

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act  
1991

**AND**

**IN THE MATTER** of the Proposed District Plan  
Proposed Plan Review (Chapters  
21, 22, 23, 33 and 34)

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**STATEMENT OF EVIDENCE OF CHRISTOPHER BRUCE FERGUSON**

Darby Planning LP (#608)  
Soho Ski Area Ltd (#610)  
Treble Cone Investments Ltd (#613)  
Mount Christina Ltd (#764)  
Lake Hayes Ltd (#763)  
Lake Hayes Cellar Ltd (#767)  
Hansen Family Partnership (#751)

**21 April 2016**

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## **INTRODUCTION**

### **Qualifications and Experience**

- 1 My name is Christopher Bruce Ferguson. I hold the position of Associate Principal with the environmental consultancy firm Boffa Miskell Limited. I am based in Queenstown and have been employed by Boffa Miskell since April 2015.
- 2 I have 20 years' experience as a resource management practitioner and am a full member of the New Zealand Planning Institute. I have held positions as a Planner in both local Government and private practice within Selwyn, Christchurch, and Queenstown Lakes Districts, as well as London, England.
- 3 Prior to commencing employment at Boffa Miskell, I was employed by AECOM New Zealand Limited as a Principal Planner, based in Christchurch. My work experience in Queenstown has included employment with Civic Corporation Ltd from Feb 2000 to Nov 2001, planning manager at Clark Fortune McDonald & Associates Ltd from 2003 to 2010 and then as Director of planning consultancy company Ferguson Planning Ltd.
- 4 I have been involved with many policy processes within Queenstown over the last decade, including Plan Changes 6, 8 and 10 (Amenity in the High Density Residential Zone), Plan Change 11 (Ground Level), Plan Change 19 (Frankton Flats) throughout the process to final environment court decision, Plan Change 30 (Urban Boundary Framework), Plan Change 41 (Shotover Country) as well as preliminary work for the Council on the District Plan review (NPS-REG, Earthworks and Utilities).
- 5 More recently, I have been involved in the preparation of the Jacks Point Zone for inclusion into the Proposed District Plan, including the formulation of the section 32 evaluation and the Chapter 41 package of objectives, policies and rules. This work built on my earlier involvement for the Jacks Point entities involved in private Plan Change 44 and was developed in consultation with the Council for notification with the remainder of the stage 1 topics.
- 6 My work in Christchurch has involved a secondment position with the Canterbury Earthquake Recovery Authority (CERA) providing planning support on several anchor projects as well as submissions for private

clients on the proposed Replacement Christchurch District Plan and hearings before the Independent Hearings Panel.

- 7 In accordance with the directions of the Hearing Panel Chair, this evidence has been prepared and presented in the same manner as expert evidence presented to the Environment Court. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **Scope of Evidence**

- 8 I have been asked to prepare evidence on Chapter 21 Rural Zone and Chapter 22 Rural Residential and Lifestyle of the Proposed District Plan ('PDP') by Darby Planning LP (#608), Soho Ski Area Limited (#610), Treble Cone Investments (#613), Lake Hayes Limited (#763), Lake Hayes Cellar Ltd (#767,) Mount Christina Ltd (#764) and Hansen Family Partnership (#751). For each of the above clients I was involved in the initial assessment of the notified provisions, the preparation of submissions and further submissions.
- 9 Following the minute and directions of the Hearings Panel Chair<sup>1</sup>, this brief of evidence has been structured to include all of the matters involved in this hearing topic, encompassing Chapters 21 and 22. In addition, this evidence has also been prepared in respect all of the submitters I represent within this topic group (as detailed above). I have subdivided this evidence into five sections to present a structured assessment of the issues, as follows:
- (a) Section 1 – Darby Planning LP (#608)
  - (b) Section 2 – Treble Cone Investments Limited (#613) and Soho Ski Area Limited (#610)
  - (c) Section 3 – Lake Hayes Cellar Ltd (#767)
  - (d) Section 4 – Lake Hayes Ltd (#763) and Mount Christina Ltd (#764)
  - (e) Section 5 – Hansen Family Partnership (#751)

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<sup>1</sup> Dated 25 January 2016

- 10 In preparing this evidence I have reviewed:
- (a) The Otago Regional Policy Statement 2013 (“**ORPS**”);
  - (b) The proposed Otago Regional Policy Statement (“**pOPS**”);
  - (c) The section 32 reports associated with Chapters 3, 4 and 6;
  - (d) The relevant submissions and further submissions of other submitters; and
  - (e) The Council s.42A Reports prepared in relation to Chapters 21 and 22 and including the associated evidence prepared by Marion Read and Philip Osborne.

### **EXECUTIVE SUMMARY**

- 11 This evidence has been prepared for the hearing on Chapters 21 and 22 of the PDP. It addresses the key planning issues and matters raised in the submissions to these chapters by Darby Planning LP (#608), Soho Ski Area Limited (#610), Treble Cone Investments (#613), Lake Hayes Limited (#763), Lake Hayes Cellar Ltd (#767), Mount Christina Ltd (#764) and Hansen Family Partnership (#751).

#### *Darby Planning LP*

- 12 In this part of the evidence I focus on a range of changes sought to the objectives, policies and rules for the Rural Chapter to:
- (a) reduce repetition, avoid confusion and to aid understanding;
  - (b) recognise and provide for the value of rural land for a range of activities beyond farming, including conservation, recreation, tourism, employment and pockets of rural living; and
  - (c) simplify the provisions to rationalise consents required and ensure rules are practical and capable of compliance without further guidance or interpretation.
- 13 The Rural Zone is extensive and contains a wide range of activities which are not adequately recognised in the PDP given its current focus on farming as the main and preferred activity within the Rural Zone. In particular the key Objectives and Policies for the Rural Zone<sup>2</sup> need to be

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<sup>2</sup> Objective 21.2.1 and Policies 21.2.1.1, 21.2.1.2, 21.2.10.1, 21.2.10.2 and 21.2.10.3.

amended to clearly include the range of activities occurring in the zone and appropriate to the rural area.

- 14 It is important to ensure that the provisions in the PDP are appropriate and clear, and at present there is a level of repetition and confusion in a number of the rules. There needs to be clarity around what activities are permitted and how rules may be applied to proposed activities.
- 15 Also the rules around building colours and materials need to be refined to allow correct and consistent interpretation and to deal with appropriate materials that may not otherwise meet the precise wording of the rule.
- 16 In addition, the introductions to the assessment matters need to be modified as currently the wording purports to make a determination that activities being considered under a resource consent application are inappropriate.

*Treble Cone Investments Ltd and Soho Ski Area Ltd*

- 17 These submissions focussed on changes necessary to the objectives, policies and rules to enable ongoing use and development within the Ski Area Sub Zones (**SASZs**). In particular they focus on the ability to provide transportation links, the addition of commercial and visitor accommodation activities, and ensuring that the rules are efficient and do not compromise operations.
- 18 I consider that new policies are needed to support Objective 21.2.6 in relation to transportation and commercial and visitor accommodation activities, and similarly changes are needed to some of the associated definitions.
- 19 Transportation connections between the SASZs and the District's transportation network are essential in providing for the use and development of the ski areas, but the current PDP provisions are silent on this issue. I consider it important that there be specific recognition of this at the policy level. In addition consideration needs to be given to terminology with a focus on the proposed new definition for "Passenger Lift Systems" which is supported. Further refinements to the rules are necessary to deal with the range of transportation and access methods in a clear way that is efficient and appropriate to these ski areas.
- 20 Defining Ski Area Activities accurately is important in ensuring all parties have a clear understanding of what use and development is anticipated to

occur within the SASZs. I consider that changes are necessary to expand the nature of recreational activities (better providing for the financial viability of the areas); avoid overly descriptive language whilst giving greater clarity to the activities and land uses; and ensure the component activities within ski areas can continue to sustain the use of this resource.

- 21 While the submissions originally sought to include both visitor and residential accommodation activities within the SASZs, as a means of providing for the needs of workers and staff who might otherwise fall outside of the definition of visitor accommodation. Upon further consideration this discrete issue can be resolved through a rule applying to SASZs recognising the provision of accommodation for workers and staff where the duration of stay does not exceed 6 months. This will provide sufficient flexibility for the use and development within the SASZ without enabling activity that is unrelated to its purpose. Visitor accommodation will be controlled through a restricted discretionary activity rule that seeks to address its effects on the environment with a particular focus on realising positive effects on landscape and ecological values.
- 22 Within the SASZs I consider that informal airports should be given particular recognition because of the regular use of these areas for safety purposes, as well as the amenity expectations for these areas where aircraft are an expected and regular occurrence.
- 23 The changes sought to the indigenous vegetation clearance rules associated within ski area activities within the SASZs are considered an appropriate alternative which relies on other statutes and strategies prepared under other Acts to provide an efficient and effective means of achieving the objectives of the PDP.

*Lake Hayes Cellar Ltd*

- 24 The submission from Lake Hayes Cellar Ltd is focussed on the need to recognise and provide for use and development of the Amisfield facilities and vineyard. Specifically sought in relation to this hearing are provisions to support a commercial overlay over the site and a range of proposed

changes to the objectives, policies and rules for the Rural Residential Zone<sup>3</sup>.

- 25 The proposed objective, policies and rules for the commercial overlay will in my opinion ensure the recognition of this established facility which is not rural in character and will appropriately provide for future development of the site.

*Lake Hayes Ltd and Mount Christina Ltd*

- 26 These submissions seek a number of changes to the objectives, policies and rules of Chapter 22, in order to improve the effectiveness and efficiency of the methods and to also remove any unnecessary restrictions on development.
- 27 It is appropriate that visitor accommodation be a restricted discretionary activity, recognising that this is a common and expected activity in the rural areas where effects can be readily managed within these typically larger sites. I do not consider that full discretionary activity status is necessary given the other restrictions on development in the zone.
- 28 Originally the Mount Christina Ltd submission sought deletion of the maximum building size Rule (22.5.3) with reliance only on the site coverage Rule (22.5.2). I consider that both of these rules could be better refined to work together to deal with the balance of built development to open space on a site (total building coverage) and the scale of structures (individual building limits).
- 29 The submission by Lake Hayes Ltd seeks amendments to the residential density provisions for the Rural Lifestyle Zone. In particular I consider it appropriate that the rules be altered to provide for two dwellings within each identified building platform and that the 2ha average should be reduced to 1ha. Such changes would better recognise the character of these areas and to provide for efficient provision of rural living opportunities on land which the policies recognise as being a finite resource.

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<sup>3</sup> Noting that the relief sought to rezone the site to Rural Residential and provide a commercial overlay will be dealt with in part at the future planning maps hearing.

*Hansen Family Partnership*

- 30 The Hansen Family Partnership submission seeks to ensure that the entitlements for residential development of allotments created under ordinance 6.05.06 of the Transitional District Plan are retained in the PDP and I consider it appropriate to amend the permitted activity rules to ensure that this is achieved.

**STATUTORY FRAMEWORK**

- 31 Section 79 provides for a review of the district plans in the manner set out in Part 1 of Schedule 1 of the RMA.
- 32 In changing the district plan, the Council is required to:
- (a) “give effect to” any national policy statement<sup>4</sup>
  - (b) “give effect to” any regional policy statement<sup>5</sup>
  - (c) “must not be inconsistent with” a regional plan<sup>6</sup>
  - (d) “have regard to” any proposed regional policy statement<sup>7</sup>.
- 33 The Council s.32 reports have identified the provisions of the operative and proposed Otago Regional Policy Statements but has not identified any relevant provisions of any National Policy Statement. In relation to the scope of the topics within this hearing and raised through the submission by Darby Planning LP, I agree there are no other higher order documents of relevance to the submissions I address.
- 34 The relevant policies of the ORPS are contained within **Appendix 2** with the relevant provisions of the pRPS contained within **Appendix 3**. These provisions have been referred to throughout the analysis of the higher order objectives and policies and have been considered throughout the changes to the PDP below.

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<sup>4</sup> s.75(3) Resource Management Act 1991

<sup>5</sup> Ibid

<sup>6</sup> s.75(4) Ibid

<sup>7</sup> s.74(2) Ibid



**SECTION 1 – DARBY PLANNING LP (#608)**

- 35 The submission by Darby Planning LP ('DPL') is an umbrella submission to address the strategic parts of the PDP and to compliment the relief sought within the submissions from related entities each having more site specific interests, including:
- (a) Glendhu Bay Trustees Limited (#583) – the owner of land on the shores of Lake Wanaka, at Glendhu Bay and containing the approved Parkins Bay Preserve development
  - (b) Soho Ski Area (#610) – a developing ski area located on the southern and western slopes of Mount Cardrona
  - (c) Treble Cone Investments (#613) – an established ski area located at Treble Cone, on the West Wanaka Road
  - (d) Jacks Point entities (#762 and #856) – a range of entities with land interests within the Jacks Point zone
  - (e) Lake Hayes Ltd (#763) – the owner of land located within the rural lifestyle zone on Hogans Gully and the Arrowtown - Lake Hayes Road
  - (f) Lake Hayes Cellar Ltd (#767) – the landowner of land containing the Amisfield Bistro and Cellar Door on the Arrowtown – Lakes Hayes Road
  - (g) Mount Christina Limited (#764) – the owner of the land within the rural residential zone near Mount Christina alongside the Glenorchy - Paradise Road, approximately 440 m south of Lovers Leap Road and 12 km north of Glenorchy Township.
  - (h) Morven Ferry Limited – the owner of land within the rural zone near Morven Ferry Road and further submitter (FS-1327) to the original submissions by Barnhill Corporate Trustee Ltd (#626)
- 36 These entities have interests in a range of locations throughout the district, and are subject to different zones and landscape classifications, and different land use and management aspirations.

### **Summary of position from Strategic Directions Hearing**

- 37 In the hearing for the strategic directions chapters, my evidence noted that the Rural Zone occupies by far the largest land area of any zone in the PDP and includes:
- (a) All of the rivers and lakes;
  - (b) All of the national parks and considerable areas of conservation land; and
  - (c) The lowland valleys, hills and mountain ranges.
- 38 Within this area are a range of activities important to the District's economy, including all of the District's ski areas (recreation), all of the water based activities (all of the Jet Boat operators, the Earnslaw and other water based activities), a network of back country walking tracks and one Great Walk and the network of other locally developed cycle and walking trails (Wakatipu Trails Trust).
- 39 In particular I noted that the provisions in the Plan as notified establishes an unreasonable preference to farming activities for the protection of the District's landscapes. Farming is an important activity for management of land within the rural areas and is complimentary to many other activities existing on rural land. However, I consider this focus too prescriptive in having this preference for farming and that the focus of the policies should be on ensuring any activity is undertaken in a manner that has regard to and addresses effects, particularly on landscape values.
- 40 This evidence is prepared on the basis of the position advanced through my initial evidence to the Panel (differently comprised) at the strategic directions hearing.

### **Summary of Proposed Relief**

- 41 The key drivers for and rationale behind the changes sought to the objectives, policies and rules by DPL for the rural chapter are as follows:
- (a) To reduce repetition, avoid confusion and to aid understanding;
  - (b) To recognise and provide for the value of rural land as a resource which enables a broader range of activities than farming and includes conservation, recreation activities, tourism, employment and pockets of rural living.

- (c) To support the general approach taken to decrease the number of resource consents required for building, use or management within the rural areas and ensure that any related new rules to control the visual impact of buildings are practical and capable of compliance without further guidance or interpretation.
- 42 These key drivers follow similar themes advanced at the initial hearing on the strategic directions chapter<sup>8</sup>, although the provisions of Chapter 21 do not directly replicate the provisions within the higher order chapters regarding the management of landscapes through farming as a preferred activity.
- 43 The proposed relief sought within the submission by DPL to the Rural Chapter of the PDP is set out within the Summary of Relief Sought table contained within **Appendix 1**.

#### **S.42A Report**

- 44 The recommendations contained within the s.42A report in relation to Objective 21.2.1 focus on whether the wording of the objective is appropriately outcome/goal focussed and on the appropriateness of the use of the word “protect” in the context of the objective.
- 45 The s.42A report accepts in part the changes suggested to policies 21.2.10.1, 21.2.10.2 and 21.2.10.3, and states *“I consider that the suggested changes have merit where they broaden the range of land uses that are applicable to the objective and related policies, providing the objective supports the sustainability of natural resources, both in the productive/efficient use context and in terms of the protection of landscape and natural resource values. ... By contemplating a broader range of activities, these modifications would also make the objective more 'effects' based in that the objective supports a broad range of activities on the basis that the Rural Zone's natural and physical resources are managed sustainably.”*<sup>9</sup>. However in relation to policy 21.2.1.1 the report continues to recommend that the word “protecting” be included in the policy.

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<sup>8</sup> Statement of Evidence of Christopher Bruce Ferguson, 29 February 2016.

<sup>9</sup> S.42A report, paragraphs 13.42 and 13.43.

- 46 The Darby LP relief sought in relation to Policy 21.2.1.2 does not appear to be specifically addressed in the S.42A report.
- 47 The s.42A report accepts the retention of the status of Rules 21.4.2, 21.4.3, 21.4.7, 21.4.8, 21.4.12 and 21.4.25. However the report does not accept the additional wording sought within Rule 21.4.6.
- 48 The S.42A report has made some changes to rule 21.5.15 in relation to exterior colours of buildings, however no comparable changes are recommended to rule 21.5.19.
- 49 In relation to assessment matters 21.7.1 and 21.7.2, the S.42A report recommends retaining the initial wording as it is a carryover from the operative Plan, and rejects the Darby LP relief sought.

### **Evaluation**

- 50 Based on the recommendations contained within the s.42A report and the range of submissions on this matter, I consider that while the recommended changes within the S.42A report improve many of the provisions, there is further refinement that should be undertaken and which would be of benefit to all users of the Plan. I have not addressed the submission points in relation to support of Rules 21.4.2, 21.4.3, 21.4.7, 21.4.8, 21.4.12 and 21.4.25 as these are supported by the S.42A report and are largely uncontested.

### **Importance of Rural Land for tourism, recreation and other activities**

- 51 The submission by DPL sought to make a number of changes to the objectives and policies within Chapter 21 Rural Areas to better recognise the value of the rural land resource. These include changes to the following provisions:
- Objective 21.2.1
  - Policy 21.2.1.1
  - Policy 21.2.10.1
  - Policy 21.2.10.2
  - Policy 21.2.10.3
- 52 The DPL submission is seeking to recognise the importance of tourism recreation based activities, employment and a diversity of industries based on the natural and physical resources of rural areas.

- 53 Objective 21.2.1 and Policies 21.2.1.1, 21.2.1.2, 21.2.10.1, 21.2.10.2 and 21.2.10.3 in my opinion do need to be changed beyond that recommended in the S.42A report. I do not consider the changes proposed to the policies go far enough to clearly include the potential range of activities occurring in these zones and which are appropriate to the rural area. I consider it important that these expectations are clearly set out in the policy framework as this will be used to assess future applications and if it is unclear or does not sufficiently cover the matters important to the Plan then it will not ensure consistent administration of the Plan.

*Objective 21.2.1*

- 54 The changes to Objective 21.2.1 sought within the submission by DPL sought to broaden the scope of land use activities and on reflection this approach may have had the effect of expanding issues too far and losing the thrust of the objective to manage farming and rural activities. However, I do not consider that the wording recommended in the S.42A report is sufficiently clear in providing the balance between enabling appropriate rural based activities and recognising the important values in the rural environment. I also consider that the underlying theme of managing farming activities should include rural activities as a slightly broader but related descriptor. Below is a slightly reworded Objective 21.2.1 designed to capture the issues above.

*Landscape values, the function of important ecosystems, nature conservation value and rural amenity values are maintained and enhanced by rural activities including farming.*

*Objective 21.2.10 and Policies 21.2.10.1 to 21.2.10.3*

- 55 Objective 21.2.10 and the related Policies 21.2.10.1 to 21.2.10.3 establish a framework of methods that provide a platform for the diversification of farming and other rural activities. Their collective purpose is to maintain the viability of farming and to provide for the long term (financial) sustainability of farming occurring within rural areas.
- 56 The submission by DPL sought to expand these policies to enable a range of complementary recreation, tourism, residential and visitor accommodation activities within rural areas. The s.42A report incorporates some of these concepts into the amended Policy 21.2.10.3, but not Policies 21.2.10.1 or 21.2.10.2.

- 57 The wording of Policy 21.2.10.1 (as notified) is reasonably broad and the changes sought by DPL were to clarify the type of “revenue producing activities” that might be contemplated as a means of supporting the long term sustainability of farms. The DPL submission also promotes a comprehensive approach to managing the natural and physical resources of the rural area when considering non-rural activities. This would in my view balance the enabling focus of the policy to encompass broader environmental considerations and the balance of the policy framework for the rural zone. Having regard to the notified and s.42A changes to this policy, the changes sought in the submission by DPL are considered a more effective and efficient means of achieving the objectives of the PDP.
- 58 The changes sought to Policy 21.2.20.2 are similar to Policy 21.2.10.1 in trying to identify the range of “revenue producing activities” anticipated for rural areas. As above, these changes sought by the DPL submission are considered a more effective and efficient means of achieving the objectives of the PDP.

*Policy 21.2.9.2*

- 59 The notified version of this policy is to:
- Avoid the establishment of commercial, retail and industrial activities where they would degrade rural quality or character, amenity values and landscape values*
- 60 The further submission by DPL to Queenstown Park Ltd supports replacement of the word “avoid” with more balanced language. The s.42 report acknowledges that the policy could be phrased better, but recommends maintaining avoid through the following amended wording.
- ~~Avoid~~ Provide for the establishment of commercial, retail and industrial activities only where ~~they~~se would ~~degrade~~ protect, maintain or enhance rural ~~quality or character, amenity values and~~ landscape values.*
- 61 I support this revised version of Policy 21.2.9.2 as it now provides for protection, maintenance or enhancement, enabling a more balanced approach to the values of the rural character, amenity or landscape.

**Reducing Complexity / Appropriate provisions**

- 62 In relation to ensuring that the Plan provisions are appropriate, the submission by DPL supported Rules 21.4.2, 21.4.3, 21.4.7, 21.4.8,

21.4.12, and 21.4.25. The submission by DPL also sought to add clarification within Policy 21.2.1.2, Rules 21.4.6, 21.5.15, and 21.5.19, and within assessment matters 21.7.1 and 21.7.2.

*Rule 21.5.15 Buildings and Rule 21.5.19 Exterior colours of buildings*

- 63 In relation to the rules regarding exterior materials of buildings (rules 21.5.15 and 21.5.19), I agree with many of the proposed changes in the S.42A report, except for the approach recommended to dealing with natural materials (e.g. wood and stone) that relies on discretion being applied to the application of the rule. The wording suggested in the S.42A report seeks to clarify that the “other surface” finishes requirement *“Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.”* The use of such wording within a rule introduces uncertainty and would require a ruling from the Council to deem whether the rule is met or not for every proposal seeking to use such materials. Whilst I appreciate the difficulty in being prescriptive within the rule, this recommended wording is inappropriate and uncertain.
- 64 The particular material raised within the DPL submission is schist. This is a commonly used building material within the Queenstown Lakes District that has been long regarded as an appropriate building material. Given the potential difficulties in measuring the LRV of a natural material like schist, that is not uniformly the same the colour and has different compositions of minerals, I consider this material best dealt with through an exemption to the rule. This method provides certainty and I consider a more appropriate way to achieve the objectives of the PDP having regard to the notified rule and the proposed changes recommended within the s.42A report.
- 65 I have read and agree with the evidence of Ms Pflüger where she expands on the appropriateness of the difference schist layer finishes, including the bagged schist finish that the evidence of Dr Read considers can be almost as prominent as a concrete wall. I agree with Ms Pflüger that a bagged schist finish, which is different from a rendered concrete plaster finish, has a distinctly different appearance to concrete and is appropriate to the landscape context of the rural, rural lifestyle and rural residential zones of the District.

*Assessment Matters 21.7.1 and 21.7.2*

- 66 The S.42A report recommends retaining the wording within each section of assessment matters 21.7.1 and 21.7.2, which purports to predetermine that all activities considered against these assessment matters are inappropriate in almost all locations within the zone (ONF/Ls) or are inappropriate in many locations (RLC). In my opinion this is inappropriate and unnecessary. It is inappropriate to make such a predetermination within the wording of the assessment matters introduction, particularly as the activities being considered are restricted discretionary and therefore cannot be deemed inappropriate until full assessment has been undertaken. Such wording is unnecessary as the assessment process itself will determine the appropriateness or otherwise of the proposal.

**Section 32AA Evaluation**

- 67 The following summary evaluation has been prepared under section 32AA of the Act to supplement the proposed amendments to the clauses discussed above. S.32AA requires that a further evaluation under sections 32(1) to (4) is necessary for any changes that have been made to the proposal since the evaluation report for the proposal was completed.
- 68 In accordance with s.32AA(1)(c) this evaluation has been undertaken at a level of detail which corresponds to the scale and significance of the changes.

**Submissions and Further Submissions**

- 69 A range of submissions and further submissions were lodged in relation to the provisions discussed above. These vary from those seeking the same or similar relief to those seeking very different changes.

**Proposed District Plan Policy Framework**

- 70 The relevant objective from the PDP is outlined below:

*21.2.1 Objective - Enable farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.*

- 71 The proposed alterations to the wording of the Plan provisions will better provide for the undertaking of appropriate activities within the Rural zone and will assist in ensuring that such areas are protected, maintained or enhanced.



72 In terms of building materials, the most relevant objectives within the plan are contained within Chapter 3 Landscape. Those objectives, amended in accordance with my Evidence in Chief<sup>10</sup> and the s.42A reports for Chapter 6 are as follows:

***Objective 6.3.2** - Avoid remedy or mitigate adverse cumulative effects on landscape character and visual amenity values caused by ~~incremental~~ inappropriate subdivision and development.*

**6.3.3 Objective** - Protect, maintain or enhance the ~~d~~District's Outstanding Natural Features (ONF).

**6.3.4 Objective** - Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).

***Objective 6.3.5** -~~Ensure~~Enable subdivision and development ~~does not degrade~~ which will avoid, remedy, or mitigate any adverse effects on landscape character and ~~diminish~~ visual amenity values of the Rural Landscapes (RLC).*

73 The proposed alterations to the rules within the rural zone relating to building materials and colours are proposed to increase certainty and in doing so will better achieve the relevant objectives from Chapter 6 Landscapes.

**Identification of other reasonably practicable options for achieving the objectives s.32(1)(b)(i)**

74 The reasonably practicable options available to achieve these objectives under the PDP include:

- (a) Retention of the wording as notified;
- (b) Alteration of wording as proposed in the S.42A report; or
- (c) Amendments as proposed in the Darby LP submission and this evidence.

75 Whilst all such variations on wording would, at least in part, achieve the objective set out in the Plan, I consider that the wording proposed in this evidence would be most appropriate in achieving the objective as it is clear and precise and will assist in avoiding confusion and uncertainty.

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<sup>10</sup> Statement of Evidence of Chris Ferguson, 29 February 2016

**Assessment of efficiency and effectiveness of provisions s.32(1)(b)(ii) and s.32(2)(a)**

(a) Effectiveness:

As outlined in the evaluation of the PDP objectives above, the proposed wording will be effective in that it will achieve the objectives of the PDP.

(b) Efficiency:

<b>Benefits</b>	<b>Costs</b>
<p><b><i>Environmental</i></b></p> <p>The proposed wording will ensure the protection of the environmental values inherent in these rural areas.</p> <p><b><i>Economic:</i></b></p> <p>Clarified wording will assist to ensure that appropriate uses can establish in the rural area and that appropriate development is not hindered.</p> <p><b><i>Social and cultural</i></b></p> <p>The community will benefit from clarity within the wording of the Plan.</p>	<p><b><i>Environmental</i></b></p> <p>Changes to the building colours and materials rule to provide an exemption for Schist may fail to capture other equally appropriate natural materials. Although such further changes are possible and would need to be evaluated as part of this process.</p>

- 76 I consider that amending the wording from that notified, and differently from that recommended in the S.42A report will be efficient as the benefits will outweigh any costs. Clarity and precision in Plan wording is important to ensure consistent and appropriate implementation of the Plan.

**Summary of reasons for proposed provisions s.32(1)(b)(iii)**

- 77 The proposed wording changes provide the most appropriate way of achieving the relevant objective of the PDP because:
- (a) They appropriately recognise the range of activities beyond just farming that are occurring within the Rural zone and which are appropriate to the area;
  - (b) They provide certainty and clarity in the wording of the provisions to avoid confusion and inconsistent interpretation of the Plan.

## **SECTION 2 – TREBLE CONE INVESTMENTS LIMITED (#613) AND SOHO SKI AREA LIMITED (#610)**

78 Treble Cone Investments Ltd ('TC') and Soho Ski Area Ltd ('Soho'), own and operate established and developing ski areas within the District. Their submissions to the PDP sought similar changes to the notified provisions in relation to the specific ski area sub zones relating to each land holding and more generally on the objectives, policies and rules relating to ski area activities.

### **Summary of position from Strategic Directions Hearing**

79 In the hearing for the strategic directions chapters, my evidence supported the overall approach taken within the higher order provisions that in my view strike an appropriate balance between recognising the values of these activities to the District's economy while maintaining the values of the natural environment, landscape and amenity values. In particular, I supported a number of amendments to these provisions proposed by the Council's s.42A author to create a new objective 3.2.1.4 and related policy 3.2.1.4.1 seeking to more explicitly recognise the value of tourism to the social and economic wellbeing of the people and communities across the district.

80 The s.42A report also proposed changes to Rule 6.4.1.3 to remove the general exemption for SASZs from the provisions associated with landscape categories and narrowing the exclusion to only landscape assessment matters. The impact of that change would be to subject development within the SASZs to the objectives and policies that apply to the relevant landscape classification (mostly ONL). My evidence suggested that the change proposed in the s.42A report was not deliberate as it did not follow from the preceding analysis and that if it was, the change conflicts with the policy to which the rule relates.

81 This evidence is prepared on the basis of the position advanced through my initial evidence to the Panel (differently comprised) at the strategic directions hearing.

### **Summary of Proposed Relief**

82 The primary focus of the relief sought within the submissions of TC and Soho was to:

- (a) Enable expansion of both SASZs to accommodate connections between the ski areas and the District's transportation network (to be addressed at the relevant hearing on the planning maps);
  - (b) Consolidate the types of activities that may established within the SASZs, including:
    - (i) The addition of commercial activities associated with any recreation activity; and
    - (ii) The provision of on-mountain accommodation.
  - (c) Ensure any of the relevant standards and rules relating to Ski Area Activities do not unduly compromise operations and are the most efficient means to achieve the objectives of the PDP.
- 83 The submissions by TC and Soho sought to:
- (a) change part of the Zone Purpose, to recognise Ski Area Activities undertaken within the SASZs as year round destinations.
  - (b) support the existing Objective 21.2.6 relating to the growth, development and consolidation of existing ski areas.
  - (c) make changes to and add in the following policies:
    - (i) Insert a new Policy 21.2.6.4 (below Objective 21.2.6), as follows:
 

Enable commercial, visitor and residential accommodation activities within Ski Area Sub Zones, which are complementary to outdoor recreation activities, can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.
    - (ii) Insert New Policy 21.2.6.5, as follows:
 

To recognise and provide for the functional dependency of ski area activities to transportation infrastructure, such as vehicle access and passenger lift based or other systems, linking on-mountain facilities to the District's road and transportation network.
  - (d) amend and/or insert the following rules:
    - (i) Move Rule 21.4.18 into Table 7 Standards for Ski Area Activities within the Ski Area Sub Zones.

- (ii) Amend Rule 21.4.25 Informal Airports Located on other Rural Zoned Land; to permit informal airports within an SASZ associated with Ski Area Activities;
  - (iii) Insert a new Rule 21.5.32 (Table 7), to provide for Residential and Visitor Accommodation Activities in the Ski Area Sub-Zones as a restricted discretionary activity.
  - (iv) Amend Rule 21.5.15 Building; to exempt buildings within the SASZs from the standards proposed for building relating to light reflectance values.
  - (v) Amend Rule 21.5.16 Building size; to exempt buildings within any SASZ from the maximum ground floor area standard.
  - (vi) Amend Rule 33.3.4 to insert an exception for indigenous vegetation clearance on land managed under other legislation.
- 84 In addition to these changes, the submissions by TC and Soho also sought to amend the following definitions:
- (a) **Building** - to clarify that passenger lift systems do not fall within the definition of building; and
  - (b) **Ski Area Activities** - to expand the components to this definition to capture the readily understood activities, building and structures erected and undertaken by ski area operators within SASZs. The submission also sought to add visitor and residential accommodation and commercial activities, associated with ski area activities.
- 85 Further details of the changes sought within the submission by TC and Soho to the Rural Area provisions are set out within the relief table in **Appendix 1**.

#### **S.42A Report**

- 86 The recommendations contained within the s.42A report support many of the proposed amendments to the provisions relating to the SASZs including the suggested addition to the Zone Purpose to recognise these areas as year round destinations, the retention of and in places amendments to the key objectives and policies relating to the SASZs, acceptance of the merit for a new policy to recognise and provide for the

functional dependency of ski area activities to the District wider transportation infrastructure (although that did not find its way into the amended chapter provisions), exemption for buildings within SASZs from the building materials and reflectance rules, exempting buildings within the SASZs from the maximum building size rule and providing for visitor accommodation as a restricted discretionary activity and some of changes sought to the definition of Ski Area Activities.

- 87 In addition to accepting these important components of the submissions by TC and Soho, the report also recommends the addition of a new definition of “*Passenger Lift System*” together with changes to the Rule 21.5.28 to delete reference to “*ski tows and lifts*” and replace with Passenger Lift System. A further important recommended change is to amend Rule 21.4.19 “*Ski Area Activities not located within a SASZ*”, to exempt Passenger Lift Systems.
- 88 The s.42A report rejects the exception sought to the indigenous vegetation clearance rule stating that “*irrespective of the status of land allowing the relief would not result in the QLDC fulfilling its functions under section 31 of the RMA*”.

### **Evaluation**

- 89 Based on the recommendations contained within the s.42A and the range of submissions and further submissions made in respect to the provisions relating to the ski areas, the key planning issues I consider necessary to address as part of the hearing on this topic are:
- (a) Transportation connections and provision for Passenger Lift Systems.
  - (b) The definition of Ski Area Activities.
  - (c) The definition of Building
  - (d) Creating an appropriate policy framework relating to commercial, visitor accommodation within SASZs associated within the outdoor recreation activities.
  - (e) The status of Informal Airports within SASZs.
  - (f) Indigenous vegetation clearance in areas managed under other legislation.

- 90 In terms of the submissions by TC and Soho, it is important to also acknowledge that the context for the relief sought in relation to the rural area provisions are the further changes being sought to the planning maps (through a separate hearing) to expand both SASZs. Without delving into the merit of either of these parts of the submissions, their main purpose is to enable appropriate transportation connections to be maintained or developed from the lower connection points onto the District's road network to the on-mountain ski area activities. In my view, there is a disconnect in the manner by which the PDP manages the transportation of skiers from the District's Road to each isolated areas of SASZ in terms of both the policies for these areas and spatial planning outcomes.

### **Transportation connections and provision for Passenger Lift Systems**

- 91 As outlined above, a key component to the submissions by Soho and TC concerns how the Plan recognises and provides for transportation connections between ski areas and the District's transportation network. The issue has significance for ski areas generally, as most are located within discretely identified SASZs that do not connect with the District's roading network. Because of their locations within mountainous areas, somewhat remote from the District's towns and settlements, road based transport is relied on to access these areas.
- 92 The Rural Zone objectives, policies and rules provide for the growth, development and consolidation of ski area activities within SASZs, but are silent on the significant issue of gaining access to those areas. Because of the spatial disconnect between the road access points and the SASZs there is need for the plan to address this issue.
- 93 With this background, the submission by Soho and TC has sought to eliminate this disconnect through the expansion to the boundary of the SASZ together with the addition of a new Policy 21.2.6.5, as follows:

*To recognise and provide for the functional dependency of ski area activities to transportation infrastructure, such as vehicle access and passenger lift based or other systems, linking on-mountain facilities to the District's road and transportation network*

- 94 The s.42A reports accepts the merit for this policy, but fails to include it within the amended chapter provisions. For the reasons outlined above, I

consider the new policy to be an important addition to the group of policies below Objective 21.2.6 relating to the management of the SASZs. I also note the amended wording proposed to Objective 21.2.6<sup>11</sup> is clearer, but I propose a further change to remove the word “encourage” as it is an action more appropriate for a policy. The proposed changes to Objective 21.2.6 are below.

~~Encourage~~ ~~the future of~~ ~~G~~*Growth, development and consolidation of existing Ski Areas Activities within identified Ski Area Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.*

- 95 Related to this issue and the need for the SASZ provisions to recognise and provide for connections to these areas, other submitters<sup>12</sup> have sought the introduction of a new definition for “*Passenger Lift Systems*”. This initiative was supported in the further submissions by Soho and TC and has been adopted by the S.42A report and included within the revised chapter. I support the addition of a definition to the plan for Passenger Lift Systems and this reflects (also identically) the changes sought within the submission by Soho and TC to incorporate passenger lift or other systems into the definition of Ski Area Activity. The way in which the definition is proposed is to set out an inclusive list of systems. In my view the definition would benefit from a minor change to preface the listed examples as “including but not limited to ...” to enable greater flexibility and possible advances in technology that are not contemplated within the current list. My suggested changes to the definition are below:

<p><b><u>Passenger Lift System</u></b></p>	<p><i>Means any mechanical system used to convey or transport passengers within or to a Ski Area Sub-Zone, including <b>but not limited to</b> chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins and structures to enable the embarking and disembarking or passengers.</i></p>
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- 96 The s.42A report follows with changes to the rules linking with the new definition, including Rule 21.4.19 where Passenger Lift Systems are proposed to be exempt from the rule listing of Ski Area Activities not located within a SASZ as a non-complying activity and Rule 21.5.28 Ski

<sup>11</sup> Amended text 13 April 2016

<sup>12</sup> Mount Cardrona Station Ltd (#407)



Tows and Lifts where it is proposed to replace these more specific systems with the new term “*Passenger Lift System*”.

- 97 An important component of the proposed definition of Passenger Lift System is that it is related to the transportation of passengers to or within a SASZ. When this is coupled with the further change to exempt passenger lift systems from the rule listing ski area activities outside of the SASZ, it means that the amended rules for the Rural Zone would not open the door for such systems to be erected on land anywhere within the District. However, with this exemption, I am unclear what the status of the any passenger lift system located outside of a SASZ will be given that Rule 21.5.28 (Passenger Lift Systems) only applies within the SASZ.
- 98 In addition, the definition of Passenger Lift System is limited to cableways and does not include land based vehicle access, being the most common means of currently accessing the SASZs, or enable other passenger transportation systems such as funicular rail.
- 99 In order to address the limitations with the definition of Passenger Lift System and the status of these outside of the SASZ, I propose changes to Rule 21.5.28 to capture Passenger Lift Systems or other transportation systems located outside of a SASZ that are used to convey passengers to and from a SASZ. In terms of land based vehicle access, the existing and proposed rules related to earthworks and indigenous vegetation clearance rules would also exist on top of any consent required as a controlled activity in terms of the suggested changes to Rule 21.5.28. I propose to modify Rule 21.4.19 (Ski area Activities located outside of a SASZ) to provide for Passenger Lift Systems or other transportation and land based vehicle access associated with Ski Area Activities. The proposed change to Rules 21.4.19 and 21.5.28 are detailed below.

	<b>Table 1 – Activities Rural Zone</b>	<b>Activity</b>
<i>Rule 21.4.19</i>	<i>Ski Area Activities not located within a Ski Area Sub Zone, with the exception of <u>Passenger Lift Systems or other transportation system, land based vehicle access, heli-skiing and non-commercial skiing.</u></i>	NC

	<b>Table 7 – Standards for Ski Area Activities within the Ski Area Sub Zones</b>	<b>Activity</b>
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Rule 21.5.28	<p><del><b>Ski tows and lifts</b></del> <b><u>Vehicle Access, Passenger Lift Systems and other transportation systems</u></b></p> <p><b><u>Including, vehicle access, Passenger Lift Systems or other transportation systems located outside of a Ski Area Sub Zone that are used to convey passengers to and from a Ski Area Sub Zone.</u></b></p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> <li>• <i>The extent to which the <del>ski tow or lift or building</del> <b><u>vehicle access, Passenger Lift System or other transportation system</u></b> breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.</i></li> <li>• <i>Whether the materials and colour to be used are consistent with the rural landscape of which the <del>tow or lift or building</del> <b><u>vehicle access, Passenger Lift System or other transportation system</u></b> will form a part.</i></li> <li>• <i>Balancing environmental considerations with operational characteristics.</i></li> <li>• <b>Earthworks associated with the formation of any vehicle access</b></li> </ul>	C
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- 100 The combination of the above changes to the PDP to include a new definition of “Passenger Lift System”, and amendments to Rules 21.5.28 (Ski Tows) and 21.4.19 (Ski Area Activities not located within a SASZ) together with the addition of the proposed new Policy 21.2.6.5, will, if accepted, address the issue identified through the submissions of Soho and TC relating to the disconnect between the Ski Area Activities occurring within the SASZs and providing a means of transporting people to these areas.
- 101 The proposed expansion to the areas of the Cardrona and Treble Cone SASZ boundaries may therefore need to be revisited at the time of the hearings on the planning maps to take into account the alternative approach outlined above. It may well be that the expanded SASZ boundaries are refined to recognise and provide for any non-access based infrastructure closer to the valley floor and the potential of these areas to accommodate summer based recreation activities, rather than primarily as a means of facilitating transportation to the SASZ.

### **Definition of Ski Area Activities**

- 102 The definition of Ski Area Activities is critical to the operation of many of the provisions and for an understanding of the objective relating to the SASZs. In seeking changes to this definition, Soho and TC have sought to expand the nature of recreational activities to provide for the financial viability and ongoing competitiveness of the areas as a social and economic resource for the District; to avoid overly descriptive language that precludes changes in technology while giving greater clarity to the unique range of activities, structures and land use that occur within ski areas; and to ensure the component activities within ski areas continue to sustain the use of this resource for commercial recreation, recreation or skiing related purposes.
- 103 Some, but not all of the suggested changes to this definition have been adopted within the s.42A report. The more significant differences relate to the inclusion of residential and visitor accommodation and commercial activities associated with ski area activities. The evidence of Mr McCrostie examines in further detail the components of the definition and their importance from a strategic and operational perspective. I accept and agree with this evidence.
- 104 The addition of visitor accommodation and commercial activities within the definition was a deliberate attempt to ensure each are related to the purposes of having the SASZ and related to a ski area, commercial recreation or recreation activity. The SASZs are a small but important resource recognised within the Plan and the provision of general accommodation and commercial activities for wider purposes than linked to skiing and recreation, may compromise the ability for SASZs to consolidate ski area activities within identified areas. Inclusion of visitor accommodation within this definition is one of the ways by which the finite capacity of the resource can be sustained while balancing the financial viability and the diversity of experience necessary to remain internationally competitive.
- 105 In my view the suggested changes to the definition of Ski Area Activity sought within the submissions by Soho and TC together with the expanded meaning of visitor accommodation will strike an appropriate balance between recognising and providing for the significant socioeconomic benefits of tourism to the District and protecting the qualities of our Districts landscapes.

- 106 The suggested changes to the definition of Ski Area Activity, incorporating the comments made within the evidence of Mr McCrostie, are set out below.

*Means the use of natural and physical resources for the purposes of ~~providing for~~ establishing, operating and maintaining the following activities and structures:*

- (a) recreational activities either commercial or non commercial*
- (b) chairlifts, t-bars, ~~and~~ rope tows or any passenger lift or other systems to facilitate commercial recreational activities.*
- (c) use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities.*
- (d) activities ancillary to commercial recreational activities.*
- (e) in the Waiorau Snow Farm Ski Area Sub Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.*
- (f) Visitor ~~and residential~~ accommodation associated with ski area activities.*
- (g) Commercial activities associated with ski area activities or recreation activities*
- (h) Guest facilities including ticketing, offices, restaurants, cafes, ~~ski hire-rental equipment~~ and retailing associated with any commercial recreation activity*
- (i) Ski area operations, including avalanche ~~safety control~~ and ski patrol*
- (j) Installation and operation of snow making infrastructure, including reservoirs, pumps, snow makers and associated elements.*
- (k) The formation of trails and other terrain modification necessary to operate the ski area.*
- (l) The provision of vehicle ~~access, parking, and passenger lift~~ or other **transportation system to convey passengers.** ~~access and parking~~*
- (m) The provisions of servicing infrastructure, including water supply, wastewater disposal, telecommunications and electricity*

### **Definition of Building**

- 107 The submissions by Soho and TC sought to amend the definition of building to clarify the status of passenger lift or other systems associated within Ski Area Activities. This issue is relevant to the interpretation of the rules and standards applying to buildings within the rural and SASZs. In

particular the limitations on building height, which would make most passenger lift systems a non-complying activity.

- 108 Under the operative District Plan the definition of building as it relates to passenger lift systems seems to have settled on the side of it not being included within that definition based on the Building Act 1991. Although I understand that the PDP definition relies on the updated Building Act 2004, I consider that for the sake of the more efficient administration of the plan, it would help considerably if the status of passenger lift components was specifically listed as being exempt from the definition of building.
- 109 The s.42A report seeks to defer a consideration of this submission until the hearing on definitions, noting that the potential implications of this change will affected all parts of the District and not just the SASZs. I understand that the explanation of what building is not under s.9 of the Building Act 2004, includes ski tows and other similar standalone machinery systems. The additional clarification would not therefore seek to create an opportunity around the definition of building that does not already exist, rather to clarify the status of a particular structure linked to specific rules within the PDP.
- 110 In my view, granting the relief sought within the submission by Soho and TC is an efficient and effective means of achieving the relevant objectives of the plan that has less transaction and administrative costs.

**Commercial, Visitor Accommodation and Residential Accommodation Activities**

- 111 The s.42A report states that *“As discussed in response to NZ Ski’s submission, I am generally supportive of the opportunity for visitor accommodation, however I do not support residential activity, especially where this would be a precursor to separate land tenure. Treble Cone have not provided any information as to what type of residential activity could be envisaged in these mountainous environments or the impacts on amenity associated with residential activity and subdivision such as the loss of remoteness or isolation, and the impact on the public generally as fee-paying users of Treble Cone’s infrastructure and facilities. Further, I am not necessarily opposed to opportunities for workers accommodation located near the base buildings on the mountain.”*

- 112 The s.42A report does not include any policy supporting this position as put forward in the submission and I consider that it remains important to insert a new policy to address this issue. Such a policy should be worded:

Policy 21.2.6.4 (below Objective 21.2.6)

Enable commercial and visitor accommodation activities within Ski Area Sub Zones, which are complementary to outdoor recreation activities, can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.

- 113 In relation to the inclusion of residential accommodation as a permitted activity within the SASZs, the issues this is seeking to resolve is the definition of visitor accommodation, which provides for a length of stay for any visitor/guest that is less than 3 months. This does not provide for those persons needing or wanting to live within the SASZ for longer periods such as staff, workers or on-site managers.
- 114 As described within the evidence of Mr McCrostie, the purpose of these changes were not to enable permanent living accommodation to be established within the SASZs. Soho and TC are seeking to provide for a style of on-mountain ski area accommodation that provides for visiting guests, staff and workers and custodial managers to use a unit over the course of a summer or winter season. The style of such accommodation does not sit well within the current definitions of either “residential activity” or “Visitor Accommodation”.
- 115 The fundamental difference lies with the duration of stay, which in the case of worker accommodation or other visitor demands, may be for a period of up to 6 months within any given year.

Form of accommodation

- 116 The form of accommodation being contemplated within the SASZs by Soho and TC is within the context of the situation described above and not that of the form of long term permanent living accommodation provided for predominantly residential zones of the PDP. Because of this, the physical effects of the buildings, structures and activities associated with any on-mountain accommodation are likely to be no different. The evidence of Mr McCrostie explains that on-mountain accommodation is likely to comprise:

- (a) Small scale lodges and clusters of small accommodation units in appropriate locations within the SASZ
  - (b) Medium sized lodges located in close proximity to base lodge facilities within the SASZ
- 117 In all instances, accommodation would be linked to the provision of outdoor recreation and/or commercial recreation activities being undertaken on the mountain. Soho and TC do not seek to provide for any form of accommodation within the area of the SASZ that is not associated with this ultimate purpose.
- 118 I acknowledge however that in seeking to provide for residential accommodation along with visitor accommodation, there is the potential for this activity to result in unintended consequences such as to enable permanent living accommodation to be established within the SASZ that isn't associated within a recreation activity.
- 119 A simple and efficient method to address this potential outcome could be through a consequential amendment to the rules within Table 7, applying to Ski Area Sub Zones, recognising that for the purposes of the SASZs visitor accommodation associated with an Ski Area Activity shall not result in a duration of stay for any guests, workers, staff and on-site manager greater than 6 months.
- 120 I note that the definition of visitor accommodation contained within the PDP (as notified), contains the following clause:
- c. Where the provisions above are otherwise altered by Zone Rules, the Zone Rules shall apply*
- 121 This clause enables the rules that apply to the SASZ to alter the meaning of visitor accommodation in a manner that is specific to this zone and within changing the definition of visitor accommodation in a way that would have district wide effect. I set out the wording of this proposed new rule in the discussion relating to the visitor accommodation rule below.
- 122 If the definition of visitor accommodation was expanded through the rule to provide for the specific needs of ski area workers as suggested, the related rules would not need to include residential accommodation.

*The proposed rule framework for visitor accommodation*

- 123 The rule framework for these activities proposed within the submissions by Soho and TC were to link these activities to the purposes of the SASZ through inclusion within the definition of Ski Area Activity and to introduce a new rule requiring resource consent for these activities as a restricted discretionary activity. The proposed rule incorporated a range of elements designed to realise conservation and landscape benefits associated with the development of these activities and in particular:
- (a) The identification and protection of prominent rock outcrops, ridgelines and areas of particular landscape sensitivity;
  - (b) Opportunities to remedy visually adverse landscape effects related to past ski area activities;
  - (c) The identification of streams, wetland, bogs and any habitats of any significant flora and fauna;
  - (d) Measure to enhance degraded habitats and protect any other significant ecological habitats;
  - (e) Effects on landscape and amenity values through the location of sites for all building development;
  - (f) Subdivision layout (if relevant);
  - (g) The protection of areas of open space;
  - (h) Traffic generation, vehicle access and car parking;
  - (i) Scale of the activity;
  - (j) Noise;
  - (k) Hours of operation; and
  - (l) Infrastructure services
- 124 The s.42A report proposes a simpler rule framework that simply lists Visitor Accommodation as a restricted discretionary activity together with a range of matters where the Councils discretion is restricted. With a small addition this approach could also incorporate the positive aspects of the framework of the Landscape and Ecological Management Plan and the related new Policy 21.2.6.4 recognising and providing for visitor accommodation that can realise landscape and conservation benefits. In



my opinion the ability to require those positive actions is important in the SASZ. These components of the rule for visitor accommodation were deliberately aimed at ensuring these activities respect the delicate ecology of the alpine areas and protect the important values of the landscape setting.

- 125 In the event the boundaries of the SASZ change through the hearings on the planning maps, it would be appropriate also for Plan to include a standard specifying the location of any visitor accommodation activity established within the SASZ to avoid this form of development spreading below the snowline and to the valley floor. The risk of this possibility has been raised in the further submission by Mount Cardrona Station Ltd (see below). Based on the evidence of Mr McCrostie, I proposed to insert a new standard restricting visitor accommodation associated with a ski area activity within the SASZ to an altitude of no lower than 1,100 masl. Based on the discussion above on the style of accommodation proposed within the SASZs and in order to realise the landscape and conservation benefits contained within the original submissions, I propose to amend the new visitor accommodation rule suggested within the s.42 report, as follows.

	<b>Table 7 – Standards for Ski Area Activities within the Ski Area Sub Zones</b>	<b>Activity</b>
<i>Rule 21.5.32</i>	<p><i>Visitor Accommodation <b><u>associated with Ski Area Activities and located in a Ski Area Sub-Zone</u></b></i></p> <p><i>Discretion is restricted to all of the following:</i></p> <p>(a) <i><b><u>Scale and intensity of activity and whether these would have adverse effects on amenity, including loss of remoteness or isolation.</u></b></i></p> <p>(b) <i><b><u>Location, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any).</u></b></i></p> <p>(c) <i><b><u>Positive benefits for landscape and ecological values, including:</u></b></i></p> <p><i><b><u>i. The identification and protection of prominent rock outcrops, ridgelines and areas of particular landscape sensitivity;</u></b></i></p> <p><i><b><u>ii. Opportunities to remedy visually adverse landscape effects related to past ski area areas;</u></b></i></p>	<i>RD</i>

	<p><b><u>iii. The identification of streams, wetland, bogs and any habitats of any significant flora and fauna</u></b></p> <p><b><u>iv. Measures to enhance degraded habitats and protect any other significant ecological habitats</u></b></p> <p>(d) <u>Parking.</u></p> <p>(e) <u>Provision of water supply, sewage treatment and disposal.</u></p>	
<b><u>Rule 21.5.33</u></b>	<b><u>Visitor accommodation associated with Ski Area Activities and located in a Ski Area Sub-Zone shall not result in a duration of stay for any guests, workers, staff or on-site manager greater than 6 months in any 12 month period.</u></b>	<b><u>D</u></b>
<b><u>Rule 21.5.34</u></b>	<b><u>Visitor accommodation associated with Ski Area Activities and located in a Ski Area Sub-Zone shall not be located below an altitude of 1,100 m above sea level.</u></b>	<b><u>D</u></b>

126 The further submission made by Mt Cardrona Station Ltd (#407) supports the addition of the proposed rule by Soho relating to residential and visitor accommodation activities, although opposes the proposed extension to the Cardrona SASZ boundary on the basis that this outcome coupled with the new residential and visitor accommodation rule could result in “off-mountain” accommodation being developed below the snowline and at or near the valley floor. Moreover, the relief sought in the submission by Soho could enable “*the potential for urban scale development within areas not anticipated for urban development*”.

127 I do not consider urban scale development as an anticipated outcome possible through the proposed SASZ expansion or enabled through the proposed rule framework, for the following reasons:

- (a) The changes to the rules relating to visitor accommodation, which can provide for the needs of staff, workers and on-site managers for a maximum duration of 6 months will avoid the need to provide for residential accommodation;

- (b) Residential building development would trigger consent as a discretionary activity<sup>13</sup> and would be required to follow the process for building within the rural areas established outside of the SASZ.
- (c) The proposed rule framework for visitor accommodation within the SASZ provides for location as an element of discretion; and
- (d) Through the addition of a new standard requiring that Visitor accommodation associated with Ski Area Activities and located in a Ski Area Sub-Zone shall not be located below an altitude of 1,100 m above sea level.

128 The further submission by NZSki opposes the additions sought to the definition of Ski Area Activity as visitor accommodation is subject to its own definition and would default to making this a permitted activity within the SASZ. As outlined above, the intention is not to enable visitor accommodation as a permitted activity as it is intended this would require consent as a restricted discretionary activity under the new Rule 21.5.32 and 21.5.33.

129 I note that the definition of visitor accommodation contained within the PDP (as notified), contains the following clause:

*c. Where the provisions above are otherwise altered by Zone Rules, the Zone Rules shall apply*

130 It is clear from this clause that the form of the alterations proposed above within the rural zone rules relating to visitor accommodation activities within the SASZs have the effect of altering the definition of this activity without having to do so on a district wide basis. In addition, I have proposed changes to Rule 21.5.32 which ensure it also applies to visitor accommodation “associated with ski area activities and located within a Ski Area Sub Zone”.

131 This wider interpretation of activities listed within the many tables contained within the Rural Zone was the basis for the change sought to clarification Rule 21.3.8 within the submissions by Soho and TC, as follows:

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<sup>13</sup> Rule 21.4.5, Proposed District Plan (as notified)

In the event of a conflict between the rules contained within Table 7 (Standards for Ski Area Activities) with any other rule within Chapter 21, the rules in Table 7 shall prevail.

- 132 In case the Panel do not consider this addition sufficient to address this point, one further consequential amendment can be made to Rule 21.4.18, as follows:

Rule	Table 1 – Activities Rural Zone	Activity
Rule 21.4.18	<i>Ski Area Activities within the Ski Area Sub Zone<sub>1</sub>, <u>except any visitor accommodation associated with any Ski Area Activity which is subject to Rules 21.5.32 and 21.5.33.</u></i>	P

- 133 In my view these changes provide sufficient clarify of the status of visitor accommodation within the SASZs.

#### **Informal Airports**

- 134 The submission by Soho and TC sought to amend Rule 21.5.26 Informal Airports on other rural zoned land, to allow informal airports within a SASZ and associated with Ski Area Activities. The changes have not been analysed or adopted within the s.42A report.
- 135 Within the SASZs it is considered informal airports should be given particular recognition because of the regular use of these areas for safety purposes e.g. transportation of the injured, as well as the amenity expectations for these areas where aircraft (mostly helicopters) are an expected and regular occurrence e.g. heli-skiing.

#### **Chapter 33 Indigenous Vegetation and Biodiversity**

- 136 The submissions by Soho and TC also seek inclusion of an exception to Rule 33.3.4 for indigenous vegetation clearance on land managed under the Conservation Act in accordance with a Conservation Management Strategy or Concession; under the Land Act, in accordance with a Recreation Permit; or the Reserve Act in accordance with a Reserve Management Strategy. The Soho Ski Area is located within Crown Pastoral Lease and is subject to a Recreation Permit under the Land Act. Where land is subject to the framework of such legislation, Soho submitted that it is a duplication of process and therefore inefficient for the District Plan to subject this land to further rules and potential consent processes when such matters have already been considered. Soho seeks

to exempt indigenous vegetation clearance on its land for these reasons and I consider this to be appropriate.

137 In addressing these submissions, the s.42A report considers that this relief be rejected because it would not result in the Council fulfilling its function under s.31 of the Act. This issue will be addressed in more detail within legal submissions, however I understand in preparing a district plan the Council is required to have required to other legislation and this is an efficient means of ensuring ecological values are addressed.

138 In addition, s.32(1) requires an evaluation report to examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –

- (i) *identifying other reasonably practicable options for achieving the objectives;*

139 A consideration of options is not limited to just Resource Management Act 1991 regulation and understanding and incorporating broader context is essential<sup>14</sup> and desirable to inform this evaluative process.

140 The nature of the relief sought by Soho and TC falls within the realm of both a management plan and strategy prepared under other Acts and which has a bearing on the resource management issues relating to indigenous vegetation clearance; and another reasonably practicable option for achieving the relevant objectives of the PDP.

141 For these reasons, I consider the relief sought in the submission by Soho and TC an effective and efficient methods to achieve the objectives of the Plan, having regard to the existence of these non-Resource Management Act 1991 alternatives.

### **Section 32AA Evaluation**

142 The following summary evaluation has been prepared under section 32AA of the Act to support the proposed changes to the rural areas objectives, policies and rules by Soho and TC. S.32AA requires that a further evaluation under sections 32(1) to (4) is necessary for any changes that have been made to the proposal since the evaluation report for the proposal was completed.

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<sup>14</sup> Page 11, A Guide to section 32 of the Resource Management Act 1991, MfE (December 2014)

- 143 In accordance with s.32AA(1)(c) this evaluation has been undertaken at a level of detail which corresponds to the scale and significance of the changes.

### **Submissions and Further Submissions**

- 144 Following the notification of the summary of submissions, four further submission have been made in respect of the Soho submission by New Zealand fire Service (FS-1125), Mount Cardrona Station (FS-1153), Queenstown Park Ltd (FS-1097) and NZSki Ltd (FS-1229). Three further submissions have been made in respect of the TC submissions by New Zealand fire Service (FS-1125), Queenstown Park Ltd (FS-1097) and NZSki Ltd (FS-1229).
- 145 The further submission by the New Fire Service Commission supports in part the proposed changes to the activity status of subdivision.
- 146 The further submission by Queenstown Park Ltd supports all of the changes requested within the submission by Soho to the provisions within Chapter 21 (Rural), including the statement of Zone Purpose, Rule 21.3.3 Clarification, 21.2.6 Objective and changes to the definitions.
- 147 The extent of the further submission by Mt Cardrona Station Ltd is discussed above and, in summary, supports the new Policy 21.2.6.5, supports the changes to the definition of Ski Area Activity, supports the new Rule 21.5.32 residential and visitor accommodation within the SASZ, and opposes in part the proposed extension to the SASZ.
- 148 The further submissions by NZSki Ltd supports the amendments to the statement of zone purpose, the proposed new policy 21.2.6.5 relating to the provision of transportation infrastructure to SASZs, opposes in part the new Rules 21.5.32 and 21.5.33 relating to residential and visitor accommodation; supports the proposed changes to Rule 21.5.15 Building to exempt SASZs, supports the changes to Rule 21.5.16 maximum floor area, supports the exemption to Rule 33.3.4.4 for indigenous vegetation clearance on conservation and reserve land and supports in part the changes to the definition of Ski Area Activities (opposing the addition of visitor and residential accommodation).

## Proposed District Plan Policy Framework

- 149 The relevant objectives from the PDP, as suggested through my evidence at the Strategic Directions Chapter and Landscape Chapter hearing, are outlined below.

### Chapter 3 Strategic Directions

**Objective 3.2.1.3** *Enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.*

**New Objective 3.2.1.4** *Recognise and provide for the significant socioeconomic benefits of tourism activities across the District.*

**Objective 3.2.1.5** *(old Objective 3.2.1.4) –~~Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests~~*

*The natural and physical resources of the rural areas are valued for their potential to:*

- (i) *enable tourism, employment, rural living, visitor accommodation and recreation based activities; and*
- (ii) *accommodate a diverse range of rural based activities and industries, including farming and agriculture, which have a functional need to locate in rural areas.*

- 150 The use and development of the land within the SASZs is an important component of the tourism industry for the District from which a number of socioeconomic benefits are derived. Activities which seek to consolidate ski area activities within the SASZ are considered to implement each of the relevant objectives from Chapter 3 Strategic Directions.

### Chapter 6 Landscapes

**6.3.8 Objective** - *Recognise the dependence of tourism on the District's landscapes.*

- 151 As a part of the methods to implement this objective, Policy 6.3.8.3 seeks to exclude the SASZs from the landscape categories and the full assessment of landscape provisions. On this basis a wider consideration of the objectives relating to any of the Districts landscape values,

including those relating to Outstanding Natural Landscapes or features, is not necessary.

### Chapter 21 Rural Zone

**21.2.6 Objective** ~~–Encourage~~ *The future growth, development and consolidation of ~~existing~~ Ski Area Activities is encouraged within identified Ski Area Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.*

- 152 The focus of the relevant objectives from the rural zone are on growth, development and consolidation of ski area activities within the SASZs. The outcomes sought within this objective are clearly oriented towards further growth, beyond their present day capacity. The changes sought to the provisions to expand the range of ski area activities, to make provision for visitor accommodation associated with ski area activities, providing further clarity around the operational needs of ski areas and ensuring passenger access to and within ski areas, positively implement the relevant objective of the rural zone.

### **Evaluation**

#### **Identification of other reasonably practicable options for achieving the objectives s.32(1)(b)(i)**

- 153 The reasonably practicable options available to provide for the use and development of the land within the SASZ proposed within the submissions by Soho and TC, under the PDP include:
- (a) Retention of the status quo, whereby any proposals relating to:
    - (i) Visitor accommodation
    - (ii) The transportation of users to SASZ's from surrounding rural land
    - (iii) The landing of helicopters
    - (iv) Clearance of indigenous vegetation

are managed through the use of resource consent applications where each are assessed on their merit in an ad hoc manner.
  - (b) Amendments as proposed in the TC and Soho submissions and this evidence.



**Assessment of efficiency and effectiveness of provisions s.32(1)(b)(ii) and s.32(2)(a)**

(c) Effectiveness:

As outlined in the evaluation of the PDP objectives above, explicit provision for visitor accommodation and for transportation of users is considered effective in that it will achieve the objectives of the PDP for recreation and the use and development of the SASZs.

(d) Efficiency

<b>Benefits</b>	<b>Costs</b>
<p><b><i>Environmental</i></b></p> <p>The proposed rule package for visitor accommodation includes the requirement to realise landscape and ecological benefits.</p> <p><b><i>Economic</i></b></p> <p>Provision for commercial and visitor accommodation activities will give increased opportunities for economic benefits in the development of the SASZs, together with supporting financial viability for operations.</p> <p>Enabling on-mountain worker and staff accommodation will be of economic benefit to those working on the mountain who may need to live in close proximity.</p> <p><b><i>Social and cultural</i></b></p> <p>Provision for commercial and visitor accommodation activities will support the ongoing use of the SASZs for ski area activities and will provide for the social and cultural wellbeing of those using these areas.</p> <p>Provision for informal airports within the SASZs will provide for increased safety and support for recreation activities.</p>	<p><b><i>Environmental</i></b></p> <p>Explicitly providing for transportation infrastructure and Passenger Lift Systems may lead to further development of such facilities with associated visibility of this infrastructure.</p> <p>Provision for visitor accommodation on-mountain may be seen by some as an intrusion into the natural environment of the SASZs.</p>

154 I consider that the amendments to provisions relating to the SASZ to provide for the particular form of visitor accommodation, based on an

expanded duration of stay to encompass workers, staff and on-site managers, the changes to the policies and rules relates to transportation of people to the ski areas, the changes sought to the definition of Ski Area Activities and the provision for Informal Airports within SASZs to be efficient as the benefits will outweigh any costs. Clarity and precision in Plan wording is also important to ensure consistent and appropriate implementation of the Plan.

**Summary of reasons for proposed provisions s.32(1)(b)(iii)**

- 155 The proposed changes provide the most appropriate way of achieving the relevant objective of the PDP because:
- (a) They recognise the fundamental importance of transportation to SASZs to the sustainability of their ongoing operation;
  - (b) They provide greater certainty and clarity in the nature of structures and activities including within the definition of Ski Area Activities and Building
  - (c) They provide a better connection between activities proposed to occur within SASZs and the purpose of identifying and providing for SASZs under the PDP; and
  - (d) They enhance safety and provide operational efficiencies by enabling helicopter landings associated within Ski Area Activities within the SASZs.

**SECTION 3 – LAKE HAYES CELLAR (#767)**

- 156 Lake Hayes Cellar ('LHC') owns land at 10 Arrowtown Lake Hayes Road, at the intersection with State Highway 6 and containing the established Amisfield Bistro and Cellar Door and a related area of vineyards to the north. The submission by LHC sought to rezone its land as Rural Residential, to better reflect the character of the area and the surrounding zoning pattern and to recognise and provide for the character of the established commercial activities (cellar door and bistro) through the introduction of a commercial overlay and related provisions.
- 157 The scope of the hearing on this topic is confined to the provisions of the rural residential zone and does not include any of the related changes sought by LHC to the planning maps to rezone its land within the rural residential zone and to create a new commercial overlay.
- 158 The Council's s.42A report notes that a substantial amount of the relief sought relates to the objectives and provisions on the requested commercial overlay and these submission points are deferred to the hearing on mapping. As a result, the s.42A report forms a view that the mapping and related changes to the provisions cannot be considered in isolation and defers further consideration of the LHC submission until the appropriate mapping topic.
- 159 The directions of the panel in dealing with the multiple changes to the PDP are to attend each of the hearings relevant to each topic stream. Accordingly, the structure of this evidence for LHC is to evaluate the proposed changes to the rural residential zone provisions, acknowledging that the hearing on the mapping topics will determine the appropriateness of whether the LHC land is rezoned rural residential, including the addition of a commercial overlay. This approach may also result in some overlap, which is necessary for context and to properly consider the merits of changes to the provisions of this chapter.
- 160 The land to which the LHC submission relates is contained within two certificates of title, legally described as:
- (a) Part Lot 1 DP 326378, being 1.6863 hectares in area and contained within Computer Freehold Register 107260; and
  - (b) Lot 2 DP 326378, being 4.2679 hectares in area and contained within Computer Freehold Register 107261.

161 The combined area of the land subject to this submission is 5.9542 hectares.

### **Background and Resource Consent History**

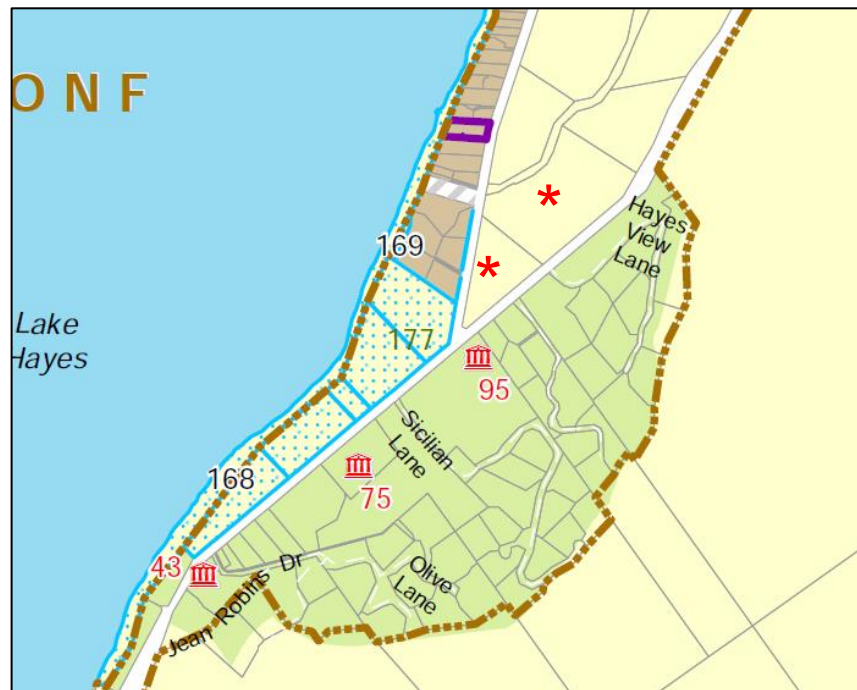
162 Amisfield has become an integral part of the Queenstown Lakes District. Amisfield is recognised, both within New Zealand and internationally, as an iconic destination at which to experience premium New Zealand food and wine in an unrivalled landscape setting.

163 LHC holds approved resource consents, now implemented, to establish and operate a winery (RM970591), to establish signage (RM040075), construction additions to the winery building (RM041030 and RM0060442) and to hold an art exhibition (RM071218).

164 The land has been identified within the rural zone as shown within Planning Map 30 of the PDP. However, the land either side of the site includes the low density residential zone along the western side of the Arrowtown Lake Hayes Road and the Rural Residential zone on the eastern side of State Highway 6. The LHC land occupies a wedge of Rural Zone between these two zones.

165 This part of the rural area forms a part of the Rural Landscape Classification under the PDP. Below is an extract of PDP Planning Map 30 (Lake Hayes) showing the area of the LHC land and surrounding zoning.

Planning Map 30 (Lake Hayes)



**Summary of Proposed Relief**

- 166 The submission by LHC sought to rezone the land subject to this submission as Rural Residential and to identify a Commercial Overlay over that portion of the land located containing the Amisfield Wine Cellar and Bistro within Part Lot 1 DP 326378. The area of the proposed rezoning and Commercial Overlay is illustrated on the map of the proposed Rural Residential zone attached within **Appendix 2**.
- 167 The identification of a commercial overlay for the LHC land results in a range of proposed changes to the objectives, policies and rules for the rural residential zone. The submission also seeks further changes to the zone provisions to improve the effectiveness and efficiency of the methods in achieving the relevant objectives of the plan and to also remove any unnecessary restrictions.

**Commercial Overlay**

- 168 The existing Amisfield Bistro and Cellar Door create a distinctly different character. That character does not reflect the amenity values anticipated for the rural zone, including quietness, rural outlook or open space and in addition does not support farming activities. The purpose of the Commercial Overlay is to recognise and provide for the nature of the established activities, but also to provide a wider base of support in the

PDP to enable the land resource to be diversified into a range of related permanent activities appropriate to these amenities, including:

- Conferences and events
- Weddings and functions
- Exhibitions
- Retail sales of regionally produced food and wine

169 To achieve these objectives, LHC seeks amendments to provisions of the PDP, as follows:

- (a) The identification of a Commercial Overlay over the LHC Land within Planning Map 30 (Lake Hayes);
- (b) The formulation of a new objective and related policies within the rural residential zone relating to the Commercial Overlay;
- (c) The addition of a rule enabling Commercial Activities to occur within the Commercial Overlay as a controlled activity;
- (d) Amendments to various standards for building within the Commercial Overlay, including an increase to building coverage to 35% and exemptions from the building materials colour rule; and
- (e) The additional of appropriate standards for noise within Chapter 36 (noise) relating to activities within the commercial overlay.

170 The LHC submission seeks to introduce a new Objective 22.2.8, as follows:

**22.2.8 Objective – Commercial Overlay. Recognise and provide for the non-residential character of the commercial overlay, which is distinct from other parts of the Rural Residential Zone.**

171 The policies which are proposed to implement this objective are:

22.2.8.1 To enable commercial activities within the commercial overlay, where their effects on the environment can be appropriately managed.

22.2.8.2 To encourage building associated with commercial activities within the commercial overlay to achieve a high level of design and external appearance.

22.2.8.3 To recognise the scale of building associated with commercial activities within the commercial overlay as being greater than development anticipated within the rural residential zone.

22.2.8.4 To recognise that noise and hours of operation of activities located within the commercial overlay difference in character from the surrounding residential and rural residential zones.

172 The rules that are proposed to implement the objectives and policies for the commercial overlay, are:

- (a) The addition of a new rule within the Activity Table 1, providing for Commercial Activities within the Commercial Overlay as a controlled activity, as follows:

Table 1	Activities – Rural Residential and Rural Lifestyle Zones	Activity Status
<u>Rule 22.4.X</u>	<p><b><u>Commercial activities located within the commercial overlay.</u></b></p> <p><b><u>Councils control is limited to:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>The bulk, location and external appearance of the building</u></b></li> <li>• <b><u>Traffic generation, access and parking</u></b></li> <li>• <b><u>Servicing infrastructure</u></b></li> <li>• <b><u>Signs</u></b></li> <li>• <b><u>Landscaping</u></b></li> </ul>	<b><u>C</u></b>

- (b) Amendments to Rule 22.5.1 Building Materials and Colours, as follows:

*All buildings, **except within the commercial overlay and subject to [insert new Rule 22.4.x]**, including any structure larger than 5m<sup>2</sup>, new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape:*

....

- (c) Amendments to Rule 22.5.2 Building Coverage, as follows:

*The maximum ground floor area of any building shall be 15% of the net site area, **except within the commercial overlay where the maximum ground floor area of any building shall be limited to 25% of the net site area.***

*Discretion is restricted to all of the following:*

- *The effect on open space, character and amenity.*
- *Effects on views and outlook from neighbouring properties.*

- *Ability of stormwater and effluent to be disposed of on-site*

### **S.42A Report**

- 173 The s.42A report does not address most of the key aspects of this submission as it considers the relief sought to be out of scope of this hearing stream and that they should be deferred to the hearing on mapping.
- 174 The report did however accept in part some of the other wording changes suggested to objectives and policies.

### **Evaluation**

- 175 In relation to the changes sought to the wording of Objectives 22.2.1, 22.2.2 and 22.2.3, I consider that the wording recommended in the S.42A report essentially reflects the relief sought by LHC. I consider the amendments provide better clarity and are framed appropriately as objective statements.
- 176 I consider it essential at this time to consider the need for appropriate objective and policy framework that contemplates a commercial overlay (noting that the actual zoning and overlay issue may be dealt with later at the mapping hearing). Without the proposed new Objective 22.2.8 and associated new Policies 22.2.8.1-22.2.8.4, there would be no policy support for such an overlay and therefore an absence of understanding of the purpose and extent of the overlay. These provisions have been carefully worded to provide clarity around the intent for establishment of the overlay to recognise the established and unique characteristics of this site and to provide for their continued use and development as an important part of the district. These provisions specifically provide for the relaxation of some built form standards to recognise that the activity on the site is different from what is intended for the wider Rural Residential environment.
- 177 Associated changes to rules<sup>15</sup> are also necessary to provide for ongoing development in the commercial overlay as a controlled activity and to increase building coverage potential on the site. Such changes to the rules will assist to give certainty to the landowner and the wider

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<sup>15</sup> Rule 22.4, Table 1, rule 22.5.1, rule 22.5.2 and Rule 22.5.3.



community that the consented and anticipated future development of the site remains appropriate and able to be achieved.

- 178 I consider that these additions are important to be considered at this time and in this respect I note that there does not appear to be any concern raised through any other submissions regarding this approach.

### **Section 32AA Evaluation**

- 179 The following summary evaluation has been prepared under section 32AA of the Act to supplement the proposed rezoning sought for the LHC land to Rural Residential with Commercial Overlay. S.32AA requires that a further evaluation under sections 32(1) to (4) is necessary for any changes that have been made to the proposal since the evaluation report for the proposal was completed.
- 180 In accordance with s.32AA(1)(c) this evaluation has been undertaken at a level of detail which corresponds to the scale and significance of the changes.

### **Further Submissions**

- 181 Following the notification of the summary of submissions, two further submissions have been made in respect of the original submission by LHC, including by Straterra (#FS-1015) and New Zealand fire Service (FS-1125).
- 182 Straterra opposed the proposed changes to Policy 22.2.2.3, but sought for the submission to be allowed subject to amendments, as follows:

*Discourage commercial and non-residential activities in areas outside of the commercial overlay, including restaurants, visitor accommodation and industrial activities where the amenity, quality and character of the Rural Residential and Rural Lifestyle zones would be adversely affected, **except in the case of location-specific and/or temporary activities**, and the vitality of the District's commercial zones is **maintained** ~~not undermined~~.*

- 183 The suggested changes from Straterra do not undermine principle changes relating to the commercial overlay being sought by LHC.
- 184 The further submission by the New Zealand Fire Service Commission relates to the changes sought to the status of subdivision and again, do not oppose the changes relating to the commercial overlay.

- 185 In summary, there have been no further submissions in respect to the LHC submission opposing the proposed rezoning, creation of the Commercial Overlay or of the addition of any of the new objective, policies or rules relating to the commercial overlay.

### **Proposed District Plan Policy Framework**

- 186 The relevant objectives from the PDP are outlined below.

#### Chapter 3 Strategic Directions

*Objective 3.2.1.2 Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas in the District.*

- 187 The LHC land has developed as an important commercial activity servicing key employment functions. The proposed changes will provide greater recognition of the local service and employment functions located on the LHC site and this reinforces Objective 3.2.1.2.

*Objective 3.2.5.2 Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.*

- 188 The site falls within an area of Rural Landscape Classification in terms of the mapping included within the PDP. Rezoning to Rural Residential will provide additional development opportunity, particular over the northern part of the site located on Lot 2 DP 326378, enabling resultant landscape change.

- 189 In landscape character terms the land forms a part of the gradually sloping terraces below Morven Hill and where residential development dominates. Any new development in this area would continue the current rural residential development, in character with existing development in the area, but not to the same density as the residential land to the west. The two road boundaries provide an obvious partition, further flanked by a heavy screen of established vegetated. This is in contrast to the more open and steeper slopes of Morven Hill further north and east. Extending the zone to take in the adjoining land at Lot 2 DP 326378 enables a northern edge to be formed that extends across to match with the rural residential zone aligning the eastern side of State Highway 6. In this way the creation of the rural residential zone will read as a coherent part of the landscape with well-defined edges and located within a part of the

landscape where adverse effects on the rural landscape are minimised to achieve Objective 3.2.5.2.

- 190 Ms Pflüger notes that the site currently does not display the landscape characteristics generally associated with the Rural Zone due to the existing level of development and that the restrictions in the rules proposed would ensure rural amenity experienced from outside the site can be maintained.

*Objective 3.2.5.3 Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.*

- 191 As identified above, the land forms part of the same landscape that provides for existing rural residential development and is associated with the dominant residential character along the lower slopes of Morven Hill and around the periphery of Lake Hayes.

- 192 Enabling further residential development by rezoning the LHC site and the land to the land to Rural Residential would therefore appropriately direct new residential subdivision and development to areas which have potential to absorb change without detracting from landscape and amenity values to achieve Objective 3.2.5.3

*Objective 3.2.5.4 Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.*

- 193 Rezoning of the site to Rural Residential positively implements Objective 3.2.5.4 by enabling lifestyle living opportunities within an area where there is capacity to absorb change without detracting from landscape and visual amenity values.

*Objective 3.2.6.2 Ensure a mix of housing opportunities*

- 194 Rural living is a form of housing at the low end of the density spectrum and will therefore help to ensure a mix of housing opportunities are provide across the District.

### Chapter 6 Landscapes

*6.3.1 Objective - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.*

- 195 As identified above, the site is associated with the dominant residential character of land below Morven Hill and around Lake Hayes, and has a higher ability to absorb change. Consequently those parts of the Rural Landscape Classification which are more open and do not have ability to absorb change will be protected from inappropriate subdivision and development to achieve Objective 6.3.1.

*6.3.2 Objective - Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.*

- 196 The proposed relief seeks to achieve greater definition of the zone boundary, which is based on topography and landscape character. Because it will better relate to the existing zoning pattern, the proposal will not increase the potential for adverse cumulative effects.

*6.3.8 Objective - Recognise the dependence of tourism on the District's landscapes.*

- 197 The Amisfield Bistro and Cellar Door are an important part of the tourism infrastructure, which makes an important contribution to the economic well-being of the District. The provisions seek to make greater recognition of this significance through the creation of the Commercial Overlay to the Rural Residential zone, positively implementing Objective 6.3.8.

**Identification of other reasonably practicable options for achieving the objectives s.32(1)(b)(i)**

- 198 The reasonably practicable options available to provide for the use and development of the site under the PDP include:
- (a) Retention of the *status quo* where all of the site is located within the Rural Zone and continued use and development is managed through resource consent.
  - (b) Rezone all of the land as Rural Residential
  - (c) Rezone all of the land as Rural Residential with the addition of a Commercial Overlay across the LHC site.
- 199 Retaining the Rural General Zone would ensure those objectives of the PDP aimed at managing the effects of subdivision, use, and development within rural landscapes are achieved. However, unlike the Rural Residential zone, it would not assist in directing additional rural lifestyle development to appropriate locations to maintain qualities of the wider

rural landscape, or assist to ensure mix of housing opportunities are provided. Retention of the *status quo* also relies on managing the continued commercial activities through existing resource consent conditions and any further development or changes through further resource consent on an ad-hoc basis.

- 200 A Rural Residential zoning would direct new subdivision, use or development to an area of the landscape with potential to absorb change without detracting from landscape values (Objective 3.2.5.3), avoid adverse cumulative effects on landscape character by creating a more legible boundary to the Rural Residential zone on both sides of State Highway 6 (Objective 6.3.2), and will be located within a part of the landscape with similar character and ensure a mix of housing opportunities (Objective 3.2.6.2).
- 201 With the addition of the Commercial Overlay, the provisions will carry the same benefits as the Rural Residential zone achieves by itself, but has the further advantage of implementing in a more positive way Objective 6.3.8 recognising the dependence of tourism on the District's landscapes and Objective 3.2.1.2 by recognising, developing and sustaining the key local service and employment functions served by commercial centres outside of the Queenstown central business areas.
- 202 In addition, the proposed new policies and changes to the rules are practical in ensuring that the commercial overlay approach is clear and able to be appropriately interpreted.

**Assessment of efficiency and effectiveness of provisions s.32(1)(b)(ii) and s.32(2)(a)**

(a) Effectiveness:

As outlined in the evaluation of the PDP objectives above, rezoning the site to Rural Residential will be effective in that it will achieve the objectives of the PDP.

(b) Efficiency

<b>Benefits</b>	<b>Costs</b>
<p><b><i>Environmental</i></b></p> <p>Rural Residential zoning over the land would allow additional residential development opportunities in an area where visual change can be absorbed,</p>	<p><b><i>Economic</i></b></p> <p>Overdevelopment of the area would lead to a loss of landscape amenity values and therefore a reduction of visitors to the area.</p>

<p>thereby reducing pressure for development on other rural locations where there is a finite capacity for residential activity.</p> <p><b>Economic:</b></p> <p>The addition of the Commercial Overlay will better recognise and provide for the operation tourist related infrastructure, which serves an important employment function and contributes to the economic wellbeing of the District.</p> <p><b>Social and cultural</b></p> <p>Rural Residential zoning over the land the site would provide additional low density housing opportunities in an area where residential activity is the predominant use. It would also help to better define the edge to the zone recognising the character of the landscape and existing zoning patterns.</p>	<p><b>Social &amp; Cultural</b></p> <p>Insensitive development would negatively impact on landscape amenity and the character of the area.</p>
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- 203 Compared with retaining the Rural General zone, rezoning to Rural Residential with a Commercial Overlay covering the LHC site will be efficient as the benefits will outweigh any costs. While rezoning would facilitate some loss of rural land, that economic cost is low because of the relative small size of the land and the nature of the existing non-rural uses. Furthermore that loss will be compensated by reducing pressure for residential development in other rural locations and the better recognition of the use and development of tourism infrastructure on this land.

**Summary of reasons for proposed provisions s.32(1)(b)(iii)**

- 204 The Rural Residential zone and Commercial Overlay, with associated objective, policies and rules provides the most appropriate way of achieving the relevant objectives of the PDP because:
- (a) It provides additional low density rural living opportunities in an area where such development would be consistent with the dominant character, and there is capacity to absorb visual change without degrading landscape character or visual amenity values;

- (b) In so doing, it will reduce pressure for such development in other areas of the rural environment where there is finite capacity for residential activity; and
- (c) It will recognise and provide for the use, development and consolidation of commercial activities on the land that is an important part of the tourist infrastructure and will provide for the economic wellbeing of the District.

**SECTION 4 – LAKE HAYES LTD (#763) AND MOUNT CHRISTINA LTD (#764)**

- 205 Lake Hayes Ltd (LHL) owns land at 270 Arrowtown Lake Hayes Road, located on the south-eastern corner of Arrowtown Lakes Hayes Road and Hogans Gully Road. The site is located at the bottom of a broad valley that extends along Speargrass Flat and a part of Hogans Gully Road. Towards the southern part of the site the topography rises through a series of rolling hills. An escarpment lies close to part of the western boundary parallel and the Arrowtown Lake Hayes Road. Vegetation within the site is dominated by pasture grasses with several mature stands of exotic trees. Building development includes a single dwelling centrally located above the valley floor, horse stables to the north and a semi enclosed barn alongside the boundary with Hogans Gully Road. Consent has been recently granted to locate a cottage on the property. Vehicle access is established to the main dwelling from the Arrowtown Lake Hayes Road. There are no natural watercourses within the site, although a drain runs east – west, approximately mid-way along the site.
- 206 Mount Christina Ltd (MCL) owns land alongside the Glenorchy - Paradise Road, approximately 440 m south of Lovers Leap Road and 12 km north of Glenorchy Township. The site is an area of land forming part of the Earnslaw Station, located below the north western flanks of Camp Hill to the south of the Earnslaw Burn and a short distance from the boundary of the Aspiring National Park. The Dart River passes the site a few kilometres to the west and the entrance to the Rees Valley to the south east.

**Background and Resource Consent History**

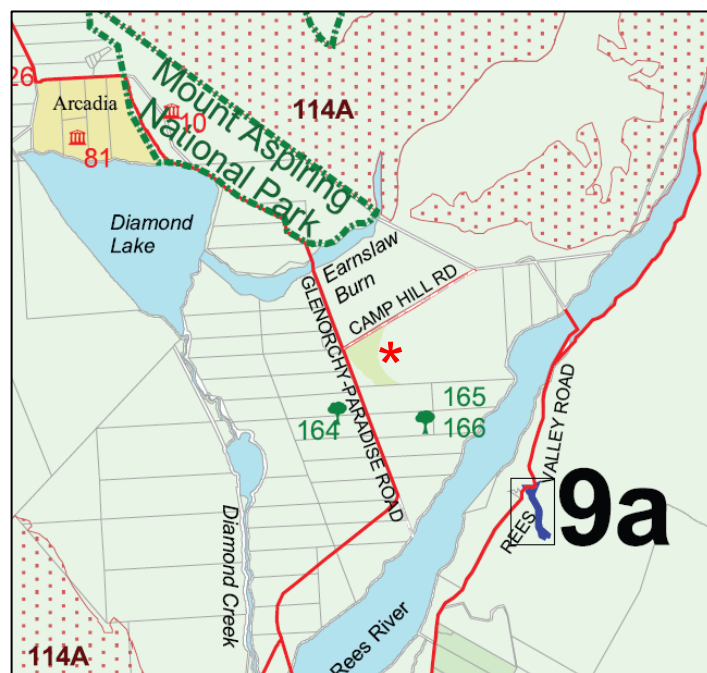
- 207 MCL holds an approved resource consents for the subdivision of the site into 26 rural living allotments located within the rural residential zone and partly within the rural general zone. That original subdivision consent RM050144 has been since varied and implemented in part with an extension given to the lapsing date, to now lapse on 9 May 2017.
- 208 As is recorded within the decision of the Commissioner on RM050144, the zoning of the rural residential part of the site does not follow existing topography and has “slipped” to the west with the result that a large space has been created between the zones eastern edge and the base of Camp Hill. The Council Commissioner for that resource consent accepted that



*“the majority of the proposal would fall within the more logical topographical area described by Messrs Kirkland and Hohneck as the intended extent of the Rural Residential Zone”.*

- 209 As part of this proposal two large areas of land located within the Rural General Zone (operative District Plan) were identified for view protection purposes. Within these areas it is proposed to prevent the erection of any buildings or other structures and for their maintenance in natural pasture in perpetuity.
- 210 The rural area surrounding this zone falls within an outstanding natural landscape. Below is an extract of PDP Planning Map 9 (Glenorchy Rural, Lake Wakatipu) showing the area of the MCL land and surrounding zoning.

Planning Map 9 (Glenorchy)



### **Summary of Proposed Relief**

- 211 The submission by Lake Hayes Ltd supports the zoning of Rural Lifestyle as proposed in the notified plan. The submission by Mount Christina Ltd seeks to expand the Rural Residential zone applied over part of the subject land. These rezoning requests will be addressed further in later evidence for the planning map hearing.
- 212 In relation to this hearing and specifically relating to Chapter 22 Rural Residential and Rural Lifestyle, the submissions by Lake Hayes Ltd and

Mount Christina Ltd are very similar in that they seek a number of changes to the objectives, policies and rules of Chapter 22. These changes are proposed in order to improve the effectiveness and efficiency of the methods in achieving the relevant objectives of the plan and to also remove any unnecessary restrictions on development.

213 Specifically they seek:

- (a) Minor text changes to Objective 22.2.1, Objective 22.2.2, Policy 22.2.2.3, and Objective 22.2.3, relocation of Policy 22.2.1.7 to sit under Objective 22.2.3, and deletion of Policy 22.2.3.1.
- (b) Amendment of the status of visitor accommodation activity from non-complying to restricted discretionary in Rule 22.4.1.
- (c) Support for the permitted activity status for building under Rule 22.4.2 and permitted activity status for residential activities under Rule 22.4.5, and amendments to Building Materials and Colours Rule 22.5.1.
- (d) Support for Rules the permitted activity status of Residential Flats under Rule 22.4.6 and building coverage of 15% within rural residential zones under Rule 22.5.2, but deletion of the maximum size of buildings under Rule 22.5.3 (Mt Christina Ltd).
- (e) Amendments to, or deletion of, the standards applying to residential density, including Rules 22.5.12.1 (one residential unit per platform), Rule 22.5.12.2 (one residential unit on sites less than 2ha) and Rule 22.5.12.3 (an average density of one residential unit per 2 ha) (Lake Hayes Ltd).

#### **S.42A Report**

214 The recommendations contained within the s.42A report accept in part the changes to objectives and policies, except for the relocation of Policy 22.2.1.7. The report rejects relocation of Policy 22.2.1.7 and deletion of Policy 22.2.3.1.

215 The s.42A report rejects amendment of the activity status for Rule 22.4.1, the deletion of Rule 22.5.3, and the amendments to Rules 22.5.12.1, 22.5.12.2 and 22.5.12.3.

216 However it accepts the support for Rules 22.4.2, 22.4.5, 22.4.6 and 22.5.2, and accepts in part amendments to Rule 22.5.1.

## Evaluation

### Objectives and Policies

217 In relation to Objectives 22.2.1, 22.2.2, and 22.2.3, I note that these have been commented on earlier at paragraph 175. I have also commented on Policy 22.2.2.3 at paragraph 182 and I consider that the recommended alteration to the wording of this policy as set out in the s.42A report provides greater clarity and simplicity.

218 Policy 22.2.3.1 as notified states:

*Parts of the Rural Residential and Rural Lifestyle zones have been, and might be identified in the future as susceptible to natural hazards and some areas may not be appropriate for residential activity if the natural hazard risk cannot be adequately managed*

219 This wording is imprecise and does not clearly specify the action required from development to manage natural hazard risks. If the policy is seeking to manage risk from future information pertaining to natural hazards unknown at the time of notification of the PDP, that future assessment can be appropriately managed through the subdivision provisions and s.106 of the RMA.

220 The s.42A report accepts that the policy is imprecise stating “*that it is inevitable where these zones are scattered throughout rural areas and are subject to a multitude of potential natural hazards. I also note that s106 only applies to subdivision, and therefore this policy is important for applications for discretionary activities in the Rural Lifestyle Zone to identify a building platform where there has not previously been a subdivision. I recommend that the policy is retained as notified*”.

221 Whilst I understand that there are a range of matters that this policy is seeking to address, I do not agree with the vague nature of the wording as notified. I consider that if the policy is to be retained, it should be reframed to provide greater clarity around what is intended to be done to achieve the objective. I recommend that if the policy is retained, it be reworded as follows:

*Ensure that, where any part of the Rural Residential and Rural Lifestyle zones is identified as susceptible to natural hazards, the natural hazard risk is adequately managed as part of development or that residential activity is avoided if the natural hazard risk cannot be adequately managed.*

**Rule 22.4.11 Visitor Accommodation**

- 222 Both the LHL and MCL submissions seek the amendment of the status of visitor accommodation activity from non-complying to restricted discretionary in Rule 22.4.1, and propose a set of matters of discretion to include impacts on the amenity values of neighbouring properties, traffic generation, access and parking, noise, signs and lighting, and the external appearance, bulk and scale of building. However the s.42A report rejects such amendment stating *“I do not support this because of the variable nature of the impacts, usually associated with the nature and scale of the activity. I consider that retaining a full discretionary status ensures that a full range of matters can be assessed. I consider that the matters of discretion suggested by Mt Christina Ltd would not fully address the potential impacts. I therefore recommend this submission is rejected, and instead recommend that Rule 22.4.11 is changed from Non-complying to fully discretionary activity status.”*
- 223 The suggested matters of discretion are very broad and coupled with the controls over building (for any activity) within the Zone will provide a comprehensive set of measures to address the potential effects of visitor accommodation in these zones. In addition to the matters of discretion proposed for the visitor accommodation activity, the rural lifestyle zone limit the scale of building to the maximum area of a building platform (1,000m<sup>2</sup>) and the rural residential zone limits site coverage to 15%. In my view it is unnecessary to set the statutory bar any higher than a restricted discretionary activity.
- 224 Visitor accommodation is not an unexpected activity in the rural lifestyle zones and thus should be given an appropriate activity status and provided for in a way that supports tourism without undue consenting requirements. I consider that restricted discretionary activity status would be a more appropriate level of control and would continue to adequately provide for consideration of the effects of a proposal on a case by case basis. I consider that it is possible and appropriate to set a list of matters of discretion and should the Panel consider that the list proposed in the submission is inadequate in some way, I recommend that any other matters be added to the list rather than the activity status becoming full discretionary.

### Building Size and Coverage

- 225 The submission from MCL seeks the deletion of Rule 22.5.3 (maximum building size of 500m<sup>2</sup>) as being unnecessary control given that Rule 22.5.2 provides for site coverage of 15%. The s.42A report rejects the deletion of Rule 22.5.3 because having only the site coverage rule would result in an unacceptable permitted baseline depending on the size of the site.
- 226 It appears to me that there may have become some inadvertent confusion in the wording of Rules 22.5.2 and 22.5.3 and the way in which these two rules are intended to work together. The revised wording recommended in the s.42A report states:

<b>22.5.2</b>	<b>Building Coverage (Rural Residential Zone only)</b> <i>The maximum ground floor area of any building shall be 15% of the net site area.</i> ...	RD
<b>22.5.3</b>	<b>Building Size</b> <i>The maximum <u>ground floor area</u> <del>size of any</del> building shall be 500m<sup>2</sup>.</i> ...	RD

- 227 It is my understanding that the two rules are intended to work together to firstly place a cap on the total area of a site that can be covered by buildings (creating the balance between built form and openness of a site) and secondly placing a maximum limit on the size of any individual building to ensure that no unreasonably sized structures are erected. This would mean that for example on a site of 4,000m<sup>2</sup> there could be one structure of 500m<sup>2</sup> footprint (or 1,000m<sup>2</sup> floor area if two storeys) and one structure of 100m<sup>2</sup> giving a total site coverage of 600m<sup>2</sup> or 15% of the site. Likewise, if a site were larger than 4,000m<sup>2</sup> there could be more structures and greater floor area, but no individual building greater than 500m<sup>2</sup> and no more than 15% of the site covered.
- 228 In this regard I also note that the evidence of Ms Pflüger considers that the Queenstown District landscape is large-scale with sizeable landforms and varied terrain and that in suitable locations it is generally possible to visually absorb buildings of 500m<sup>2</sup> in size in this type of landscape. She considers that it is possible to ensure that adverse landscape and visual effects can be avoided by appropriately locating proposed buildings.

- 229 Unfortunately the wording in the notified plan (and as amended in the s.42A report) has not led to this integration. As currently worded, Rule 22.5.2 is unclear that it is a total floor area cap (it says “any building” rather than “all buildings”) and Rule 22.5.3 is unclear that it relates to each individual building. This lack of clarity is confusing and could lead to poor implementation of the plan and unintended outcomes.
- 230 To resolve this issue, and to deal with the concerns raised by MCL, I recommend that the wording of these two rules be amended to read as follows:

<b>22.5.2</b>	<b><i>Building Coverage (Rural Residential Zone only)</i></b> <i>The maximum ground floor area of <del>any</del> <b>all</b> buildings on a site shall be 15% of the net site area.</i> ...	RD
<b>22.5.3</b>	<b><i>Building Size</i></b> <i>The maximum <u>ground floor area</u> <b>of any individual</b> building shall be 500m<sup>2</sup>.</i> ...	RD

#### **Rule 12.5.12 Residential Density: Rural Lifestyle Zone**

- 231 The submission from LHL seeks amendments to, or deletion of, Rules 22.5.12.1, 22.5.12.2 and 22.5.12.3. The submitter considers that it would be appropriate to provide for two dwellings within each identified building platform and that the 2ha average should be reduced to 1ha. The s.42A report rejects the amendments to Rules 22.5.12.1, 22.5.12.2 and 22.5.12.3.
- 232 In my experience the Rural Lifestyle zones do not exhibit a truly rural character that is dominated by openness and productive uses. Instead their rural amenity is derived from being located within a rural setting, having views over the wider rural landscape, and less from the rural amenity on the individual sites. In most locations, the sites are visually enclosed with fencing and often hedges/planting to provide a sense of enclosure and privacy. This has led to most site being internalised and not remaining visually open to public places. In addition, I do not consider rural lifestyle to provide much if any support for rural activities and indeed at 2ha provide limited options for this rural activity to occur. They may involve some “hobby farming” activity with a few animals or large gardens but are not reliant on large land holdings.

- 233 In this way I consider that there is no need to base the minimum lot area on any measure of productivity as this is very unlikely to occur. I note that the PDP does not try to describe the zone as productive but says that it “provides for rural living opportunities”<sup>16</sup>. Also the PDP as a whole acknowledges the need to provide for rural living opportunities<sup>17</sup> acknowledging the finite capacity for residential activity in rural areas if the landscape qualities are to be maintained<sup>18</sup>. Thus in this location where it has been deemed appropriate to provide for rural living opportunities, and where the PDP considers that this is appropriate and will maintain landscape qualities, it is important to maximise the efficient use of the land for rural living. In my view reducing the average lot size to 1ha per residential unit is a more efficient use of the finite capacity of this land while maintaining the qualities of the landscapes of these areas.
- 234 Ms Pflüger has specifically considered the potential impacts of an increase in density in the Rural Lifestyle Zone relevant to the LHL submission. In this location she considers that the varied terrain in a low-lying area along the Speargrass Valley could in my view absorb dwellings at a 1ha density without compromising the existing landscape character.
- 235 These submissions also collectively provide support for Rules 22.4.2, 22.4.5, 22.4.6 and 22.4.5 and amendments to Rule 22.5.1. This is acknowledged in the s.42A report with these rules recommended to remain as notified. This situation does not seem to be contested. The one area of concern however is in how natural materials are dealt with in Rule 22.5.1 and I have covered this issue elsewhere in this evidence.

### **Section 32AA Evaluation**

- 236 The following summary evaluation has been prepared under section 32AA of the Act to support the changes to the provisions as set out above. S.32AA requires that a further evaluation under sections 32(1) to (4) is necessary for any changes that have been made to the proposal since the evaluation report for the proposal was completed.

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<sup>16</sup> Chapter 22 Rural Residential and Rural Lifestyle, 22.1 Zone Purpose, Rural Lifestyle Zone, page 22-2.

<sup>17</sup> Chapter 3 Strategic Directions, Policy 3.2.5.4.2, page 3-6.

<sup>18</sup> Chapter 3 Strategic Directions, Objective 3.2.5.4, page 3-6.

- 237 In accordance with s.32AA(1)(c) this evaluation has been undertaken at a level of detail which corresponds to the scale and significance of the changes.

### **Submissions and Further Submissions**

- 238 A range of submissions and further submissions were lodged in relation to the provisions discussed above. These vary from those seeking the same or similar relief to those seeking very different changes.

### **Proposed District Plan Policy Framework**

- 239 The relevant objectives from the PDP are outlined below.

#### Chapter 3 Strategic Directions

***Objective 3.2.5.1** Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.*

***Objective 3.2.5.2** Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.*

#### Chapter 6 Landscapes

***6.3.1 Objective** - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.*

- 240 The MCL site falls within an area of Outstanding Natural Landscape in terms of the mapping included within the PDP, and the LHL land is surrounded in Rural Landscape Classification, although the landscape classifications are not intended to apply to the Rural Lifestyle or Rural Residential Zones (Rule 6.4.1.3).

***Objective 3.2.6.2** Ensure a mix of housing opportunities*

- 241 Rural living is a form of housing at the low end of the density spectrum and will therefore help to ensure a mix of housing opportunities are provide across the District.

#### Chapter 22 Rural Residential and Rural Lifestyle

***22.2.1 Objective** - Maintain and enhance the district's landscape quality, character and visual amenity values while enabling rural living opportunities in areas that can avoid detracting from those landscapes.*



- 242 The changes sought in these submissions will ensure that rural living opportunities are enhanced while maintaining the landscape of surrounding areas.

***22.2.2 Objective** - Ensure the predominant land uses are rural, residential and where appropriate, visitor and community activities.*

- 243 This objective clearly anticipates that visitor accommodation activities are appropriate in some locations within these zones. This is further supported by Policy 22.2.2.3 and especially in the recommended amended wording in the s.42A report:

*Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, so that would diminish the amenity, rural living quality and character. ~~of the Rural Residential and Rural Lifestyle zones are not diminished and the vitality of the District's commercial zones is not undermined.~~*

- 244 Altering the activity status of visitor accommodation as proposed will align with this objective and policy and ensure the ability to consider any application on its merits and effects.

**Identification of other reasonably practicable options for achieving the objectives s.32(1)(b)(i)**

- 245 The reasonably practicable options available to provide for the use and development of the LHL and MCL sites under the PDP include:

- (a) Retention of the wording as notified;
- (b) Alteration of wording as proposed in the S.42A report; or
- (c) Amendments as proposed in the LHL and MCL submissions and this evidence.

- 246 Whilst all such variations on wording would, at least in part, achieve the objectives set out in the Plan, I consider that the wording proposed in this evidence would be most appropriate in achieving the objectives as it is clear and precise and will assist in avoiding confusion and uncertainty. I consider that the amendments to the rules are appropriate and well aligned with the outcomes anticipated for the Rural Residential and Rural Lifestyle zones.

**Assessment of efficiency and effectiveness of provisions s.32(1)(b)(ii) and s.32(2)(a)**

## (a) Effectiveness:

As outlined in the evaluation of the PDP objectives above, the proposed wording will be effective in that it will achieve the objectives of the PDP.

## (b) Efficiency

<b>Benefits</b>	<b>Costs</b>
<p><b><i>Environmental</i></b></p> <p>The proposed changes to the rules will ensure the protection of the environmental values inherent in these rural residential and rural lifestyle areas, and will maintain the anticipated outcomes for the surrounding rural areas.</p> <p><b><i>Economic:</i></b></p> <p>Amendments as proposed will provide greater flexibility for development and use of the submitter's properties and will support economic returns on the land.</p> <p><b><i>Social and cultural</i></b></p> <p>Increasing the opportunity for visitor accommodation in appropriate locations will contribute to social wellbeing through providing accommodation options and supporting tourism.</p>	<p><b><i>Environmental</i></b></p> <p>The increased density in the Rural Lifestyle zone may change the appearance of development in this area to a slightly more urban appearance which could be considered an impact on the environment.</p> <p><b><i>Economic:</i></b></p> <p>An increase in density for some areas may place pressure on any infrastructure, including existing reticulation. These costs will need to be integrated with the Council LTP to ensure appropriate funding is secured through development contributions to avoid costs being spread to the wider community.</p>

247 I consider that amending the wording from that notified, and differently from that recommended in the S.42A report will be efficient as the benefits will outweigh any costs.

**Summary of reasons for proposed provisions s.32(1)(b)(iii)**

248 The proposed amendments provide the most appropriate way of achieving the relevant objectives of the PDP because:

(a) They recognise and provide for visitor accommodation in appropriate locations;

- (b) They provide certainty and clarity in the wording of the provisions to avoid confusion and inconsistent interpretation of the Plan; and
- (c) They provide for increased opportunity to develop and use the Rural Lifestyle zone for residential development.

**SECTION 5 – HANSEN FAMILY PARTNERSHIP (#751)**

249 The Hansen Family (HFP) was granted resource consent RC 94/153 on 13 June 1994 to relocate three of four rural living allotments granted under ordinance 6.05.06 of the Transitional District Plan. The size and purpose of each title was to enable development of a single dwelling together with a small area of land located within a rural setting. The consent provided for all four allotments to be developed for residential use but only two allotments (Lots 1 and 4) could have residential units erected as of right, with the other two allotments needing further consent for residential use. The HFP proceeded to implement this subdivision consent and obtain titles. Following the first review of the District Plan, which commenced in 1995, the rural living blocks lost the ability to undertake building development as a controlled activity. This occurred through the requirements of the District Plan for buildings to be contained within an approved building platform (of which no building platform identification was required prior to this point in time).

250 The HFP seeks changes to the PDP to recognise and provide for development on sites created under the rural living provisions of the Transitional District Plan. The relief sought in this submissions is to insert a rule within Table 1 Activities – Rural Zone, to provide for the construction and exterior alteration of buildings located on any site created under the rural living provisions of the Transitional District Plan as a permitted activity.

**S.42A Report**

251 The s.42A report has not evaluated the relief sought in the submission by the HFP (simply listing “reject” in the summary table in Appendix 2 to the s.42A report), and no specific amendments to the revised rural zone provisions have been proposed.

**Evaluation**

252 The reasons for the Hansen Family Partnerships submission and the proposed relief are:

- (a) The sites were created with the express purpose of enabling rural lifestyle activities and are too small to accommodate any standalone rural or farming activities;

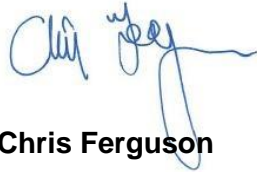
- (b) The landowners have installed all required services, including the formation of vehicle access to each lot, established a water supply through connections to the reticulated Council supply and installed water storage tanks on each lot sufficient to provide domestic and firefighting storage;
  - (c) The landowners have paid to the Council all required financial contributions;
  - (d) The creation of the allotments for the purposes of enabling dwellings was considered under the framework of the Resource Management Act 1991 and was found to have meet the purpose of the Act.
- 253 The following rules of the PDP prevent the erection of a dwelling as a permitted activity on each of the four existing rural living sites:
- (a) Rule 21.4.5, where “*the use of land or buildings for residential activity*” is listed as discretionary activity; and
  - (b) Rule 21.4.10 where “*the construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule*” is listed as a discretionary activity.
- 254 As a discretionary activity, the construction of a dwelling may or may not be approved. There is no protection from notification under the PDP as notified.
- 255 HFP submits that the rules of the rural zone render the landowners' interests in the land incapable of reasonable use under Section 85 of the Act. Given that the use of the land for residential activity was deemed appropriate at time subdivision created it is not reasonable to then restrict the activity beyond that which was enabled at the time of the consent.
- 256 There are very few situations (if any) I am aware, where vacant rural lifestyle allotments were created under ordinance 6.05.06 of the Transitional District Plan and remain undeveloped throughout the period of the first generation District Plan. In this way it is appropriate to amend the PDP to enable the residential development of these sites.
- 257 To resolve this situation I recommend that Table 1 Activities – Rural Zone be altered to insert the specific acknowledgement of this situation. This could be done by altering Rule 21.4.6 as follows:

**21.4.6** One residential unit within any building platform approved by resource consent, **or where a site was created under ordinance 6.05.06 of the Transitional District Plan.** P

Or in the alternative:

**21.4.6** One residential unit within any building platform approved by resource consent. P

**21.4.6 A** **One residential unit within any site created under ordinance 6.05.06 of the Transitional District Plan.** **P**



**Chris Ferguson**

21 April 2016

## APPENDIX 1 – SUMMARY OF RELIEF SOUGHT

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
<b>Chapter 21 Rural</b>				
21.1 Zone Purpose	Soho Ski Area and Treble Cone Investments Ltd	Amend 21.1 Zone Purpose, as follows: <i>Ski Area sub zones are located within the Rural Zone. These sub zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area sub zones is to enable the continued development of Ski Area Activities <b>as year round destinations</b> within the identified sub zones where the effects of the development would be cumulatively minor.</i>	Accepts submission in full	No further changes proposed. Amend 21.1 Zone Purpose, as follows: <i>Ski Area sub zones are located within the Rural Zone. These sub zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area sub zones is to enable the continued development of Ski Area Activities <b>as year round destinations</b> within the identified sub zones where the effects of the development would be cumulatively minor.</i>
Objective 21.2.1	Darby Planning LP	<del>Enable farming, permitted, and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.</del>  <b><u>Land uses which maintain or enhance the landscape, natural, cultural, and amenity values of rural areas are enabled.</u></b>	<del>Enable</del> <b><u>Undertake a range of land uses including</u></b> <del>farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.</del>	Amend Objective 21.2.1 as follows: <del>Enable farming, permitted, and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.</del>  <b><u>Landscape values, the function of important ecosystems, nature conservation value and rural amenity values are maintained and enhanced by rural activities including farming.</u></b>
Policy 21.2.1.1	Darby Planning LP	<del>Enable farming activities or other activities appropriate to the rural environment while protecting, maintaining, and enhancing the</del>	No change	Submission version is preferred as the most appropriate to give effect to the purpose of the Act. Protection of the listed values

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
		<i>indigenous biodiversity, ecosystem services, recreational values, the landscape, and surface of lakes and rivers and their margins.</i>		would be an inappropriately high test for, all use and development to meet.  Amend Policy 21.2.1.1 as follows:  <i>Enable farming activities or other activities appropriate to the rural environment while <del>protecting</del>, maintaining, and enhancing the indigenous biodiversity, ecosystem services, recreational values, the landscape, and surface of lakes and rivers and their margins.</i>
Policy 21.2.1.2	Darby Planning LP	<i>Provide for Farm Buildings associated with larger landholdings where the location, scale and colour of the buildings will not adversely affect <u>maintains</u> landscape values.</i>	<i>Provide for Farm Buildings associated with larger landholdings <u>of 100 hectares in area</u> where the location, scale and colour of the buildings will not adversely affect landscape values.</i>	Refer to original submission for reasons.
21.2.6 Objective	Soho Ski Area Ltd and Treble Cone Investments Ltd	Retain Objective 21.2.6 unchanged  <i>Encourage the future growth, development and consolidation of existing Ski Areas within identified Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment</i>	<del>Encourage</del> <del>t</del> <del>The</del> <del>future</del> <del>growth,</del> <del>development</del> <del>and</del> <del>consolidation</del> <del>of</del> <del>existing</del> <del>Ski</del> <del>Areas</del> <u>Ski Area Activities are encouraged</u> <del>within</del> <del>identified</del> <u>Ski Area</u> <del>Sub</del> <del>Zones,</del> <del>while</del> <del>avoiding,</del> <del>remedying</del> <del>or</del> <del>mitigating</del> <del>adverse</del> <del>effects</del> <del>on</del> <del>the</del> <del>environment.</del> (as amended by Memo dated 13 April 2016)	Small change suggested to s.42A version to refer to "Ski Area Activities", being the correct term defined under the PDP and to remove the "encouragement" from the objective which is an action contemplated through policies.  <del>Encourage</del> <del>t</del> <del>The</del> <del>future</del> <del>g</del> <u>Growth,</u> <del>development</del> <del>and</del> <del>consolidation</del> <del>of</del> <del>existing</del> <del>Ski</del> <del>Areas</del> <u>Activities</u> <del>within</del> <del>identified</del> <u>Ski Area</u> <del>Sub</del> <del>Zones,</del> <del>while</del> <del>avoiding,</del> <del>remedying</del> <del>or</del> <del>mitigating</del> <del>adverse</del> <del>effects</del> <del>on</del> <del>the</del> <del>environment.</del>
Policy 21.2.6.1	Soho Ski Area Ltd and Treble Cone Investments	Retain unchanged  <i>Identify Ski Field Sub Zones and encourage Ski Area Activities to locate and consolidate</i>	No change	No further changes proposed



Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
	Ltd	<i>within the sub zones.</i>		
Policy 21.2.6.2	Soho Ski Area Ltd and Treble Cone Investments Ltd	Retain unchanged  <i>Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.</i>	No change	No further changes proposed
New Policy 21.2.6.4	Soho Ski Area Ltd and Treble Cone Investments Ltd	Insert a new policy 21.2.6.4 (below Objective 21.2.6), as follows:  <b><u>Enable commercial, visitor and residential accommodation activities within Ski Area Sub Zones, which are complementary to outdoor recreation activities, can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.</u></b>	No change proposed to policies, although recommendation is to accept the provision of visitor [and workers] accommodation within SASZs as a restricted discretionary activity through the addition of a new Rule 21.5.X.	The addition of a new visitor accommodation will need to be appropriately recognised within a policy.  Insert new Policy 21.2.6.4 below Objective 21.2.6 as follows:  <b><u>Enable commercial and visitor accommodation activities within Ski Area Sub Zones and associated with a Ski Area Activity, which are complementary to outdoor recreation activities, can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.</u></b>
New Policy 21.2.6.5	Soho Ski Area Ltd and Treble Cone Investments Ltd	Insert New Policy 21.2.6.5, as follows:  <b><u>To recognise and provide for the functional dependency of ski area activities to transportation infrastructure, such as vehicle access and passenger lift based or other systems, linking on-mountain facilities to the District's road and transportation network.</u></b>	No changes included within amended provisions, but report accepts at para 14.31 (page 60) that the requested policy has merit	Propose addition of new Policy 21.2.6.5 as detailed within original submission.  <b><u>To recognise and provide for the functional dependency of ski area activities to transportation infrastructure, such as vehicle access and passenger lift based or other systems, linking on-mountain facilities to the District's road and transportation network.</u></b>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
Policy 21.2.9.2	Further submission by Darby Planning LP	Supports submission by Queenstown Park Ltd	<del>Avoid</del> <u>Provide for the establishment of commercial, retail and industrial activities only where theyse would degrade protect, maintain or enhance rural quality or character, amenity values and landscape values.</u>	Support the s.42A revised wording. <del>Avoid</del> <u>Provide for the establishment of commercial, retail and industrial activities only where theyse would degrade protect, maintain or enhance rural quality or character, amenity values and landscape values.</u>
Policy 21.2.10.1	Darby Planning LP	<del>Encourage</del> <b><u>Enable</u></b> revenue producing activities, <b><u>including complementary commercial recreation, residential, tourism, and visitor accommodation</u></b> that <b><u>diversifies and</u></b> <del>can</del> supports the long term sustainability of farms in the district, <b><u>particularly where landowners take a comprehensive approach to maintaining and enhancing the natural and physical resources and amenity or other values of the rural area.</u></b>	<b><u>Encourage</u></b> revenue producing activities that can support the long term sustainability of <b><u>farming and rural areas of</u></b> in the district.	Submission version is preferred as the most effective and efficient method to achieve the objectives of the PDP as it seeks to recognise the importance of commercial recreation, residential and tourism activities, flowing out of the new objective and policies proposed within the Strategic Directions chapter. In addition, taking a comprehensive approach to the use and development of the natural and physical resources of the rural area can lead to more sustainable outcomes from a holistic understanding of those resources.  <b><u>Encourage</u></b> <b><u>Enable</u></b> revenue producing activities, <b><u>including complementary commercial recreation, residential, tourism, and visitor accommodation</u></b> that <b><u>diversifies and</u></b> <del>can</del> supports the long term sustainability of farms in the district, <b><u>particularly where landowners take a comprehensive approach to maintaining and enhancing the natural and physical resources and amenity or other values of the rural area.</u></b>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
Policy 21.2.10.2	Darby Planning LP	<p>Ensure that revenue producing activities, <b><u>including commercial recreation, residential, tourism, and visitor accommodation</u></b> utilise natural and physical resources (including buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural values.</p>	<p>Ensure that revenue producing activities utilise natural and physical resources (including buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural values <b><u>resources</u></b>.</p>	<p>Submission version is preferred as the most effective and efficient method to achieve the objectives of the PDP.</p> <p>Ensure that revenue producing activities, <b><u>including commercial recreation, residential, tourism, and visitor accommodation</u></b> utilise natural and physical resources (including buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural values.</p>
Policy 21.2.10.3	Darby Planning LP	<p>Recognise that the establishment of complementary activities such as commercial recreation, <b><u>recreation, tourism</u></b> or visitor accommodation located within farms may enable landscape values to be sustained in the longer term. Such positive effects should be taken into account in the assessment of any resource consent applications.</p>	<p>Recognise <b><u>Have regard to that</u></b> the establishment of <del>complementary</del> activities such as <b><u>tourism</u></b>, commercial recreation or visitor accommodation located within farms <b><u>where these may</u></b> enable landscape values <b><u>and indigenous biodiversity</u></b> to be sustained in the longer term. <del>Such positive effects should be taken into account in the assessment of any resource consent applications.</del></p>	<p>Submission version is preferred as the most effective and efficient method to achieve the objectives of the PDP.</p> <p>Recognise that the establishment of complementary activities such as commercial recreation, <b><u>recreation, tourism</u></b> or visitor accommodation located within farms may enable landscape values to be sustained in the longer term. Such positive effects should be taken into account in the assessment of any resource consent applications.</p>
21.3.3.8 Clarification	Soho Ski Area and Treble Cone Investments Ltd	<p>Amend Provisions 21.3.3.8, as follows:</p> <p>The Ski Area and Rural Industrial Sub Zones, being Sub Zones of the Rural Zone, require that all rules applicable to the Rural Zone apply unless stated to the contrary. <b><u>In the event of a conflict between the rules contained within Table 7 (Standards for Ski Area Activities) with any other rule</u></b></p>	No change	<p>The Ski Area and Rural Industrial Sub Zones, being Sub Zones of the Rural Zone, require that all rules applicable to the Rural Zone apply unless stated to the contrary. <b><u>In the event of a conflict between the rules contained within Table 7 (Standards for Ski Area Activities) with any other rule within Chapter 21, the rules in Table 7 shall prevail.</u></b></p>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence	
		<b><u>within Chapter 21, the rules in Table 7 shall prevail.</u></b>			
Rule 21.4.2	Darby Planning LP	No change	No change	No further change proposed	
Rule 21.4.3.	Darby Planning LP	No change	No change	No further change proposed	
Table 1, Rule 21.4 Activity Table (Rural)	Hansen Family Partnership	Insert a rule within Table 1 'Activities – Rural Zone' providing for the construction and exterior alteration of buildings located on any site created under the rural living provisions of the Transitional District Plan as a permitted activity.	No change	<p>21.4.6 One residential unit within any building platform approved by resource consent, <b><u>or where a site was created under ordinance 6.05.06 of the Transitional District Plan.</u></b></p> <p>Or in the alternative:</p> <p>21.4.6 One residential unit within any building platform approved by resource consent.</p> <p><b><u>21.4.6A One residential unit within any site created under ordinance 6.05.06 of the Transitional District Plan.</u></b></p>	
Rule 21.4.6	Darby Planning LP	<p>One residential unit within any building platform approved by resource consent (<b><u>activity only, the specific rules for the construction of buildings apply.</u></b></p>	P	No change	Refer to original submission for reasons.
Rule 21.4.7	Darby Planning LP	Retain unchanged	No change	No further change proposed	
Rule 21.4.8	Darby Planning LP	Retain unchanged.	No change	No further change proposed	

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
Rule 21.4.12	Darby Planning LP	Retain unchanged.	No change	No further change proposed
Rule 21.4.18 Ski Area Activities within the Ski Area Sub Zone	Soho Ski Area Ltd and Treble Cone Investments Ltd	Move Rule 21.4.18 into Table 7 Standards for Ski Area Activities within the Ski Area Sub Zones.	No change	Amend Rule 21.4.18 as follows: <i>Ski Area Activities within the Ski Area Sub Zone, <b><u>except any visitor accommodation associated with any Ski Area Activity which is subject to Rules 21.5.32 and 21.5.33.</u></b></i>
Rule 21.4.19 Ski Area Activities not located within a Ski Area Sub Zone	No submissions by Soho or TC; Mount Cardrona Station Ltd (#407)	-	The following are listed as a non-complying activity within Table 1 – Activities Rural Zone:  <i>Ski Area Activities not located within a Ski Area Sub Zone, with the exception of <b><u>Passenger Lift Systems,</u></b> heli-skiing and non-commercial skiing.</i>	<i>Ski Area Activities not located within a Ski Area Sub Zone, with the exception of <b><u>Passenger Lift Systems or other transportation system, land based vehicle access,</u></b> heli-skiing and non-commercial skiing.</i>
Rule 21.4.25 Informal Airports	Darby Planning LP	Retain unchanged	No change	No further change proposed
Rule 21.5.26 Informal Airports on other Rural Zoned Land	Soho Ski Area Ltd and Treble Cone Investments Ltd	Amend Rule 21.4.25, as follows:  <b><i>Informal Airports Located on other Rural Zoned Land</i></b>  <i>Informal Airports that comply with the following standards shall be permitted activities:</i>  <i>21.5.26.1 Informal airports on any site that do not exceed a frequency of use of 3 flights* per week, <b><u>except within any Ski Area Sub-Zone;</u></b></i>  <b><i>21.5.26.2 Informal airports within a Ski</i></b>	<b><i>Informal Airports Located on other Rural Zoned Land</i></b>  <i>Informal Airports that comply with the following standards shall be permitted activities:</i>  <i>21.5.26.1 Informal airports on any site that do not exceed a frequency of use of 3 <u>2</u> flights* per <del>day</del> week;</i>  <i>21.5.26.2 Informal airports for emergency landings, rescues, fire-fighting and activities</i>	<b><i>Informal Airports Located on other Rural Zoned Land</i></b>  <i>Informal Airports that comply with the following standards shall be permitted activities:</i>  <i>21.5.26.1 Informal airports on any site that do not exceed a frequency of use of 3 <u>2</u> flights* per <del>day</del> week; <b><u>except within any Ski Area Sub-Zone;</u></b></i>  <b><i>21.5.26.2 Informal airports within a Ski Area Sub Zone associated with Ski Area</i></b>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
		<p><b><u>Area Sub Zone are associated with Ski Area Activities:</u></b></p> <p>21.5.26.23 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;</p> <p>21.5.26.34 In relation to point (21.5.26.1), the informal airport shall be located a minimum distance of 500 metres from any formed legal road or the notional boundary of any residential unit of building platform not located on the same site.</p> <p>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</p>	<p>ancillary to farming activities;</p> <p>21.5.26.3 In relation to point (21.5.26.1), the informal airport shall be located a minimum distance of 500 metres from any <b>other zone</b>, <del>formed legal road</del> or the notional boundary of any residential unit of building platform not located on the same site.</p> <p>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</p>	<p><b><u>Activities:</u></b></p> <p>21.5.26.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;</p> <p>21.5.26.4 In relation to point (21.5.26.1), the informal airport shall be located a minimum distance of 500 metres from any <b>other zone</b>, <del>formed legal road</del> or the notional boundary of any residential unit of building platform not located on the same site.</p> <p>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</p>
Rule 21.5.15 Buildings	Darby Planning LP and in respect of the exemption of SASZs, Soho Ski Area Ltd and Treble Cone Investments Ltd	<p><b><u>Buildings</u></b></p> <p>Any building, including any structure larger than 5m<sup>2</sup>, that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p><del>All e</del><b><u>Exterior materials shall be:</u></b></p> <p><del>21.5.15.1 surfaces shall be coloured i</del><b><u>n</u></b> the range of browns, greens or greys (except soffits), including;</p> <p>21.5.15.42 <del>Pre-painted steel and all</del> <b><u>For</u></b> roofs shall have a reflectance value not greater than 20%; and,</p> <p>21.5.15.23 <del>All other surface finishes shall</del> <b><u>For all other external surfaces</u></b> have a</p>	<p><b><u>Buildings</u></b></p> <p>Any building, including any structure larger than 5m<sup>2</sup>, that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p>All exterior surfaces* shall be coloured in the range of browns, greens or greys (except soffits), including;</p> <p>21.5.15.1 Pre-painted steel and all roofs shall have a <b><u>light</u></b> reflectance value not greater than 20%; and,</p> <p>21.5.15.2 All other surface** finishes shall have a <b><u>light</u></b> reflectance value of not greater than 30%.</p>	<p>Amend Rule 21.5.15 as follows:</p> <p><b><u>Buildings</u></b></p> <p>Any building, including any structure larger than 5m<sup>2</sup>, that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p><del>All e</del><b><u>Exterior materials* shall be:</u></b></p> <p><del>21.5.15.1 surfaces shall be coloured i</del><b><u>n</u></b> the range of browns, greens or greys (except soffits), including;</p> <p>21.5.15.42 <del>Pre-painted steel and all</del> <b><u>For</u></b> roofs shall have a <b><u>light</u></b> reflectance value not greater than 20%; and,</p>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
		<p>reflectance value of not greater than 30%. <b><u>Except that this rule shall not apply to any locally sourced stone (e.g. schist)</u></b></p> <p>21.5.15.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.</p> <p><b><u>Except that buildings within the SASZ, shall be exempt from these rules.</u></b></p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• External appearance.</li> <li>• Visual prominence from both public places and private locations.</li> <li>• Landscape character.</li> <li>• Visual amenity.</li> </ul>	<p>21.5.15.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• External appearance.</li> <li>• Visual prominence from both public places and private locations.</li> <li>• Landscape character.</li> <li>• Visual amenity.</li> </ul> <p><b><u>Except this rule shall not apply within the Ski Area Sub Zones.</u></b></p> <p><b><u>* Excludes soffits, windows and skylights (but not glass balustrades).</u></b></p> <p><b><u>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</u></b></p>	<p><del>21.5.15.23 All other surface finishes shall</del> <b><u>For all other external surfaces</u></b> have a <b><u>light</u></b> reflectance value of not greater than 30%. <b><u>Except that this rule shall not apply to schist.</u></b></p> <p>21.5.15.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• External appearance.</li> <li>• Visual prominence from both public places and private locations.</li> <li>• Landscape character.</li> <li>• Visual amenity.</li> </ul> <p><b><u>Except that buildings within the SASZ, shall be exempt from these rules.</u></b></p> <p><b><u>* Excludes soffits, windows and skylights (but not glass balustrades).</u></b></p>
Rule 21.5.16 Building Size	Soho Ski Area and Treble Cone Investments Ltd	<p>Amend Rule 21.5.16, as follows:</p> <p><i>The maximum ground floor area of any building shall be 500 m<sup>2</sup>. <b><u>Except this rule shall not apply to building located within any Ski Area Sub Zone.</u></b></i></p>	<p><b>Building size</b></p> <p><i>The maximum ground floor area of any building shall be 500m<sup>2</sup>.</i></p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• External appearance.</li> <li>• Visual prominence from both public places and private locations.</li> </ul>	<p>Agree with changes suggested in s.42A report.</p> <p><b>Building size</b></p> <p><i>The maximum ground floor area of any building shall be 500m<sup>2</sup>.</i></p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• External appearance.</li> </ul>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
			<ul style="list-style-type: none"> <li>• <i>Landscape character.</i></li> <li>• <i>Visual amenity.</i></li> <li>• <i>Privacy, outlook and amenity from adjoining properties.</i></li> </ul> <p><b><u>Except this rule shall not apply within the Ski Area Sub Zones.</u></b></p>	<ul style="list-style-type: none"> <li>• <i>Visual prominence from both public places and private locations.</i></li> <li>• <i>Landscape character.</i></li> <li>• <i>Visual amenity.</i></li> <li>• <i>Privacy, outlook and amenity from adjoining properties.</i></li> </ul> <p><b><u>Except this rule shall not apply within the Ski Area Sub Zones.</u></b></p>
Rule 21.5.19 Exterior colours of buildings	Darby Planning LP	<p><b><u>Exterior colours of buildings</u></b></p> <p><b><u>Exterior materials shall be:</u></b></p> <p>21.5.19.1 <del>All exterior surfaces shall be coloured in</del> <b><u>In</u></b> the range of browns, greens or greys (except soffits).</p> <p>21.5.19.2 <del>Pre-painted steel, and all</del> <b><u>For</u></b> roofs shall have a reflectance value not greater than 20%.</p> <p>21.5.19.3 <del>Surface finishes shall</del> <b><u>For all other external surfaces</u></b> have a reflectance value of not greater than 30%. <del>Except that this rule shall not apply to any locally sourced stone (e.g. schist)</del></p> <p><i>Discretion is restricted to all of the following:</i></p> <ul style="list-style-type: none"> <li>• <i>External appearance.</i></li> <li>• <i>Visual prominence from both public places and private locations.</i></li> <li>• <i>Landscape character.</i></li> <li>• <i>Visual amenity.</i></li> </ul>	No change	<p>Amend Rule 21.5.19 as follows:</p> <p><b><u>Exterior colours of buildings</u></b></p> <p><b><u>Exterior materials* shall be:</u></b></p> <p>21.5.19.1 <del>All exterior surfaces shall be coloured in</del> <b><u>In</u></b> the range of browns, greens or greys (except soffits).</p> <p>21.5.19.2 <del>Pre-painted steel, and all</del> <b><u>For</u></b> roofs shall have a <b><u>light</u></b> reflectance value not greater than 20%.</p> <p>21.5.19.3 <del>Surface finishes</del> <b><u>For all other external surfaces</u></b> shall have a <b><u>light</u></b> reflectance value of not greater than 30%. <b><u>Except that this rule shall not apply to schist.</u></b></p> <p><i>Discretion is restricted to all of the following:</i></p> <ul style="list-style-type: none"> <li>• <i>External appearance.</i></li> <li>• <i>Visual prominence from both public places and private locations.</i></li> <li>• <i>Landscape character.</i></li> </ul>



Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
				<ul style="list-style-type: none"> <li>• <i>Visual amenity.</i></li> </ul> <p><b>* <u>Excludes soffits, windows and skylights (but not glass balustrades).</u></b></p>
21.5.28 Ski Tows and Lifts	Further Submission by Soho Ski Area and Blackman Creek Holdings No.1 LP to original submission by Mount Cardrona Station Ltd (#407)	-	<p><del><b>Ski tows and lifts</b></del> <b><u>Passenger Lift Systems.</u></b></p> <p><i>Control is reserved to all of the following:</i></p> <ul style="list-style-type: none"> <li>• <i>The extent to which the <del>ski tow or lift or building</del> <b>passenger lift system</b> breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.</i></li> <li>• <i>Whether the materials and colour to be used are consistent with the rural landscape of which the <b>passenger lift system</b> will form a part.</i></li> <li>• <i>Balancing environmental considerations with operational characteristics.</i></li> </ul>	<p>Soho supports the proposed amendment to this rule in reliance on the proposed new definition of “passenger lift system” (if accepted). However, Soho opposes the addition to the rule specifying external colour standards for the reasons expressed in the further submission made above under Rule 21.5.27.</p> <p>Amend Rule 21.5.28 as follows:</p> <p><del><b>Ski tows and lifts</b></del> <b><u>Vehicle Access, Passenger Lift Systems and other transportation systems</u></b></p> <p><b><u>Including, vehicle access, Passenger Lift Systems or other transportation systems located outside of a Ski Area Sub Zone that are used to convey passengers to and from a Ski Area Sub Zone.</u></b></p> <p><i>Control is reserved to all of the following:</i></p> <ul style="list-style-type: none"> <li>• <i>The extent to which the <del>ski tow or lift or building</del> <b>vehicle access, Passenger Lift System or other transportation system</b> breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.</i></li> </ul>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
				<ul style="list-style-type: none"> <li>• <i>Whether the materials and colour to be used are consistent with the rural landscape of which the <del>tow or lift or building</del><b>vehicle access, Passenger Lift System or other transportation system</b> will form a part.</i></li> <li>• <i>Balancing environmental considerations with operational characteristics.</i></li> <li>• <b><i>Earthworks associated with the formation of any vehicle access</i></b></li> </ul>
New Rules 21.5.32 and 21.5.33	Soho Ski Area and Treble Cone Investments Ltd	<p>Insert a new Rule 21.5.32 (Table 7), as follows:</p> <p><b><u>Residential and Visitor Accommodation Activities (all excluding buildings) in the Ski Area Sub-Zones</u></b></p> <p><b><u>Information Requirements:</u></b></p> <p><b><u>Any applications for resource consent under this rule shall include a Landscape and Ecological Management Plan in respect of the particular ski area (noting this may not relate to the whole of the Ski Area Sub-Zone).</u></b></p> <p><b><u>Matters of Discretion:</u></b></p> <p><b><u>The Council's discretion is restricted to:</u></b></p> <p><b><u>c. The identification and protection of prominent rock outcrops, ridgelines</u></b></p>	<p>The s.42A reports recommends the addition of the following new rule 21.5.X listed Visitor Accommodation as a restricted discretionary activity:</p> <p><b><u>Visitor Accommodation.</u></b></p> <p><b><u>Discretion is restricted to all of the following:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Scale and intensity and whether these would have adverse effects on amenity, including loss of remoteness or isolation.</u></b></li> <li>• <b><u>Location, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any).</u></b></li> <li>• <b><u>Parking.</u></b></li> <li>• <b><u>Provision of water supply, sewage</u></b></li> </ul>	<p>Insert a new Rule 21.5.32 (Table 7), listing Visitor Accommodation as a restricted discretionary activity, as follows:</p> <p><b><u>Visitor Accommodation associated with Ski Area Activities and located in a Ski Area Sub-Zone</u></b></p> <p><b><u>Discretion is restricted to all of the following:</u></b></p> <p>(f) <b><u>Scale and intensity of activity and <del>whether these would have adverse effects on amenity, including loss of remoteness or isolation.</del></u></b></p> <p>(g) <b><u>Location, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any).</u></b></p> <p>(h) <b><u>Positive benefits for landscape and</u></b></p>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
		<p><u>and areas of particular landscape sensitivity;</u></p> <p><u>ci. Opportunities to remedy visually adverse landscape effects related to past ski area activities;</u></p> <p><u>cii. The identification of streams, wetland, bogs and any habitats of any significant flora and fauna</u></p> <p><u>ciii. Measure to enhance degraded habitats and protect any other significant ecological habitats</u></p> <p><u>civ. Effects on landscape and amenity values through the location of sites for all building development</u></p> <p><u>cv. Subdivision layout (if relevant)</u></p> <p><u>cvi. The protection of areas of open space</u></p> <p><u>cvii. In respect to visitor accommodation activities, the matters listed above as well as:</u></p> <p>a) <u>Traffic generation, vehicle access and car parking</u></p> <p>b) <u>Scale of the activity</u></p> <p>c) <u>Noise</u></p> <p>d) <u>Hours of operation</u></p> <p>e) <u>Infrastructure services</u></p>	<p><u>treatment and disposal</u></p> <ul style="list-style-type: none"> <li>• <u>Cumulative effects</u></li> </ul>	<p><u>ecological values, including:</u></p> <p>v. <u>The identification and protection of prominent rock outcrops, ridgelines and areas of particular landscape sensitivity;</u></p> <p>vi. <u>Opportunities to remedy visually adverse landscape effects related to past ski area areas;</u></p> <p>vii. <u>The identification of streams, wetland, bogs and any habitats of any significant flora and fauna</u></p> <p>viii. <u>Measures to enhance degraded habitats and protect any other significant ecological habitats</u></p> <p>(i) <u>Parking.</u></p> <p>(j) <u>Provision of water supply, sewage treatment and disposal.</u></p> <p>Insert a new Rule 21.5.33 listing the following as a discretionary activity:</p> <p><u>Visitor accommodation associated with Ski Area Activities and located in a Ski Area Sub-Zone shall not result in a duration of stay for any guests, workers, staff or on-site manager greater than 6 months in any 12 month period.</u></p> <p>Insert a new Rule 21.5.34 listing the following as a discretionary activity:</p>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
		<p>Where the status of the activities subject to this rule are restricted discretionary.</p> <p>Insert a new Rule 21.5.33 (Table 7), as follows:</p> <p><b><u>The use or development of land within any Ski Area Sub Zone for Visitor or Residential Accommodation purposes in the absence of resource consent granted under Rule 21.5.32</u></b></p> <p>Where the status of non-compliance with this rule is Discretionary.</p>		<p><b><u>Visitor accommodation associated with Ski Area Activities and located in a Ski Area Sub-Zone shall not be located below an altitude of 1,100 m above sea level.</u></b></p>
Assessment Matter 21.7.1	Darby Planning LP	<p><i>These assessment matters shall be considered with regard to the following principles <del>because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the zone:</del></i></p>	<p><i>These assessment matters shall be considered with regard to the following principles because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the zone <b><u>Wakatipu Basin, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes:</u></b></i></p>	<p><i>These assessment matters shall be considered with regard to the following principles <del>because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the zone:</del></i></p>
Assessment Matters 21.7.2	Darby Planning LP	<p><i>These assessment matters shall be considered with regard to the following principles <del>because in the Rural Landscapes the applicable activities are inappropriate in many locations:</del></i></p>	<p><i>These assessment matters shall be considered with regard to the following principles because in the Rural Landscapes the applicable activities are <b><u>unsuitable</u></b> in many locations:</i></p>	<p><i>These assessment matters shall be considered with regard to the following principles <del>because in the Rural Landscapes the applicable activities are inappropriate in many locations:</del></i></p>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
<b>Chapter 22 Rural Lifestyle and Rural Residential</b>				
Objective 22.2.1	Lake Hayes Cellar Limited; Lake Hayes Ltd; Mount Christina Ltd	Amend Objective 22.2.1 as follows: <del>Maintain and enhance t</del> The district's landscape quality, character and visual amenity values <b>are maintained and enhanced</b> while <del>enabling</del> rural living opportunities in areas that can <del>avoid detracting from</del> <b>absorb development within</b> those landscapes <b>are enabled</b> .	<del>Maintain and enhance t</del> The district's landscape quality, character and visual amenity values <b>are maintained and enhanced</b> while enabling rural living opportunities in areas that can <b>absorb development</b> avoid detracting from those landscapes	<del>Maintain and enhance t</del> The district's landscape quality, character and visual amenity values <b>are maintained and enhanced</b> while enabling rural living opportunities in areas that can <b>absorb development</b> avoid detracting from those landscapes
Policy 22.2.1.7	Lake Hayes Cellar Limited; Lake Hayes Ltd; Mount Christina Ltd	Move Policy 22.2.1.7 to sit under Objective 22.2.3.	No change	Refer to original submission for reasons.
Objective 22.2.2	Lake Hayes Cellar Limited; Lake Hayes Ltd; Mount Christina Ltd	Amend Objective 22.2.2 as follows: <del>Ensure the</del> <b>Within the rural residential and rural lifestyle zones,</b> predominant land uses are rural, residential and where appropriate, visitor and community activities.	<del>Ensure</del> <b>Within the Rural Residential and Rural Lifestyle Zones</b> predominant land uses are rural, residential and where appropriate, visitor and community activities.	<del>Ensure</del> <b>Within the Rural Residential and Rural Lifestyle Zones</b> predominant land uses are rural, residential and where appropriate, visitor and community activities
Policy 22.2.2.3	Lake Hayes Cellar Limited [in respect to the commercial overlay]; Lake Hayes Ltd; Mount	Amend Policy 22.2.2.3 as follows: <del>Discourage commercial and non-residential activities</del> <b>in areas outside of the commercial overlay,</b> including restaurants, visitor accommodation and industrial activities, <del>so that</del> <b>where</b> the amenity, quality and character of the Rural Residential and Rural Lifestyle zones <del>are not diminished</del> <b>would be adversely affected</b> and the	<del>Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, so that</del> <b>would diminish</b> the amenity, <b>rural living</b> quality and character, <del>of the Rural Residential and Rural Lifestyle zones are not diminished and the vitality of the District's commercial zones is not</del>	<del>Discourage commercial and non-residential activities</del> <b>in areas outside of the commercial overlay,</b> including restaurants, visitor accommodation and industrial activities, <del>so that</del> <b>would diminish</b> the amenity, <b>rural living</b> quality and character, <del>of the Rural Residential and Rural Lifestyle zones are not diminished and the vitality of the District's commercial zones is not</del>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
	Christina Ltd	<i>vitality of the District's commercial zones is <del>not</del> undermined</i>	<del>undermined.</del>	<del>undermined.</del>
Objective 22.2.3	Lake Hayes Cellar Limited; Lake Hayes Ltd; Mount Christina Ltd	Amend Objective 22.2.3, as follows: <del>Manage</del> <b><u>nNew development and adequately manages natural hazards risks.</u></b>	<del>Manage</del> <b><u>nNew development and adequately manages natural hazards risk.</u></b>	<del>Manage</del> <b><u>nNew development and adequately manages natural hazards risk.</u></b>
Policy 22.2.3.1	Lake Hayes Cellar Limited; Lake Hayes Ltd; Mount Christina Ltd	Delete Policy 22.2.3.1	No change	Replace Policy 22.2.3.1 as follows: <b><u>Ensure that, where any part of the Rural Residential and Rural Lifestyle zones is identified as susceptible to natural hazards, the natural hazard risk is adequately managed as part of development or that residential activity is avoided if the natural hazard risk cannot be adequately managed.</u></b>
New Objective 22.2.8 Commercial Overlay	Lake Hayes Cellar Limited	Insert new Objective 22.2.8 Commercial Overlay, as follows: <b><u>22.2.8 Objective – Commercial Overlay. Recognise and provide for the non-residential character of the commercial overlay, which is distinct from other parts of the Rural Residential Zone.</u></b>	No change	Insert new Objective 22.2.8 Commercial Overlay, as follows: <b><u>22.2.8 Objective – Commercial Overlay. Recognise and provide for the non-residential character of the commercial overlay, which is distinct from other parts of the Rural Residential Zone.</u></b>
New Policies 22.2.8.1 to 22.2.8.4	Lake Hayes Cellar Limited	Insert new Policies below the new Objective 22.2.8 Commercial Overlay, as follows: <b><u>22.2.8.1 To enable commercial activities within the commercial overlay, where</u></b>	No change	Insert new Policies below the new Objective 22.2.8 Commercial Overlay, as follows: <b><u>22.2.8.1 To enable commercial activities within the commercial overlay, where</u></b>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
		<p><u><i>their effects on the environment can be appropriately managed.</i></u></p> <p><u><i>22.2.8.2 To encourage building associated with commercial activities within the commercial overlay to achieve a high level of design and external appearance.</i></u></p> <p><u><i>22.2.8.3 To recognise the scale of building associated with commercial activities within the commercial overlay as being greater than development anticipated within the rural residential zone.</i></u></p> <p><u><i>22.2.8.4 To recognise that noise and hours of operation of activities located within the commercial overlay difference in character from the surrounding residential and rural residential zones.</i></u></p>		<p><u><i>their effects on the environment can be appropriately managed.</i></u></p> <p><u><i>22.2.8.2 To encourage building associated with commercial activities within the commercial overlay to achieve a high level of design and external appearance.</i></u></p> <p><u><i>22.2.8.3 To recognise the scale of building associated with commercial activities within the commercial overlay as being greater than development anticipated within the rural residential zone.</i></u></p> <p><u><i>22.2.8.4 To recognise that noise and hours of operation of activities located within the commercial overlay difference in character from the surrounding residential and rural residential zones.</i></u></p>
Rule 22.4.11 Visitor Accommodation	Lake Hayes Ltd; Mount Christina Ltd	<p>Amend Rule 22.4.11 Visitor Accommodation to lower the activity status from Non-Complying to Restricted Discretionary, together with the addition of the following matters of discretion:</p> <p><i>Visitor Accommodation outside of a visitor accommodation subzone, including the construction or use of buildings for visitor accommodation.</i></p> <p><u><i>Councils discretion is restricted to:</i></u></p> <ul style="list-style-type: none"> <li>- <u><i>Impacts on the amenity values of neighbouring properties</i></u></li> <li>- <u><i>Traffic generation, access and parking</i></u></li> </ul>	<p>The s.42A reports recommends amending Rule 22.4.11 to lower the status of visitor accommodation outside of a visitor accommodation subzone from non-complying to discretionary (unrestricted).</p>	<p>Amend Rule 22.4.11 Visitor Accommodation to lower the activity status from Non-Complying to Restricted Discretionary, together with the addition of the following matters of discretion:</p> <p><i>Visitor Accommodation outside of a visitor accommodation subzone, including the construction or use of buildings for visitor accommodation.</i></p> <p><u><i>Councils discretion is restricted to:</i></u></p> <ul style="list-style-type: none"> <li>- <u><i>Impacts on the amenity values of neighbouring properties</i></u></li> <li>- <u><i>Traffic generation, access and parking</i></u></li> </ul>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence												
		<ul style="list-style-type: none"> <li>- <u>Noise</u></li> <li>- <u>Signs and lighting</u></li> <li>- <u>The external appearance, bulk and scale of building</u></li> </ul>		<ul style="list-style-type: none"> <li>- <u>Noise</u></li> <li>- <u>Signs and lighting</u></li> <li>- <u>The external appearance, bulk and scale of building</u></li> </ul>												
Rule 22.4.2 Status of Building in the Rural Residential Zone	Lake Hayes Cellar Limited; Lake Hayes Ltd; Mount Christina Ltd	Retain Rule 22.4.2 unchanged	No change	No further change proposed												
Rule 22.4.5 Residential Activity	Lake Hayes Cellar Limited; Lake Hayes Ltd; Mount Christina Ltd	Retain Rule 22.4.5 unchanged.	No change	No further change proposed												
Rule 22.4.6 Residential Flats	Lake Hayes Cellar Limited; Mount Christina Ltd	Retain Rule 22.4.6 unchanged.	No change	No further change proposed												
22.4 Rules – Activities (Table 1)  New Commercial Activity rule	Lake Hayes Cellar Limited	<p>Insert a new rule within Table 1, providing for Commercial Activities within the Commercial Overlay as a controlled activity, as follows:</p> <table border="1" data-bbox="488 1225 983 1382"> <thead> <tr> <th>Table 1</th> <th>Activities – Rural Residential and Rural Lifestyle Zones</th> <th>Activity Status</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Table 1	Activities – Rural Residential and Rural Lifestyle Zones	Activity Status				No change	<p>Insert a new rule within Table 1, providing for Commercial Activities within the Commercial Overlay as a controlled activity, as follows:</p> <table border="1" data-bbox="1581 1225 2076 1382"> <thead> <tr> <th>Table 1</th> <th>Activities – Rural Residential and Rural Lifestyle Zones</th> <th>Activity Status</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Table 1	Activities – Rural Residential and Rural Lifestyle Zones	Activity Status			
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Provision	Submitter	Submission			S.42A Recommendation	CF Evidence		
		<u>Rule 22.4.X</u>	<p><b><u>Commercial activities located within the commercial overlay.</u></b></p> <p><b><u>Councils control is limited to:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>The bulk, location and external appearance of the building</u></b></li> <li>• <b><u>Traffic generation, access and parking</u></b></li> <li>• <b><u>Servicing infrastructure</u></b></li> <li>• <b><u>Signs</u></b></li> <li>• <b><u>Landscaping</u></b></li> </ul>	<u>C</u>		<u>Rule 22.4.X</u>	<p><b><u>Commercial activities located within the commercial overlay.</u></b></p> <p><b><u>Councils control is limited to:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>The bulk, location and external appearance of the building</u></b></li> <li>• <b><u>Traffic generation, access and parking</u></b></li> <li>• <b><u>Servicing infrastructure</u></b></li> <li>• <b><u>Signs</u></b></li> <li>• <b><u>Landscaping</u></b></li> </ul>	<u>C</u>
Rule 22.5.1 Building Materials and Colours	Lake Hayes Cellar Limited [shown as <b>bold</b> ]; Lake Hayes Ltd; Mount Christina Ltd	<p>Amend Rule 22.5.1 Building Materials and Colours, as follows:</p> <p><i>All buildings, <b><u>except within the commercial overlay and subject to [insert new Rule 22.4.x],</u></b> including any structure larger than 5m<sup>2</sup>, new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding</i></p>			<p><b>Building Materials and Colours</b></p> <p>All buildings, including any structure larger than 5m<sup>2</sup>, new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape:</p> <p>Exterior colours of buildings:</p> <p>22.5.1.1 All exterior surfaces* shall be</p>	<p>Amend Rule 22.5.1 Building Materials and Colours, as follows:</p> <p><i>All buildings, <b><u>except within the commercial overlay and subject to [insert new Rule 22.4.x],</u></b> including any structure larger than 5m<sup>2</sup>, new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding</i></p>		

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
		<p>landscape:</p> <p><i>Exterior colours of buildings <u>materials shall be:</u></i></p> <p><del>22.5.1.1 All exterior surfaces shall be coloured in the range of black, browns, greens or greys;</del></p> <p><del>22.5.1.2 Pre-painted steel, and all roofs shall have a reflectance value not greater than 20% for roofs;</del></p> <p><del>22.5.1.3 Surface finishes shall have a reflectance value of not greater than 30% for all other external surfaces. Except that this rule shall not apply to any locally sourced stone (e.g. schist)</del></p> <p><u>These rules do not apply to any material or surface colours used inside any building.</u></p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties.</li> <li>• Whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building.</li> <li>• The size and height of the building where the subject colours would be applied.</li> </ul>	<p>coloured in the range of black, browns, greens or greys;</p> <p>22.5.1.2 Pre-painted steel, and all roofs shall have a <b>light</b> reflectance value not greater than 20%;</p> <p>22.5.1.3 Surface finishes** shall have a light reflectance value of not greater than 30%.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties.</li> <li>• Whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building.</li> <li>• The size and height of the building where the subject colours would be applied.</li> </ul> <p><b>* Excludes soffits, windows and skylights (but not glass balustrades).</b></p> <p><b>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</b></p>	<p>landscape:</p> <p><i>Exterior colours of buildings <b>materials shall be:</b></i></p> <p><del>22.5.1.1 All exterior surfaces shall be coloured in the range of black, browns, greens or greys;</del></p> <p><del>22.5.1.2 Pre-painted steel, and all roofs shall have a <b>light</b> reflectance value not greater than 20% for roofs;</del></p> <p><del>22.5.1.3 Surface finishes shall have a <b>light</b> reflectance value of not greater than 30% for all other external surfaces. Except that this rule shall not apply to schist.</del></p> <p><b><u>These rules do not apply to any material or surface colours used inside any building.</u></b></p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties.</li> <li>• Whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building.</li> <li>• The size and height of the building where the subject colours would be applied.</li> </ul>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
Rule 22.5.2 Building Coverage (Rural Residential Zone only)	Lake Hayes Cellar Limited [in respect to the commercial overlay]; Mount Christina Ltd	Amend Rule 22.5.2 Building Coverage, as follows:  <i>The maximum ground floor area of any building shall be 15% of the net site area, <b><u>except within the commercial overlay where the maximum ground floor area of any building shall be limited to 25% of the net site area.</u></b></i>  <i>Discretion is restricted to all of the following:</i> <ul style="list-style-type: none"> <li>• <i>The effect on open space, character and amenity.</i></li> <li>• <i>Effects on views and outlook from neighbouring properties.</i></li> <li>• <i>Ability of stormwater and effluent to be disposed of on-site</i></li> </ul>	No change	Amend Rule 22.5.2 to read as follows:  22.5.2 Building Coverage (Rural Residential Zone only)  The maximum ground floor area of <b><u>all</u></b> buildings on a site shall be 15% of the net site area, <b><u>except within the commercial overlay where the maximum ground floor area of any building shall be limited to 25% of the net site area.</u></b>  Discretion is restricted to all of the following: ...
Rule 22.5.3 Building Size	Lake Hayes Cellar Ltd; Mount Christina Ltd	Delete Rule 22.5.3 Building Size	<b><i>Building Size</i></b>  <i>The maximum <b><u>ground floor area</u></b> size of any building shall be 500m<sup>2</sup>.</i>  <i>Discretion is restricted to all of the following:</i> <ul style="list-style-type: none"> <li>• <i>Visual dominance.</i></li> <li>• <i>The effect on open space, rural <b><u>living</u></b> character and amenity.</i></li> <li>• <i>Effects on views and outlook from neighbouring properties.</i></li> <li>• <i>Building design <del>and reasons for the size.</del></i></li> </ul>	Amend Rule 22.5.3 to read as follows:  22.5.3 Building Size  The maximum <b><u>ground floor area</u></b> of any <b><u>individual</u></b> building shall be 500m <sup>2</sup> .  Discretion is restricted to all of the following: <ul style="list-style-type: none"> <li>• Visual dominance.</li> <li>• The effect on open space, rural <b><u>living</u></b> character and amenity.</li> <li>• Effects on views and outlook from neighbouring properties.</li> </ul>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
				• Building design and reasons for the size.
Rule 22.5.12.1 One residential Unit located within each building platform	Lake Hayes Ltd	Amend Rule 22.5.12.1 as follows: <del>One</del> <b>Two</b> residential Units located within each building platform	No change	Amend Rule 22.5.12.1 as follows: <del>One</del> <b>Two</b> residential Units located within each building platform
Rule 22.5.12.2 On sites less than 2ha there shall be only one residential unit	Lake Hayes Ltd	Amend <b>Rule 22.5.12.2</b> as follows: On sites less than 2ha there <b>may be up to two</b> residential units	No change	Amend <b>Rule 22.5.12.2</b> as follows: On sites less than 2ha there <b>may be up to two</b> residential units, <b>provided there is at least 1ha of net site area available for each residential unit.</b>
Rule 22.5.12.3. On sites equal to or greater than 2 hectares there shall be no more than one residential unit per two hectares on average. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.	Lake Hayes Ltd	Delete Rule 22.5.12.3; or Amend Rule 22.5.12.3 as follows: On sites equal to or greater than 2 hectares there shall be no more than <del>one</del> <b>two</b> residential <b>units</b> per <del>two</del> hectares on average. For the purpose of calculating any average, any allotment greater than <b>2</b> hectares, including the balance, is deemed to be <b>2</b> hectares.	No change	Delete Rule 22.5.12.3; or Amend Rule 22.5.12.3 as follows: On sites equal to or greater than 2 hectares there shall be no more than one residential <b>units</b> per <del>two</del> hectares on average. For the purpose of calculating any average, any allotment greater than <b>2</b> hectares, including the balance, is deemed to be <b>2</b> hectares.

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
<b>Chapter 33 Indigenous Vegetation and Biodiversity</b>				
Rule 33.3.4 Exemptions	<b>Soho Ski Area Ltd and Treble Cone Investments Ltd</b>	<p>Insert a new exception, as Rule 33.3.4.4, as follows:</p> <p><b><u>Indigenous vegetation clearance undertaken on land managed under the Conservation Act in accordance with a Conservation Management Strategy or Concession; Under the Land Act, in accordance with a Recreation Permit; or the Reserve Act in accordance with a Reserve Management Strategy.</u></b></p>	No change	<p>Insert a new exception, as Rule 33.3.4.4, as follows:</p> <p><b><u>Indigenous vegetation clearance undertaken on land managed under the Conservation Act in accordance with a Conservation Management Strategy or Concession; under the Land Act, in accordance with a Recreation Permit; or the Reserve Act in accordance with a Reserve Management Strategy.</u></b></p>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
<b>Definitions</b>				
Definition of 'Building'	Soho Ski Area Ltd and Treble Cone Investments Ltd	<p>Amend the definition of building, as follows:</p> <p><i>Shall have the same meaning as the Building Act 2004, with the following exemptions in addition to those set out in the Building Act 2004:</i></p> <ul style="list-style-type: none"> <li><i>Fences and walls not exceeding 2m in height.</i></li> <li><i>Retaining walls that support no more than 2 vertical metres of earthworks.</i></li> <li><i>Structures less than 5m<sup>2</sup> in area and in addition less than 2m in</i></li> </ul>	Deferred to hearing on definitions because this change relates to gondolas generally and is not confined to the SASZs.	<p>Amend the definition of building, as follows:</p> <p><i>Shall have the same meaning as the Building Act 2004, with the following exemptions in addition to those set out in the Building Act 2004:</i></p> <ul style="list-style-type: none"> <li><i>Fences and walls not exceeding 2m in height.</i></li> <li><i>Retaining walls that support no more than 2 vertical metres of earthworks.</i></li> <li><i>Structures less than 5m<sup>2</sup> in area and in addition less than 2m in</i></li> </ul>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
		<p><i>height above ground level.</i></p> <ul style="list-style-type: none"> <li>• <i>Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2m in diameter), less than 2m in height above ground level.</i></li> <li>• <i>Uncovered terraces or decks that are no greater than 1m above ground level.</i></li> <li>• <i>The upgrading and extension to the Arrow Irrigation Race provided that this exception only applies to upgrading and extension works than involve underground piping of the Arrow Irrigation Race.</i></li> <li>• <i>Flagpoles not exceeding 7m in height.</i></li> <li>• <i>Building profile poles, required as part of the notification of Resource Consent applications.</i></li> <li>• <i>Public outdoor art installations sited on Council-owned land.</i></li> <li>• <i>Pergolas less than 2.5 metres in height either attached or detached to a building.</i></li> <li>• <b><u>All components associated with passenger lift or other systems, including lift towers, cross arms, pulleys, cables, chairs, cabins, and top or bottom stations.</u></b></li> </ul>		<p><i>height above ground level.</i></p> <ul style="list-style-type: none"> <li>• <i>Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2m in diameter), less than 2m in height above ground level.</i></li> <li>• <i>Uncovered terraces or decks that are no greater than 1m above ground level.</i></li> <li>• <i>The upgrading and extension to the Arrow Irrigation Race provided that this exception only applies to upgrading and extension works than involve underground piping of the Arrow Irrigation Race.</i></li> <li>• <i>Flagpoles not exceeding 7m in height.</i></li> <li>• <i>Building profile poles, required as part of the notification of Resource Consent applications.</i></li> <li>• <i>Public outdoor art installations sited on Council-owned land.</i></li> <li>• <i>Pergolas less than 2.5 metres in height either attached or detached to a building.</i></li> <li>• <b><u>All components associated with passenger lift or other systems, including lift towers, cross arms, pulleys, cables, chairs, cabins, and top or bottom stations.</u></b></li> </ul>

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence				
		<p>Notwithstanding the definition set out in the Building Act 2004, a building shall include:</p> <p>Any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for residential accommodation for a period exceeding 2 months.</p>		<p>Notwithstanding the definition set out in the Building Act 2004, a building shall include:</p> <p>Any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for residential accommodation for a period exceeding 2 months.</p>				
New definition of 'Passenger Lift System'	Further submission by Soho Ski Area Ltd and Blackmans Creek Holdings No.1 LP to original submission by Mount Cardrona Station Ltd (#407);	-	<p>Change accepted (Para 14.18)</p> <table border="1" data-bbox="1037 624 1554 1182"> <tr> <td data-bbox="1037 624 1189 1182"><u>Passenger Lift System</u></td> <td data-bbox="1189 624 1554 1182"><u>Means any mechanical system used to convey or transport passengers within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins and structures to enable the embarking and disembarking or passengers.</u></td> </tr> </table>	<u>Passenger Lift System</u>	<u>Means any mechanical system used to convey or transport passengers within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins and structures to enable the embarking and disembarking or passengers.</u>	<p>Insert new definition of 'Passenger Lift System' as follows:</p> <table border="1" data-bbox="1585 655 2103 1230"> <tr> <td data-bbox="1585 655 1738 1230"><u>Passenger Lift System</u></td> <td data-bbox="1738 655 2103 1230"><u>Means any mechanical system used to convey or transport passengers within or to a Ski Area Sub-Zone, including but not limited to chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins and structures to enable the embarking and disembarking or passengers.</u></td> </tr> </table>	<u>Passenger Lift System</u>	<u>Means any mechanical system used to convey or transport passengers within or to a Ski Area Sub-Zone, including but not limited to chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins and structures to enable the embarking and disembarking or passengers.</u>
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Definition of 'Ski Area Activities'	Soho Ski Area Ltd and Treble Cone Investments Ltd	<p>Amend the definition of Ski Area Activities, as follows:</p> <p><i>Means the use of natural and physical resources for the purposes of <del>providing for</del> <b>establishing, operating and maintaining</b></i></p>	<p><i>Means the use of natural and physical resources for the purpose of <del>providing for</del></i></p>	<p>Amend the definition of Ski Area Activities, as follows:</p> <p><i>Means the use of natural and physical resources for the purposes of <del>providing</del></i></p>				

Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
		<p><b><u>the following activities and structures :</u></b></p> <p>(a) recreational activities either commercial or non commercial</p> <p>(b) chairlifts, t-bars, <del>and</del> rope tows <b><u>or any passenger lift or other systems</u></b> to facilitate commercial recreational activities.</p> <p>(c) use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities.</p> <p>(d) activities ancillary to commercial recreational activities.</p> <p>(e) in the Waiorau Snow Farm Ski Area Sub Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.</p> <p><b><u>(f) Visitor and residential accommodation associated with ski area activities</u></b></p> <p><b><u>(g) Commercial activities associated with ski area activities or recreation activities</u></b></p> <p><b><u>(h) Guest facilities including ticketing, offices, restaurants, cafes, ski hire and retailing associated with any commercial recreation activity</u></b></p> <p><b><u>(i) Ski area operations, including avalanche control and ski patrol</u></b></p> <p><b><u>(j) Installation and operation of snow making infrastructure, including reservoirs, pumps, snow makers and</u></b></p>	<p><b><u>establishing, operating and maintaining the following activities and structures:</u></b></p> <p>(a) recreational activities either commercial or non commercial</p> <p>(b) <del>chairlifts, t-bars and rope tows to facilitate commercial recreational activities</del> <b><u>passenger lift systems.</u></b></p> <p>(c) use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities.</p> <p>(d) activities ancillary to commercial recreational activities <b><u>including, avalanche safety, ski patrol, formation of snow trails and terrain.</u></b></p> <p><b><u>(e) Installation and operation of snow making infrastructure including reservoirs, pumps and snow makers.</u></b></p> <p>(f) in the Waiorau Snow Farm Ski Area Sub Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.</p>	<p><del>for establishing, operating and maintaining the following activities and structures:</del></p> <p>(a) recreational activities either commercial or non commercial</p> <p>(b) chairlifts, t-bars, <del>and</del> rope tows <b><u>or any passenger lift or other systems</u></b> to facilitate commercial recreational activities.</p> <p>(c) use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities.</p> <p>(d) activities ancillary to commercial recreational activities.</p> <p>(e) in the Waiorau Snow Farm Ski Area Sub Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.</p> <p><b><u>(f) Visitor and residential accommodation associated with ski area activities.</u></b></p> <p><b><u>(g) Commercial activities associated with ski area activities or</u></b></p>



Provision	Submitter	Submission	S.42A Recommendation	CF Evidence
		<p><u>associated elements.</u></p> <p><u>(k) The formation of trails and other terrain modification necessary to operate the ski area.</u></p> <p><u>(l) The provision of vehicle and passenger lift or other system access and parking</u></p> <p><u>(m) The provisions of servicing infrastructure, including water supply, wastewater disposal, telecommunications and electricity.</u></p>		<p><u>recreation activities</u></p> <p><u>(h) Guest facilities including ticketing, offices, restaurants, cafes, <del>ski</del> <b>hire</b> rental equipment and retailing associated with any commercial recreation activity</u></p> <p><u>(i) Ski area operations, including avalanche <del>safety</del> control and ski patrol</u></p> <p><u>(i) Installation and operation of snow making infrastructure, including reservoirs, pumps, snow makers and associated elements.</u></p> <p><u>(k) The formation of trails and other terrain modification necessary to operate the ski area.</u></p> <p><u>(l) The provision of vehicle <b>access, parking, and</b> passenger lift or other <b>transportation</b> system to <b>convey passengers.</b> <del>access and parking</del></u></p> <p><u>(m) The provisions of servicing infrastructure, including water supply, wastewater disposal, telecommunications and electricity</u></p>



## APPENDIX 2 – RELEVANT RPS OBJECTIVES AND POLICIES

### Chapter 5 Land

**Objective 5.4.1** *To promote the sustainable management of Otago’s land resources in order:*

- (a) *To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and*
- (b) *To meet the present and reasonably foreseeable needs of Otago’s people and communities.*

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

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

**Policy 5.5.2** *To promote the retention of the primary productive capacity of Otago’s existing high class soils to meet the reasonably foreseeable needs of future generations and the avoidance of uses that have the effect of removing those soils or their life-supporting capacity and to remedy or mitigate the adverse effects on the high class soils resource where avoidance is not practicable.*

**Policy 5.5.3** *To maintain and enhance Otago’s land resource through avoiding, remedying or mitigating the adverse effects of activities which have the potential to, among other adverse effects:*

- (a) *Reduce the soil’s life-supporting capacity*
- (b) *Reduce healthy vegetative cover*
- (c) *Cause soil loss*
- (d) *Contaminate soils*
- (e) *Reduce soil productivity*
- (f) *Compact soils*
- (g) *Reduce soil moisture holding capacity.*

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

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

- (a) *Are unique to or characteristic of the region; or*
- (b) *Are representative of a particular landform or land cover occurring in the Otago region or of the collective characteristics which give Otago its particular character; or*
- (c) *Represent areas of cultural or historic significance in Otago; or*
- (d) *Contain visually or scientifically significant geological features; or*
- (e) *Have characteristics of cultural, historical and spiritual value that are regionally significant for Tangata Whenua and have been identified in accordance with Tikanga Maori.*

## **Chapter 9 Built Environment**

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

- (a) *Meet the present and reasonably foreseeable needs of Otago's people and communities; and*
- (b) *Provide for amenity values, and*
- (c) *Conserve and enhance environmental and landscape quality; and*
- (d) *Recognise and protect heritage values.*

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

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

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

- (a) *Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology; and*
- (b) *Promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure; and*
- (c) *Encouraging a reduction in the use of non-renewable resources while promoting the use of renewable resources in the construction, development and use of infrastructure; and*
- (d) *Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.*

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

- (a) *Discharges of contaminants to Otago's air, water or land; and*
- (b) *The creation of noise, vibration and dust; and*
- (c) *Visual intrusion and a reduction in landscape qualities; and*
- (d) *Significant irreversible effects on:*
  - (i) *Otago community values; or*
  - (ii) *Kai Tahu cultural and spiritual values; or*
  - (iii) *The natural character of water bodies and the coastal environment; or*
  - (iv) *Habitats of indigenous fauna; or*
  - (v) *Heritage values; or*
  - (vi) *Amenity values; or*
  - (vii) *Intrinsic values of ecosystems; or*
  - (viii) *Salmon or trout habitat.*

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

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

- (b) *Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and*
- (c) *Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.*

## **APPENDIX 3 RELEVANT PROVISIONS OF THE PROPOSED OTAGO REGIONAL POLICY STATEMENT (NOTIFIED VERSION MAY 2015)**

### **Part B Chapter 2 – Otago has high quality natural resources and ecosystems**

#### **Objective 2.1**

***The values of Otago’s natural and physical resources are recognised, maintained and enhanced***

#### **Policy 2.1.7**

##### ***Recognising the values of natural features, landscapes, and seascapes***

*Recognise the values of natural features, landscapes, seascapes and the coastal environment are derived from the following attributes, as detailed in Schedule 4:*

- a) *Biophysical attributes, including:*
  - i. *Natural science factors;*
  - ii. *The presence of water;*
  - iii. *Vegetation (indigenous and introduced);*
  - iv. *The natural darkness of the night sky;*
- b) *Sensory attributes, including:*
  - i. *Legibility or expressiveness;*
  - ii. *Aesthetic values;*
  - iii. *Transient values, including nature’s sounds;*
  - iv. *Wild or scenic values;*
- c) *Associative attributes, including:*
  - i. *Whether the values are shared and recognised;*
  - ii. *Cultural and spiritual values for Kāi Tahu;*
  - iii. *Historical and heritage associations.*

#### **Objective 2.2**

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

#### **Policy 2.2.3**

##### ***Identifying outstanding natural features, landscapes and seascapes***

*Identify areas and values of outstanding natural features, landscapes and seascapes, using the attributes as detailed in Schedule 4.*

#### **Policy 2.2.4**

##### ***Managing outstanding natural features, landscapes, and seascapes***

*Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:*

- a) *Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and*
- b) *Avoiding, remedying or mitigating other adverse effects on other values; and*
- c) *Assessing the significance of adverse effects on values, as detailed in Schedule 3; and*

- d) *Recognising and providing for positive contributions of existing introduced species to those values; and*
- e) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and*
- f) *Encouraging enhancement of those areas and values.*

**Policy 2.2.5**

**Identifying special amenity landscapes and highly valued natural features**

*Identify areas and values of special amenity landscape or natural features which are highly valued for their contribution to the amenity or quality of the environment, but which are not outstanding, using the attributes detailed in Schedule 4.*

**Policy 2.2.6**

**Managing special amenity landscapes and highly valued natural features**

*Protect or enhance the values of special amenity landscapes and highly valued natural features, by:*

- a) *Avoiding significant adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature; and*
- b) *Avoiding, remedying or mitigating other adverse effects on other values; and*
- c) *Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and*
- d) *Recognising and providing for positive contributions of existing introduced species to those values; and*
- e) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and*
- f) *Encouraging enhancement of those values.*

**Part B Chapter 3 – Communities in Otago are resilient, safe and healthy**

**Objective 3.8 Urban growth is well designed and integrates effectively with adjoining urban and rural environments**

**Policy 3.8.1**

**Managing for urban growth**

*Manage urban growth and creation of new urban land in a strategic and co-ordinated way, by:*

- a) *Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for demand for such land, projected over at least the next 10 years; and*
- b) *Co-ordinating urban growth and extension of urban areas with relevant infrastructure development programmes, to:*
  - i. *Provide infrastructure in an efficient and effective way; and*
  - ii. *Avoid additional costs that arise from unplanned infrastructure expansion; and*
- c) *Identifying future growth areas that:*
  - i. *Minimise adverse effects on rural productivity, including loss of highly valued soils or creating competing urban demand for water and other resources; and*

- ii. *Maintain or enhance significant biodiversity, landscape or natural character values; and*
- iii. *Maintain important cultural or heritage values; and*
- iv. *Avoid land with significant risk from natural hazards; and*
- d) *Considering the need for urban growth boundaries to control urban expansion; and*
- e) *Ensuring efficient use of land; and*
- f) *Requiring the use of low or no-emission heating systems in buildings, when ambient air quality in or near the growth area is:*
  - i. *Below standards for human health; or*
  - ii. *Vulnerable to degradation given the local climatic and geographical context; and*
- g) *Giving effect to the principles of good urban design, as detailed in Schedule 6; and*
- h) *Giving effect to the principles of crime prevention through environmental design.*

### **Policy 3.8.2**

#### **Controlling growth where there are identified urban growth boundaries or future urban development areas**

*Where urban growth boundaries, as detailed in Schedule 8, or future urban development areas, are needed to control urban expansion, control the release of land within those boundaries or areas, by:*

- a) *Staging development, using identified triggers to release new stages for development; or*
- b) *Releasing land in a way that ensures a logical spatial development, and efficient use of existing land and infrastructure before new land is released; and*
- c) *Avoiding urban development beyond the urban growth boundary or future urban development area.*

### **Policy 3.8.3**

#### **Managing fragmentation of rural land**

*Manage subdivision, use and development of rural land, to:*

- a) *Avoid development or fragmentation of land which undermines or forecloses the potential of rural land:*
  - i. *For primary production; or*
  - ii. *In areas identified for future urban uses; or*
  - iii. *In areas having the potential for future comprehensive residential development; and*
- b) *Have particular regard to whether the proposal will result in a loss of the productive potential of highly versatile soil, unless:*
  - i. *The land adjoins an existing urban area and there is no other land suitable for urban expansion; and*
  - ii. *There highly versatile soils are needed for urban expansion, any change of land use from rural activities achieves an appropriate and highly efficient form of urban development; and*
  - iii. *reverse sensitivity effects on rural productive activities can be avoided; and*



- c) *Avoid unplanned demand for provision of infrastructure, including domestic water supply and waste disposal; and*
- d) *Avoid creating competing demand for water or other resources.*