlled activity, with the associated matters of control.
169. As with other zones, the threshold number of days per year for permitted RVA was a matter of submission. Submitters sought a range of additional timeframes – 40³³⁹, 42/60³⁴⁰, 90³⁴¹ and 120³⁴². Of these submitters, we received evidence specifically relating to the Rural Zone from Mr Farrell for the Luxury Accommodation Providers. He considered there was no justification whatsoever for restricting RVA in rural zones and supported an activity status of permitted or controlled activity up to a threshold of 120 nights per year. Ms Bowbyes considered³⁴³ these submissions in recommending her increase from 28 to 42 nights per year for RVA in the Rural Zone. She also considered it would be appropriate for notification and record keeping standards to apply in all rural zones. We have discussed the question of this threshold earlier in this Report. Although our previous discussion was in the context of residential zones, we consider our findings also apply within a rural context. We are not satisfied there is any

³³⁶ C Fergusson, EIC, paragraphs 98 & 103-104

³³⁷ A Bowbyes, EIC, paragraphs 10.1-10.10.

³³⁸ Memorandum of Counsel for Queenstown Lakes District Council providing expert witness responses to issues raised during the hearing, Hearing Stream 15 – Visitor Accommodation, 14 September 2018, section 6

³³⁹ Federated Farmers of New Zealand (Submission 2540)

³⁴⁰ Ella Hardman (Submission 2048)

³⁴¹ Skyview Magic Ltd (Submission 2032); Kim Spencer-McDonald (Submission 2088); Shane Melton (Submission 2006); Anna Elms and Peter Smith (Submission 2323)

³⁴² The Luxury Accommodation Providers

³⁴³ Memorandum of Counsel for Queenstown Lakes District Council providing expert witness responses to issues raised during the hearing, Hearing Stream 15 – Visitor Accommodation, 14 September 2018, section 6

justification in terms of effects on the surrounding rural environment to restrict permitted RVA more stringently in the Rural Zone compared with residential areas. We, therefore, recommend that the threshold be set at 90 days per year. We accept Ms Bowbyes' recommendation regarding the notification and record-keeping standards, with our amendments for clarification, and to require smoke alarms as a standard for permitted RVA (for the reasons we have given previously).

170. Anna Elms and Peter Smith³⁴⁴ submitted regarding the requirement that a residential flat must be occupied by the permanent residents for it to be used as a homestay. They requested this standard be amended, so that it is only the residential unit that must be occupied, in order for the use of the residential flat for homestay to be permitted. Federated Farmers of New Zealand (Federated Farmers)³⁴⁵ submitted similarly, and also sought that homestays be permitted within a residential unit or a farmhouse, or a residential unit attached to either, with no restriction on the number occupied at any one time. Federated Farmers sought an increase in the permitted number of guests for homestays from 5 to 8.
171. Ms Bowbyes addressed the submissions from Anna Elms & Peter Smith³⁴⁶ and Federated Farmers³⁴⁷ in her evidence-in-chief and elaborated in response to the evidence from Federated Farmers in her rebuttal evidence. She noted that the word "farmhouse" is not defined in the PDP and is encapsulated within the term "residential unit". She considered that the changes sought by Federated Farmers would result in the ability for two homestays to be established on the same site, with up to 10 guests per night for an unlimited number of nights per year, as a permitted activity. She did not consider this scale is the intent of the homestay provisions whereby the intent is to accommodate guests within a home and at an ancillary scale to the residential activities of the home. It was Ms Bowbyes' opinion that this potential scale of homestay activity would be significant, with a risk of adverse effects on the rural zones. Kim Reilly lodged a statement of evidence in support of Federated Farmers' submission, although she was unable to attend the hearing to present this to us. Having read Ms Bowbyes' evidence, Ms Reilly³⁴⁸ generally supported the positions reached by Ms Bowbyes, other than the standard restricting the use, for either homestay or RVA, of both the primary dwelling and an unoccupied residential flat at the same time.
172. We have discussed this general matter earlier in this Report in relation to the standards for homestays in residential zones, which required the activity to occur in either an occupied residential unit or an occupied residential flat on a site, but not in both at the same time. We recommended this standard be deleted. However, we also recommended the associated addition of the words "*on a site*" to the standard limiting the number of paying guests (in order to clarify that this is the overall permitted activity threshold for a site, and not for each unit or flat). We recommended a similar deletion for the standard for RVA, also clarifying that the limit on the number of days per year is to be for the whole site. Although our previous discussion was in the context of residential zones, we consider our findings also apply within a rural context. We are not satisfied there is any justification in terms of effects on the surrounding rural environment to restrict permitted RVA and homestays more stringently in the Rural Zone compared with residential areas. We, therefore, recommend that these

³⁴⁴ Submission 2323

³⁴⁵ Submission 2540

³⁴⁶ We have referred to Ms Bowbyes' evidence on the submission from Anna Elms and Peter Smith (Submission 2323) earlier in this Report, in relation to the low and medium residential zones

³⁴⁷ A Bowbyes, EiC, paragraphs 11.20-11.21; A Bowbyes, Rebuttal evidence, paragraphs 6.1-6.5

³⁴⁸ K Reilly, Statement of Evidence, 6 August 2018

standards be deleted, with the associated clarification that the scale standards³⁴⁹ are to be applied to the site.

7.5 Rural Residential and Rural Lifestyle Zones and Gibbston Character Zone

173. The notified variation included homestays and RVA as permitted activities in the RRZ, RLZ & GCZ, to limits of 5 guests per night for homestays and 28 nights and 3 lets per year for RVA. Non-compliance with the standards for homestay and RVA resulted in those activities becoming a non-complying activity in the RRZ & RLZ, and discretionary activity in the GCZ. As a result of her consideration of the submissions, Ms Bowbyes recommended³⁵⁰ some changes to these rules, in particular increasing the nights per year limit for RVA to 42; removing the limit of 3 lets per year for RVA; addition of standards requiring notification of the activities to the Council and record keeping³⁵¹; and a change to the non-compliance status for both RVA and homestays in the RRZ & RLZ to discretionary activity (consistent with the notified GCZ).
174. We heard little evidence specifically relating to the provisions in the RRZ, RLZ or GCZ, other than from Ms Bowbyes. Ms Baker-Galloway presented legal submissions and Mr Fergusson provided evidence on behalf of a group of companies with interests in the RRZ & RLZ³⁵².
175. Ms Bowbyes' evidence addressed her recommendations in the context of all the rural zones, for an increase in the nights per year limit for RVA to 42, removal of the limit of 3 lets per year, and the change to activity status for non-compliance with the standards³⁵³. We have set out her evidence above, in relation to the Rural Zone. The only difference from her recommendations for the Rural Zone was for the activity status for non-compliance with the standards. For the RRZ, RLZ and GCZ, she supported discretionary activity status, as notified for the GCZ and consistent with the status for VA in those zones³⁵⁴.
176. Many submitters who addressed the RRZ, RLZ and GCZ provisions (including some who also submitted on the Rural Zone) requested the same or similar amendments to those sought for the Rural Zone³⁵⁵ and provided the same or similar reasons.

³⁴⁹ No of guests per night for homestays, and number of nights per year for RVA

³⁵⁰ A Bowbyes, Appendix A to her Reply evidence

³⁵¹ With an associated Note regarding making records available to the Council for monitoring purposes

³⁵² Glendhu Bay Trustees Ltd (Submission 2382); Darby Planning LP (Submission 2376); Glencoe Station Ltd (Submission 2379); Mt Christina Limited (Submission 2383)

³⁵³ A Bowbyes, EiC, paragraphs 10.1-10.10; Reply evidence 5.1-5.2

³⁵⁴ A Bowbyes, EiC, paragraph 10.10

³⁵⁵ For example:

- General support for the provisions from Bookabach and Bachcare; Otago Fish and Game Council (Submission 2455); Federated Farmers of New Zealand (Submission 2540); Chris Abel (Submission 2087); New Zealand Transport Agency (Submission 2538); Real Journeys (Further Submission 2760)
- Requests to delete the rules for RVA and homestays from Darby Planning LP (Submission 2376); Fiskin & Associates (Submission 2372); Streat Developments Limited (Submission 2311); Mount Christina Limited (Submission 2382); Crown Investments Limited (Submission 2307); Anna Simmonds (Submission 2139); Mt Rosa Wines Limited (Submission 2223); Gibbston Highway Limited (Submission 2227)
- Opposition to the activity status for non-compliance with the standards from Fiskin & Associates (Submission 2372); Streat Developments Limited (Submission 2311); Release NZ Ltd (Submission 2041); and from the large proforma group identified by Ms Bowbyes in relation to the GCZ. (Refer to Footnote 173)
- Requests to change the number of days per year for permitted RVA from Ella Hardman (Submission 2048); Skyview Magic Ltd (Submission 2032); the Luxury Accommodation Providers; Karen Page (Submission 2368)

177. Mr Fergusson’s evidence³⁵⁶ analysed the variation’s provisions for the RRZ & RLZ in terms of the statutory framework of the NPS-UDC; the Proposed RPS; and Section 32 of the Act. He acknowledged³⁵⁷ that the purpose of these zones is to provide residential living opportunities, and that residential development is anticipated and appropriate within these zones. He considered³⁵⁸ Policy 22.2.2.1 provided qualified support for visitor accommodation in terms of location, scale and style. He analysed³⁵⁹ the likely adverse effects from homestay and RVA to be from its nature and scale, parking, noise and hours of operation. He concluded that, given the size and scale of other rural activities occurring in the RRZ & RLZ, short stay accommodation within dwellings would not be capable of generating adverse effects that are incompatible with the zones and justify regulation. He supported permitted activity status for RVA and homestays with no standards³⁶⁰.
178. Given the wording of Objective 22.2.2 and Policy 22.2.2.1, which seek to provide for visitor accommodation which, in terms of location, scale and type, are compatible with and enhance the predominant activities of the zone (being rural and residential activities), we are not satisfied on the basis of Mr Fergusson’s evidence that this can be achieved through permitted activity status with no standards for RVA and homestays. We prefer the evidence of Ms Bowbyes and accept her evaluation pursuant to section 32AA³⁶¹ that limited standards, combined with discretionary activity status for non-compliance would be more effective and efficient at managing the potential adverse effects from RVA and homestays, and at achieving the objectives and implementing the policies of these zones.
179. We have discussed the range of matters raised in the submissions in relation to the Rural Zone and consider our findings there also generally apply to the RRZ, RLZ and GCZ. Other than in relation to the activity status for non-compliance with the standards (for which we accept the evidence from Ms Bowbyes), we are satisfied the provisions for the RRZ, RLZ and GCZ should be the same as for the Rural Zone. We, therefore, accept Ms Bowbyes’ recommendations, with the additional amendments we have recommended for the other zones³⁶² (for the reasons previously given in this Report).

7.6 Wakatipu Basin Rural Amenity Zone

180. The submissions on the notified provisions for the Wakatipu Basin (Chapter 24) have been heard by a separately constituted Panel in Stream 14. However, the submissions relating to VA, RVA and homestays were transferred to Stream 15, so they can be heard in conjunction with other submissions on these matters³⁶³.
181. The notified variation rules for RVA and homestays in the WBRAZ were identical to those for the Rural Zone, with homestays and RVA as permitted activities, to limits of 5 guests per night for homestays and 28 nights and 3 lets per year for RVA. Non-compliance with the standards for homestay and RVA resulted in those activities becoming a discretionary activity. As a result

³⁵⁶ C Fergusson, EiC, paragraphs 36-64

³⁵⁷ C Fergusson, EiC, paragraph 95

³⁵⁸ C Fergusson, EiC, paragraph 96

³⁵⁹ C Fergusson, EiC, paragraph 97

³⁶⁰ C Fergusson, EiC, paragraphs 103 & 104

³⁶¹ A Bowbyes, Appendix B to her Reply evidence

³⁶² Relating to the use of a residential unit and/or residential flat per site, 90 nights occupation by paying guests on a site per 12 month period, 5 paying guests applying to the site for homestays, smoke alarms, and clarification of the standards for notification and record-keeping

³⁶³ A Bowbyes, EiC, paragraph 10.11

of her consideration of the submissions, Ms Bowbyes recommended³⁶⁴ some changes to these rules, in particular increasing the nights per year limit for RVA to 42; removing the limit of 3 lets per year for RVA; addition of standards requiring notification of the activities to the Council and record keeping³⁶⁵; and a change to the non-compliance status for both RVA and homestays to controlled activity with associated matters to which control is reserved (other than in the Lifestyle Precinct). In the Lifestyle Precinct, Ms Bowbyes recommended retaining the notified discretionary activity status.

182. We heard no evidence specifically relating to the provisions in the WBRAZ, other than from Ms Bowbyes³⁶⁶. Ms Bowbyes' evidence summarised the submissions received on the WBRAZ provisions. Several submissions were received on the homestay and RVA provisions, although we did not hear evidence from these parties in relation to this zone. As with the other rural and rural living zones, the submissions can be grouped into those that:

- generally support the zone provisions³⁶⁷;
- generally oppose the provisions and request that they be deleted³⁶⁸;
- oppose the permitted RVA standards of 28 days and 3 lets per year for guests³⁶⁹;
- oppose the permitted homestay standard of 5 guests per night³⁷⁰;
- oppose the discretionary activity status for non-compliance with the standards for RVA and/or homestays³⁷¹;
- oppose the standard requiring a residential flat to be occupied by the permanent residents for it to be used as a homestay³⁷².

183. Ms Bowbyes stated³⁷³ that her discussion regarding submissions on the Rural Zone and the RRZ & RLZ is directly relevant to the submissions received regarding the WBRAZ. She agreed with submitters that the rural and rural living zones are not key providers of residential capacity. However, she considered it is appropriate to place restrictions on visitor accommodation activities to ensure that the resultant effects are appropriately managed. Accordingly, she based her recommendations for amendments to the WBRAZ rules on those she had recommended for the other rural and rural living zones, which we have referred to earlier in this Report.

184. We have discussed these matters in relation to the Rural Zone and the rural living zones (RRZ & RLZ) and consider our findings there generally apply to the WBRAZ. We accept Ms Bowbyes' evidence that, in relation to RVA and homestay effects, the Rural Zone is applicable to the WBRAZ generally; and the RRZ & RLZ to the Lifestyle Precinct. We are satisfied the provisions for the WBRAZ should be the same as for the Rural Zone, other than the Lifestyle Precinct

³⁶⁴ A Bowbyes, Appendix A to her Reply evidence

³⁶⁵ With an associated Note regarding making records available to the Council for monitoring purposes

³⁶⁶ A Bowbyes, EiC, paragraphs 10.11-10.24

³⁶⁷ Bookabach; Bachcare and its associated proforma submissions; Otago Fish and Game Council (Submission 2455); Federated Farmers of New Zealand (Submission 2540); New Zealand Transport Agency (Submission 2538)

³⁶⁸ For example: BSTGT Limited (Submission 2487); Darby Planning LP (Submission 2376); Trojan Helmet Limited (Submission 2387) and other similar submissions

³⁶⁹ For example: The Luxury Accommodation Providers; Karen Page (Submission 2368); Slopehill Properties Limited (Submission 2584); BSTGT Limited (Submission 2487); Lakes Hayes Investments Limited (Submission 2291); M McGuinness (Submission 2292); R & M Donaldson (Submission 2229) and other similar submissions

³⁷⁰ For example: BSTGT Limited (Submission 2487);

³⁷¹ Slopehill Properties Limited (Submission 2584)

³⁷² Anna Elms and Peter Smith (Submission 2323)

³⁷³ A Bowbyes, EiC, paragraphs 10.11-10.24

which should be the same as the RRZ & RLZ. We, therefore, accept Ms Bowbyes' recommendations, with the additional amendments we have recommended for the other zones³⁷⁴ (for the reasons previously given in this Report).

7.7 Jacks Point, Millbrook Resort and Waterfall Park Zones

7.7.1 Overview

185. The notified variation rules for homestays and RVA provided for the following in the Jacks Point, Millbrook Resort and Waterfall Park Zones:

- Jacks Point – Permitted activities within the Residential Activities Areas, Village Area, and Home Site Activity Area;
- Waterfall Park – Permitted activities within the Residences Area (R) of the Structure Plan;
- Millbrook Resort – Permitted activities in the Residential Activity Area;
- All Zones - Limits of 5 guests per night for homestays and 28 nights and 3 lets per year for RVA;
- All Zones - Non-compliance with the standards for homestay and RVA resulted in the activities becoming a non-complying activity.

186. Submissions were received, and legal submissions and evidence presented³⁷⁵ at the hearing, in relation to both Jacks Point and Millbrook, from companies with significant property interests in those zones³⁷⁶. Ms Bowbyes responded to these submissions in her Evidence-in-chief³⁷⁷, Rebuttal evidence³⁷⁸ and Reply evidence³⁷⁹, as well as in her answers to the Panel's questions during the hearing³⁸⁰. She recommended substantial amendments to the provisions for these zones through the course of her evidence, reaching a high level of agreement with the submitters. We will not traverse the course of her evidence, and her reconsideration of her recommendations, as that would unnecessarily extend this Report. Rather, we will focus on the remaining differences between Ms Bowbyes and the submitters following the position she reached in her Reply evidence.

7.7.2 Jacks Point Zone

187. The principal unresolved matter between Ms Bowbyes and Mr Fergusson, on behalf of the Jacks Point Group, related to the manner in which homestays and RVA are provided for in the Village Activity Area (V(JP)) and Homestead Bay Village Activity Area (V(HB)). In her Reply evidence, Ms Bowbyes recommended that the provisions applying to RVA and homestays in the Village Activity Areas be amended and simplified so that these activities sit within the Comprehensive Development Framework (CDP) of the Decisions Version of the Jacks Point

³⁷⁴ Relating to the use of a residential unit and/or residential flat per site, 90 nights occupation by paying guests on a site per 12 month period for RVA, 5 paying guests applying to the site for homestays, smoke alarms, and clarification of the standards for notification and record-keeping

³⁷⁵ M Baker-Galloway and C Fergusson, on behalf of Darby Planning PL (Submission 2376); Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited (Submission 2381); B O'Malley and J Edmonds on behalf of Millbrook Country Club Limited (Submission 2295)

³⁷⁶ Jacks Point – Darby PL (Submission 2376); Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited (Submission 2381) (Jacks Point Group); Millbrook – Millbrook Country Club Limited (Submission 2295)

³⁷⁷ A Bowbyes, EiC, paragraphs 9.128-9.141

³⁷⁸ A Bowbyes, Rebuttal evidence, paragraphs 10.1-10.6, in response to the evidence of Christopher Fergusson for Darby PL, Henley Downs and others (Submissions 2373, 2376, 2379, 2381, 2382, 2383, 2384)

³⁷⁹ A Bowbyes, Reply evidence, paragraphs 6.1-6.2

³⁸⁰ Memorandum of Counsel for Queenstown Lakes District Council providing expert witness responses to issues raised during the hearing, Hearing Stream 15 – Visitor Accommodation, 14 September 2018, sections 7 & 8

Zone Chapter (Rule 41.4.2.1). She included an analysis pursuant to section 32AA³⁸¹ which concluded that this approach would be more effective and efficient than the notified provisions.

188. In her response to the Panel's questions³⁸², Ms Bowbyes stated that the provisions (in the Decisions Version of Chapter 41) require a CDP to be incorporated into the PDP prior to development commencing in the Village Areas. Rule 41.4.2.1 provides for a list of activities, including residential activities and visitor accommodation, to be controlled activities provided they are in accordance with a CDP incorporated in the District Plan. In her Reply version of the variation, Ms Bowbyes recommended inserting provision for "residential visitor accommodation" and "homestay" into this rule. She referred us to the comprehensive list of matters of control associated with this rule. Ms Bowbyes also noted that this rule is under appeal, with the appeal seeking that activities in accordance with a CDP be permitted rather than controlled.
189. In answer to the Panel's questions at the hearing, Mr Fergusson confirmed that an outstanding matter between him and Ms Bowbyes is whether RVA and homestays should be controlled or permitted activities in the Village Areas. Mr Fergusson considered these activities should be permitted, without standards, in the Village Areas. It was Mr Fergusson's evidence³⁸³ that commercial areas, such as the Jacks Point Village Areas, are where visitor accommodation is anticipated and further rules are unnecessary and inappropriate in that they undermine the purpose of these areas. It was his opinion³⁸⁴ that the purpose of the CDP rule is primarily to manage the spatial layout of development across the Village. We presume he meant that the controlled activity process is not relevant to applications for RVA or homestays. However, from our reading of the matters of control in Rule 41.4.2.1, they would allow consideration of parking and traffic effects, storage, loading and service areas, for example, all of which have been expressed to us as effects of concern from RVA and homestays. Mr Fergusson himself noted³⁸⁵ that factors such as traffic, parking and amenity values are managed through this CDP rule. We consider it would be more efficient and effective for the RVA and homestay provisions for the Village Areas to sit within Rule 41.4.2.1. They would then be managed in the same manner as residential activities and visitor accommodation. This would be more efficient in terms of implementation of the plan provisions and would allow effective consideration of potential adverse effects, albeit with the efficiency of a controlled activity application. Accordingly, we accept Ms Bowbyes' evidence and recommendation on this matter and recommend that this part of this submission be rejected.
190. We also note from Mr Fergusson's evidence that he did not agree with Ms Bowbyes that the activity status for non-compliance with the standards for RVA and homestays in the Residential Areas should be non-complying activity. In his evidence, he specifically raised a concern³⁸⁶ that non-complying is more restrictive than the discretionary activity status for

³⁸¹ A Bowbyes, Appendix B to her Reply evidence

³⁸² Memorandum of Counsel for Queenstown Lakes District Council providing expert witness responses to issues raised during the hearing, Hearing Stream 15 – Visitor Accommodation, 14 September 2018, section 8

³⁸³ C Fergusson, EiC, paragraph 65

³⁸⁴ C Fergusson, EiC, paragraph 25

³⁸⁵ C Fergusson, EiC, paragraph 79

³⁸⁶ C Fergusson, EiC, paragraphs 70-71; table in paragraph 76; paragraphs 83-84

visitor accommodation in these areas³⁸⁷. He did not highlight this as being a remaining point of difference in his presentation to us at the hearing, and the legal submissions from Ms Baker-Galloway stated³⁸⁸ that alignment had been reached between Mr Fergusson and the Council over the treatment of RVA in the Jack Point Residential Activity Areas. Despite this matter not being pursued further by Mr Fergusson, we agree with his evidence that non-complying status is unduly restrictive for non-compliance with the standards for RVA and homestays in the Residential Areas, particularly when visitor accommodation is specified as a discretionary activity. We accept Mr Fergusson's evidence and recommend that the status for non-compliance with the standards be changed to discretionary.

191. In all other respects, we recommend that the provisions for Jacks Point recommended by Ms Bowbyes be accepted (subject to the additional amendments we have recommended for the other residential zones³⁸⁹, for the reasons previously given in this Report) – these also being accepted in the legal submissions and evidence from the Jacks Point Group³⁹⁰. We recommend that the submissions from the Jacks Point Group be accepted in part.

7.7.3 Millbrook Resort and Waterfall Park Zones

192. At the time of the hearing, the principal unresolved matter between Ms Bowbyes and Mr Edmonds related to the number of days per year that RVA should be permitted in the Millbrook Residential Activity Area. At that time, Ms Bowbyes had acknowledged in her response to the Panel's questions³⁹¹ that Millbrook and Waterfall Park are resorts, rather than urban areas, providing temporary visitor accommodation, and that she considered it was appropriate to relax the RVA and homestay provisions for those zones. This was supported by Mr Edmonds whose evidence³⁹² set out the purpose and objective of the Millbrook Resort Zone, both of which emphasise its visitor accommodation role. He also informed us about the existing situation at Millbrook Resort, where there is a resource consent for 150 lots to be used for visitor accommodation up to 179 nights per year, with approximately 20% of the houses at Millbrook being managed by the company for RVA use. As one of only two resort zones in the District, Mr Edmonds considered that, to give effect to the purpose and objective, a more flexible approach than initially recommended by Ms Bowbyes should occur. In her Reply evidence³⁹³, having considered the evidence of Mr Edmonds, Ms Bowbyes expressed her view that it is appropriate to amend the standard for RVA to include a maximum permitted threshold of 179 nights per annum. This was consistent with the evidence of Mr Edmonds and as requested by Millbrook Country Club³⁹⁴.

³⁸⁷ In the Decisions Version of Chapter 41, visitor accommodation is listed as a restricted discretionary activity in Table 1 for the Residential R(HD)- E Activity Areas; and is a discretionary activity in all other Residential Activity Areas through Rule 41.3.2.1

³⁸⁸ Legal submissions on behalf of the Jacks Point Group, from M Baker-Galloway, paragraph 49

³⁸⁹ Relating to clarification that thresholds for RVA and homestays apply on each site; addition of a minimum parking standard for RVA; smoke alarms, and clarification of the standards for notification and record-keeping.

³⁹⁰ Darby PL (Submission 2376); Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited (Submission 2381)

³⁹¹ Memorandum of Counsel for Queenstown Lakes District Council providing expert witness responses to issues raised during the hearing, Hearing Stream 15 – Visitor Accommodation, 14 September 2018, section 7

³⁹² J Edmonds, EiC, paragraphs 32-39

³⁹³ A Bowbyes, Reply evidence, paragraphs 7.1-7.5

³⁹⁴ Submission 2295

193. Ms Bowbyes also stated³⁹⁵ that she continued to recommend restricted discretionary activity status for non-compliance with the permitted activity standards. Her recommended amendments to the variation provisions were shown in Appendix A to her Reply evidence, and analysed pursuant to section 32AA in her Appendix B. However, we note³⁹⁶ that Appendix A showed the non-compliance status as controlled activity for RVA and homestay, with matters of control being included; and Appendix B included her analysis of the change which supported controlled activity status as being more effective and efficient than the notified provisions. We have taken her evidence to support controlled activity status, given her analysis pursuant to section 32AA.
194. Ms Bowbyes also addressed the provisions for the Waterfall Park Zone, the other resort zone in the PDP. She stated in her Reply evidence that a consistent approach should be applied to both zones, given their purposes as resorts. She considered there was scope available for amending the Waterfall Park provisions, based on the submissions received. We accept her assessment of this.
195. Accordingly, based on the evidence we received and the agreement between Ms Bowbyes and Mr Edmonds, we are satisfied that it would be more effective and efficient to amend the variation provisions for the Millbrook Resort and Waterfall Park Zones, as recommended by Ms Bowbyes, subject to the additional amendments we have recommended for the other residential zones³⁹⁷ (for the reasons previously given in this Report). We recommend that the submissions requesting these amendments be accepted.

8. RULES – NOTIFICATION AND NON-NOTIFICATION PROVISIONS

196. The variation proposed new rules requiring non-notification of restricted discretionary activity applications for visitor accommodation (VA) in the VASZs of the LDRSZ, MDRZ and LLZ; the Wanaka and Arrowtown Town Centre Transition Overlays (TCTOs), and the HDRZ. In the Reply version of the variation, Ms Bowbyes recommended retention of these provisions and addition of the VASZs in the ARHMZ, as well as non-notification of restricted discretionary activity applications for RVA in the VASZs and TCTOs of the LDRSZ, MDRZ, ARHMZ and LLZ.
197. The submissions on notification / non-notification can be grouped into those that:
- generally support the provisions³⁹⁸;
 - generally oppose the provisions³⁹⁹;
 - support the non-notification provision for VA in the VASZ of the LLRZ⁴⁰⁰;

³⁹⁵ A Bowbyes, Reply evidence, paragraphs 7.3 & 7.5

³⁹⁶ A Bowbyes, Reply evidence, Appendices A & B

³⁹⁷ Relating to clarification that thresholds for RVA and homestays apply on each site; addition of a minimum parking standard for RVA; smoke alarms, and clarification of the standards for notification and record-keeping.

³⁹⁸ Fiskin & Associates (Submission 2372); Mt Crystal Ltd (Submission 2450); Coherent Hotel Limited (Submission 2524); Manor Holdings (Submission 2616); SJE Shotover Ltd (Submission 2617); QRC Lodge Ltd (Submission 2337); Skyline Enterprises Ltd (Submission 2493); Pro-Invest NZ Property 1 Limited Partnership (Submission 2615)

³⁹⁹ George Bridgewater (Submission 2011); Rachel Bridgewater (Submission 2012); Kain Froud (Submission 2017); Bronwyn Brock (Submission 2042)

⁴⁰⁰ Wanaka Kiwi Holiday Parks and Motels Limited (Submission 2613)

- request the non-notification requirements be widened to include all restricted discretionary activity VA and/or RVA applications (not just in the VASZ)⁴⁰¹;
- request all RVA and homestay applications that exceed the standards be notified (at least to adjoining neighbours)⁴⁰²;
- request that all RVA and homestay applications be notified to adjoining / affected neighbours⁴⁰³.

198. Ms Bowbyes addressed the submissions seeking that all RVA and homestay applications be required to be non-notified in her Evidence-in-chief⁴⁰⁴. She stated her view that the usual tests for notification under the Act are important in terms of achieving the right balance between the interests of landowners to use and enjoy their property without undue impediment through an efficient rule regime, and those of the wider public and neighbouring landowners to know about and participate in decisions that affect their area. She considered the submitters had not given sound reasons for moving away from the usual tests for notification and recommended these submissions be rejected. We did not receive any evidence supporting this change and accept the position of Ms Bowbyes. We do not recommend any amendments as a result of those submissions.

199. Ms Bowbyes considered the matter of notification rules further in her Reply evidence⁴⁰⁵, in response to a question from the Panel. The Panel asked⁴⁰⁶ her to consider whether any amendments are needed to the notification rules to avoid any unexpected, and potentially disabling outcomes, as a result of the amendments made to the notification provisions of the Act that came into effect late in 2018. Ms Bowbyes set out her analysis of the recent amendments to the Act. She concluded the provisions (ss95A(5)(b)(iii)) precluding public notification for “*boundary activities*” are not directly relevant to the visitor accommodation variation, due to the definition of “*boundary activity*”. She considered the provisions (ss95A(5)(b)(ii)) that preclude public notification of “*a ... restricted discretionary activity, but only if the activity is a subdivision of land or a residential activity*” would be relevant and would capture RVA and homestay activities located on residentially zoned land. She considered this would apply to most zones covered by the variation, other than the Business Mixed Use, Rural and Wakatipu Basin Rural Amenity (outside the Lifestyle Precinct) Zones; and the areas of the Jacks Point, Millbrook and Waterfall Park Zones (outside the Residential Activity Areas). It was Ms Bowbyes’ opinion that public notification would, therefore, be precluded for RVA and homestays in these areas, if the activity status is discretionary or restricted discretionary, although limited notification would remain an option pursuant to s95B of the Act. On the basis of her analysis, Ms Bowbyes did not recommend any amendments to the notification provisions included in her Reply evidence.

200. We received very little evidence from the submitters regarding the rules for notification.

⁴⁰¹ Bookabach; Bachcare and its associated proforma submissions; Teece Irrevocable Trust No. 3 (Further Submission 2738); Release NZ Ltd (Submission 2041); Wanaka Selection Limited (Submission 2216); Varina Proprietary Ltd and Krook Nominees Proprietary Limited (Submission 2221); the Luxury Accommodation Providers; and the large group of proforma submissions identified by Ms Bowbyes. (Refer to Footnote 173).

⁴⁰² Nona James (Further Submission 2798)

⁴⁰³ Allan McLaughlin (Submission 2045)

⁴⁰⁴ A Bowbyes, EiC, paragraphs 9.104-9.106

⁴⁰⁵ A Bowbyes, Reply evidence, paragraphs 2.3-2.5

⁴⁰⁶ Minute of 29 September 2018

201. Mr Dent, on behalf of Mt Crystal Limited⁴⁰⁷ gave evidence⁴⁰⁸ supporting non-notification for RVA in the VASZ and the HDRZ. Ms Bowbyes responded to this in her Rebuttal evidence⁴⁰⁹. She agreed with Mr Dent that, in conjunction with the recommended changes to provide a more enabling regime for RVA within the VASZ, it should also be subject to a non-notification rule. She considered that, to be consistent, this should also apply to RVA within TCTOs. She included these amendments in her Reply version of the variation. We accept Ms Bowbyes' evidence on this matter. Ms Bowbyes did not, however, comment on Mr Dent's evidence that this approach to non-notification for RVA should also be extended to the HDRZ, where the variation proposed VA as a non-notified, restricted discretionary activity. This may have been an oversight by Ms Bowbyes. The Panel agrees with Mr Dent that, consistent with Ms Bowbyes' recommended changes regarding non-notification of restricted discretionary activity applications for RVA in VASZs, it would more effective and efficient to require such applications also to be non-notified in the HDRZ. This would also be consistent with the non-notification rule for visitor accommodation in that zone. With this addition, we recommend that Ms Bowbyes' amendments to the non-notification provisions be accepted and we recommend this submission from Mt Crystal Limited be accepted.
202. We have given further consideration to our concerns regarding the effect of the recent amendments to the notification provisions of the Act. We accept Ms Bowbyes' analysis that the limited notification provisions of the Act would still be able to be applied to restricted discretionary and discretionary activities on residentially zoned land and that, where not specifically precluded by the Act, the usual tests for notification would continue to apply. However, we retain a concern regarding the lack of ability to publicly notified restricted discretionary activities applications for RVA in the low and medium density residential zones, outside the VASZs and TCTOs.
203. Section 77D of the Act states that "*A local authority may make a rule specifying the activities for which the consent authority—(a) must give public notification of an application for a resource consent*". However, the implementation of such a rule is now constrained by the recently enacted provisions in Sections 95-95G of the Act, setting out a step-by-step process for determining whether a consent application can, or should, be publicly notified. Our understanding is that, even if the PDP includes a provision (pursuant to s77D) requiring public notification of an application, it cannot be implemented where public notification is precluded by s95A(5)(b)⁴¹⁰. This would apply to RVA and homestay activities located on residentially zoned land, if the activity status is discretionary or restricted discretionary. If the application is for a controlled activity, both public and limited notification are precluded by s95A(5)(b) and s95B(6)(b).
204. There is a possibility that these recent provisions of the Act may be changed at some stage in the future, such that the PDP can determine what applications are required to be publicly or limited notified. It is our view that the PDP should include appropriate provisions for the public and/or limited notification of RVA and homestay activities located on residentially zoned land where the activity status is discretionary or restricted discretionary. We

⁴⁰⁷ Submission 2450

⁴⁰⁸ S Dent, EiC, paragraphs 34 & 48

⁴⁰⁹ A Bowbyes, Rebuttal evidence, paragraphs 3.14-3.16

⁴¹⁰ Our understanding of the operation of these sections of the Act has been assisted by the supplementary legal submissions (dated 27 September 2018) from Mr Brabant (on behalf of Coherent Hotel Limited); the memorandum of counsel from Ms Ward for ZJV (NZ) Limited (dated 27 September 2018); and the Reply Representations / Legal Submissions for the Council (dated 15 October 2018).

recommend the Council give further consideration to the implications of the legislation regarding notification and to initiating a variation at an appropriate time.

9. RULES – ACTIVITIES –VISITOR ACCOMMODATION

9.1 Low and Medium Density Residential Zones and High Density Residential Zone

205. The notified variation introduced provisions for visitor accommodation (VA) in the low and medium density residential zones and the HDRZ. In the low and medium density residential zones, visitor accommodation was notified as a restricted discretionary activity in the VASZ for the LDSRZ, MDRZ & LLRZ and in the Wanaka and Arrowtown TCTOs, and a non-complying activity outside those areas. In the HDRZ, visitor accommodation was notified as a restricted discretionary activity throughout the zone.
206. Many of the submissions supported the notified activity status for VA and sought their retention. Ms Bowbyes summarised these submissions in her Evidence-in -chief⁴¹¹ and we will not repeat this here. A group of submitters⁴¹² sought that VA within a VASZ be a controlled activity rather than restricted discretionary; and the Safari Group of Companies⁴¹³ sought that the restricted discretionary activity status for VA in the HDRZ be changed to controlled activity. For VA outside a VASZ, submitters⁴¹⁴ requested that the activity status be changed from non-complying to restricted discretionary.
207. In relation to the requests for controlled activity status for VA, it was Ms Bowbyes' evidence⁴¹⁵ that this would result in a framework that is too enabling for VA in residential zones, where residential activity is to remain the primary activity. Ms Bowbyes noted that VA may comprise a large scale hotel complex. She did not consider that this would be at the minor level of complexity suited to controlled activity status which must be granted and be approved within 10 working days. Controlled activity status would mean that impacts on residential amenity could only be addressed through conditions of consent. She considered that building design and appearance are difficult to influence via conditions. In her view restricted discretionary activity status for VA is a more effective and efficient method of managing the relevant issues, while still providing a level of support for a carefully and sensitively designed development to proceed. We did not receive any evidence from these submitters on this matter, although the evidence of Mr Grala for Coherent Hotels Limited⁴¹⁶ supported Ms Bowbyes' position. We accept Ms Bowbyes' evidence and recommend that the notified restricted activity status be retained for VA in the HDRZ.
208. Ms Bowbyes' evidence⁴¹⁷ also addressed requests for the activity status of VA outside a VASZ to be changed from non-complying to restricted discretionary. This is the same status as was notified for VA within a VASZ. In her opinion, the VASZ is an important tool for providing a degree of certainty as to the appropriate location of VA in urban areas outside the commercial zones. Ms Bowbyes considered that providing for VA as restricted discretionary outside the

⁴¹¹ A Bowbyes, EiC, paragraphs 11.48-11.52

⁴¹² For example, Speargrass Commercial Limited (Submission 2476); Jade Lake Queenstown Limited (Submission 2560); Fiskin & Associates (Submission 2372); Church Street Trustee Ltd (Submission 2375) in respect of the ARHMZ; The Escarpment Limited (Submission 2230); T Rovin (Submission 2228); Broadview Villas Limited (Submission 2222)

⁴¹³ Submission 2339

⁴¹⁴ Fiskin & Associates (Submission 2372); Safari Group of Companies (Submission 2339)

⁴¹⁵ A Bowbyes, EiC, paragraphs 11.57-11.58

⁴¹⁶ Submission 2524

⁴¹⁷ A Bowbyes, EiC, paragraphs 11.60-11.63

VASZs, with the same activity status as within the VASZs, would undermine the rationale for the sub-zone, and would result in the opportunity for significant adverse effects on residential cohesion and amenity. She acknowledged the submissions from Fiskin & Associates regarding the critical importance of VA to the District's economy, but it was her view that this needs to be balanced against the need to provide for residential areas. She noted that VA is anticipated in the various town centre zones, as well as the Business Mixed Use and Local Shopping Centre Zones. She considered that it is appropriate to provide the most enabling framework for VA in those zones, rather than in the residential zones. Again, we did not receive any evidence from these submitters on this matter, although the evidence of Mr Grala for Coherent Hotels Limited⁴¹⁸ supported Ms Bowbyes' position⁴¹⁹. We accept Ms Bowbyes' evidence and recommend that the notified non-complying activity status be retained for VA outside VASZs.

209. Coherent Hotel Limited⁴²⁰ sought changes to the notified matters of discretion for VA within a VASZ, in order to simplify them. Ms Bowbyes agreed with the submitter that the matter of discretion can be abbreviated and included recommended amendments in her Reply version of the variation. She did not agree with all the submitter's requested changes, particularly where she considered the matters were necessary to ensure that effects on residential character and amenity values can be appropriately managed through the resource consent process. The evidence of Mr Grala⁴²¹, on behalf of Coherent Hotels Limited, supported the recommendations put forward by Ms Bowbyes in relation to the matters of discretion. In addition, Mr Dent⁴²², on behalf of Mount Crystal Limited⁴²³, recommended including reference to *Infrastructure, servicing and capacity* in the matters of discretion for VA in VASZ in MDRZ. Ms Bowbyes supported⁴²⁴ this addition, on the basis that VA activities may result in greater demand on servicing than the residential density provided for by the MDRZ zoning⁴²⁵. We accept Ms Bowbyes' recommended amendments to the matters of discretion and recommend these submissions be accepted in part.
210. Ms Bowbyes' evidence⁴²⁶ also addressed a submission from Fiskin & Associates and Church Street Trustee Limited⁴²⁷ which highlighted that, despite Map 27 showing VASZs in the ARHMZ, the variation did not include provision for VA activities within those sub-zones. Ms Bowbyes acknowledged that these provisions were omitted in error and recommended their inclusion in the ARHMZ. The provisions would mirror those for VASZ in the other low and medium density residential zones, and those for the Arrowtown TCTO, achieving consistency between chapters. We recommend Ms Bowbyes' recommended additions be accepted to include provision for VA activities within the VASZs of the ARHMZ, and that these submissions be accepted.

10. RECOMMENDED AMENDMENTS PURSUANT TO CLAUSE 16(2)

211. Clause 16(2) of the First Schedule to the Act provides that:

⁴¹⁸ Submission 2524

⁴¹⁹ N Grala, EiC, paragraph 31

⁴²⁰ Submission 2524

⁴²¹ N Grala, EiC, paragraph 32

⁴²² S Dent, EiC, paragraph 32

⁴²³ Submission 2450

⁴²⁴ A Bowbyes, Rebuttal evidence, paragraphs 3.11-3.13

⁴²⁵ Ms Bowbyes did not consider there was any scope in the submissions for this matter to also be included for other zones with VASZ, although she considered that it should – Rebuttal evidence, paragraph 3.12

⁴²⁶ A Bowbyes, EiC, paragraphs 12.7 & 12.8

⁴²⁷ Submissions 2372 & 2375

(2) a local authority may make an amendment, without using the process in the schedule, to its proposed policy statement or plan to alter any information, where such alteration is of minor effect or may correct any minor errors.

212. We have set out below our recommendations for amendments to the variation provisions pursuant to Clause 16(2). We have not included circumstances where consequential changes are required as a result of changes to policy/rule numbers or deletion of provisions; or for consistency with zone names, drafting conventions or numbering in the PDP (Decisions Version).
213. The amendments made to the text under Clause 16(2) below have already been included in the text changes attached in Appendix 1.
- (a) Definition of Residential Visitor Accommodation – minor amendment to increase consistency with rules which refer to “nights” rather than “days”.
 - (b) Definition of Homestay – minor amendment to increase consistency with the definition of residential visitor accommodation, which includes a 90 night limit in order to assist with distinguishing short-term letting from long-term letting.
 - (c) Definition of Homestay – clarification that either the residential unit or residential flat is to be occupied by residents, irrespective of whether the unit or flat or both are being used for paying guests.
 - (d) Definition of Visitor Accommodation – minor amendment to increase consistency with rules which refer to “nights” rather than “months”.
 - (e) 7.2 Objectives and Policies – minor amendment to combine Objectives 7.2.8 and 7.2.9.
 - (f) 8.1 and Policy 8.2.14.1 – minor consequential amendments to reflect the recommended rules for RVA in the MDRZ in central Wanaka;
 - (g) 8.2 Objectives and Policies – minor amendment to combine Objectives 8.2.14 and 8.2.15.
 - (h) 9.1 Zone Purpose – minor amendments to clarify the zone’s purpose and better reflect the substantive outcome for the zone expressed through the objective.
 - (i) 10.2 Objectives and Policies – minor amendment to combine Objectives 10.2.7 and 10.2.8.
 - (j) 11.2 Objectives and Policies – minor amendment to combine Objectives 11.2.3 and 11.2.4.
 - (k) Policy 22.2.2.5 - a minor wording change to add the word “frequency” for consistency with the wording of similar policies in other zones, and with the focus of the rules for RVA in the RRZ & RLZ;
 - (l) Table 24.3 – consequential changes to format and numbering of the standards as a result of recommendations for different activity status within the Lifestyle Precinct and outside the Precinct.
 - (m) Rules 41.4.2.3, 41.5.2.6 & 41.5.2.7 – deletion as a consequence of the recommended amendment to Rule 41.4.2.1.

11. OVERALL CONCLUSION ON THE AMENDMENTS TO THE PDP TEXT

214. For the reasons set out above, we are satisfied that:
- the amendments we are recommending to the objectives are the most appropriate way to achieve the purpose of the Act,
 - the amendments we are recommending to the policies and rules are the most efficient and effective in achieving the objectives of the PDP; and
 - our recommended amendments to the rules will be efficient and effective in implementing the policies of the Plan.

PART B – REZONING AND MAP CHANGE REQUESTS

12. GENERAL

215. In this part of our Report, we address the following categories of zoning issues:

- The application of a VASZ over urban zoned land; and
- The application of a VASZ over land zoned Rural.

216. VASZ are sub-zones, effectively planning overlays, which apply specific planning provisions to locations identified on the planning maps in the PDP. The VASZ provide a more enabling approach to the establishment and operation of VA activities than the plan provides in the zone over which the particular VASZ applies. VASZ were provided for in the ODP. These have been reassessed and reconfirmed, discontinued, altered, extended and/or new sub-zones applied in the PDP⁴²⁸.

217. Report 19.1⁴²⁹ has listed a set of zoning principles, referred to in Report 17.01, which that Panel found helpful to apply to consideration of the most appropriate zoning for particular land. For the convenience of users this Report, we have listed the principles again here, as follows:

- whether the change implements the purpose of the PDP Strategic chapters and in particular the Strategic Direction, Urban Development and Landscape Chapters;*
- the overall impact the rezoning gives to the O[perative] RPS;*
- whether the objectives and policies of the proposed zone can be implemented on the land;*
- economic costs and benefits are considered;*
- changes to the zone boundaries are consistent with the maps in the PDP that indicate additional overlays or constraints (e.g. Airport Obstacle Limitation Surfaces, SNAs, building restriction areas, ONLs/ONF);*
- changes should take into account the location and environmental features of the site (e.g. the existing and consented development, existing buildings, significant features and infrastructure);*
- zone changes are not inconsistent with long term planning for the provision of infrastructure and its capacity;*
- zone changes take into account effects on the environment of providing infrastructure onsite;*
- there is adequate separation between incompatible land uses;*
- rezoning in lieu of resource consent approvals, where a portion of the site has capacity to absorb development does not necessarily mean another zone is more appropriate;*
- zoning is not determined by existing use rights, but these will be taken into account.”*

218. Report 19.1 also identified as relevant local context factors:

- the layout of streets and the location of public open space and community facilities;*
- land with physical challenges such as steep topography, poor ground conditions, instability or natural hazards;*

⁴²⁸ Section 32 Report, Paragraphs 6.40-6.42. Included as Appendix 3 to A Bowbyes EIC

⁴²⁹ Report 19.1, Section 2.1

- c. *accessibility to centres and the multiple benefits of providing for intensification in locations with easy access to centres; and*
- d. *the ability of the environment to absorb development.”*

219. As stated in Report 19.1, subject to the limitations of the economic and infrastructure evidence before us for any particular rezoning, we have approached the VASZ rezoning requests consistent with the approach set out above.

220. In her Section 42A Report, Ms Rosalind Devlin⁴³⁰ set out the following five parameters which she had used in making her recommendations on the VASZ zoning requests. She had taken these from the Section 32 Report⁴³¹ for the variation.

- (a) *Generally prevent very small sub-zones or single parcel subzones which result in ‘spot-zoning’;*
- (b) *Prevent and remove small sub-zones where they do not reflect the existing land use (for example, a site that has been developed for residential purposes);*
- (c) *Prevent and remove small sub-zones where these are historic and are now considered inappropriately located for visitor accommodation activities (for example, semi-rural locations where a former motel has been demolished but the site has not been redeveloped);*
- (d) *Retain or reinstate sub-zones that apply to large areas in appropriate locations, whether developed or not (for example, the large Fernhill sub-zones); and*
- (e) *Retain or reinstate sub-zones that reflect existing lawfully established visitor accommodation activities where the underlying zone would create future non-compliances for substantial existing businesses (for example, established motels in the Lower Density Suburban Residential zone where activities would become non-complying).*

We are satisfied that these parameters are consistent with the zoning principles above. We have applied them when considering the VASZ rezoning requests.

221. Ms Devlin also described⁴³² the following tests she had applied, pursuant to section 32 of the Act, when evaluating whether a requested VASZ rezoning was the most appropriate way to achieve the objectives of the PDP:

- (a) *identifying other reasonably practicable options for achieving the objectives;*
- (b) *assessing the efficiency and effectiveness of the provisions in achieving the objectives⁴³³;*
- (c) *summarising the reasons for deciding on the proposal (being the application of VASZ); and*
- (d) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated (from implementing the requested VASZ).*

Ms Devlin had included a section 32AA analysis for the submissions where she had recommended that a VASZ be added to the Planning Maps. We accept her summary of the

⁴³⁰ R Devlin, EiC, paragraphs 3.2-3.3

⁴³¹ Section 32 Report, Paragraph 6.41. Included as Appendix 3 to A Bowbyes EIC

⁴³² R Devlin, EiC, paragraphs 4.19 & 4.20

⁴³³ In particular that evaluations must also identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from implementing the provisions including the opportunities for economic growth and employment that are anticipated to be provided or reduced, quantify these benefits and costs if practicable, and assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (section 32(2) of the Act).

relevant tests pursuant to section 32 of the Act and have also approached the VASZ rezoning requests accordingly.

222. As set out in Report 19.1, where a submission seeking rezoning of land was unsupported by evidence (either of Council or the submitter), we have no basis on which to undertake the section 32AA evaluation required of us. Accordingly, such submissions must necessarily be rejected. We have listed in Appendix 3 the submissions in this category. Where a submission was only considered in evidence from the Council, without the benefit of evidence from the submitter, we have no basis in evidence to depart from the recommendation of the Council's witness and recommend accordingly. We have also listed the submissions in this category in Appendix 3.
223. Before considering individual requests for VASZ, we note here that the following Zones contained VASZ on the Stage 2 notified PDP Planning Maps, with provisions relating to VASZ in the Zone Chapter – LDSRZ, MDRZ & LLRZ. The HDRZ does not contain VASZ and associated provisions, but VA is provided for throughout that zone by way of restricted discretionary activity status and limits on notification. Chapter 10 for the ARHMZ did not contain provisions for VASZ as part of the notified variation, but two VASZs within that zone were shown on the Stage 2 notified PDP Planning Maps. We have recommended above⁴³⁴ that provisions for VA activities within the VASZs be included in the ARHMZ. We have considered submissions relating to VASZ in the ARHMZ on the basis that this recommendation is accepted.

⁴³⁴ Section 9.1, paragraph 210

13. 634 FRANKTON ROAD,

13.1 Mount Crystal Limited - Submission 2450

224. Mount Crystal Limited sought a VASZ over 2.736 ha of land zoned MDRZ⁴³⁵ at 634 Frankton Road, Frankton⁴³⁶. Ms Devlin evaluated the request in Section 24 of her Evidence in chief, recommending that the request be accepted. The land subject to this submission is shown in Figure 2-1 below.



Figure 2-1 Aerial Photograph of 634 Frankton Road showing land subject to the submission in brown (above Frankton Road)

225. Ms Devlin⁴³⁷ explained that there are established VA complexes nearby along Frankton Road, giving a mix of activities in the area, and that the adjoining properties have been developed to reasonably high densities through comprehensive developments or as VA complexes, such that the area is not traditionally suburban in appearance or character. She described that adjoining the site to the west is the Holiday Inn within a VASZ; to the east is The Tiers residential development (within which there are one approved consent and three applications under consideration for full-time VA); and to the north is a large area of vacant land zoned LDSRZ. She noted that, while the site is well-located for residential purposes, it is all well-suited for VA activities, given that it is a discrete site with few residential neighbours.

226. Ms Devlin⁴³⁸ acknowledged the challenging site conditions with a stream running through the site and geotechnical constraints. However, she gave the following reasons for recommending that the VASZ request be accepted over this site:

⁴³⁵ We understand that an appeal has been lodged in respect of the Stage 1 Council decision for MDRZ zoning, with the appeal seeking to rezone the lower part of the site HDRZ and to apply the HDRZ bulk and location standards across the whole site – R Devlin, EiC, paragraph 24.4.

⁴³⁶ Pt Lot 1 DP 9121

⁴³⁷ R Devlin, EiC, paragraphs 24.5 & 24.7

⁴³⁸ R Devlin, EiC, paragraphs 24.6 24.9-24.11

- VA would not displace existing housing, as it is a bare site, and would not be located right next to, or within, and established residential neighbourhood, such that the residential character might be adversely affected;
 - It would enable additional accommodation options without precluding the site being developed for residential purposes;
 - The remainder of the residential zones in the wider area above Frankton Road are sufficiently large that a VASZ over this site, in combination with the adjoining and nearby VASZs, would not adversely affect the overall residential character of the wider area;
 - The VASZ would provide for appropriately-located VA (whereas this would be not be provided for by the MDRZ's non-complying activity status for VA outside an VASZ);
 - Any specific adverse effects from a particular VA proposal can be addressed through the restricted discretionary activity consent required in a VASZ.
227. In her section 32AA evaluation⁴³⁹, Ms Devlin listed the above costs and benefits of a VASZ over this site, concluding that the sub-zoning would enable efficient and effective use of the land for VA purposes, while not precluding the site being developed for residential activities or a mix of uses.
228. Mr Sean Dent⁴⁴⁰ presented planning evidence on behalf of Mount Crystal Limited. His reasons for supporting the VASZ were similar to those from Ms Devlin – that the character of the surrounding environment is suited to the establishment of VA without resulting in significant changes to residential amenity, character or cohesion. The area has an established mix of land uses that have been developed to a density greater than anticipated by the LDSRZ of the PDP, with VA being a predominant activity in the area. He agreed with Ms Devlin that the restricted discretionary activity status for VA within an VASZ would enable the management of potential effects on adjacent residential activities. In his opinion, a VASZ would not result in an undesirable 'spot zoning' but rather create a consolidation of VA in the locality.
229. Mr Dent also provided information regarding infrastructure and servicing, stating that Council's reticulated infrastructure had sufficient capacity to develop the site to a MDRZ density; and identifying the potential for impacts at the Frankton Road access to the site. Based on Mr Dent's and Ms Bowbyes' evidence⁴⁴¹, we have recommended including "*infrastructure, servicing and capacity*" as a matter to which discretion is reserved for VA in VASZ in the MDRZ. We are satisfied this, along with the notified matter of "*parking and access*", would enable the full consideration of any infrastructure, servicing and access concerns at the time of resource consent application.
230. We note that Mr Dent⁴⁴² supported the VASZ on the site, subject to it retaining its MDRZ zoning, referring to the appeal lodged seeking HDRZ over part of the site. Ms Devlin addressed this matter in her Rebuttal evidence⁴⁴³, agreeing with Mr Dent that, if the appeal is successful, the HDRZ VA framework (i.e. the restricted discretionary activity provision for VA in that zone) would be appropriate. Ms Devlin stressed that, in her opinion, applying a VASZ to the site, along with a HDRZ zoning, would be inconsistent with the variation and the PDP framework, as the HDRZ already anticipates VA and its policy framework does not anticipate VASZ as an additional method.

⁴³⁹ R Devlin, Appendix 2 to her EiC

⁴⁴⁰ S Dent, EiC, paragraphs 14-26 & 29-40; and his Executive Summary of Evidence

⁴⁴¹ A Bowbyes, Rebuttal evidence, paragraphs 3.11-3.12

⁴⁴² S Dent, Executive Summary of Evidence

⁴⁴³ R Devlin, Rebuttal evidence, paragraphs 4.1-4.4

231. We have considered this request and the evidence provided by Ms Devlin, Ms Bowbyes and Mr Dent. We have evaluated the evidence alongside the principles and tests we have set out above, and in terms of our duties pursuant to section 32AA of the Act. We are satisfied that applying a VASZ to this property is consistent with the principles and tests outlined and would be the most appropriate way to achieve the objectives of the PDP, and to implement the policies for the MDRZ. We recommend this submission be accepted. Figure 2.2 below shows the application of the VASZ over the submitter's land and the notified VASZ adjoining to the west.

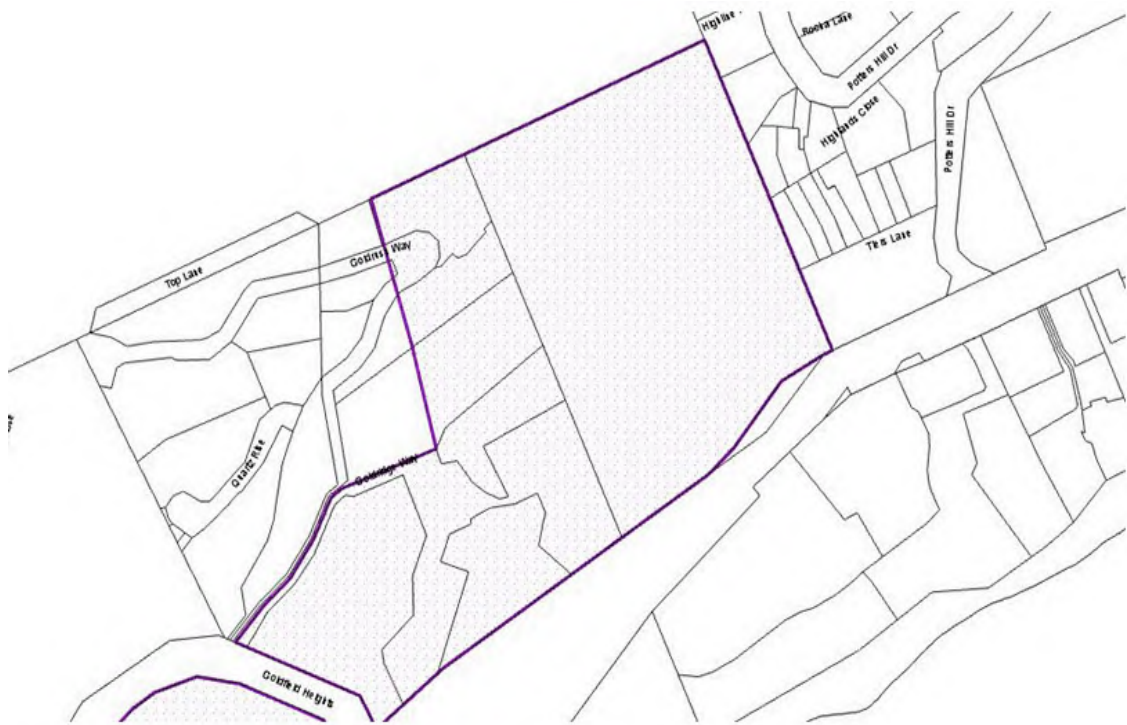


Figure 2-2 Recommended amendment to Planning Map 32

14. 9 FRANKTON ROAD TO 69 FRANKTON ROAD, QUEENSTOWN

**14.1 Greenwood Group Limited - Submission 2552,
Millenium & Copthorne Hotels NZ Limited - Submission 2448 and
Shundi Customs Limited - Submission 2472**

232. Three submissions have been received from Greenwood Group Ltd, Millenium & Copthorne Hotels NZ Limited and Shundi Customs Limited seeking a VASZ over approximately 4 ha of land zoned MDRZ and HDRZ on the south side of Frankton Road between Brisbane and Suburb Streets. Ms Devlin evaluated the request in Section 30 of her Evidence in chief, recommending that the request be rejected. The land subject to these submissions is shown in Figure 2-3 below.



Figure 2-3 Aerial Photograph showing land subject to the submissions outlined in yellow

233. For the land zoned HDRZ (in the Decisions Version of the PDP) east of Hobart Street, Ms Devlin retained her consistent view⁴⁴⁴ that applying a VASZ to the site, along with a HDRZ zoning, would be inconsistent with the variation and the PDP framework, as the HDRZ generally enables VA throughout the zone and does not include a policy framework for VA in sub-zones. She did not consider the application of a VASZ over the HDRZ part of the site would be the most appropriate way to implement the notified policy framework for that zone, or the strategic direction of the PDP. We heard no evidence to the contrary, accept Ms Devlin's evidence on this matter, and recommend that this aspect of the submissions be rejected.

234. For the land zoned MDRZ (between Brisbane and Hobart Streets)⁴⁴⁵, Ms Devlin acknowledged⁴⁴⁶ that it may be possible to contain the effects of VA in this location and ensure

⁴⁴⁴ R Devlin, EiC, paragraphs 30.4-30.5

⁴⁴⁵ Of particular interest to the Greenwood Group Limited submitter

⁴⁴⁶ R Devlin, Rebuttal evidence, paragraph 5.3

that residential amenity is maintained for adjoining residential properties. She accepted⁴⁴⁷ that the provision of more hotels and VA may alleviate demand for RVA within residential zones. However, she gave the following reasons⁴⁴⁸ for recommending that the VASZ request be rejected over this site:

- The MDRZ is primarily intended for residential activities, and the large flat undeveloped part of the site would be ideal for residential development in accordance with this zone;
- There are limited areas that provide primarily for residential areas close to the town centre;
- While the site might not be developed for 'affordable' housing, due to the high value of the land, additional housing supply in general on the site, and a mix of typologies, would be consistent with the MDRZ;
- Although a VASZ does not preclude residential activities, it would be inconsistent with the primary role of the MDRZ to provide housing supply and opportunities for medium density housing close to town centres;
- The Council records do not include any VA consents in the immediately surrounding areas or any live consents on the site itself;
- Whilst a VASZ may meet some VA demand, there is already substantial provision for VA throughout the adjoining HDRZ and Queenstown Town Centre Zone, with no shortage of land in this location to provide for VA;
- Alleviating potential demand for RVA elsewhere is not sufficient to support a VASZ over the site, if it is not consistent with the zoning principles or the PDP objectives and policies;
- A VASZ on this site is not the most appropriate way to meet the notified policy framework for restricting VA within the MDRZs;
- A VASZ is not the most appropriate way to meet the strategic direction of the PDP that provides for the visitor industry at locations where this is consistent with the objectives and policies for the zone.

235. Legal submissions were presented by Mr Joshua Leckie on behalf of Greenwood Group Limited⁴⁴⁹, which owns the land at the corner of Frankton Road and Brisbane Street (2808m²). Mr Leckie advised us⁴⁵⁰ that the two other submitters (Millenium & Copthorne Hotels NZ Limited and Shundi Customs Limited), who did not provide evidence or appear before us, sought VASZ on their properties in the HDRZ part of the land. Apart from the Greenwood Group, we did not hear from the owners/occupiers of the other properties in the MDRZ part of the land.

236. Mr Leckie referred us⁴⁵¹ to the Panel's recommendations in the Stream 13 Report⁴⁵² which accepted evidence from Ms Devlin for the Council, and Ms Leith for Greenwood Group, that HDRZ was the most appropriate zoning over this site, but, due to a lack of scope, it was not possible to recommend this zoning (with MDRZ being confirmed instead). Mr Leckie criticised⁴⁵³ Ms Devlin's evidence opposing the VASZ as being in conflict with her previous view that HDRZ would be the most appropriate residential zone for the land. He stated that she had not genuinely considered the ability of the VASZ to 'most appropriately' provide for the objectives and policies of the MDRZ. Mr Leckie drew our attention to previous resource consents for VA that have been granted on the Greenwood Group site over the last 10 years. It was his submission that the granting of these consents reinforces the appropriateness of

⁴⁴⁷ R Devlin, Rebuttal evidence, paragraph 5.5

⁴⁴⁸ R Devlin, EiC, paragraphs 30.6-30.8; Rebuttal evidence, paragraphs 5.1-5.10

⁴⁴⁹ Submission 2552

⁴⁵⁰ Legal Submissions from Joshua Leckie, paragraph 35

⁴⁵¹ Legal Submissions from Joshua Leckie, paragraphs 4-5

⁴⁵² Report 17.02, Parts L & M

⁴⁵³ Legal Submissions from Joshua Leckie, paragraphs 22-24

enabling VA on this site, also accepted by the Stream 13 Panel when it accepted the appropriateness of HDRZ zoning over the site (including its provisions for VA)⁴⁵⁴.

237. Ms Bridget Allen gave planning evidence⁴⁵⁵ on behalf of the Greenwood Group Limited. She explained that under the ODP the site was zoned High Density Residential – Subzone C where VA as a controlled activity. Due to their unavailability at the time, this submitter did not lodge a zoning submission during Stage 1 of the PDP process. She also referred us to the findings of the Panel on the Stage 1 mapping decisions. She provided us with the resource consent history of the property, as referred to by Mr Leckie. It was her evidence that all the previous VA consents were non-notified and granted on the basis that adverse effects were minor and neighbours not adversely affected. Ms Allen provided us with her evaluation of the VASZ in terms of section 32 of the Act. She outlined the attributes of the site that make it, in her opinion, ideal for VA, including its proximity to the town centre, frontage to Frankton Road, consistency with historic and surrounding VA patterns of development⁴⁵⁶, and the scarcity of such sites that are suitable for hotel type VA. It was Ms Allen’s evidence that a VASZ on the MDRZ land would be more appropriate than the notified variation, as VA in close proximity to the town centre aligns with the Strategic objectives⁴⁵⁷ and policies⁴⁵⁸, and would align with the objectives and policies of the MDRZ to avoid loss of housing supply and residential character.
238. In her Rebuttal evidence⁴⁵⁹, Ms Devlin addressed her previous views regarding an HDRZ for this location. She agreed that she had previously stated that she considered this location would be ideal for HDRZ. However, it was her rebuttal that this was in the context of an increased density of housing close to the town centre, and without foreknowledge or consideration of the more enabling provisions for VA within the HDRZ as notified in Stage 2. In her Rebuttal evidence, she retained her view that a VASZ would not be the most appropriate way to meet the notified policy framework for VA in the MDRZ, or the strategic direction of the PDP.
239. In answer to the Panel’s questions at the hearing, Ms Devlin acknowledged that she had found it difficult to have a clear recommendation on this VASZ request. She accepted it was not clear how it would fit into the policy framework. She had had to consider how much emphasis to put on the retention of this area of MRDZ for housing development close to the town centre, where there is not very much straight residential zoning. She agreed that the location is very suitable for VA and for high density residential development and accepted that the location could be a good candidate for a VASZ.
240. Turning now to our evaluation of this matter, having considered the evidence from Ms Devlin and Ms Allen, assisted by the legal submissions from Mr Leckie. The PDP Chapter 3 Strategic Direction seeks the development of a prosperous, resilient and equitable economy⁴⁶⁰, where the significant socio-economic benefits of well-designed and appropriately located visitor

⁴⁵⁴ Legal Submissions from Joshua Leckie, paragraphs 31 & 36-39

⁴⁵⁵ B Allen, EiC, paragraphs 7-38; and Supplementary evidence.

⁴⁵⁶ In her Supplementary evidence, Ms Allen provided a map showing the existing VA development pattern along Frankton Road in the vicinity of the site (including the Black Sheep Backpackers immediately adjoining the Greenwood Group site and within the area sought to be a VASZ).

⁴⁵⁷ Objectives 3.2.1, 3.2.1.1 & 3.2.1.2; 3.2.2 & 3.2.2.1

⁴⁵⁸ Policy 3.3.1

⁴⁵⁹ R Devlin, Rebuttal evidence, paragraphs 5.7 & 5.9

⁴⁶⁰ Objective 3.2.1

industry facilities and services are realised across the District⁴⁶¹, and the Queenstown and Wanaka town centres are the hubs of New Zealand's premier alpine visitor resorts and the District's economy⁴⁶². Specifically, in relation to the Visitor Industry, Policy 3.3.1 seeks to make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere in the District's urban areas and settlements at locations where this is consistent with the objectives and policies of the relevant zone.

241. The Decisions version of the PDP has established the purpose, objectives and policies of the MDRZ (other than in relation to visitor accommodation). The purpose of the MDRZ is to enable a greater supply of diverse housing options for the District at medium densities, being a higher density than the LDSRZ. Development controls are designed to ensure that the reasonable maintenance of amenity values is maintained. MDR zones should be easily accessible to local shopping centres, town centres or schools by public transport, cycling or walking.
242. The notified variation introduced additional statements to the purpose, as well additional objectives and policies for the MDRZ relating to visitor accommodation. This Report recommends amendments⁴⁶³ to that purpose, and the objectives and policies. We have recommended removing the focus on maintaining the supply of residential housing; and on maintaining residential activity as the predominant use of each site. Instead, we have recommended a more enabling approach to providing for VA, RVA and homestays, whilst strengthening the focus of the objectives and policies on managing effects in order to maintain residential character and residential amenity values. We consider these amendments are necessary for the purpose, objectives and policies to be consistent with our findings on these matters earlier in this Report. With respect to VA, we have recommended changes to the Purpose to elaborate on the role of VASZs, why VA is provided for in the residential zones, and how VA is provided for outside of VASZs. For the objective and policies, we have recommended changes to separate out VA from RVA and homestays in the policies, and so that the policies for VA are more clearly linked to the effects of VA to maintain the residential character of the zones. In considering the requests for additional VASZ, our recommendations are consistent with these recommended objectives and policies.
243. We agree with Ms Allen that the location is very suitable for VA, given its proximity to the town centre, frontage to Frankton Road, and consistency with surrounding VA development. We consider these attributes are consistent with the strategic objectives for visitor facilities and services in Chapter 3, as we have set out above.
244. With respect to the MDRZ, the relevant strategic policy requires visitor facilities and services to be in locations consistent with the objectives and policies of the zone. Our recommended purpose, objectives and policies for the MDRZ focus on identifying locations for VASZ which have historically provided, and will continue to provide, important locations for visitor accommodation to meet the District's needs; and where adverse effects on residential amenity values are avoided, remedied or mitigated. We accept the evidence of Ms Allen that this area on Frankton Road, and the surrounding area close to the Queenstown town centre, has historically been well developed for VA and this continues today. We agree with Ms Devlin and Ms Allen that it would be possible to contain the effects of VA in this location and ensure that residential amenity is maintained for adjoining residential properties. Given the size of

⁴⁶¹ Objective 3.2.1.1

⁴⁶² Objective 3.2.1.2

⁴⁶³ Sections 5 & 6 of this Report

the two residential blocks zoned MDRZ between Park and Hobart Streets, and the orientation of the requested VASZ at the north boundary facing Frankton Road, we do not consider that visitor accommodation within this area would undermine the residential character and cohesion of the balance of the MDRZ. We are satisfied that a VASZ in this location would be consistent with the visitor accommodation objective and policies for the MDRZ.

245. We have considered Ms Devlin’s concern that enabling VA in part of this small area of MDRZ, close to the town centre and well located to meet the residential purpose, objectives and policies of the MDRZ, would be inconsistent with the role of the MDRZ to provide housing supply and opportunities for medium density housing close to town centres. We acknowledge that this location is also well suited to medium or high density residential development and is also suitably located in terms of the residential objectives and policies. However, we do not consider that this residential purpose of the MDRZ has primacy, in every part of the zone, over its visitor accommodation role (through the identification of VASZs). Having considered the benefits and costs and the suitability of the location for VA, the ability to maintain residential character and amenity values for the adjoining balance of the zone, and the significant level of VA development in the surrounding area, we are satisfied that applying a VASZ to this location is the most appropriate for achieving the PDP objectives and policies.
246. We have evaluated the application of a VASZ to this location alongside the principles and tests we have set out previously, and in terms of our duties pursuant to section 32AA of the Act. We are satisfied that this is consistent with the principles and tests outlined.
247. The legal submissions and evidence before us from Greenwood Group, in the main, related to a single property, within a wider area of 6070m² in the MDRZ which the group of submitters sought be identified as a VASZ. We accept Ms Devlin’s evidence⁴⁶⁴ that, should the Panel determine that VASZ should be applied more widely than the Greenwood Group site, there would be scope within the submissions from Millenium & Copthorne Hotels NZ Limited and Shundi Customs Limited to extend the VASZ over the adjoining sites zoned MDRZ between Brisbane and Hobart Streets. We recommend that a VASZ be applied to the following sites:

Address	Legal Description
9 Frankton Road & 6 Brisbane Street	Lots 1 & 2 DP 9946
11 Frankton Road	Section 3 Blk XXXIX Queenstown SD
15 Frankton Road	Section 4 Blk XXXIX Queenstown SD
1 Hobart Street	Pt Section 5 Blk XXXIX Queenstown SD
3 Hobart Street	Pt Section 5 Blk XXXIX Queenstown SD

248. This area is shown on Figure 2-4 below. We recommend the submissions be accepted in part.

⁴⁶⁴ R Devlin, Rebuttal evidence, paragraph 5.8



Figure 2-4 Recommended amendment to Planning Maps 35 and 36

15. **BROADVIEW RISE AND CHANDLER LANE, FERNHILL AND SUNSHINE BAY**

**15.1 Broadview Villas Limited -Submission 2222;
T. Rovin - Submission 2228;
The Escarpment Limited - Submission 2330; and
N.W. Cashmore - Submission 2453**

249. Three submissions have been received from Broadview Villas Limited; T. Rovin and The Escarpment Limited supporting the notified VASZ over 4.9177 ha of land, and extending that VASZ over a further 1.4072 ha, all zoned LDSRZ and accessed from Broadview Rise and Chandler Lane in Fernhill and Sunshine Bay. We note that the notified VASZ was previously included in the ODP. Part of the notified VASZ on Pine Lane and Broadview Rise was supported in a submission from N W Cashmore⁴⁶⁵. Ms Devlin evaluated these submissions in Sections 32, 33 and 36 of her Evidence in chief, recommending that the submissions be accepted⁴⁶⁶. The additional VASZ land sought through these submissions is shown in Figure 2-5 below.



Figure 2-5 Aerial Photograph showing VASZ extension sought by the submitters outlined in yellow

250. Planning evidence for the group of three submitters was provided by Mr Jeffrey Brown who supported the notified VASZ over the 4.9177 ha of land, and the 1.4072 ha extension to the north-east. Contrary to Mr Brown's evidence⁴⁶⁷, there was also one submission, from Nona James (Submission 2238), which opposed the notified VASZ in this location. Ms Devlin evaluated Ms James' submission separately, in Section 34 of her Evidence in chief, and

⁴⁶⁵ Submission 2453

⁴⁶⁶ We note that NW Cashmore also lodged a submission (Submission 2453) seeking a further extension to this VASZ to the north of the extension sought by Broadview Villas et al. Ms Devlin addressed this submission in Section 37 of her EIC and recommended that it be accepted. In the absence of any other evidence relating to this land, we have not addressed it further in this Report and have accepted Ms Devlin's recommendation.

⁴⁶⁷ J Brown, EIC, paragraph 5

recommended that it be rejected. There were no further submissions opposing the requested extension to the VASZ.

251. We start by noting that we visited the site, walking on to the site from Pine Lane (which is a short cul-de-sac off Broadview Rise) and from the west end of Chandler Lane. The site is a prominent knoll of undeveloped land between Fernhill and Sunshine Bay. From our site visit locations, we were able to appreciate the large size of this undeveloped area of land, its hilly topography and its relative separation from the surrounding residential areas.
252. Ms Devlin stated⁴⁶⁸ that the site is generally separated and screened from the established residential neighbourhood by the topography, such that a VA development would not appear to result in a loss of social cohesion or other adverse effects on residential amenities. We agree with Ms Devlin's observations on these matters. She noted the restricted discretionary activity application required for VA would provide the opportunity to address any adverse effects in regard to matters such as noise, hours of operation and the external appearance of buildings. We note, as we have referred to earlier, that the matters of discretion for such an application would also allow consideration of effects from a VA development on other aspects, such as infrastructure, servicing and capacity, and parking and access.
253. Ms Devlin considered⁴⁶⁹ the extent to which the use of this area for VA could result in a loss of potential housing supply. As the Council had notified the initial VASZ area of 4.9177 ha, she only considered the 1.4072 ha extension. At a site density of 1 unit per 450m² or 300m², she calculated that, not allowing for site limitations, the site would yield approximately 21-31 residential units. We have previously recommended rejecting an approach to VASZ in the LDSRZ and MDRZ, that would see every potential new location as being contrary to the zones' purposes of providing for residential housing supply. We have recommended deleting the notified statements in the variation's purpose, objectives and policies which focus on maintaining the supply of residential housing; and on maintaining residential activity as the predominant use of each site. We accept that at a very large scale, extensive application of VASZ across large areas of the low and medium density residential zones could compromise their ability to fulfil their residential capacity functions. However, we do not consider this proposed 1.4 ha extension is of that scale, particularly given our understanding from the HDCA that there is overall sufficient zoned land capacity to meet the District's long term housing needs.
254. In her section 32AA evaluation⁴⁷⁰, Ms Devlin listed the costs and benefits of extending the VASZ in this location, concluding that the additional sub-zoning would enable efficient and effective use of the land for VA purposes, while not precluding the site being developed for residential activities or a mix of uses.
255. Mr Brown, for the submitters, agreed with the evidence of Ms Devlin. He provided a helpful evaluation of the extension site, in relation to the relevant rezoning principles from Report 17. 1 and listed earlier in this Report⁴⁷¹.
256. In terms of the Strategic Objectives and Policies, Mr Brown considered that the notified VASZ has been included in the PDP as a roll-over from the ODP and the extension sought by the submitters has the same physical attributes, aspects and orientations, sloping topography,

⁴⁶⁸ R Devlin, EiC, paragraph 33.6

⁴⁶⁹ R Devlin, EiC, paragraph 33.7

⁴⁷⁰ R Devlin, Appendix 2 to her EiC

⁴⁷¹ J Brown, EiC, paragraphs 7-27

and general lack of existing development. It was his evidence that the VASZ aligns with the current mix of activity in the Fernhill area, with a large number and variety of VA operations (large hotels through to smaller lodges and bed-and-breakfast operations) mingled with the residential development.

257. With respect to the objectives and policies of the LDSRZ (which Strategic Policy 3.3.1 requires consistency with), Mr Brown agreed with Ms Devlin that the topography generally screens the sites from nearby residential properties to the north and west, such that VA would not adversely impact on the residential character of the hillside behind. He noted that the various bulk and location and other general standards of the LDSRZ, which prescribe what can be developed “as-of-right”, would avoid adverse effects on the surrounding residential amenities. As noted above by Ms Devlin, the restricted discretionary activity status for VA would also allow these matters to be addressed, in relation to a particular development.
258. It was his conclusion that the VASZ extension would achieve the higher order objectives and policies in Chapter 3, as it is a suitable location for VA development, consistent with the existing pattern of larger scale hotel facilities in Fernhill, and potential adverse effects on residential amenity in the neighbourhood can be adequately managed.
259. Mr Brown briefly evaluated the costs and benefits of extending this VASZ. He could find no planning or natural hazards constraints that would restrict development on the land. It was his evidence that the land is already zoned and serviced for urban development (and has been for many years). As noted previously, the restricted discretionary activity status for VA would also allow matters of infrastructure, servicing and capacity, and parking and access to be addressed, in relation to a particular development. In his view, the VASZ would result in a more logical boundary for the overall VASZ, within which the effects of VA development can be managed. Mr Brown concluded that the VASZ extension would be consistent with and achieve the rezoning principles.
260. In her submission Ms James⁴⁷², raised concerns regarding two different matters, although she did not address this VASZ in her tabled statement to us. Firstly, Ms James commented on how such a large area of land (which she stated could be developed for long-term accommodation) has been notified as a sub-zone for VA, at the same time as the variation is seeking to curtail the ability of individual residential landowners from using their properties for RVA and homestays. Secondly, she is concerned about the use of no-exit Aspen Grove or Crystal Lane as access for a VA development on the land. She owns a property at this end of Aspen Grove where she intends to develop a residential unit. She is concerned about the use of the currently quiet cul-de-sac as access to a large VA development on the notified area of VASZ, and the effect of this on her amenity values.
261. Ms Devlin addressed the concerns expressed by Ms Nona James⁴⁷³. She explained the approach taken to VA in residential areas through the variation. She agreed with Ms James that the variation limits VA in residential zones, but that the VASZ is a mechanism to enable some form of VA within specific areas of these zones. This enables VA to be contained and managed in appropriate locations, rather than being scattered throughout the zones by way of resource consents. In Ms Devlin’s opinion, the VASZ is an important tool for providing certainty regarding the appropriate location of VA in the low and medium density residential zones. Ms Devlin agreed with Ms James that the resource consent process is the appropriate

⁴⁷² Submission 2238

⁴⁷³ R Devlin, EiC, paragraphs 34.2-34.4

time for access to the sites to be addressed⁴⁷⁴. She continued to support the suitability of the land for VASZ.

262. We have considered this request, the evidence provided by Ms Devlin and Mr Brown, and the submission from Ms James. We have evaluated the evidence alongside the principles and tests we set out earlier, and in terms of our duties pursuant to section 32AA of the Act. We are satisfied that applying a VASZ to this site, including the extended area, is consistent with the principles and tests outlined and would be the most appropriate way to achieve the objectives of the PDP, and to implement the policies for the LDSRZ. We recommend the notified VASZ be retained and the VASZ be extended as sought by the submitters on to the following properties:

Legal Description	Address
Lot 1 DP 437865	Chandler Lane, Fernhill
Lot 2 DP 437865	Chandler Lane, Fernhill
Lot 3 DP 437865	Chandler Lane, Fernhill
Lot 4 DP 437865	Chandler Lane, Fernhill
Lot 5 DP 437865	Chandler Lane, Fernhill
Lot 6 DP 437865	Chandler Lane, Fernhill
Lot 7 DP 437865	Chandler Lane, Fernhill

263. We, therefore, recommend that the submissions from Broadview Villas Limited; T. Rovin and The Escarpment Limited be accepted⁴⁷⁵, and the submission from Ms James be rejected, as shown on Figure 2-6.

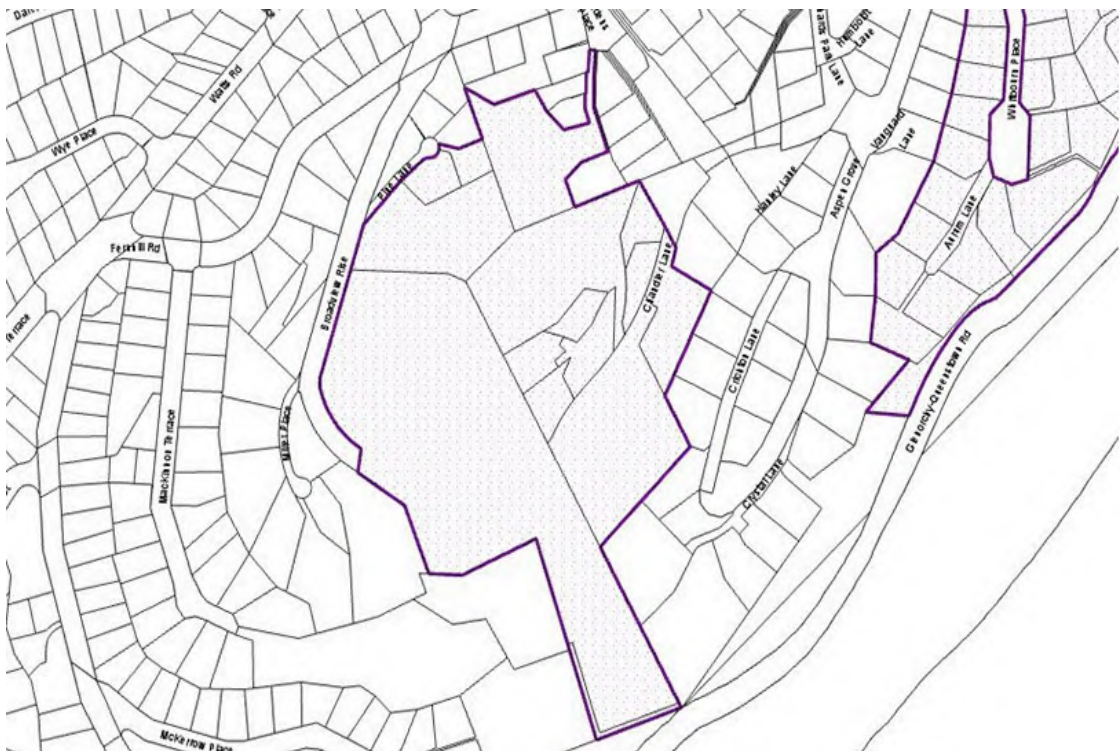


Figure 2-6 Recommended amendment to Planning Map 34

⁴⁷⁴ R Devlin, EiC, paragraph 34.6

⁴⁷⁵ As well as the submission from NW Cashmore (Submission 2453)

16. 139 FERNHILL ROAD, 18 & 20 ASPEN GROVE, 10, 12, 14 & 16 RICHARDS PARK LANE, FERNHILL

16.1 Coherent Hotel Limited - Submission 2524

264. Coherent Hotel Limited lodged a submission seeking retention of the notified VASZ over 1.3142 ha of land at 139 Fernhill Road and 18 Aspen Grove, as well as an extension to that VASZ over a further 3149m² at 20 Aspen Grove, 10, 12, 14 & 16 Richards Park Lane. The notified VASZ is primarily zoned MDRZ, with 18 Aspen Grove being zoned LDSRZ. The extension sought by the submitter is zoned MDRZ. A submission was also received from Ms Inga Smith⁴⁷⁶ supporting the notified VASZ, but requesting that no properties on Richards Park Lane be included. A further submission was received from Ms Barbara Fons⁴⁷⁷, opposing the VASZ extension sought by Coherent Hotel on to 20 Aspen Grove and 10, 12, 14 & 16 Richards Park Lane. Ms Fons owns the adjoining property at 18 Richards Park Lane. Ms Devlin evaluated these submissions in Sections 35, 38 and 39 of her Evidence in chief, recommending that the submissions from Coherent Hotels Ltd be accepted subject to the imposition of a BRA on 16 Richards Park Lane, which we discuss in detail below. The additional VASZ land sought through this submission is shown on Figure 2-7 below.



Figure 2-7 Aerial Photograph showing VASZ extension sought by the submitter outlined in blue and property owned by the further submitter outlined in yellow

265. Other than the properties on Richards Park Lane, and at 20 Aspen Grove, there were no submissions opposing the retention of the notified VASZ. Ms Devlin supported its retention and we accept her evidence. Ms Devlin pointed⁴⁷⁸ out that 139 Fernhill Road also has frontage to Richards Park Lane. This is part of the existing Aspen Hotel and was included in the notified VASZ. She confirmed that the notified VASZ does not incorporate any other properties along Richards Park Lane, residential or otherwise.

⁴⁷⁶ Submission 2361

⁴⁷⁷ Further Submission 2793

⁴⁷⁸ R Devlin, EiC, paragraph 35.2

266. With regard to the VASZ extension on to 10-16 Richards Park Lane and 20 Aspen Grove, it was Ms Devlin's evidence⁴⁷⁹ that it can be appropriate to extend VASZ in suitable locations, whether currently developed for VA or not. In this location, she considered the VASZ is a useful mechanism to reflect existing VA development and enable expansion where it might not be anticipated in the underlying MDRZ. Ms Devlin considered⁴⁸⁰ that any potential for adverse effects on neighbouring properties from a large VA development on the combined sites would be suitably addressed through the resource consent process for VA and the matters of discretion specified. She considered this would ensure a good outcome for neighbours. However, Ms Devlin agreed (in part)⁴⁸¹ with Ms Inga Smith⁴⁸² that any further VASZ expansion along Richards Park Lane (beyond that sought by Coherent Hotel) should not be enabled.
267. Together with the adjoining Aspen Hotel VASZ, it was Ms Devlin's view⁴⁸³ that a range of accommodation options for visitors could be enabled in a generally appropriate location, while avoiding a loss of housing supply in other suburban areas. With regard to direct loss of housing capacity from this additional area of VASZ in the MDRZ, she estimated that the site could yield approximately 15-20 residential units. However, as we found in our evaluation of the Broadview Villas' VASZ, we do not consider this proposed 3149m² VASZ extension is of such a scale that it could compromise the ability of the MDRZ to fulfil its residential capacity functions, particularly given our understanding from the HDCA that there is overall sufficient zoned land capacity to meet the District's long term housing needs.
268. Ms Devlin addressed the concerns expressed by Ms Fons⁴⁸⁴. The northern internal boundary of Ms Fons' property at 18 Richards Park Lane would adjoin the extension to the VASZ, as would the northern internal boundary of 22 Aspen Grove. Ms Fons' further submission expressed concern at the direct effects on her as owner of the adjoining property, and at effects on the residential character of the neighbourhood.
269. Ms Devlin noted⁴⁸⁵ that 18 Richards Park Lane slopes steeply away from the road ensuring that any VA development to the north would not hinder lake views. In terms of sunlight access or shading, she confirmed that a residential development on 16 Richards Park Lane would result in similar effects to a VA development, as both need to meet the same bulk and location requirements of the MDRZ. We note here that the permitted building requirements for the MDRZ include: 8m maximum height; no recession plane; 1.5m minimum internal boundary setback; 45% maximum building coverage, maximum continuous length of 24m for building façade at ground floor level, 1 residential unit per 250m² site area; and maximum of 3 units per site.
270. Irrespective of the above MDRZ building controls, Ms Devlin considered⁴⁸⁶ that the effects of a VA development on an adjoining site could be quite different to a residential development, in regard to residential character. She recommended a 4.5m Building Restriction Area (BRA)⁴⁸⁷

479 R Devlin, EiC, paragraph 35.5

480 R Devlin, EiC, paragraph 39.3

481 R Devlin, EiC, paragraph 35.6

482 Submission 2361

483 R Devlin, EiC, paragraph 39.4-39.5

484 Further Submission 2793

485 R Devlin, EiC, paragraph 39.6

486 R Devlin, EiC, paragraph 39.9

487 Rule 8.5.16 and shown on the Planning Maps

be applied to VA development⁴⁸⁸ along the southern extent of the VASZ extension adjoining 18 Richards Park Lane and 22 Aspen Grove, with non-complying activity status for non-compliance. This recommendation was strongly challenged by Coherent Hotel, and the subject of questions from the Panel, as we discuss below.

271. In both her Rebuttal and Reply evidence⁴⁸⁹, and in response to questions from the Panel, Ms Devlin retained her firm view that the BRA was required to provide necessary separation and relief from effects on adjoining properties, whilst not unreasonably preventing development and efficient use of the VASZ extension. This was due to the proximity of the neighbouring residential properties (with a lack of topographical separation); and the ‘intimate’ nature of the residential environment in that location. It was her opinion that VA can result in effects on residential character that are not confined to effects from the bulk and location of buildings due to the proximity, nature and intensity of the VA activity. She was clear that she would not have recommended full acceptance of the VASZ extension without a BRA applied alongside the residential neighbours.
272. In her section 32AA evaluation⁴⁹⁰, Ms Devlin listed the costs and benefits of extending the VASZ over 10-16 Richards Park Lane and 20 Aspen Grove, concluding that the additional sub-zoning would enable efficient and effective use of the land for VA purposes, while not precluding the site being developed for residential activities or a mix of uses. However, her recommendation was subject to there being a BRA along the boundary with 18 Richards Park Lane and 22 Aspen Grove. She also evaluated⁴⁹¹ the costs and benefits of adding the BRA control, concluding that, although it would add compliance costs for VASZ landowners, it would not unduly restrict development within the VASZ extension whilst ensuring that residential amenities are protected.
273. Legal submissions were presented to us by Mr Jeremy Brabant for Coherent Hotel Limited⁴⁹². He advised the only outstanding matter in relation to Ms Devlin’s recommendations was the application of the BRA, which Coherent Hotel did not support. Mr Brabant referred us to the non-complying activity status in Chapter 8 for non-compliance with a BRA⁴⁹³ which he submitted would impose unnecessary costs and consenting limitations on the site, which are not counterbalanced by the benefits. In Mr Brabant’s submission, a BRA would be a simple, blunt tool that is not required, as other provisions in the PDP more appropriately control the effects of concern to Ms Devlin – the building controls of the MDRZ and the resource consent required for any VA proposal.
274. Mr Nicholas Grala gave planning evidence on behalf of Coherent Hotel Limited. He supported the extension of the VASZ for the reasons contained in the submission⁴⁹⁴, including that:
- the extended VASZ would provide the opportunity for a large site in single ownership to be developed for VA on an integrated basis;
 - the VASZ would be a logical extension of the notified VASZ;

⁴⁸⁸ Ms Devlin clarified in her Rebuttal evidence (paragraphs 6.1-6.4) that she intended the BRA only apply to buildings for VA and not for other development that is permitted in the MDRZ, such as residential activities.

⁴⁸⁹ R Devlin, Rebuttal evidence, paragraphs 6.5-6.6; Reply evidence, paragraphs 2.5-2.7

⁴⁹⁰ R Devlin, Appendix 2 to her EIC

⁴⁹¹ R Devlin, Appendix 1 to her Rebuttal evidence

⁴⁹² Legal submissions from Jeremy Brabant, paragraphs 6, 11-38

⁴⁹³ Rule 8.5.16

⁴⁹⁴ N Grala, EIC, paragraphs 16-20

- building controls in the MDRZ would control VA development, in the same way as residential development, which would ensure it would not inappropriately affect the residential character of the surrounding area;
- a VASZ in this location would be consistent with the PDP’s Strategic Direction by positively contributing towards Queenstown’s economy and allowing opportunity for tourism activities.

Mr Grala provided an analysis⁴⁹⁵ against the parameters for a VASZ set out in Ms Devlin’s Section 42A Report. He agreed with Ms Devlin that the retention of the notified VASZ and the extension sought by the submitter would meet these parameters.

275. With respect to the BRA, it was Mr Gala’s evidence⁴⁹⁶ that a more effective approach has already been taken in the PDP and variation provisions, that distinguishes the potential for effects from the activity of VA from those of a residential activity. VA requires a restricted discretionary activity consent, whereas residential activity is permitted. Mr Gala reviewed the matters to which discretion is reserved for a restricted discretionary activity application and noted that they include *“the location, nature and scale of activities”* and *“the external appearance of buildings”*. He considered that this would ensure that sufficient consideration would be given to zone interface, boundary treatment and residential character as part of any resource consent application for VA. We note here that the matters of discretion also include *“Parking and access”, “Landscaping”, “Noise”* and *“Hours of operation”*, which would allow consideration of any potential effects for neighbours from those aspects of a VA activity. Mr Grala also referred to the building controls within the MDRZ, which would manage the effects from a VA development in the same manner as for residential development, ensuring the same potential outcomes for neighbours. He concluded that the BRA is unnecessary because there are already PDP provisions that more effectively manage the issue of residential character and interface effects in a more nuanced and appropriate way, and which impose additional controls to manage the effects from the VA activity.
276. Ms Inga Smith presented evidence to us on her own submission⁴⁹⁷ and on behalf of the further submission from Ms Barbara Fons⁴⁹⁸. Ms Smith’s evidence⁴⁹⁹ described Richards Park Lane as a quiet, narrow, predominantly residential street, where most of the residents work in Queenstown and/or from home, with a mix of families, younger workers, and more established professionals. She stated that there are multiple easy options for commuting to the town centre and beyond. In Ms Smith’s opinion⁵⁰⁰, extending the VASZ into Richards Park Lane would set a dangerous precedent for hotels to acquire cheaper residential properties, allow them to become run-down and unoccupied⁵⁰¹, and then apply for rezoning for VA.
277. One further matter discussed at the hearing (and responded to subsequently) was whether or not a VA development on the VASZ extension be likely to be notified to affected persons / residents of neighbouring properties. Mr Brabant provided us with supplementary legal

⁴⁹⁵ N Grala, EiC, Appendix 2

⁴⁹⁶ N Grala, EiC, paragraphs 21-28

⁴⁹⁷ Submission 2361. Ms Smith is a former resident of Richards Park Lane

⁴⁹⁸ Further Submission 2793

⁴⁹⁹ I Smith, EiC

⁵⁰⁰ I Smith, Verbal statement at the hearing

⁵⁰¹ Ms Smith provided photographs of the properties on Richards Park Lane within the VASZ extension area. They appear unoccupied and somewhat run-down, as the Panel saw on our site visit.

submissions⁵⁰² and Ms Scott⁵⁰³ replied that the Council’s counsel broadly accepted Mr Brabant’s conclusions on this matter. Mr Brabant considered a hypothetical development of a “large” VA development in the VASZ extension area, which extended closer to the boundary than 4.5m (i.e. within Ms Devlin’s recommended BRA) but complied with all other building requirements of the MDRZ. He concluded that:

- the notified variation Rule 8.6.2.3 would preclude both limited and public notification of the restricted discretionary application for the VA activity, other than where special circumstances exist;
- however, the VA non-notification rule would not preclude notification where other aspects of the activity require resource consent, such as earthworks for construction;
- the provisions in the Act precluding public notification of “boundary activities” would not apply to the BRA.

278. Ms Devlin responded⁵⁰⁴ to the legal submissions on notification from Mr Brabant. She agreed with Mr Brabant’s conclusions based on her experience of both applying for and processing resource consent applications under the recently amended provisions of the Act. She also agreed that the range of resource consents likely to be required for a VA development may not be capable of satisfying the steps for preclusion from notification, and that a subsequent determination, as to the likely effects of the proposed activity and whether there are any affected persons, would be required in terms of the notification tests of the Act. Ms Devlin expressed a residual concern that, without the additional separation of the BRA, a VA development with minor breaches of the MDRZ building standards could be considered without public or limited notification. In her view (and experience) a fairly significant rule breach (such as of building height) would be needed for the limited notification provisions to apply. However, we note Ms Devlin acknowledged that, for non-notification, determinations would need to be made that a proposal would be likely to have adverse effects on the environment that are no more than minor, and adverse effects on affected persons that are less than minor.

279. Turning now to our evaluation of this matter, having considered the evidence from Ms Devlin, Mr Grala and Ms Smith, the submissions from Ms Smith and Ms Fons, and assisted by the legal submissions from Mr Brabant and Ms Scott. In our evaluation of the VASZ at 9 Frankton Road, we set out our understanding of the Strategic Direction in Chapter 3 as it relates to visitor industry facilities and services. We also set out our understanding of the purpose, objectives and policies of the MDRZ relating to visitor accommodation, and we note that those for the LDSRZ are very similar. We have considered these submissions on the basis of those understandings.

280. In relation to the notified VASZ, we did not receive any evidence opposing it. Although the submission from Ms Smith opposed properties on Richards Park Lane being included in the VASZ, her evidence was clear that she supported the notified VASZ boundaries⁵⁰⁵. We are satisfied that a VASZ over the notified location is the most appropriate way to achieve the objectives of the PDP, and to implement the policies for the MDRZ. We recommend this VASZ be retained, the submission from Coherent Hotel Limited be accepted, and the submission from Ms Smith be accepted in part.

⁵⁰² Supplementary Legal Submissions on behalf of Coherent Hotel Limited – in response to query from Hearings Panel, dated 27 September 2018

⁵⁰³ Reply Representations / Legal Submissions for the Council, dated 15 October 2018

⁵⁰⁴ R Devlin, Reply evidence, paragraphs 2.1-2.4

⁵⁰⁵ I Smith, EiC, paragraph 3, page 2

281. For the extension to the VASZ, we accept the evidence of Ms Devlin and Mr Grala that it would be a logical extension to the notified VASZ; it would provide the opportunity for a large site in single ownership to be developed for VA on an integrated basis; and a range of accommodation options for visitors could be enabled in a generally appropriate location. We consider these attributes are consistent with the strategic objectives for visitor facilities and services in Chapter 3.
282. With respect to the MDRZ, the relevant strategic policy requires visitor facilities and services to be in locations consistent with the objectives and policies of the zone. Our recommended purpose, objectives and policies for the MDRZ focus on identifying locations for VASZ which have historically provided, and will continue to provide, important locations for visitor accommodation to meet the District's needs; and where adverse effects on residential amenity values are avoided, remedied or mitigated. The extension adjoins one of several large areas of notified VASZ in this part of Fernhill and would be consistent with the existing pattern of VA activity (and VASZs) in the Fernhill area generally, with a large number and variety of VA operations intermingled with the residential development. We accept the evidence of Ms Devlin and Mr Grala that the potential for adverse effects on neighbouring properties from a large VA development on the combined sites would be suitably addressed through the resource consent process for VA and the matters of discretion specified; and that building controls in the MDRZ would control VA built development, in the same way as residential development, which would ensure it would not inappropriately affect the residential character of the surrounding area. We acknowledge the concerns of Ms Smith and Ms Fons that the extension of the VASZ could change the character of this part of Richards Park Lane. However, we consider the building standards and resource consent requirements are appropriate to ensure the residential character and amenity values of the area can be maintained. We are satisfied that a VASZ in this location would be generally consistent with the visitor accommodation objective and policies for the MDRZ.
283. We have considered Ms Fons' concern regarding the potential effects of VA development immediately adjoining her residential property boundary and Ms Devlin's recommendation for a 4.5m BRA for visitor accommodation buildings⁵⁰⁶ to address this issue. However, we are persuaded by the evidence of Mr Grala that a more effective approach to addressing the potential for adverse effects of VA in VASZ on neighbours has already been included in the PDP and variation provisions. We accept his evidence that the BRA is unnecessary because the PDP and variation provisions more effectively manage the issue of residential character and adjoining neighbour effects in a more appropriate way, through the standards and resource consent controls which manage the effects from both the VA activity and its buildings. We agree with the submissions from Mr Brabant that a BRA, combined with non-complying activity status for non-compliance would impose costs and consenting limitations on the site, which are not counterbalanced by additional benefits. We are grateful for the legal submissions and evidence regarding the notification matters. Given their conclusions that notification for a large-scale VA development is not likely to be precluded, with determination regarding notification likely to be required in terms of the 'usual' notification tests of the Act, we did not need to consider this factor further in our evaluation of a BRA.
284. We have evaluated the extension to this VASZ alongside the principles and tests we have set out previously, and in terms of our duties pursuant to section 32AA of the Act. We are satisfied the extension is consistent with the principles and tests outlined, and that the imposition of a BRA would not be the most appropriate way of achieving the objectives and policies of the

⁵⁰⁶ In her Rebuttal evidence (paragraphs 6.1-6.6), Ms Devlin clarified that her recommendation for a BRA in this location should only apply to buildings being used for visitor accommodation

PDP. We recommend that the submission from Coherent Hotel Limited to extend the VASZ be accepted, and relevant aspects of the submissions from Ms Smith and Ms Fons be rejected. Thus we recommend that the VASZ apply to the following properties:

Address	Legal Description
10 Richards Park Lane, Fernhill	Lot 21 DP 12316
12 Richards Park Lane, Fernhill	Lot 20 DP 12316
14 Richards Park Park Lane, Fernhill	Lot 19 DP 12316
16 Richards Park Lane, Fernhill	Lot 18 DP 12316
20 Aspen Grove, Fernhill	Lot 71 DP 25084

285. Figure 2.8 below shows the extended VASZ we are recommending along with other notified and recommended VASZ in the immediate vicinity.



Figure 2-8 Recommended amendment to Planning Map 34

17. 9 SOUTHBURG AVENUE, FRANKTON

17.1 Delos Investments Limited - Submission 2614

286. Delos Investments Limited sought a VASZ over 1118m² of land zoned LDSRZ at the end of a short cul-de-sac (Southberg Avenue), off State Highway 6, in Frankton. There were no other submitters or further submitters in relation to this site. Ms Devlin evaluated the request in Section 26 of her Evidence in chief, recommending that the request be rejected. The land subject to this submission is shown on Figure 2-9 below.



Figure 2-9 Aerial Photograph showing land subject to the submission outlined in blue

287. Ms Devlin⁵⁰⁷ described the history of land uses and consents on the site, which was also set out in the submission and the evidence of Ms Rebecca Holden⁵⁰⁸ in her planning evidence on behalf of the submitter. From that evidence, we understand that the site was established as a motel (with 7 units) in 1979, with a VASZ applied in the ODP. The site has been used for residential purposes since the early 1990s, with residential use of the site being formalised by resource consent approved in 2017. Since then, a resource consent for visitor accommodation use of the existing units has recently been consented, under the provisions of the both the ODP and the PDP, although minimum weight was given to the visitor accommodation provisions of the PDP and the variation, given the early stage of decision-making. Ms Devlin pointed out that the site now has consent for VA activity (up to 18 guests) with associated consent conditions to mitigate and manage adverse effects on the surrounding residential area.

⁵⁰⁷ R Devlin, EiC, paragraphs 26.2-26.5; Rebuttal evidence, paragraph 3.4

⁵⁰⁸ R Holden, EiC, paragraphs 3.2.6-3.2.9

288. It was Ms Devlin’s evidence⁵⁰⁹ that the existing units on the site are likely to be suited for VA⁵¹⁰, although, as they were built in the 1970s, there is the possibility the site could be redeveloped. She noted this would be provided for if a VASZ is placed over the site, as a restricted discretionary activity with the built form standards ensuring that any new buildings would be compatible with the LDSRZ. However, Ms Devlin⁵¹¹ did not consider that VA activity on this site would meet the objectives and policies for the LDSRZ, in particular maintaining a residential character and the supply of residential housing. In her Rebuttal evidence, Ms Devlin expanded on this⁵¹², stating that the site is located in a discrete residential cul-de-sac, which has the potential to amplify adverse effects on social cohesion which could otherwise be moderated or concealed in a different physical setting (such as where the properties are separated by topography).
289. Ms Devlin identified the relevant parameters for assessing VASZ rezoning requests⁵¹³. In her opinion, the recent grant of a resource consent for VA on the site does not mean, in itself, that applying a VASZ over the site is either appropriate or inevitable. She considered that applying a VASZ on the site would fail to meet the following rezoning principles:
- preventing very small sub-zones or single parcel sub-zones, which would result in ‘spot-zoning’;
 - preventing small sub-zones where these are historic and are now considered inappropriately located for VA.
- Although there is an existing approval and historic use of the site for a certain level of VA, in her opinion, this did not mean that a VASZ is appropriate. She considered the site, being located in a compact residential cul-de-sac, would potentially have inadequate separation between residential and VA activities, with associated adverse effects on social cohesion. It was Ms Devlin’s evidence that the site does not meet these parameters and is not the most appropriate method for guiding the location of VA in the LDSRZ.
290. Overall, Ms Devlin did not consider⁵¹⁴ that the VASZ request would meet the strategic direction of the PDP that provides for VASZ to be located in areas that are consistent with the policy framework for the zone.
291. Ms Holden supported⁵¹⁵ a VASZ over this site, on the basis that it would reflect the existing built form and historical use of the site, the built form controls of the LDSRZ would ensure that the existing character and amenity values of the zone are retained, and the restricted discretionary activity application for VA within a VASZ would place appropriate parameters around the nature and scale of any future VA if the site was redeveloped. Ms Holden acknowledged⁵¹⁶ that a VASZ on this site could be considered a ‘spot zone’, however, she considered the historic use of the site and the existing built form means a VASZ is appropriate.
292. Ms Holden referred us to the Section 32 evaluation that was attached to the submission from Delos Investments Limited. In addition, her evidence included an assessment against the

⁵⁰⁹ R Devlin, EiC, paragraph 26.7

⁵¹⁰ Ms Devlin clarified in her Rebuttal evidence (paragraph 3.3) that she was only referring here to the current older-style motel units and associated site layout, and was not stating that the site *per se* would be suited for VA

⁵¹¹ R Devlin, EiC, paragraph 26.8

⁵¹² R Devlin, Rebuttal evidence, paragraph 3.3

⁵¹³ R Devlin, EiC, paragraph 26.9; Rebuttal evidence, paragraph 3.5

⁵¹⁴ R Devlin, EiC, paragraph 26.10; Rebuttal evidence, paragraph 3.5

⁵¹⁵ R Holden, Summary Statement presented at the hearing

⁵¹⁶ R Holden, EiC, paragraph 3.2.13

higher order objectives and policies of the PDP. She concluded that the application of a VASZ to the site would fit within the objectives and policies of Chapters 3 & 4 and be consistent with the objectives and policies of the LDSRZ for the following reasons:

- The site is appropriately located for VA, being close to the airport, the Frankton commercial centres and public transport routes;
- A VASZ would enable a varied and potential affordable accommodation offering to visitors to the District;
- The existing built form is more suitable for VA than residential use;
- A VASZ would enable social, cultural and economic wellbeing for the submitter and future VA guests;
- A VASZ would enable continuation of a historic use of the site, providing for the visitor industry in a location conveniently accessible to attractions, facilities and services;
- The predominant residential character of the zone would be able to be maintained, given the likely location, scale and intensity of VA on the site, and the built form and consenting requirements.

293. We have considered the evidence from Ms Devlin and Ms Holden. In our evaluation of the VASZ at 9 Frankton Road, we set out our understanding of the Strategic Direction in Chapter 3 as it relates to visitor industry facilities and services. We also set out our understanding of the purpose, objectives and policies of the MDRZ relating to visitor accommodation, and we note that those for the LDSRZ are very similar. We have considered these submissions on the basis of those understandings.

294. In terms of the location of the site, we agree with Ms Holden that the Frankton urban area generally is an important commercial centre for the District, containing the airport, public transport links, and commercial services. However, we do not agree that the area in the vicinity of Southberg Avenue is an important location for visitor accommodation in the District. There are no other VASZ or HDRZ in the near vicinity⁵¹⁷. We consider a VASZ on this site would be isolated and discrete, without any relationship to other locations identified as being suitable for VA.

295. The Strategic Directions identify the Queenstown and Wanaka town centres as being hubs for the visitor industry, as well other locations consistent with the objectives and policies of the zone. In the case of the LDSRZ, we accept the evidence from both Ms Devlin and Ms Holden that the built form standards, applied to any redevelopment of the site, would ensure that new buildings would be compatible with built character and amenity values of the LDSRZ. We accept that the restricted discretionary activity application within a VASZ would enable the effects of the VA activity on the residential character, cohesion and amenity values to be considered. However, we agree with Ms Devlin that this is a small site located in a discrete residential cul-de-sac, without any physical attributes which would ameliorate effects on residential cohesion and character. This was also our view following our site visit. We do not consider this is a suitable location to be identified as being generally appropriate for VA through a VASZ. We consider the small, compact residential nature of the cul-de-sac, the small size of the site itself, and the proximity of the adjoining residential activity, means there is heightened potential for adverse effects on residential character, cohesion and amenity values from further VA development on the site. We do not consider that this would be consistent with the visitor accommodation objectives and policies of the LDSRZ.

⁵¹⁷ There was one other VASZ notified in Frankton on Lake Avenue, and an area of HDRZ on the opposite side of the Kawerau River bridge

296. In terms of the relevant parameters for assessing VASZ rezoning requests, we agree with the evidence from Ms Devlin that applying a VASZ on the site would fail to meet the rezoning principles relating to very small sub-zones or 'spot-zoning'; and relating to historic sub-zones which are now considered inappropriately located for VA. We also agree with Ms Devlin that the existence of an existing approval and historic use of the site for a certain level of VA does not mean that a VASZ is appropriate.
297. We consider that applying a VASZ over this site would not be consistent with the principles and tests we have previously outlined, and would not be the most appropriate way of achieving the objectives and policies of the PDP. We recommend that the submission from Delos Investments Limited be rejected.

18. LAKE HĀWEA CAMPGROUND AND GLEN DENE STATION, STATE HIGHWAY 6, HĀWEA

18.1 Glen Dene Limited and Sarah Burdon - Submission 2407

298. There has been a somewhat complex submission history regarding the Lake Hāwea Holiday Park, and adjoining areas within Glen Dene Station, which we will not fully detail here⁵¹⁸. The land subject to this submission shown on Figure 2-10 below.



Figure 2-10 Aerial Photograph showing Lot 1 DP 418972 – the northernmost site outlined in yellow, which is subject to the submission

299. Land located to the north of the Lake Hāwea Holiday Park had been zoned on the Stage 2 Proposed District Plan planning maps as Community Purposes Sub Zone (Camping Grounds). The Council subsequently determined that this was an error and withdrew the land from Stage 2 by way of decision dated 8 February 2018, with the zoning of the land reverting to its Stage 1 Rural Zone⁵¹⁹. In their submission on Stage 2 of the PDP, Glen Dene Limited and Sarah Burdon supported the Community Purpose – Campground Subzone over this land. On the basis that the Council had specifically withdrawn the land from the Stage 2 planning maps, the Council considered that there was no longer scope for consideration of this submission and sought to strike it out, on the grounds that it was not “on” Stage 2 of the PDP.

300. The Council’s request to strike out this submission was considered by the Panel Chair⁵²⁰. He noted that the Council had previously undertaken to “*receive and consider submissions in*

⁵¹⁸ Refer to Opening Representations / Legal Submissions for the Council, Stream 15, 31 August 2018

⁵¹⁹ The Council resolved that the Council – “3. Authorises, pursuant to Clause 8D of the First Schedule to the RMA, the withdrawal of the following provisions of the Proposed District Plan: a. The proposed Community Purpose Sub Zone (Camping Grounds) from the land legally described as Lot 1 DP 418972 and Part of Section 1 SO 24546, located to the north of the Lake Hāwea Holiday Park; 4. Note that as a result of the withdrawal described in (c)(i) the proposed zone for the land will revert to Rural Zone, being the zone that applied to the land at Stage 1 of the District Plan review.”

⁵²⁰ Second Decision relating to Submissions not “on” the PDP, dated 2 August 2018, paragraphs 4-6

Stage 2, that ask for the Visitor Accommodation (Sub-Zone) to be applied over land that has not otherwise been notified in Stage 2 with the Visitor Accommodation Sub-Zone". He determined that the relevant part of the submission, relating to Lot 1 DP 418978 (Lot 1), contained "relief that provides scope for some form of visitor accommodation sub-zone". As a result, there is scope before this Panel is to consider this submission, but the scope is limited to whether or not a VASZ should be applied to Lot 1. We comment further on this matter below, when we consider the scope of the evidence from Mr Duncan White. Ms Devlin evaluated the request for a VASZ over Lot 1 in Section 4 of her Supplementary statement of evidence (dated 10 August 2018), recommending that the request be rejected.

301. Lot 1 is located to the north of the Lake Hāwea Holiday Park, adjoining the edge of the lake, on land which is part of Glen Dene Station. Glen Dene Limited⁵²¹ leases the Council-owned land at the Lake Hāwea Holiday Park, owns the facilities and operates the holiday park. Lot 1 is separated from the holiday park by land managed by Contact Energy as part of its operation of Lake Hāwea as a storage lake. Access to Lot 1 is from the campground, via an internal road through the station and Contact Energy land. Lot 1 is zoned Rural on the Decisions Version of the Stage 1 PDP Planning Maps. It is not subject to Designation 175 (Hāwea Motor Camp) which lies over the motor camp land owned by the Council. The PDP maps identify Lot 1 as being within an Outstanding Natural Landscape (ONL).
302. Visitor accommodation (VA) in the Rural Zone is listed as a discretionary activity in Rule 24.4.19⁵²². Objectives and policies for the Rural Zone relevant to visitor accommodation were provided to us by Ms Bowbyes⁵²³ in response to the Panel's questions regarding the approach to managing RVA and homestays in the Rural Zone. Neither Stage 1 or Stage 2 of the PDP, nor the notified visitor accommodation variation, include provision for VASZ within the Rural Zone. There were no VASZ in the Rural Zone identified on the notified Stage 2 PDP Planning Maps, and neither does the variation include Rural Zone objectives, policies or rules for managing activities within VASZ.
303. Both Ms Bowbyes and Ms Devlin considered whether or not a VASZ should be included as a method in rural zones. Ms Bowbyes considered this in relation to the Rural Residential and Rural Lifestyle Zones⁵²⁴. She stated that the implications of introducing a framework of objectives, policies and rules for VASZ into a zone, where they are not otherwise provided for, could have a far-reaching effect, beyond the implications for the submitter's particular land. She considered a submission requesting such provisions would need to consider the wider implications, as well as considering the approach in the context of wider zone objectives, policies and rules. She recommended that a request for a VASZ in those zones be rejected, with VA being able to be considered as a discretionary activity.
304. Ms Devlin⁵²⁵ drew the Panel's attention to paragraphs of a Minute issued by the Panel in May 2017⁵²⁶, which considered the question of whether a submitter could seek the application of a zone which was not one of the notified Stage 1 PDP zones. We have set out the relevant parts of this Minute below. We agree with Ms Devlin that the approach set out in these

⁵²¹ R Burdon, EiC, paragraph 1.1

⁵²² Decisions Version of the Stage 1 PDP

⁵²³ Memorandum of Counsel for Queenstown Lakes District Council providing expert witness responses to issues raised during the hearing, Hearing Stream 15 – Visitor Accommodation, 14 September 2018, section 6

⁵²⁴ A Bowbyes, EiC, paragraph 11.65

⁵²⁵ R Devlin, EiC, paragraph 4.13

⁵²⁶ Minute concerning Submissions seeking Rezoning to an ODP Zone, 27 May 2018

paragraphs is relevant to any submission seeking the introduction of a new zone or sub-zone, such as the introduction of a VASZ into a zone where is not anticipated by the notified variation:

- 4 *... if a submitter seeks to zone the land using a set of provisions that are not one of the Stage 1 zones, that submitter would need to show how those provisions fit within the overall strategic directions chapters of the PDP. If the provisions do not give effect to and implement the strategic directions chapters, it would likely be difficult to conclude that they were the most appropriate way to achieve the objectives in those chapters.*
5. *Where a submitter has chosen to identify an ODP zoning, such as the Rural Visitor Zone, as the set of provisions as being appropriate, that test of giving effect to and implementing the strategic directions chapters remains relevant. In addition, there are two matters that submitters need to consider in seeking the implementation of an ODP zone. First, Second, the Hearing Panel would need to understand the entire objective, policy and rule framework proposed so the Panel can understand what actual and potential effects on the environment the rezoning would have and whether that was consistent with the overall objectives and policies of the PDP.*
6. *This approach means that is open to submitters to seek to apply a zone that is not in those presently part of Stage 1 of the PDP, but they must provide a solution that fits within the PDP.*

305. Ms Devlin considered⁵²⁷ the appropriateness of a VASZ in terms of the strategic directions of the PDP. She referred to Strategic Policy 3.3.1 which enables provision for the visitor industry within the Queenstown and Wanaka town centres and other urban areas and settlements. It was her opinion that this does not enable VASZ within the rural zones. Outside urban areas, Ms Devlin identified the policy direction in Strategic Policy 3.3.21, which recognises that tourism related activities seeking to locate in Rural Zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis that they would protect, maintain or enhance landscape quality, character and visual amenity values. She also referred to the strategic direction of the PDP in regard to ONL's (given the ONL location of Lot 1). This requires the landscape and visual amenity values and natural character of ONLs to be protected from adverse effects of use and development that are more than minor and/or not temporary in duration. In the absence of any particular policy framework for VASZs in the Rural Zone, and with reference to this strategic direction, Ms Devlin concluded that including a VASZ in a Rural Zone would be inconsistent with the objectives and policies of the PDP⁵²⁸.

306. Ms Devlin noted⁵²⁹ that all notified VASZ are included within urban residential zones, which provide for VA as a restricted discretionary activity within a VASZ, with listed matters of discretion. It was her opinion that the VASZ provisions are intended for urban residential zones, with the matters of discretion having greater relevance to urban environments, where noise and other potential adverse effects on neighbours can arise. Although Lot 1 is reasonably close to the urban environment of Hāwea, Ms Devlin considered that many of the matters of discretion would be of limited relevance to a rural location.

⁵²⁷ R Devlin, Supplementary evidence, paragraphs 3.12-3.15 in relation to a submission from Teece Irrevocable Trust No. 3 (Submission 2599); and paragraphs 4.3-4.5 & 4.11 in relation to the Glen Dene site (Lot 1). Ms Devlin states that the same reasons apply to both sites.

⁵²⁸ R Devlin, Supplementary evidence, paragraphs 3.15 & 4.3 & 4.10

⁵²⁹ R Devlin, Supplementary evidence, paragraphs 3.5-3.6 & 4.6-4.7

307. Ms Devlin referred⁵³⁰ to the submitter’s wishes to provide additional VA facilities on Lot 1, so as to improve the operational viability of the campground and extend the camp season beyond the summer period. In her opinion, this is a situation where a resource consent could be applied for and assessed on its merits as a discretionary activity. She considered⁵³¹ that VA on Lot 1 should remain as a discretionary activity, in accordance with the Rural Chapter, as the most appropriate outcome for achieving consistency with the PDP’s strategic objectives and policies.
308. Legal submissions were presented to us on behalf of Glen Dene Limited and Sarah Burdon by Mr Graeme Todd. Evidence was presented by Mrs Sarah Burdon and Mr Richard Burdon, and planning evidence by Mr Duncan White.
309. Mr Todd’s legal submissions focussed on the submitter’s request to rezone the land north of the campground, owned by the submitter, to Community Purpose - Camping Ground Zone. He also referred to the land owned by the submitter, that adjoins their leased Council-owned land, and which has been run as one campground operation for many years (we understand this to be Lot 2 DP 418978 (Lot 2)). As a result of the submission history we have outlined above, neither of these matters were now before this Panel, and we were not able to draw a great deal of assistance from Mr Todd’s legal submissions.
310. Mrs Burdon described⁵³² the history, the lease and current operation of the Lake Hāwea Holiday Park. Recent years have seen considerable (“exponential”) growth in demand for their facilities and accommodation, necessitating resource consent applications for the additional development, with associated costs and delays. Mrs Burdon stated⁵³³ the demand warrants further accommodation to be provided at the Holiday Park, as well as more facilities, service buildings, staff accommodation, etc. However, she considered that the current consenting process is not feasible for future development. With respect to the wider land owned by the Burdon family, adjoining the leased area, Mrs Burdon indicated⁵³⁴ that they would like to use this land to provide wider offerings to their guests and extend their experiences further. She referred to “glamping” tents and associated facilities, self-contained cottages, “group” recreation rooms / dining rooms. In her opinion, the area can easily absorb more buildings, with room to grow and extend the accommodation options provided to visitors. She stated that further development and year-round operation are needed if the Holiday Park is to be sustainable in the future. In relation to Lot 1, she stated that they would prefer the Community Purpose - Camping Ground Zone, as for the core areas of the Holiday Park.
311. The evidence from Mr Richard Burdon supported⁵³⁵ the matters raised by Mrs Burdon and summarised above. Mr Burdon was able to confirm the location of Lot 1, as this was not fully clear to us from our site visit. We now understand that it lies partly on the lake side of, and partly to the north of, the flat grassed area to the north of the main campground, which is a lake overflow area in case of very high lake levels. We acknowledge Mr Burdon’s concerns regarding the staged nature of the PDP process and how this makes it difficult for landowners affected by multiple stages and chapters of the PDP. We appreciate this can be challenging for landowners, who have limited time to participate in complex proceedings such as these. However, this Panel is only able to address those aspects of the submissions legitimately

⁵³⁰ R Devlin, Supplementary evidence, paragraphs 4.8-4.9

⁵³¹ R Devlin, Supplementary evidence, paragraph 4.11

⁵³² S Burdon, EiC, Sections 3-5

⁵³³ S Burdon, EiC, Sections 6-7

⁵³⁴ S Burdon, EiC, Section 8

⁵³⁵ R Burdon, EiC, Section 2

before it. Although both Mr and Mrs Burdon expressed a desire to have Community Purpose - Camping Ground Zone over all parts of the Holiday Park land (including Lot 1), its application to Lot 1 is not covered by the aspect of the Glen Dene submission that is before this Panel and addressed in this Report.

312. Before we consider Mr White's evidence, we need to consider the legal submissions received on behalf of the Council which state that Mr White's evidence on the Community Purpose - Camping Ground Zone for Lot 1 is not within the scope of matters allowed by the Second Decision of 2 August 2018⁵³⁶, as it goes beyond "*some form of visitor accommodation sub-zone*". Mr White responded to the Council's position in his written summary of evidence at the hearing. It was his view that the wording of the Second Decision ("*some form of visitor accommodation sub-zone*") could equally apply to a Community Purpose - Camping Ground Zone. He proceeded with his evidence on the basis that it was within scope. Having considered the Council's legal submissions and Mr White's response, and reviewed the Second Decision of 2 August 2018, we agree with the Council that consideration of a Community Purpose - Camping Ground Zone for Lot 1 (and any evidence relating to this) is not within scope for this Panel. However, to the extent relevant, we have considered Mr White's evidence when evaluating the appropriateness of a VASZ over Lot 1.
313. As his evidence focussed primarily on supporting a Community Purpose - Camping Ground Zone for Lot 1, we were not able to derive a great deal of assistance from Mr White's evidence. In relation to a VASZ over Lot 1, Mr White agreed with Ms Devlin that this sub-zoning would not be appropriate for the site. Rather than continue to consider an obviously unsuitable VASZ for the site as part of Stage 2 of the PDP process, Mr White suggested it may be preferable to roll consideration of the submission over to Stage 3 (when Mr White anticipated a more appropriate Rural Visitor Zone may be notified).
314. Having considered the evidence of Mr White (in relation to the VASZ), the evidence of Mr and Mrs Burdon and the information they provided at the hearing, we do not find we have any basis to recommend accepting a VASZ over Lot 1.
315. The submitter has not shown how introducing VASZ provisions to a Rural Zone would fit within the overall strategic directions' chapters of the PDP. We do not have sufficient information for us to understand what actual and potential effects on the environment the rezoning would have and whether that was consistent with the overall objectives and policies of the PDP. We have little or no information regarding the potential site-specific effects of introducing a VASZ over the Lot 1 land, how they would be managed, and their consistency or otherwise with the strategic directions and Rural objectives and policies of the PDP. Mr White's planning evidence has specifically agreed with Ms Devlin that a VASZ would be obviously unsuitable for the site.
316. On that basis, we consider that applying a VASZ over this site would not be consistent with the principles and tests we have previously outlined and would not be the most appropriate way of achieving the objectives and policies of the PDP. We recommend that this aspect of the submission from Glen Dene Limited and Sarah Burdon be rejected.

⁵³⁶ Second Decision relating to Submissions not "on" the PDP, dated 2 August 2018

19. GLENORCHY-PARADISE ROAD, UPPER DART VALLEY, PARADISE

19.1 Teece Irrevocable Trust No. 3 - Submission 2599

317. There has also been a somewhat complex submission history regarding this site. The submission from Teece Irrevocable Trust No. 3 (Teece) sought that a Rural Visitor Zone apply to this land, being an extension to the Rural Visitor Arcadia Zone in the ODP (with bespoke provisions applying). The Council sought to strike out this submission, on the grounds that it was not “on” Stage 2 of the PDP. The Council submitted that the site was zoned Rural in Stage 1 (which zoning was uncontested) and the Visitor Accommodation Variation does not provide an opportunity for submitters to seek rezoning (as opposed to application of a Visitor Accommodation Sub-zone) in Stage 2. As noted above, the Council had previously undertaken to “*receive and consider submissions in Stage 2, that ask for the Visitor Accommodation (Sub-Zone) to be applied over land that has not otherwise been notified in Stage 2 with the Visitor Accommodation Sub-Zone*”. In response, Teece Irrevocable Trust No. 3 noted that the submission would provide scope for the application of a site-specific Visitor Accommodation Sub-Zone (“VASZ”) on the submitter’s land,
318. The Council’s request to strike out this submission was considered by the Panel Chair. He decided to strike out those portions of the submission which seek to replace the Rural Zone with a visitor accommodation-specific zone (whether called Rural Visitor Zone or otherwise), but “*leave within the submission the ability to request a visitor accommodation sub-zone with the characteristics outlined in the submission*”. Accordingly, the scope before this Panel is to consider whether or not a VASZ should be applied to the land, as identified in the submission.
319. Ms Devlin evaluated the request for a VASZ in Section 3 of her Supplementary statement of evidence (dated 10 August 2018), recommending that the request be rejected. Due to a change in circumstances for Ms Devlin⁵³⁷, Ms Bowbyes took over advising the Panel in relation to this submission. Ms Bowbyes confirmed⁵³⁸ she agreed with and adopted Ms Devlin’s Supplementary evidence in relation to this submission. Where we refer to Ms Devlin’s evidence below, it is on the understanding that it is adopted by Ms Bowbyes. Ms Bowbyes also provided Rebuttal evidence on this matter as an Addendum to her Summary of Evidence⁵³⁹ presented to the Panel. The land subject to this submission is shown in Figure 2-11 below.

⁵³⁷ As advised to the Panel in paragraph 5.8 of the Opening Representations / Legal Submissions for the Council, Stream 15, 31 August 2018

⁵³⁸ A Bowbyes, Rebuttal evidence, paragraphs 11.1-11.3

⁵³⁹ A Bowbyes, Rebuttal evidence, Addendum to her Summary of Evidence, 31 August 2018



Figure 2-11 Aerial Photograph showing land subject to the submission in brown

320. The relevant aspect of the submission from Teece relates to an area of 278 ha in the Upper Dart Valley, at Paradise, some 15 km north of Glenorchy (in a direct line) and accessed from the Glenorchy-Paradise Road. The area adjoins the bed of the Dart River and Mount Aspiring National Park to its west, north and east. The land is zoned Rural on the Decisions Version of the Stage 1 PDP Planning Maps. The PDP maps identify the site as a being within an Outstanding Natural Landscape (ONL). There are no appeals on the zoning or ONL status of this land.
321. It became clear to us during the hearing that the submitter had narrowed the application of this aspect of its submission to two separate areas, within the overall 278 ha of its original submission. Teece sought a VASZ (referred to as the Upper Glenorchy Visitor Accommodation Sub-Zone (UGVASZ)) over Areas A & B shown on aerial photographs attached to the evidence of Ms Elizabeth Stewart⁵⁴⁰, a planner presenting evidence on behalf of this submitter. The legal submissions from Mr Gerard Cleary clarified⁵⁴¹ that the submitter did not seek a VASZ over all the 278 ha of its property. Area A (approximately 7500m²) was located to the west of the road, on pasture land closer to the Dart River. Area B (approximately 33 ha) was located to the east of the road within mature beech forest. In addition, Ms Stewart provided recommended rules for a UGVASZ, to be included within the Rural Zone (Chapter 21)⁵⁴². In evaluating this submission, we have proceeded on this basis.
322. As set out above in relation to the Glen Dene site, VA in the Rural Zone is listed as a discretionary activity in Rule 24.4.19⁵⁴³. Objectives and policies for the Rural Zone relevant to

⁵⁴⁰ E Stewart, EiC, Appendix B

⁵⁴¹ Legal submissions for Submission 2599, paragraph 1.5 & 1.7

⁵⁴² E Stewart, EiC, Appendix C

⁵⁴³ Decisions Version of the Stage 1 PDP

visitor accommodation were provided to us by Ms Bowbyes⁵⁴⁴. Neither Stage 1 or Stage 2 of the PDP, nor the notified visitor accommodation variation, include provision for VASZ within the Rural Zone. There were no VASZ in the Rural Zone identified on the notified Stage 2 PDP Planning Maps, and neither does the variation include Rural Zone objectives, policies or rules for managing activities within VASZ.

323. We have also set out in section 18.1 above, the evidence from Ms Bowbyes and Ms Devlin as to whether or not, or in what circumstances, a VASZ should be included as a method in rural zones. We have referred to paragraphs of a Minute issued by the Panel in May 2017⁵⁴⁵, which considered the question of whether a submitter could seek the application of a zone which was not one of the notified Stage 1 PDP zones. We agree the approach set out in those paragraphs is relevant to a submission seeking the introduction of a new zone or sub-zone, such as the introduction of a VASZ into a zone where is not anticipated by the notified variation.
324. In relation to the Teece submission, Ms Devlin considered⁵⁴⁶ the appropriateness of a VASZ in terms of the strategic directions of the PDP. She referred to Strategic Policy 3.3.1 which enables provision for the visitor industry within the Queenstown and Wanaka town centres and other urban areas and settlements. It was her opinion that this does not enable VASZ within the rural zones. Outside urban areas, Ms Devlin identified the policy direction in Strategic Policy 3.3.21, which recognises that tourism related activities seeking to locate in Rural Zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis that they would protect, maintain or enhance landscape quality, character and visual amenity values. She also referred to the strategic direction of the PDP in regard to ONL's (given the ONL location the Teece land). This requires the landscape and visual amenity values and natural character of ONLs to be protected from adverse effects of use and development that are more than minor and/or not temporary in duration. In the absence of any particular policy framework for VASZs in the Rural Zone, and with reference to this strategic direction, Ms Devlin concluded that including a VASZ in the Rural Zone, with the characteristics outlined in the submission, would be inconsistent with the objectives and policies of the PDP⁵⁴⁷.
325. Ms Devlin noted⁵⁴⁸ that all notified VASZ are included within urban residential zones, which provide for VA as a restricted discretionary activity within a VASZ, with listed matters of discretion. It was her opinion that the VASZ provisions are intended for urban residential zones, with the matters of discretion having greater relevance to urban environments, where noise and other potential adverse effects on neighbours can arise. As the Teece land is rural and remote, Ms Devlin considered that many of the matters of discretion would be of limited relevance. She considered⁵⁴⁹ that VA on the Teece land should remain as a discretionary activity, in accordance with the Rural Chapter. Ms Bowbyes⁵⁵⁰ confirmed that she concurred with Ms Devlin on this matter.

⁵⁴⁴ Memorandum of Counsel for Queenstown Lakes District Council providing expert witness responses to issues raised during the hearing, Hearing Stream 15 – Visitor Accommodation, 14 September 2018, section 6

⁵⁴⁵ Minute concerning Submissions seeking Rezoning to an ODP Zone, 27 May 2018, paragraphs 4-6

⁵⁴⁶ R Devlin, Supplementary evidence, paragraphs 3.12-3.15

⁵⁴⁷ R Devlin, Supplementary evidence, paragraphs 3.15

⁵⁴⁸ R Devlin, Supplementary evidence, paragraphs 3.5-3.6

⁵⁴⁹ R Devlin, Supplementary evidence, paragraph 3.16

⁵⁵⁰ A Bowbyes, Rebuttal evidence, Addendum to her Summary of Evidence, paragraph 11

326. Mr Cleary's legal submissions reminded⁵⁵¹ this Panel about findings from previous Panels on Stage 1 of the PDP, which have addressed the matter of VASZ in rural areas. He submitted that those findings are not binding on the present Panel, and that the expert evidence brought by Teece to this hearing is sufficient for this Panel to consider the appropriateness of the UGVASZ. It was Mr Cleary's submission⁵⁵² that methods such as VASZ can be included with the Rural Zone, subject to a thorough assessment against the statutory framework. Mr Cleary covered the relevant statutory framework for decisions on the PDP⁵⁵³, generally agreeing with those provided to us in Appendix A to the Council's opening legal submissions. In particular, he referred us⁵⁵⁴ to the section 32AA evaluation of the costs and benefits of the planning options for the Teece land (restricted discretionary or discretionary activity status for VA), attached to the evidence of Ms Stewart⁵⁵⁵. Mr Cleary summarised⁵⁵⁶ those aspects of the approach sought by Teece which make it more appropriate or better than falling back on the default discretionary activity status for VA in the Rural Zone, as follows:
- The identification of suitable locations for development (from the expert evidence of Mr Espie);
 - The express limits on development within these areas (in accordance with Ms Stewart's recommended rules for a UGVASZ);
 - The benefits of a restricted discretionary activity approach (from Ms Stewart's section 32AA evaluation); and
 - The ability of the Council to decline inappropriate applications.
327. The landscape evidence from Mr Espie described the existing landscape character of the area of the entire Teece holding (approximately 278 ha)⁵⁵⁷. He referred to the surrounding forest of Mount Aspiring National Park, the adjoining Dart River bed, and the farmed lands of Arcadia Station to the south. Most of the landholding itself is grazed pasture, with fencing but no buildings (Area A is located within the pasture area). Approximately 79 ha on the east side of the holding, to the east of the Glenorchy-Paradise Road, is in mature forest akin to the National Park (Area B is within this area). Mr Espie described the surrounding landscape of rugged mountains, native vegetation, and expansive gravel river bed. It was his opinion that the farmed valley floors are not as natural or as dramatic, and less striking, in appearance and have been much more modified than the mountain slopes. However, overall, he agreed that the landscape of the Teece holding, is undoubtedly an ONL.
328. Mr Espie evaluated the effects that development in Areas A & B may have, firstly on landscape character, and secondly on views and visual amenity. He considered the restrictions on maximum total footprint and height for built development in each area, from the rules proposed by Ms Stewart. However, he also had regard to the nature of the development he understood the landowner envisages for these areas, as well various assumptions he had made regarding the likely scale, location and design of any development, vegetation clearance, landscaping, access, parking and methods of construction. We return to our questions of Mr Espie on these assumptions later.

⁵⁵¹ Legal Submissions from G Cleary, Section 3

⁵⁵² Legal Submissions from G Cleary, paragraph 5.4

⁵⁵³ Legal Submissions from G Cleary, paragraphs 4.1-4.7

⁵⁵⁴ Legal Submissions from G Cleary, paragraph 4.10

⁵⁵⁵ E Stewart, EiC, Appendix H

⁵⁵⁶ Legal Submissions from G Cleary, paragraph 4.13

⁵⁵⁷ B Espie, EiC, paragraphs 5.1-5.5

329. On the basis of the rules and his understandings and assumptions, Mr Espie provided the following opinions in relation to effects on landscape character⁵⁵⁸:
- For Area A – a rural form of building (or small cluster of buildings) would be a new, relatively isolated, rural element surrounded by a large area of pasture, 2.5km north of the nearest other farm buildings and the northernmost building(s) before the national park begins. It would not be an unexpected element or incongruous in relation to rural settlement patterns. Relatively isolated instances of VA in the rural and ONL areas do not necessarily degrade landscape character. A lodge in Area A would be particularly well absorbed into existing landscape character, with open pasture, surrounding mountains and the broader ONL dominating landscape character.
 - Area B – small scale VA facilities, with minimal vegetation clearance (although still considerable) and an inconspicuous access track, while inconspicuous, would be a significant new instance of human occupation and modification in this forested area. This would decrease the natural character and increase modification, although the forest would continue to be the dominant and defining element of landscape character. In order to balance the loss of natural character, future development would need to include measures to enhance the long-term ecological health and value of the forested area.
330. Regarding effects on views and visual amenity, Mr Espie gave the following opinions in relation to road users, and users of the river and the national park⁵⁵⁹:
- Area A – visual effects are likely only to be relevant as experienced from the Glenorchy-Paradise Road (partially visible, relatively distant, peripheral and inconspicuous, and not entirely unexpected) and from the Dart River corridor (minimally visible, if at all). The type of development anticipated, in conjunction with the other PDP provisions for the UGVASZ, will ensure that visual effects are appropriate and development is reasonably difficult to see.
 - Area B – a small visitor facility could be entirely hidden from view from outside the site, apart from distant views from minimally accessible mountain locations. Visibility would be reasonably difficult. An access track is likely to be visible to road users, and particular care would be required as to the size and location of the access and construction access, so as to have minimal adverse visual effects.
331. The Panel questioned Mr Espie about the extent to which he had based his assessments on the various assumptions he had made about the nature and scale of development that might occur in the two areas. He responded that he had not just considered the submitter’s proposals, but had also taken into account the specific locations identified for the VASZ areas and the standards and matters of discretion set out in Ms Stewart’s evidence. He considered that a reasonably flexible range of developments could be appropriate for approval in the identified VASZ areas, and not just the current proposals of this submitter. However, he noted that the Council would need to carefully consider the relevant objectives and policies, and section 6 of the Act, in addition to the matters of discretion, in order to determine what proposals are appropriate or not.
332. The planning evidence from Ms Stewart provided:
- an assessment of the environmental effects of proposed development within the UGVASZ areas, in accordance with her proposed rules package⁵⁶⁰;

⁵⁵⁸ B Espie, EiC, paragraphs 5.6-5.21

⁵⁵⁹ B Espie, EiC, paragraphs 6.1-6.26

⁵⁶⁰ E Stewart, EiC, Section 6

- an assessment of the proposed sub-zone against the relevant PDP objectives and policies⁵⁶¹;
- a section 32 assessment as to whether the provisions in the submitter's proposal are the most appropriate way to achieve the PDP's objectives⁵⁶²;
- commentary on the five parameters set out in Ms Devlin's evidence for considering VASZ zoning requests⁵⁶³; and
- an evaluation of the proposed sub-zone in terms of Part 2 of the Act⁵⁶⁴.

333. Ms Stewart's assessment of environmental effects drew upon Mr Espie's assessments in terms of effects on landscape character and visual amenity. She provided her own assessment of traffic effects, although she acknowledged she was not a traffic engineer. Ms Stewart also relied upon two reports attached to her evidence⁵⁶⁵ – a hazard assessment from GeoConsulting Limited; and an infrastructure feasibility report from Civilised Limited. We note that, like Mr Espie, Ms Stewart made several assumptions about the nature of the VA development in Areas A & B, in order to estimate the number of vehicle movements per day. Similar assumptions have been made in the hazard and infrastructure reports. Based on these assessments, Ms Stewart concluded that the sub-zone locations are suitable for appropriately designed development, with the restricted discretionary activity status and assessment matters included in her recommended rules.

334. The authors of the two reports did not appear at the hearing, so the Panel was not able to question them in relation to their analysis and conclusions. The Panel asked Ms Stewart whether, as a planner, she considered she was qualified to give evidence on topics such as geotechnical and flooding hazards, infrastructure and servicing, and traffic effects. She responded that she was happy to provide this evidence, based on reports attached to her evidence, although she acknowledged that the specialists themselves would possibly need to provide evidence, if this had been a resource consent hearing.

335. Mr Stewart's assessment against the relevant PDP objectives and policies concluded that including the proposed provisions for a UGVASZ in the Rural Zone would be entirely consistent with all of the PDP's objectives and policies⁵⁶⁶, including the Strategic Direction, and those for the Rural Zone, ONL's and indigenous biodiversity. She summarised the overall thrust of the relevant objective and policy framework as being to provide for rural diversification, including VA, in locations and in a manner which protects, maintains, and enhances landscape quality and character, rural amenity and natural resource values. Development in ONL's is generally only appropriate where the landscape can absorb change and the development is reasonably difficult to see beyond the site boundary. The significant socio-economic benefits of well designed and appropriately located visitor industry facilities and services are to be realised across the District. From her evidence and her answers to our questions, we have concluded that Ms Stewart's assessment against these PDP provisions was strongly based on two concepts - her understanding from Mr Espie's evidence that development would be restricted to only those parts of the Teece land which can 'absorb' the development provided for in the UGVASZ; and her expectation that the restricted discretionary activity process would ensure that only appropriate development, that is consistent with the specific requirements of

⁵⁶¹ E Stewart, EiC, Section 7 & Appendix G

⁵⁶² E Stewart, EiC, Section 7 & Appendix H

⁵⁶³ E Stewart, EiC, Section 9.1

⁵⁶⁴ E Stewart, EiC, Section 8

⁵⁶⁵ E Stewart, EiC, Appendices E & F

⁵⁶⁶ E Stewart, EiC, paragraphs 7.5-7.9

objectives and policies, is granted consent. We will return to our consideration of these concepts later in our Report.

336. Ms Stewart assessed the costs, benefits, efficiency and effectiveness of two options for managing VA development on the Teece land – the submitter’s proposed UGVASZ and its associated restricted discretionary activity status for VA; and discretionary activity status for VA in the Rural Zone as provided for in the Decision Version of the PDP. She concludes that both options would implement the PDP objectives and policies, but the UGVASZ is ‘better’ because:
- It provides a more enabling consenting framework that facilitates the delivery of well-designed and appropriately located VA, better implementing Objective 3.2.1.1;
 - It provides enhanced public access to the natural environment, including within an ONL setting;
 - It would enable the continuation of low intensity pastoral farming by providing another source of income for the property, which is not otherwise economically viable for low intensity farming; and
 - It better provides for indigenous biodiversity protection and regeneration of the remaining beech forest areas.
337. Ms Stewart rightly acknowledged that some of these outcomes may be achievable through a discretionary activity consent for VA in the Rural Zone, however, it was her opinion that the higher consenting costs and uncertainty associated with this consenting pathway may well discourage any such future application. Ms Stewart stressed the main differences between the two options were the higher costs, uncertainty, and less ‘guaranteed’ benefits from discretionary activity consent processes, compared with restricted discretionary proposed within the UGVASZ, although she acknowledged that discretionary activity status would retain more control over the management of effects in an ONL. In answer to the Panel’s questions, Ms Stewart added that a restricted discretionary activity application would have a narrower focus than for a discretionary activity; and that her recommended sub-zone provisions would preclude limited or public notification. She said that she considered the restricted discretionary activity pathway, within an identified VASZ as being an easier, somewhat predetermined ‘road’ for a VA proposal.
338. Ms Stewart rightly noted that the parameters in Ms Devlin’s evidence, for considering VASZ zoning requests, are to be applied in residential zones and are not directly applicable to the Teece submission. However, she noted that Area A & B are not very small sub-zones, and although there is no existing VA development on the sites, parameter (d) identifies that new areas of sub-zone can be applied to large areas in appropriate locations, whether developed or not.
339. In terms of Part 2 of the Act, the most relevant matters to us appear to be sections 6(a), 6(b) and 7(c). For sections 6(b) and 7(c), Ms Stewart relied on Mr Espie to conclude that development will be reasonably difficult to see and will not inappropriately affect visual amenity or landscape character.
340. Ms Bowbyes provided rebuttal evidence to the evidence of Ms Stewart. Ms Bowbyes was critical⁵⁶⁷ of the extensive list of assessment matters proposed by Ms Stewart for VA as a restricted discretionary activity in the UGVASZ. Ms Bowbyes considered this level of detail indicates that such a regime is not suitable. In answer to the Panel’s questions at the hearing,

⁵⁶⁷ A Bowbyes, Addendum to Summary of Evidence, Rebuttal evidence (Submission 2599) paragraph 6

she reiterated that a requirement for such bespoke conditions, with a long list of assessment matters, strongly indicates that consideration as a full discretionary activity is required. In order to achieve the Rural objectives and policies, she remained firmly of the view that discretionary activity status, as provided for in the Decisions Version of the PDP, is the most appropriate.

341. Ms Bowbyes also noted that the matters of assessment do not contain sufficient detail about how landscape character and visual amenity would be addressed. We note Ms Stewart stated⁵⁶⁸ that the assessment matters have been limited to matters of design detail (with effects on an ONL not included), on the basis that the locations have been established as being suitable for appropriately designed development.
342. Ms Bowbyes also addressed⁵⁶⁹ the matter of non-notification of resource consent applications for VA within the UGVASZ, as recommended by Ms Stewart. Ms Bowbyes considered that precluding notification of a VA, on the scale that could be anticipated by the application of a VASZ over this site (278 ha), would be contrary to the PDP framework. She referred to Policy 6.3.12 of Chapter 6 (Landscapes) of the Decisions Version of the PDP, under which development is considered inappropriate in almost all locations in ONL apart from exceptional cases; and that non-notification within the Rural Zone is only provided for specified controlled activities. We note Ms Bowbyes' rebuttal evidence referred to VA across the whole 278 ha of the Teece landholding, but in answer to the Panel's questions at the hearing, she reiterated her opinion that there should be opportunity for notification.
343. We now turn to our evaluation of this matter. We agree with Mr Cleary that the findings of previous Panels in relation to VASZ in other rural zones are not binding on this Panel, as they were based on different circumstances and different evidence before those Panels. We accept Mr Cleary's submission that methods such as VASZ can be included within the Rural Zone, subject to us being satisfied on the evidence that they are appropriate. We have set out above, in relation to the Glen Dene site, paragraphs of a Minute issued by the Panel in May 2017⁵⁷⁰, which considered the question of whether a submitter could seek the application of a zone which was not one of the notified Stage 1 PDP zones. We consider the approach set out in those paragraphs is relevant to any submission seeking the introduction of a new zone or sub-zone, such as the introduction of a VASZ into a zone where is not anticipated by the notified variation.
344. Accordingly, we have approached our consideration of the Teece submission on this basis. We agree that we should not 'rule out' the submitter's UGVASZ approach for Rural Zone. However, we need to be satisfied on the evidence presented to us that the proposed method is the most appropriate to give effect to and implement the strategic directions, the rural objectives and policies and those relating to ONL. As part of this consideration, the Panel needs to be able to understand what actual and potential effects on the environment the rezoning would have and whether that would be consistent with the overall objectives and policies of the PDP. We have before us the evidence from the Ms Stewart and Mr Espie, as well as that from the Council, and Ms Stewart's evaluations of the UGVASZ proposal in terms of the relevant PDP objectives and policies, and section 32AA, which we will now consider.

⁵⁶⁸ E Stewart, EiC, paragraphs 6.4 & 7.14

⁵⁶⁹ A Bowbyes, Addendum to Summary of Evidence, Rebuttal evidence (Submission 2599) paragraph 7 & 8

⁵⁷⁰ Minute concerning Submissions seeking Rezoning to an ODP Zone, 27 May 2018

345. Firstly, we considered the adequacy of the evidence, combined with the proposed UGVASZ provisions, to enable us to understand what actual and potential effects on the environment the rezoning would have, and whether they would be effectively managed.
346. As we noted above, Mr Espie and Ms Stewart needed to make a large number of assumptions regarding the nature, scale, location and design of any development, vegetation clearance, landscaping, access, parking and methods of construction, in order to assess the likely effects on the environment of development within Areas A and B of the UGVASZ. Areas A and B are 7500m² and approximately 33 ha, respectively. In our view, these are not small areas to be covered by VASZs. Within these areas, our understanding is that the UGVASZ provisions would provide for a residential unit (with associated buildings) in Area A and visitor accommodation in Areas A and B, all as restricted discretionary activities. The restrictions on the nature and scale of these activities are limited to a maximum height of 5.5m, and maximum total building footprints for all development of 2000m² in Areas A and 4000m² in Area B. Beyond those limitations, any control over other aspects of the development, in order to avoid or mitigate adverse effects, would need to be achieved through the restricted discretionary activity process.
347. We are very unclear as to the extent of potential adverse effects on the environment from development in Areas A and B. The evidence focussed on possible scenarios, based on the development anticipated by the current landowners, and assumptions by Mr Espie and Ms Stewart about the nature and scale of development they consider is likely in each of the areas. In addition, we did not receive expert evidence before us regarding traffic effects, geotechnical and flooding hazards, infrastructure and servicing. We do not consider that Ms Stewart has expertise in these matters, and we do not accept her evidence as being expert evidence on these matters. We have been left with the statements from Ms Stewart and Ms Espie that any potential effects on the environment, that are currently unclear, will be adequately addressed through future restricted discretionary activity applications. We do not find this to be sufficient for us to understand the potential effects on the environment of the rezoning.
348. We have a particular concern regarding the use of restricted discretionary activity status to manage broad issues relating to effects of activities on the environment within specifically identified, discrete sub-zones. This is especially of concern in a location that is an ONL, adjoins the margin of a significant river, borders a national park, and where there is currently little human modification.
349. We agree with Ms Stewart that restricted discretionary activity provides a generally enabling consenting framework, that facilitates the delivery of VA within the sub-zone. Where a VASZ has been specifically identified on the planning maps, we consider this gives a positive statement of direction in favour of the activity of VA being generally appropriate in that location. The role of the restricted discretionary activity process is then to determine whether any particular proposal (its nature, scale and design) is appropriate for the affected environment, and its specific effects appropriately avoided, remedied or mitigated. This is our understanding of how the VASZ method has been designed to operate in the residential areas, where the policies for VA are to *“Provide for visitor accommodation ... in the VASZs that are appropriate for the ... residential environment, ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated”*. We consider it would be very difficult to argue at the consent stage that VA is not appropriate within a specifically identified VASZ. We are not satisfied that we have sufficient information to determine that the effects of VA will be generally appropriate within Areas A and B. Accordingly, we do not consider the restricted

discretionary activity process would be effective in the management of those effects, particularly in this environment of outstanding natural values.

350. Given the focussed approach of this method, which identifies VASZ locations where VA is to be provided for, we consider the level of information to determine that a VASZ is appropriate would be more akin to that provided for a resource consent application. We do not consider we have received this level of detail, nor all the expert evidence to support it.
351. Even if we put to one side our general concern regarding the effectiveness of the restricted discretionary activity status, we are not satisfied that the particular provisions before us are sufficient. We note that the matters of discretion are limited and do not include matters relating to landscape character or natural character effects, which are of particular importance in this location. Based on our evaluation of the expert evidence, we do not agree with Ms Stewart that these matters have been fully addressed in the identification of the VASZ, such that assessment matters can be limited to matters of design detail. Similarly, we do not accept that it is appropriate to preclude notification of applications for VA activities in this location by a rule. We consider that the potential for notification should be retained in an ONL, adjoining important public conservation land and a significant river bed. The owners (such as the Department of Conservation), users and people with a particular interest in this land may be affected or seek to provide their views to decision-makers, who may find such information important in coming to their determination. If we were to remedy these deficiencies, we are confronted with the difficulty that the rectified provisions would be as extensive as to be tantamount to an unrestricted discretionary activity, which is already the activity status for VA in the Rural Zone.
352. We then examined whether this VASZ proposal is the most appropriate to give effect to and implement the strategic directions, the rural objectives and policies and those relating to ONL. From the evidence of Ms Devlin and Ms Stewart, we have identified the following direction from the objectives and policies as being most relevant to this evaluation:
- Land uses in rural areas are able to diversify, provided the character of rural landscapes, significant nature conservation values, and Ngai Tahu values are maintained (Strategic Objective 3.2.1.8 and Rural Objective 21.2.1)
 - Provision for VA in rural areas is only contemplated where it would protect, maintain or enhance landscape quality and visual amenity values (Strategic Policy 3.3.21) and enable landscape values and indigenous biodiversity to be sustained in the longer term (Rural Policy 21.2.9.3);
 - The landscape and visual amenity values and the natural character of ONLs are to be protected from adverse effects that more than minor and/or not temporary in duration (Strategic Objective 3.2.5.1);
 - In ONLs, VA activities are inappropriate in almost all circumstances and those that are appropriate are exceptional cases where the landscape can absorb the change and where the buildings and structures, etc, are reasonably difficult to see (Landscape Policy 6.3.12)
353. We find these to be strongly protective objectives and policies in relation to the character and landscape values of rural areas, and the landscape and visual amenity values and natural character of ONLs. As we have discussed above, the evidence presented has not satisfied us that VA within Areas A and B would enable these values to be protected, maintained or enhanced. Neither do we consider that restricted discretionary activity status within the UGVASZ would enable effective control of VA proposals, such as to achieve these objectives and policies. We conclude the submitter's UGVASZ proposal would not be the most appropriate to give effect to and implement these strategic, rural and landscape objectives

and policies. Rather, we consider the discretionary activity status for VA in the Rural Zone remains the most appropriate way to effectively and efficiently ensure that these PDP objectives and policies are achieved. We, therefore, recommend that this submission be rejected.

20. **ADDITIONAL VASZ IN THE VICINITY OF THE WANAKA TOWN CENTRE**

354. Several submitters commented on the provision for VA, RVA and homestays in Wanaka. Submitters pointed out⁵⁷¹ that there are relatively few hotels and motels in Wanaka and Hāwea, and there is a lack of HDRZ land in Wanaka compared with Queenstown. Ben Acland⁵⁷² sought that an increased area of VASZ is provided close to Wanaka Town Centre, in order to assist with providing for visitor growth. Ms Bowbyes agreed with these comments, stating⁵⁷³ that it can be seen from the Planning Maps that Wanaka does have relatively few VASZs, and, compared to Queenstown, she identified⁵⁷⁴ that Wanaka proportionally has only a small amount of land zoned HDRZ (shown in its entirety on Planning Map 21). In the Wanaka context, the MDRZ serves a similar function to the HDRZ in Queenstown by transitioning the intensity of development away from the town centre zone. The largest ‘pocket’ of MDRZ in Wanaka is located within walking distance of the town centre (all shown on Planning Map 21).
355. On the basis of these submissions, Ms Bowbyes stated her view that there is a case for a less restrictive regime for RVA in the Wanaka MDRZ land near the town centre⁵⁷⁵. She recommended⁵⁷⁶ that the submissions seeking provision for a greater number of nights for RVA in the Wanaka MDRZ be accepted in part (only for the MDRZ shown on Planning Map 21). We have accepted Ms Bowbyes’ recommendation on this matter earlier in this Report.
356. Ms Devlin also addressed⁵⁷⁷ the submission from Ben Acland that more land in Wanaka be zoned for high density and for VA, and that the VASZ be expanded with a new VASZ created within walking distance of the town centre. Ms Devlin agreed VASZs are a useful planning tool to contribute opportunities for VA, whilst ensuring that residential zones remain predominantly for residential purposes. She also agreed that there may be an opportunity to extend the VASZ over some of the Wanaka MDRZ within walking distance of the town centre, given that this zone does not anticipate VA but there is established VA development in this area. She noted there are 3 notified VASZ in this area, with a submission seeking a small extension. However, Ms Devlin did not consider that she had sufficient detailed analysis or evidence to determine where an extension could be appropriately located across the Wanaka MDRZ. On that basis, she recommended this submission be rejected.
357. Whilst we have accepted the recommendation from Ms Bowbyes, we note that the submitters also referred to a lack of hotels, motels and VA generally in Wanaka, which would not be provided for through less restrictive provisions for RVA. The HDRZ and VASZ (in the LDSRZ and MDRZ) provide for VA as restricted discretionary activities. These are important locations where VA is anticipated, and the methods are intended to provide for VA at appropriate locations, scale and intensity in order to meet the District’s needs for VA. We agree with the submitters and the evidence of Ms Bowbyes and Ms Devlin, that there is only limited provision for VA through these methods in Wanaka.

⁵⁷¹ A Bowbyes, EiC, paragraph 9.115; Rosie Simpson (Submission 2018); Duncan Good (Submission 2211); and other submissions referred to by Ms Bowbyes

⁵⁷² Submitter 2219

⁵⁷³ A Bowbyes, EiC, paragraph 9.113

⁵⁷⁴ A Bowbyes, EiC, paragraph 9.119

⁵⁷⁵ A Bowbyes, EiC, paragraph 9.119

⁵⁷⁶ A Bowbyes, EiC, paragraph 9.122

⁵⁷⁷ R Devlin, EiC, Section 13

358. On the basis of this evidence, the Panel asked⁵⁷⁸ the Council to advise regarding the scope within the submissions for consideration of extensions of VASZ over the MDRZ around town centres. Ms Bowbyes provided her response in her Reply evidence⁵⁷⁹ stating that Mr Acland's submission does submit generally that there should be ..."*...more area zoned for [...] accommodation*" and more specifically that ... "*...there needs to be an expansion of Accommodation Sub-Zones*. She noted that his submission focussed on Wanaka only. It was Ms Bowbyes' view that Mr Acland's submission⁵⁸⁰ would provide scope for consideration of a less restrictive regime for VA within the MDRZ around the Wanaka Town Centre, and the VASZ is a method that could be applied to achieve that outcome. In addition, she noted that the submission of Fiskin & Associates⁵⁸¹ seeks that the MDRZ objectives, policies and rules are amended to be more enabling of VA, which provides similar scope to the submission from Mr Acland for all areas zoned MDRZ.
359. We acknowledge the issue raised by these submitters and are grateful for the attention given to them by Ms Bowbyes and Ms Devlin. We agree with the submitters, and with Ms Bowbyes and Ms Devlin, that the limited provision for HDRZ and VASZ (in the MDRZ) around the Wanaka Town Centre restricts the opportunities available for VA in appropriate locations. We noted during our site visits that there is currently VA located throughout parts of the MDRZ that has not been notified as VASZ, and where we have not received submissions. This will limit the ongoing redevelopment or expansion of these visitor facilities. Given the expectations for ongoing growth of the visitor industry and its significant socioeconomic benefits for the District, we accept the concerns expressed by the submitters that the PDP does not appear to have planned ahead for the needs of the visitor industry by providing for VA in appropriate locations in Wanaka. We agree that MDRZ within walking distance of the Wanaka Town Centre would be an appropriate location to consider additional provision for VA, in a manner that is consistent with the Strategic Directions of the PDP.
360. We accept the evidence from Ms Bowbyes that we technically have the scope through Mr Acland's submission to apply additional areas of VASZ across the central Wanaka MDRZ, we agree with Ms Devlin that we do not have any detailed analysis or evidence to determine where an extension could be appropriately located across this area. In addition, we consider that the residents and landowners in this area may well not have been sufficiently aware from reading the submissions (even if they had done so) that those from Mr Acland and Fiskin would have led to areas of VASZ throughout the central Wanaka MDRZ. If we were to recommend additional areas of VASZ on the basis of those submissions, we consider that affected people's rights to be involved in the process would be seriously undermined. As a result, we consider we must accept the recommendation of Ms Devlin and recommend that these submissions be rejected.
361. However, we suggest this is a matter the Council should continue to investigate, with a view to identifying future requirements for VA to accommodate visitor growth, and appropriate locations and methods to make adequate provision for Wanaka's needs into the future, including by applying additional areas of VA in the MDRZ around the Town Centre.

⁵⁷⁸ Minute of 29 September 2018

⁵⁷⁹ A Bowbyes, Reply evidence, paragraphs 3.12-3.16

⁵⁸⁰ Submission 2220

⁵⁸¹ Submission 2372

21. ARTHURS POINT HOLIDAY PARK, ARTHURS POINT ROAD, ARTHURS POINT

21.1 SJE Shotover Limited - Submission 2617

362. SJE Shotover Limited requested that a VASZ be applied to an area of 1.1369 ha, over the established Arthurs Point Holiday Park at 70 Arthurs Point Road, Arthurs Point within the LDSRZ. The land subject to this submission is shown on Figure 2-12 below.



Figure 2-12 Aerial Photograph showing land subject to the submission outlined in blue

363. No further submissions were received in opposition and Ms Devlin recommended⁵⁸² that the submission be accepted. We accept Ms Devlin's evidence and recommend that a VASZ be applied over this site.

364. There is, however, a mapping problem with part of the site. We have identified that the part of the site adjoining Atley Road is stopped road. Although this land is now privately owned and currently used as part of the holiday park, the notified Stage 1 PDP Planning Maps showed this land as unzoned (in the same manner as the adjoining road). This was clearly an error, as privately owned, stopped roads are intended to have a zoning, but this error was not picked up and rectified during Stage 1. Ideally, the LDSR zoning of the balance of the site should be extended over this strip of land. However, this Panel has no scope to change the zoning of land notified in Stage 1 and, as VASZs only apply to zoned land, we are not able to apply a VASZ to that part of the site. We would have recommended a VASZ over the entire site, if it were not for this mapping error. In the circumstances, we recommend that this submission be accepted in part, as it applies to the part of the site zoned LDSRZ, Pt Lot 1 DP 15145, as shown in Figure 12-3.

⁵⁸² R Devlin, EiC, Section 18

365. We also recommend the Council consider initiating an variation to the PDP to correct this mapping error by zoning the remaining part of the property (Section 1 SO 329365) as LDSRZ with VASZ overlaid.



Figure 2-13 Recommended amendment to Planning Map 39a

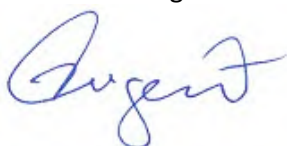
22. OVERALL RECOMMENDATION

366. For the reasons we have set out in Part A above, we recommend the Council adopt the visitor accommodation variations to Chapters 2, 7, 8, 9, 10, 11, 16, 21, 22, 23, 24, 41, 42 and 43 with the wording as set out in Appendix 1, and accept, accept in part, or reject the submissions on these variations as set out in Appendix 2.
367. We recommend the Planning Maps be amended by applying Visitor Accommodation Sub-Zone over the sites listed below for the reasons set out in Part B above:

Address	Legal Description
634 Frankton Road, Frankton	Pt Lot 1 DP 9121
9 Frankton Road & 6 Brisbane Street, Queenstown	Lots 1 & 2 DP 9946
11 Frankton Road, Queenstown	Section 3 Blk XXXIX Queenstown SD
15 Frankton Road, Queenstown	Section 4 Blk XXXIX Queenstown SD
1 Hobart Street, Queenstown	Pt Section 5 Blk XXXIX Queenstown SD
3 Hobart Street, Queenstown	Pt Section 5 Blk XXXIX Queenstown SD
Chandler Lane, Fernhill	Lot 1 DP 437865
Chandler Lane, Fernhill	Lot 2 DP 437865
Chandler Lane, Fernhill	Lot 3 DP 437865
Chandler Lane, Fernhill	Lot 4 DP 437865
Chandler Lane, Fernhill	Lot 5 DP 437865
Chandler Lane, Fernhill	Lot 6 DP 437865
Chandler Lane, Fernhill	Lot 7 DP 437865
10 Richards Park Lane, Fernhill	Lot 21 DP 12316
12 Richards Park Lane, Fernhill	Lot 20 DP 12316
14 Richards Park Lane, Fernhill	Lot 19 DP 12316
16 Richards Park Lane, Fernhill	Lot 18 DP 12316
20 Aspen Grove, Fernhill	Lot 71 DP 25084
70 Arthurs Point Road, Arthurs Point	Pt Lot 1 DP 15145

368. We also recommend that the submissions listed in Appendix 3 be accepted, accepted in part or rejected as set out in that appendix, and the Planning Maps be amended consistent with those recommendations.

For the Hearing Panel



Denis Nugent, Chair
Dated: 11 January 2019

Appendix 1: Variations to Chapters 2, 7, 8, 9, 10, 11, 16, 21, 22, 23, 24, 41, 42 and 43 as Recommended

Visitor Accommodation Variations

Key:

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

Variation to Stage 1 PDP Chapter 2 - Definitions:

<p><u>Residential Visitor Accommodation</u></p>	<p>Means the use of a residential unit including a residential flat by paying guests where the length of stay by any guest is less than 90 nights.</p> <p><u>Excludes: Visitor Accommodation and Homestays.</u></p> <p><u>Note:</u></p> <p><u>Additional requirements of the Building Act 2004 may apply.</u></p>
<p>Homestay</p>	<p>Means a residential activity where an occupied the use of a residential unit or including a residential flat is also used by paying guests (where the length of stay by any guest is less than 90 nights) at the same time that either the residential unit or the residential flat is occupied by residents for use as a Residential Activity. Includes bed & breakfasts and farm-stays.</p> <p><u>Excludes: Residential Visitor Accommodation and Visitor Accommodation.</u></p> <p><u>Note:</u></p> <p><u>Additional requirements of the Building Act 2004 may apply.</u></p>
<p>Registered Holiday Home</p>	<p>Means a stand alone or duplex residential unit which has been registered with the Council as a Registered Holiday Home. For the purpose of this definition:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A stand alone residential unit shall mean a residential unit contained wholly within a site and not connected to any other building; <input type="checkbox"/> A duplex residential unit shall mean a residential unit which is attached to another residential unit by way of a common or party wall, provided the total number of residential units attached in the group of buildings does not exceed two residential units; <input type="checkbox"/> Where the residential unit contains a residential flat, the registration as a Registered Holiday Home shall apply to either the letting of the residential unit or the residential flat but not to both. <input type="checkbox"/> Excludes the non-commercial use of a residential unit by other people (for example making a home available to family and/or friends at no charge).
<p>Registered Homestay</p>	<p>Means a Homestay used by up to 5 paying guests which has been registered with the Council as a Registered Homestay.</p> <p><u>Advice Note:</u></p> <p>(i) A formal application must be made to the Council for a property to become a Registered Homestay.</p>

<p>Visitor Accommodation</p>	<p>Means the use of land or buildings for short term, fee paying, living accommodation to provide accommodation for paying guests where the length of stay for any visitor/guest is less than 3 months<u>90 nights</u>; and</p> <p>a. Includes such accommodation as camping grounds, motor parks, hotels, motels, boarding houses, guest houses, backpackers' accommodation, bunkhouses, tourist houses, lodges, timeshares, and managed apartments <u>homestays</u>, and the commercial letting of a residential unit; and</p> <p>b. May <u>Includes some centralised services or facilities that are directly associated with, and ancillary to, the visitor accommodation, such as food preparation, dining and sanitary facilities, conference, bar, and recreational facilities and others of a similar nature if such facilities are associated with the visitor accommodation activity. The primary role of these facilities is to service the overnight guests of the accommodation however they can be used by persons not staying overnight on the site.</u></p> <p>iii. <u>Includes onsite staff accommodation.</u></p> <p>iv. <u>Excludes Residential Visitor Accommodation and Homestays.</u></p> <p>For the purpose of this definition:</p> <p>a. The commercial letting of a residential unit in (i) excludes:</p> <ul style="list-style-type: none"> • A single annual let for one or two nights. • Homestay accommodation for up to 5 guests in a Registered Homestay. • Accommodation for one household of visitors (meaning a group which functions as one household) for a minimum stay of 3 consecutive nights up to a maximum (ie: single let or cumulative multiple lets) of 90 nights per calendar year as a Registered Holiday Home. <p>(Refer to respective definitions).</p> <p>b. “Commercial letting” means fee paying letting and includes the advertising for that purpose of any land or buildings.</p> <p>c. Where the provisions above are otherwise altered by Zone Rules, the Zone Rules shall apply.</p>
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Residential Activity	Means the use of land and buildings by people for the purpose of permanent residential accommodation, including all associated accessory buildings, recreational activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include Community Housing, emergency, refuge accommodation and the non-commercial use of holiday homes. Excludes visitor accommodation, <u>residential visitor accommodation and homestays.</u>
Commercial Activity	Means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment and services, and includes shops, postal services, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas. Excludes recreational, community and service activities, home occupations, visitor accommodation, registered holiday homes <u>residential visitor accommodation and registered homestays-homestays.</u>
Activity Sensitive to Aircraft Noise (ASAN)/ Activity Sensitive to Road Noise	Means any residential activity, visitor accommodation activity, <u>residential visitor accommodation activity, homestay activity,</u> community activity and day care facility activity as defined in the District Plan including any outdoor spaces associated with any education activity, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.

New Stage 2 PDP provisions, added to Stage 1 Chapter 7 Lower Density Suburban Residential chapter

7 Lower Density Suburban Residential

7.1 Zone Purpose

[Note: The following is new text at end of 7.1 Zone Purpose:]

Visitor accommodation is anticipated in the Visitor Accommodation Sub-Zones shown on planning maps, which have historically provided (and will continue to provide) important locations for visitor accommodation to meet the District's needs. The sub-zones are located in residential areas, and applications for visitor accommodation activities and associated development must address matters that impact on residential amenity, including character, traffic and noise effects. Visitor accommodation located outside of the Visitor Accommodation Sub-Zones is restricted.

The commercial letting of residential properties as short-term accommodation for paying guests on a year-round or permanent basis is restricted where it would result in a loss of residential character, cohesion and amenity values. Low intensity use of residential units, including residential flats, to accommodate paying guests is enabled where the predominant residential character of the environment is retained and the residential amenity values of nearby residents are maintained.

Visitor Accommodation is defined in the District Plan separately from accommodation activities involving paying guests occurring in residential units and residential flats, which are defined as Residential Visitor Accommodation and Homestay activities.

7.2 Objectives and Policies

7.2.8 Objective - Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.

Policies

7.2.8.1 Provide for visitor accommodation and residential visitor accommodation in the Visitor Accommodation Sub-Zones that are appropriate for the low density residential environment, ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated.

7.2.8.2 Restrict the establishment of visitor accommodation in locations outside the Visitor Accommodation Sub-Zones to ensure that the zone maintains a residential character.

7.2.8.3 Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.

7.2.8.4 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing.

7.2.8.5 Manage the effects of residential visitor accommodation and homestays outside the Visitor Accommodation Sub-Zone by controlling the scale, intensity and frequency of use and those effects of the activities that differentiate them from residential activities.

7.3 Other Provisions and Rules

7.3.2 Interpreting and Applying the Rules

Renumber 7.3.2.6 as 7.3.2.7

Insert 7.3.2.6 References to the Visitor Accommodation Sub-Zones in this Chapter only apply to the sub-zones within the Lower Density Suburban Residential Zone.

7.4 Rules - Activities

	Activities located in the Lower Density Suburban Residential Zone	Activity status
7.4.4	<u>Homestays</u>	<u>P</u>
7.4.5	<p><u>Residential Visitor Accommodation</u></p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> a. <u>The scale of the activity, including the number of guests on site per night;</u> b. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> c. <u>The location, provision, use and screening of parking and access;</u> d. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> e. <u>Health and safety provisions in relation to guests;</u> f. <u>Guest management and complaints procedures;</u> g. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> h. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u> 	<u>C</u>
7.4.5A	<p><u>Visitor Accommodation in the Visitor Accommodation Sub- Zone</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>Parking and access;</u> c. <u>Landscaping;</u> d. <u>Noise generation and methods of mitigation;</u> e. <u>Hours of operation, including in respect of ancillary activities; and</u> f. <u>The external appearance of buildings.</u> 	<u>RD</u>
7.4.13	<u>Visitor Accommodation not otherwise identified</u>	<u>NC</u>

7.4 Rules - Standards

Standards for activities in the Lower Density Suburban Residential Zone	Non- compliance status

<p>7.5.18</p>	<p><u>Residential Visitor Accommodation</u></p> <p><u>7.5.18.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p><u>7.5.18.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>7.5.18.3 Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 7.5.18.1 to 7.5.18.3.</u></p>	<p><u>Sites within the Visitor Accommodation Sub-Zone:</u></p> <p style="text-align: center;"><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>The location, provision, use and screening of parking and access;</u> c. <u>The management of noise, outdoor lighting, use of outdoor areas, rubbish and recycling;</u> d. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> e. <u>Health and safety provisions in relation to guests;</u> f. <u>Guest management and complaints procedures;</u> g. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> h. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u> <p style="text-align: center;"><u>All other sites:</u></p> <p><u>Standard 7.5.18.1:</u> <u>91-180 nights RD</u> <u>>180 nights NC</u></p> <p><u>All other Standards:</u> <u>NC</u></p> <p><u>For RD non-compliance with Standard 7.5.18.1 discretion is restricted to:</u></p> <ul style="list-style-type: none"> i. <u>The nature of the surrounding residential context, including its residential amenity values, cohesion and character, and the effects of the activity on the neighbourhood;</u> j. <u>The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;</u> k. <u>The scale and frequency of the activity, including the number of guests on site per night;</u>
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		<ul style="list-style-type: none"> l. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> m. <u>The location, provision, use and screening of parking and access;</u> n. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> o. <u>Health and safety provisions in relation to guests;</u> p. <u>Guest management and complaints procedures;</u> q. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> r. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>
<p><u>7.5.19</u></p>	<p><u>Homestay</u></p> <p><u>7.5.19.1 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>7.5.19.2 Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</u></p> <p><u>7.5.19.3 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>7.5.19.4 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>7.5.19.5 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 7.5.19.1 to 7.5.19.5.</u></p>	<p><u>Standards 7.5.19.1 and 7.5.19.2: RD</u></p> <p><u>All other Standards: NC</u></p> <p><u>For non-compliance with Standards 7.5.19.1 and 17.5.19.2 discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The nature of the surrounding residential context, including its residential amenity values and character, and the effects of the activity on the neighbourhood;</u> b. <u>The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;</u> c. <u>The scale and frequency of the activity, including the number of nights per year;</u> d. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> e. <u>The location, provision, use and screening of parking and access;</u> f. <u>The keeping of records of Homestay use, and availability</u>

		<p><u>of records for Council inspection; and</u></p> <p>g. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u></p>
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7.5 Rules - Non-Notification of Applications

7.6.1.2 Visitor Accommodation and residential visitor accommodation in the Visitor Accommodation Sub-Zones

New Stage 2 PDP provisions, added to Stage 1 Chapter 8 Medium Density Residential chapter

8 Medium Density Residential

8.1 Zone Purpose

[Note: The following is new text at end of 8.1 Zone Purpose:]

Visitor accommodation is anticipated in the Visitor Accommodation Sub-Zones shown on planning maps, which have historically provided (and will continue to provide) important locations for visitor accommodation to meet the District’s needs, and in the Wanaka Town Centre Transition Overlay. The sub-zones are located in residential areas, and applications for visitor accommodation activities and associated development must address matters that impact on residential amenity, including character, traffic and noise effects.

Visitor accommodation located outside of the Visitor Accommodation Sub-Zones and the Wanaka Town Centre Transition Overlay is restricted, although residential visitor accommodation is provided for in proximity to the Wanaka town centre.

The commercial letting of residential properties as short-term accommodation for paying guests on a year-round or permanent basis is restricted, where it would result in a loss of residential character, cohesion and amenity values. Low intensity use of residential units, including residential flats, to accommodate paying guests is enabled, where the predominant residential character of the environment is retained and the residential values amenity of nearby residents are maintained.

Visitor accommodation is defined in the District Plan separately from accommodation activities involving paying guests occurring in residential units and residential flats, which are defined as Residential Visitor Accommodation and Homestay activities.

8.2 Objectives and Policies

8.2.11 Objective - Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.

Policies

8.2.11.1 Provide for visitor accommodation and residential visitor accommodation in the Visitor Accommodation Sub-Zones and the Wanaka Town Centre Transition Overlay Sub-Zones, and for residential visitor accommodation in proximity to the Wanaka town centre, that are appropriate for the medium density residential environment, ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated.

8.2.11.2 Restrict the establishment of visitor accommodation in locations outside the Visitor Accommodation Sub-Zones and the Wanaka Town Centre Transition Overlay to ensure that the zone maintains a residential character.

8.2.11.3 Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.

8.2.11.4 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing.

8.2.11.5 Manage the effects of residential visitor accommodation and homestays outside the Visitor Accommodation Sub-Zone by controlling the scale, intensity and frequency of use and

those effects that differentiate them from residential activities.

8.3 Other Provisions and Rules

8.3.2 Interpreting and Applying the Rules

Renumber 8.3.2.8 as 8.3.2.9

Insert 8.3.2.8 References to Visitor Accommodation Sub-Zones in this Chapter only apply to the sub-zones within the Medium Density Residential Zone.

8.4 Rules - Activities

	Activities located in the Medium Density Residential Zone	Activity status
8.4.7	<u>Homestays</u>	<u>P</u>
8.4.7A	<p><u>Residential Visitor Accommodation</u></p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> a. <u>The scale of the activity, including the number of guests on site per night;</u> b. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> c. <u>The location, provision, use and screening of parking and access;</u> d. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> e. <u>Health and safety provisions in relation to guests;</u> f. <u>Guest management and complaints procedures;</u> g. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> h. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u> 	<u>C</u>
8.4.11	<p><u>Visitor Accommodation in the Visitor Accommodation Sub-Zone and Wanaka Town Centre Transition Overlay</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>Parking and access;</u> c. <u>Landscaping;</u> d. <u>Noise generation and methods of mitigation;</u> e. <u>Hours of operation, including in respect of ancillary activities;</u> f. <u>The external appearance of buildings; and</u> g. <u>Infrastructure, servicing and capacity.</u> 	<u>RD</u>

8.4.17	<u>Visitor Accommodation not otherwise identified</u>	NC
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8.5 Rules - Standards

	Standards for activities located in the Medium Density Residential Zone	Non- compliance status
8.5.17	<p><u>Residential Visitor Accommodation</u></p> <p>8.5.17.1 <u>Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p>8.5.17.2 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>8.5.17.3 <u>Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 8.5.17.1 to 8.5.17.3.</u></p>	<p><u>Sites within the Visitor Accommodation Sub-Zone & the MDRZ on Map 21:</u></p> <p style="text-align: center;"><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> <u>a. The location, nature and scale of activities;</u> <u>b. The location, provision, use and screening of parking and access;</u> <u>c. The management of noise, outdoor lighting, use of outdoor areas, rubbish and recycling.</u> <u>d. The compliance of the residential unit with the Building Code as at the date of the consent;</u> <u>e. Health and safety provisions in relation to guests;</u> <u>f. Guest management and complaints procedures;</u> <u>g. The keeping of records of RVA use, and availability of records for Council inspection; and</u> <u>h. Monitoring requirements, including imposition of an annual monitoring charge.</u> <p style="text-align: center;"><u>All other sites:</u></p> <p><u>Standard 8.5.17.1:</u> <u>91-180 nights...RD</u> <u>>180 nights...NC</u></p> <p><u>All other Standards:</u> <u>NC</u></p> <p><u>For RD non-compliance with Standard 8.5.17.1 discretion is restricted to:</u></p> <ol style="list-style-type: none"> <u>i. The nature of the surrounding residential context, including its residential amenity values and character, and the effects of</u>

		<p><u>the activity on the neighbourhood;</u></p> <p>j. <u>The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;</u></p> <p>k. <u>The scale and frequency of the activity, including the number of nights per year;</u></p> <p>l. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u></p> <p>m. <u>The location, provision, use and screening of parking and access;</u></p> <p>n. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u></p> <p>o. <u>Health and safety provisions in relation to guests;</u></p> <p>p. <u>Guest management and complaints procedures;</u></p> <p>q. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u></p> <p>r. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u></p>
8.5.18	<p><u>Homestay</u></p> <p>8.5.18.1 <u>Must not exceed 5 paying guests on a site per night.</u></p> <p>8.5.18.2 <u>Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</u></p> <p>8.5.18.3 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>8.5.18.4 <u>The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p>8.5.18.5 <u>Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 8.5.18.1</u></p>	<p><u>Standards 8.5.18.1 and 8.5.18.2:</u> <u>RD</u></p> <p><u>All other Standards:</u> <u>NC</u></p> <p><u>For non-compliance with Standards 8.5.18.1 and 8.5.18.2 discretion is restricted to</u></p> <p>a. <u>The nature of the surrounding residential context, including its residential amenity values and character, and the effects of the activity on the neighbourhood;</u></p> <p>b. <u>The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;</u></p> <p>c. <u>The scale and frequency of the activity, including the number of</u></p>

	<p><u>to 8.5.18.5.</u></p>	<p><u>nights per year;</u></p> <p>d. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u></p> <p>e. <u>The location, provision, use and screening of parking and access;</u></p> <p>f. <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u></p> <p>g. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u></p>
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8.6 Rules - Non-Notification of Applications

8.6.1.2 Visitor Accommodation and residential visitor accommodation within the Visitor Accommodation Sub-Zone and Wanaka Town Centre Transition Overlay.

New Stage 2 PDP provisions, added to Stage 1 Chapter 9 High Density Residential chapter

9 High Density Residential

9.2 Zone Purpose

[Note: The following is new text at end of 9.1 Zone Purpose:]

Visitor accommodation, residential visitor accommodation and homestays are anticipated and enabled in this zone, which is located near the town centres, to respond to projected growth in visitor numbers, provided that adverse effects on the residential amenity values of nearby residents is avoided, remedied or mitigated.

9.3 Objectives and Policies

9.3.8 Objective – Visitor accommodation, residential visitor accommodation and homestays are enabled in urban areas close to town centres to respond to strong projected growth in visitor numbers, whilst ensuring that adverse effects on residential amenity values and traffic safety are avoided, remedied or mitigated.

Policies

9.2.8.1 Provide sufficient high density zoned land to enable a range of accommodation options for visitors to establish close to town centres.

9.3.8.2 Enable a range of accommodation options which positively contribute to residential amenity values by ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated.

9.3.8.3 Ensure that visitor accommodation development utilises existing infrastructure and minimise impacts on infrastructure and roading networks.

9.3.8.4 Ensure that the design of buildings for visitor accommodation contributes positively to the visual quality of the environment through the use of connection to the street, interesting built forms, landscaping, and response to site context.

9.4 Rules - Activities

	Activities located in the High Density Residential Zone	Activity status
9.4.4	<u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>
9.4.6	<p><u>Visitor Accommodation</u> including licensed premises within a visitor accommodation development</p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>Parking and access;</u> c. <u>Landscaping;</u> d. <u>Noise;</u> e. <u>Hours of operation, including in respect of ancillary activities; and</u> f. <u>The external appearance of buildings.</u> 	<u>RD</u>

9.5 Rules – Standards

	Standards for activities located in the High Density Residential Zone	Non- compliance status
9.5.14	<p><u>Residential Visitor Accommodation</u></p> <p><u>9.5.14.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p><u>9.5.14.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>9.5.14.3 Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p><u>9.5.14.4 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u></p> <p><u>9.5.14.5 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>9.5.14.6 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 9.5.14.1 to 9.5.14.5.</u></p>	<p>RD</p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> <u>The location, nature and scale of activities;</u> <u>The location, provision, and screening of parking and access;</u> <u>The management of noise, rubbish and outdoor activities;</u> <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> <u>Health and safety provisions in relation to guests;</u> <u>Guest management and complaints procedures;</u> <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>
9.5.15	<p><u>Homestay</u></p> <p><u>9.5.15.1 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>9.5.15.2 Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</u></p> <p><u>9.5.15.3 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>9.5.15.4 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>9.5.15.5 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a</u></p>	<p>RD</p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> <u>The location, nature and scale of activities;</u> <u>The location, provision, and screening of parking and access;</u> <u>The management of noise, rubbish and outdoor activities;</u> <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u>

	<p><u>form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 9.5.15.1 to 9.5.15.5.</u></p>	<p>e. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u></p>
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9.6 Rules – Non-Notification of Applications

9.6.2.3 Visitor accommodation and residential visitor accommodation

New Stage 2 PDP provisions, added to Stage 1 Chapter 10 Arrowtown Residential Historic Management chapter

10 ARROWTOWN RESIDENTIAL HISTORIC MANAGEMENT ZONE

10.2 Zone Purpose

[Note: The following is new text at end of 10.1 Zone Purpose:]

Visitor accommodation is anticipated in the Visitor Accommodation Sub-Zones shown on planning maps, which have historically provided (and will continue to provide) important locations for visitor accommodation to meet the District’s needs, and in the Arrowtown Town Centre Transition Overlay. The sub-zones are located in residential areas, and applications for visitor accommodation activities and associated development must address matters that impact on residential amenity, including character, traffic and noise effects.

Visitor accommodation outside of the Arrowtown Town Centre Transition Overlay and the Visitor Accommodation Sub-Zone is restricted.

The commercial letting of residential properties as short-term accommodation for paying guests on a year-round or permanent basis, is restricted, where it would result in a loss of residential character, cohesion and amenity values. Low intensity use of residential units, including residential flats, to accommodate paying guests is enabled, where the predominant residential character of the environment is retained and the residential amenity values of nearby residents is maintained.

Visitor accommodation is defined in the District Plan separately from accommodation activities involving paying guests occurring in residential units and residential flats, which are defined as Residential Visitor Accommodation and Homestay activities.

10.3 Objectives and Policies

10.3.5 Objective –Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.

Policies

10.3.5.1 Provide for visitor accommodation and residential visitor accommodation that is appropriate for the low density residential environment in the Arrowtown Town Centre Transition Overlay and the Visitor Accommodation Sub-Zone.

10.3.5.2 Restrict the establishment of visitor accommodation in locations outside the Arrowtown Town Centre Transition Overlay and the Visitor Accommodation Sub-Zone to ensure that the zone maintains a residential character.

10.2.7.3 Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.

10.2.7.4 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing.

10.2.7.5 Manage the effects of residential visitor accommodation and homestays outside the

Visitor Accommodation Sub-Zone by controlling the scale, intensity and frequency of use and those effects of the activities that differentiate them from residential activities.

10.4 Other Provisions and Rules

10.3.2 Interpreting and Applying the Rules

Renumber 10.3.2.5 as 10.3.2.6

Insert 10.3.2.5 References to the Visitor Accommodation Sub-Zones in this Chapter only apply to the sub-zones within the Arrowtown Residential Historic Management Zone.

10.5 Rules – Activities

Table 1	Activities located in the Arrowtown Residential Historic Management Zone	Activity status
<u>10.4.5</u>	<u>Homestays</u>	<u>P</u>
<u>10.4.5A</u>	<p><u>Residential Visitor Accommodation</u></p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> a. <u>The scale of the activity, including the number of guests on site per night;</u> b. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> c. <u>The location, provision, use and screening of parking and access;</u> d. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> e. <u>Health and safety provisions in relation to guests;</u> f. <u>Guest management and complaints procedures;</u> g. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> h. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u> 	<u>C</u>

<p><u>10.4.7</u></p>	<p><u>Visitor Accommodation in the Arrowtown Town Centre Transition Overlay and the Visitor Accommodation Sub-Zone</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>Parking and access;</u> c. <u>Landscaping;</u> d. <u>Noise generation and methods of mitigation;</u> e. <u>Hours of operation, including in respect of ancillary activities; and</u> f. <u>The external appearance of buildings.</u> 	<p><u>RD</u></p>
<p><u>10.4.11</u></p>	<p><u>Visitor Accommodation not otherwise identified</u></p>	<p><u>NC</u></p>

10.6 Rules – Standards

Table 2	Standards for Activities: Arrowtown Residential Historic Management Zone	Non- compliance status
<p>10.5.9</p>	<p><u>Residential Visitor Accommodation</u></p> <p>10.5.9.1 <u>Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p>10.5.9.2 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>10.5.9.3 <u>Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 10.5.9.1 to 10.5.9.3.</u></p>	<p><u>Sites within the Visitor Accommodation Sub-Zone and/or Town Centre Transition Overlay:</u></p> <p><u>RD*</u></p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>The location, provision, use and screening of parking and access;</u> c. <u>The management of noise, outdoor lighting, use of outdoor areas, rubbish and recycling.</u> d. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> e. <u>Health and safety provisions in relation to guests;</u> f. <u>Guest management and complaints procedures;</u> g. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> h. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u> <p><u>All other sites:</u></p> <p><u>Standard 10.5.9.1:</u> <u>91-180 nights RD</u> <u>>180 nights NC</u></p> <p><u>All other Standards:</u> <u>NC</u></p> <p><u>For RD non-compliance with Standard 10.5.9.1 discretion is restricted to:</u></p> <ol style="list-style-type: none"> i. <u>The nature of the surrounding residential context, including its residential amenity values, cohesion and character, and the effects of the activity on the neighbourhood;</u> j. <u>The cumulative effect of the</u>

		<p><u>activity, when added to the effects of other activities occurring in the neighbourhood;</u></p> <p>k. <u>The scale and frequency of the activity, including the number of guests on site per night;</u></p> <p>l. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u></p> <p>m. <u>The location, provision, use and screening of parking and access;</u></p> <p>n. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u></p> <p>o. <u>Health and safety provisions in relation to guests;</u></p> <p>p. <u>Guest management and complaints procedures;</u></p> <p>q. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u></p> <p>r. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u></p>
<p><u>10.5.10</u></p>	<p><u>Homestay</u></p> <p><u>10.5.10.1 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>10.5.10.2 Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</u></p> <p><u>10.5.10.3 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>10.5.10.4 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>10.5.10.5 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 10.5.10.1 to 10.5.10.5.</u></p>	<p><u>Standards 10.5.10.1 and 10.5.10.2: RD</u></p> <p><u>All other Standards: NC</u></p> <p><u>For non-compliance with Standards 10.5.10.1 and 10.5.10.2 discretion is restricted to:</u></p> <p>a. <u>The nature of the surrounding residential context, including its residential amenity values and character, and the effects of the activity on the neighbourhood;</u></p> <p>b. <u>The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;</u></p> <p>c. <u>The scale and frequency of the activity, including the number of nights per year;</u></p> <p>d. <u>The management of noise, use</u></p>

		<p><u>of outdoor areas, rubbish and recycling;</u></p> <p>e. <u>The location, provision, use and screening of parking and access;</u></p> <p>f. <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u></p> <p>g. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u></p>
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10.5 Rules – Non-Notification of Applications

10.6.1 The following Restricted Discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified:

10.6.1.1 Visitor Accommodation and residential visitor accommodation in the Arrowtown Town Transition Overlay and the Visitor Accommodation Sub-Zone.

New Stage 2 PDP provisions, added to Stage 1 Chapter 11 Large Lot Residential chapter

11 Large Lot Residential

11.1 Zone Purpose

[Note: The following is new text at end of 11.1 Zone Purpose:]

Visitor accommodation is anticipated in the Visitor Accommodation Sub-Zones and shown on planning maps, which have historically provided (and will continue to provide) important locations for visitor accommodation to meet the District's needs. The sub-zones are located in residential areas, and applications for visitor accommodation activities and associated development must address matters that impact on residential amenity, including character, traffic and noise effects.

Visitor accommodation outside of the Visitor Accommodation Sub-Zones is restricted.

The commercial letting of residential properties as short-term accommodation for paying guests on a year-round or permanent basis, is restricted, where it would result in a loss of residential character, cohesion and amenity values. Low intensity use of residential units, including residential flats, to accommodate paying guests is enabled, where the predominant residential character of the environment is retained and the residential amenity values of nearby residents are maintained.

Visitor accommodation is defined in the District Plan separately from accommodation activities involving paying guests occurring in residential units and residential flats, which are defined as Residential Visitor Accommodation and Homestay activities.

11.2 Objectives and Policies

11.2.3 Objective – Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.

Policies

- 11.2.3.1 Provide for visitor accommodation and residential visitor accommodation that are appropriate for the low density residential environment in the Visitor Accommodation Sub-Zones, while ensuring that adverse effects on residential amenity values are avoided, remedied or mitigated.**
- 11.2.3.2 Restrict the establishment of visitor accommodation in locations outside the Visitor Accommodation Sub-Zones to ensure that the zone maintains a residential character.**
- 11.2.3.3 Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.**
- 11.2.3.4 Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing.**
- 11.2.3.5 Manage the effects of residential visitor accommodation and homestays outside the Visitor Accommodation Sub-Zone by controlling the scale, intensity and frequency of the use and those effects of the activities that differentiate them from residential activities.**

11.3 Other Provisions and Rules

11.3.2 Interpreting and Applying the Rules

Renumber 11.3.2.5 as 11.3.2.6

Insert 11.3.2.5 References to the Visitor Accommodation Sub-Zones in this Chapter only apply to the sub-zones within the Large Lot Residential Zone.

11.4 Rules – Activities

Table 1	Activities located in the Large Lot Residential Zone	Activity status
<u>11.4.4</u>	<u>Homestays</u>	P
<u>11.4.5</u>	<p><u>Residential Visitor Accommodation</u></p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> a. <u>The scale of the activity, including the number of guests on site per night;</u> b. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> c. <u>The location, provision, use and screening of parking and access;</u> d. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> e. <u>Health and safety provisions in relation to guests;</u> f. <u>Guest management and complaints procedures;</u> g. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> h. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u> 	C
<u>11.4.5A</u>	<p><u>Visitor Accommodation in the Visitor Accommodation Sub-Zone</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>Parking and access;</u> c. <u>Landscaping;</u> d. <u>Noise generation and the methods of mitigation;</u> e. <u>Hours of operation, including in respect of ancillary activities; and</u> f. <u>The external appearance of buildings.</u> 	RD
<u>11.4.10</u>	<u>Visitor Accommodation not otherwise identified</u>	NC

11.5 Rules – Standards for Activities

Table 2	Standards for Activities	Non- compliance status
<p>11.5.13</p>	<p><u>Residential Visitor Accommodation</u></p> <p>11.5.13.1 <u>Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p>11.5.13.2 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>11.5.13.3 <u>Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 11.5.13.1 to 11.5.13.3.</u></p> <p>-</p>	<p><u>Sites within the Visitor Accommodation Sub-Zone:</u></p> <p style="text-align: center;"><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> <u>a. The location, nature and scale of activities;</u> <u>b. The location, provision, use and screening of parking and access;</u> <u>c. The management of noise, outdoor lighting, use of outdoor areas, rubbish and recycling.</u> <u>d. The compliance of the residential unit with the Building Code as at the date of the consent;</u> <u>e. Health and safety provisions in relation to guests;</u> <u>f. Guest management and complaints procedures;</u> <u>g. The keeping of records of RVA use, and availability of records for Council inspection; and</u> <u>h. Monitoring requirements, including imposition of an annual monitoring charge.</u> <p style="text-align: center;"><u>All other sites:</u></p> <p><u>Standard 11.5.13.1:</u> <u>91-180 nights RD</u> <u>>180 nights NC</u></p> <p><u>All other Standards:</u> <u>NC</u></p> <p><u>For RD non-compliance with Standard 11.5.13.1 discretion is restricted to:</u></p> <ol style="list-style-type: none"> <u>i. The nature of the surrounding residential context, including its residential amenity values, cohesion and character, and the effects of the activity on the neighbourhood;</u>

		<ul style="list-style-type: none"> j. <u>The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;</u> k. <u>The scale and frequency of the activity, including the number of guests on site per night;</u> l. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u> m. <u>The location, provision, use and screening of parking and access;</u> n. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> o. <u>Health and safety provisions in relation to guests;</u> p. <u>Guest management and complaints procedures;</u> q. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> r. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>
<p><u>11.5.14</u></p>	<p><u>Homestay</u></p> <p><u>11.5.14.1 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>11.5.14.2 Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</u></p> <p><u>11.5.14.3 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>11.5.14.4 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>11.5.14.5 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p>Note: The Council may request that records are</p>	<p><u>Standards 11.5.14.1 and 11.5.14.2: RD</u></p> <p><u>All other Standards: NC</u></p> <p><u>For non-compliance with Standards 11.5.14.1 and 11.5.14.2 discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The nature of the surrounding residential context, including its residential amenity values and character, and the effects of the activity on the neighbourhood;</u> b. <u>The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;</u> c. <u>The scale and frequency of the</u>

	<p><u>made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 11.5.14.1 to 11.5.14.5.</u></p>	<p><u>activity, including the number of nights per year;</u></p> <p>d. <u>The management of noise, use of outdoor areas, rubbish and recycling;</u></p> <p>e. <u>The location, provision, use and screening of parking and access;</u></p> <p>f. <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u></p> <p>g. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u></p>
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11.6 Rules – Non-Notification of Applications

11.6.1 The following Restricted Discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified:

11.6.1.1 Visitor Accommodation and residential visitor accommodation in the Visitor Accommodation Sub-Zone.

New Stage 2 PDP provisions, added to Stage 1 Chapter 16 Business Mixed Use chapter

16 Business Mixed Use Zone

16.4 Rules – Activities

	Activities located in the Business Mixed Use Zone	Activity status
16.4.2	<u>Residential Visitor Accommodation and Homestays</u>	P

16.5 Rules – Standards

	Standards for activities located in the Business Mixed Use Zone	Non- compliance status
16.5.12	<p><u>Residential Visitor Accommodation</u></p> <p>16.5.12.1 <u>Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p>16.5.12.2 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>16.5.12.3 <u>Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p>16.5.12.4 <u>The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u></p> <p>16.5.12.5 <u>Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p>16.5.12.6 <u>Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 16.5.12.1 to 16.5.12.6.</u></p>	<p>C</p> <p><u>Control is reserved to:</u></p> <ol style="list-style-type: none"> <u>The location, nature and scale of activities;</u> <u>The location, provision, and screening of parking and access;</u> <u>The management of noise, rubbish and outdoor activities;</u> <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> <u>Health and safety provisions in relation to guests;</u> <u>Guest management and complaints procedures;</u> <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>

<p><u>16.5.13</u></p>	<p><u>Homestay</u></p> <p><u>16.5.13.1 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>16.5.13.2 Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</u></p> <p><u>16.5.13.3 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>16.5.13.4 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>16.5.13.5 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 16.5.13.1 to 16.5.13.5.</u></p>	<p style="text-align: center;"><u>C</u></p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>The location, provision, and screening of parking and access;</u> c. <u>The management of noise, rubbish and outdoor activities;</u> d. <u>The keeping of records of Homestay use, and availability of records for Council inspection;</u> e. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>
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New Stage 2 PDP provisions, added to Stage 1 Chapter 21 Rural chapter

21 Rural

21.4 Rules – Activities

Table 1	Activities – Rural Zone	Activity status
21.4.15	<u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>

21.9 Rules - Standards for Commercial Activities

<u>Table 6</u>	<u>Standards for Commercial Activities</u>	<u>Non- compliance status</u>
21.9.5	<p><u>Residential Visitor Accommodation</u></p> <p><u>21.9.5.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p><u>21.9.5.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u></p> <p><u>21.9.5.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>21.9.5.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 21.9.5.1 to 21.9.5.4.</u></p>	<p><u>C</u></p> <p><u>Control is reserved to:</u></p> <ol style="list-style-type: none"> <u>The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period;</u> <u>The management of noise, rubbish and outdoor activities;</u> <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> <u>Health and safety provisions in relation to guests;</u> <u>Guest management and complaints procedures;</u> <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>
21.9.6	<p><u>Homestay</u></p> <p><u>21.9.6.1 Must not exceed 5 paying guests per night.</u></p> <p><u>21.9.6.2 The Council must be notified in writing prior to the commencement of a Homestay activity</u></p> <p><u>21.9.6.3 Up to date records of the Homestay</u></p>	<p><u>C</u></p> <p><u>Control is reserved to:</u></p> <ol style="list-style-type: none"> <u>The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period;</u> <u>The management of noise, rubbish</u>

	<p><u>activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 21.9.6.1 to 21.9.6.3.</u></p>	<p><u>and outdoor activities;</u></p> <p>c. <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u></p> <p>d. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u></p>
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22 New Stage 2 PDP provisions, added to Stage 1 Chapter 22 Rural Residential & Rural Lifestyle chapter

23 Rural Residential & Rural Lifestyle

22.2 Objectives and Policies

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

22.2.2.5 Enable residential visitor accommodation and homestays in conjunction with residential units (including residential flats) whilst limiting the scale, intensity and frequency of these activities.

22.4 Rules - Activities

Table 1	Activities – Rural Residential and Rural Lifestyle Zones	Activity status
<u>22.4.7</u>	<u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>

22.5 Rules - Standards

Table 2	Standards - Rural Residential and Rural Lifestyle Zones	Non-compliance status
<u>22.5.14</u>	<p><u>Residential Visitor Accommodation</u></p> <p><u>22.5.14.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p><u>22.5.14.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u></p> <p><u>22.5.14.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>22.5.14.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 22.5.14.1 to 22.5.14.4.</u></p>	<u>D</u>
<u>22.5.15</u>	<p><u>Homestay</u></p> <p><u>22.5.15.1 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>22.5.15.2 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>22.5.15.3 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form</u></p>	<u>D</u>

that can be made available for inspection by the Council at 24 hours' notice.

Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 22.5.15.1 to 22.5.15.3.

New Stage 2 PDP provisions, added to Stage 1 Chapter 23 Gibbston Character Zone chapter

23 Gibbston Character Zone

23.4 Rules - Activities

Table 1	Activities	Activity status
<u>23.4.21</u>	<u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>

23.5 Rules - Standards

Table 4	Standards for Residential Visitor Accommodation and Homestays	Non-compliance status
<u>23.5.12</u>	<p><u>Residential Visitor Accommodation</u></p> <p><u>23.5.12.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</u></p> <p><u>23.5.12.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u></p> <p><u>23.5.12.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>23.5.12.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 23.5.12.1 to 23.5.12.4.</u></p>	<u>D</u>
<u>23.5.13</u>	<p><u>Homestay</u></p> <p><u>23.5.13.1 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>23.5.13.2 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>23.5.13.3 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 23.5.13.1 to 23.5.13.3.</u></p>	<u>D</u>

New Stage 2 PDP provisions, added to Stage 2 Chapter 24

Key:

No underlining shown for additional text for Wakatipu Basin Rural Amenity Zone. All text is new text to be added.

24 Wakatipu Basin Rural Amenity Zone

24.2.5.3 Provide for non-residential activities, including restaurants, visitor accommodation, and commercial recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures that the amenity, quality and character of the Precinct is retained.

24.4 Rules - Activities

	Table 24.1 – Activities in the Wakatipu Basin Rural Amenity Zone	Activity Status
[...]		
24.4.15	Residential visitor accommodation and homestays.	P
24.4.21	Visitor accommodation	D
[...]		

	Table 24.3 – Standards	Non-compliance status
[...]		
24.5.20	<p>Residential visitor accommodation</p> <p>Residential visitor accommodation – Excluding the Lifestyle Precinct</p> <p>24.5.20.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</p> <p>24.5.20.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</p> <p>24.5.20.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>24.5.20.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.20.1 to 24.5.20.4.</p>	<p>C</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period; The management of noise, rubbish and outdoor activities; The compliance of the residential unit with the Building Code as at the date of the consent; Health and safety provisions in relation to guests; Guest management and complaints procedures; The keeping of records of RVA use, and availability of records for Council inspection; and Monitoring requirements, including imposition of an annual monitoring charge.
24.5.21	Residential visitor accommodation – Lifestyle Precinct only	D

	<p>24.5.21.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</p> <p>24.5.21.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</p> <p>24.5.21.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>24.5.21.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.21.1 to 24.5.21.4</p>	
<p>24.5.22</p>	<p>Homestay</p> <p>Homestay– Excluding the Lifestyle Precinct</p> <p>24.5.22.1 Must not exceed 5 paying guests on a site per night.</p> <p>24.5.22.2 The Council must be notified in writing prior to the commencement of a Homestay activity.</p> <p>24.5.22.3 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.22.1 to 24.5.22.3.</p>	<p>C</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> a. The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period; b. The management of noise, rubbish and outdoor activities; c. The keeping of records of Homestay use, and availability of records for Council inspection; and d. Monitoring requirements, including imposition of an annual monitoring charge.
<p>24.5.23</p>	<p>Homestay – Lifestyle Precinct only</p> <p>24.5.23.1 Must not exceed 5 paying guests on a site per night.</p> <p>24.5.23.2 The Council must be notified in writing prior to the commencement of a Homestay activity.</p> <p>24.5.23.3 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p>	<p><u>D</u></p>

	<p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 24.5.23.1 to 24.5.23.3.</p>	
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New Stage 2 PDP provisions, added to Stage 1 Chapter 41 Jacks Point chapter

41 Jacks Point

41.4 Rules - Activities

Table 1	Activities Located within the Jacks Point Zone	Activity status
<u>41.4.1.9</u>	<u>All Residential (R) Activity Areas and Rural Living (RL) Activity Area</u> <u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>

Table 2	Activities located in the Jacks Point Zone – Village and Education Activity Areas	Activity Status
<u>41.4.2.1</u>	Any commercial, community, residential, <u>residential visitor accommodation, homestay, or visitor accommodation activity within the Jacks Point (V) or Homestead Bay (HB) Village Activity Areas, including the addition, alteration or construction of associated buildings, provided the application is in accordance with a Comprehensive Development Plan incorporated in the District Plan, which applies to the whole of the relevant Village Activity Area and is sufficiently detailed to enable the matters of control listed below to be fully considered.</u>	C

41.5 Rules – Activity Standards

Table 6	Standards for activities located in the Jacks Point Zone – Residential Activity Areas	Non-compliance status
<u>41.5.1.12</u>	<u>Residential Visitor Accommodation</u> <u>41.5.1.12.1 Must be limited to one residential unit or residential flat per site not exceeding a cumulative total of 42 nights occupation by paying guests on a site per 12 month period.</u> <u>41.5.1.12.2 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u> <u>41.5.1.12.3 Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u> <u>41.5.1.12.4 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u> <u>41.5.1.12.5 Up to date records of the Residential Visitor Accommodation</u>	<u>D</u>

	<p><u>activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p>41.5.1.12.6 <u>Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u></p> <p>Note: <u>The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 41.5.1.12.1 to 41.5.1.12.6.</u></p>	
<p><u>41.5.1.13</u></p>	<p><u>Homestay</u></p> <p>41.5.1.13.1 <u>May occur within either an occupied residential unit or an occupied residential flat on a site, and must not occur within both on a site.</u></p> <p>41.5.1.13.2 <u>Must not exceed 3 paying guests on a site per night.</u></p> <p>41.5.1.13.3 <u>Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</u></p> <p>41.5.1.13.4 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>41.5.1.13.5 <u>The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p>41.5.1.13.6 <u>Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p>Note: <u>The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 41.5.1.13.1 to 41.5.1.13.6.</u></p>	<p><u>D</u></p>

New Stage 2 PDP provisions, added to Stage 1 Chapter 42 Waterfall Park chapter

42 Waterfall Park

42.4 Rules - Activities

	Activities Located within the Waterfall Park Zone	Activity status
<u>42.4.13</u>	<u>In the Residences Area (R) of the Structure Plan</u> <u>Residential Visitor Accommodation and Homestays</u>	<u>P</u>

42.5 Rules - Standards

	Standards for activities located in the Waterfall Park Zone	Non- compliance status
<u>42.5.9</u>	<p><u>Residential Visitor Accommodation</u></p> <p>42.5.9.1 <u>Must be limited to one residential unit or residential flat per site–not exceeding a cumulative total of 179 nights occupation by paying guests on a site per 12 month period.</u></p> <p>42.5.9.2 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>42.5.9.3 <u>Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p>42.5.9.4 <u>The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u></p> <p>42.5.9.5 <u>Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p>42.5.9.6 <u>Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24</u></p>	<p><u>C</u></p> <p><u>Control is reserved to:</u></p> <ol style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>The location, provision, and screening of parking and access;</u> c. <u>The management of noise, rubbish and outdoor activities;</u> d. <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> e. <u>Health and safety provisions in relation to guests;</u> f. <u>Guest management and complaints procedures;</u> g. <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> h. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>

	<p><u>hours' notice, in order to monitor compliance with rules 42.5.9.1 to 42.5.9.6.</u></p>	
<p><u>42.5.10</u></p>	<p><u>Homestay</u></p> <p>42.5.10.1 <u>May occur within either an occupied residential unit or an occupied residential flat on a site, and must not occur within both on a site.</u></p> <p>42.5.10.2 <u>Must not exceed 5 paying guests on a site per night.</u></p> <p>42.5.10.3 <u>Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</u></p> <p>42.5.10.4 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>42.5.10.5 <u>The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p>42.5.10.6 <u>Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 42.5.10.1 to 42.5.10.6.</u></p>	<p style="text-align: center;"><u>C</u></p> <p><u>Control is reserved to:</u></p> <ol style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>The location, provision, and screening of parking and access;</u> c. <u>The management of noise, rubbish and outdoor activities;</u> d. <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u> e. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>

New Stage 2 PDP provisions, added to Stage 1 Chapter 43 Millbrook chapter

43 Millbrook

43.4 Rules - Activities

	Activities – Millbrook	Activity status
43.4.24	<u>Residential Visitor Accommodation and Homestays</u> in the Residential Activity Area	<u>P</u>

43.5 Rules - Standards

	Rules – Millbrook	Non- compliance status
43.5.14	<p><u>Residential Visitor Accommodation</u></p> <p>43.5.14.1 <u>Must be limited to one residential unit or residential flat per site not exceeding a cumulative total of 179 nights occupation by paying guests on a site per 12 month period.</u></p> <p>43.5.14.2 <u>Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p>43.5.14.3 <u>Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.</u></p> <p>43.5.14.4 <u>The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</u></p> <p>43.5.14.5 <u>Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p>43.5.14.6 <u>Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 43.5.14.1 to 43.5.14.6.</u></p>	<p><u>C</u></p> <p><u>Control is reserved to:</u></p> <ol style="list-style-type: none"> <u>The location, nature and scale of activities;</u> <u>The location, provision, and screening of parking and access;</u> <u>The management of noise, rubbish and outdoor activities;</u> <u>The compliance of the residential unit with the Building Code as at the date of the consent;</u> <u>Health and safety provisions in relation to guests;</u> <u>Guest management and complaints procedures;</u> <u>The keeping of records of RVA use, and availability of records for Council inspection; and</u> <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>

<p><u>43.5.15</u></p>	<p><u>Homestay</u></p> <p><u>43.5.15.1 May occur within either an occupied residential unit or an occupied residential flat on a site, and must not occur within both on a site.</u></p> <p><u>43.5.15.2 Must not exceed 5 paying guests on a site per night.</u></p> <p><u>43.5.15.3 Must comply with minimum parking requirements of standard 29.9.9 in Chapter 29 Transport.</u></p> <p><u>43.5.15.4 Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.</u></p> <p><u>43.5.15.5 The Council must be notified in writing prior to the commencement of a Homestay activity.</u></p> <p><u>43.5.15.6 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</u></p> <p><u>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 43.5.15.1 to 43.5.15.6.</u></p>	<p style="text-align: center;"><u>C</u></p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> a. <u>The location, nature and scale of activities;</u> b. <u>The location, provision, and screening of parking and access;</u> c. <u>The management of noise, rubbish and outdoor activities;</u> d. <u>The keeping of records of Homestay use, and availability of records for Council inspection; and</u> e. <u>Monitoring requirements, including imposition of an annual monitoring charge.</u>
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Appendix 2: Recommendations on Submissions and Further Submissions on the Variations to Chapters 2, 7, 8, 9, 10, 11, 16, 21, 22, 23, 24, 41, 42 and 43