QLDC Proposed District Plan

Jeff Brown – summary statement to primary evidence

Chapters 21, 22, 23, 33

27 May 2016

Introduction

1. This is a summary statement to my primary evidence dated 21 April 2016. I address the various topics in the following order:

    - Chapter 21 – Rural Zone: providing for farming activities and non-farming activities; providing for commercial recreation activities; surface of water activities; and ski area activities;
    - Chapter 22 – Rural Residential and Rural Lifestyle Zones;
    - Chapter 23 – Gibbston Character Zone;
    - Chapter 33 – Indigenous vegetation.

Chapter 21 – Rural Zone

Providing for farming activities and non-farming activities

2. I consider that the Chapter 21 zone purpose statement and objectives and policies are too far weighted in the direction of enabling farming (for example, see the first sentence of the zone purpose) and that they should better provide for non-farming activities also. The economic and landscape evidence for this topic supports this.

3. The objectives and policies should be modified so that they encourage and enable non-farming activities <u>subject to</u> ensuring that their effects on the environment are managed. My redrafted Objective 21.2.2 and its policies are an aggregated and reconstituted version of the notified Objective 21.2.9 and 21.2.10. They have the effect of enabling but regulating non-farming activities, including commercial, commercial recreation, rural living, and diversification of farming activities).

4. My proposed Policy 21.2.2.3 relates to rural living in the Wakatipu Basin – again reflecting the economic and landscape evidence. With further consideration I have modified my Policy 21.2.2.3, as follows:

    21.2.2.3 <u>***Recognise the existing rural living character of the Wakatipu Basin Rural Landscape, and the***</u> ~~*The*~~ *significant economic and social* ~~*value of existing*~~ <u>***benefits***</u>

> ***which flow from*** *rural living development in the Wakatipu Basin ~~Rural Landscape is recognised,~~ and* ***enable*** *further rural living development ~~enabled~~ where it is consistent with the landscape character and amenity values of the locality.*

5. This proactive wording better reflects the similar proactive wording of all the other policies which implement Objective 21.2.2. The amended wording also specifically recognises the existing rural living character of much of the Wakatipu Basin.

6. The implications of this new policy relate primarily to the cumulative effects of further rural living development in the Basin. I consider that an additional assessment matter, **21.7.2.7.d**, specifically applicable to the Wakatipu Basin, is necessary, as follows:

> ***21.7.2.7 Cumulative effects of development on the landscape:***
>
> *~~Taking into account~~ w**W**hether and to what extent:*
>
> ***a.*** *any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has ~~degraded~~* ***changed*** *landscape quality, character, and visual amenity values.~~The Council shall be satisfied~~;*
>
> *~~a~~**b**. the proposed development will not ~~further degrade~~* ***adversely affect*** *landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of ~~valued~~ quality, character and open ~~ness~~* ***space*** *due to the prevalence of residential or non-farming activity within the Rural Landscape.*
>
> *~~b~~**c**. where ~~in the case~~ resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development, ~~whether~~ any further* ***potential*** *cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument ~~that maintains open space~~.*
>
> ***d. in the Wakatipu Basin Rural Landscape, development is consistent with or enhances the existing rural living character and amenity values of, and will not result in over-domestication of, the locality.***

7. This re-introduces the term "over-domestication" which originally came from the WESI decisions and in the Operative Plan is in the District-wide policy for cumulative effects of subdivision and development and in various assessment matters relating to cumulative effects. Fundamentally, the issue is about allowing further rural living development but only where consistent with existing character and amenity values.

Providing for commercial recreation activities

8. Commercial activities and commercial recreational activities have different definitions, and should both be recognised in Table 1, Rule 21.4.15, as follows:

Rule	Table 1 – Activities Rural Zone	Activity
21.4.15	*Commercial activities ancillary to and located on the same site as recreational or* ***commercial recreational*** *activities*	*D*

9. Without this addition, commercial activities ancillary to a commercial recreational activity would be non-complying, and this is not justified given the economic evidence about the importance of enabling a range of non-farming activities in the rural zone.

Surface of water activities

10. I support Objective 21.2.12 worded as follows (my addition underlined):

> ***21.2.12 Objective*** ***The surface of lakes and rivers and their margins are protected, maintained or enhanced <u>while appropriate recreational, commercial recreational, and public transport activities that utilise those resources are recognised and provided for, and their effects managed.</u>***

11. With this wording the objective better recognises that the waterways are used and will continue to be used for a range of commercial and non-commercial recreational activities; ensures that the objective is appropriately balanced in that the waterways can be used appropriately as well as protected, maintained and enhanced; and provides better context for the policies which include promotion of water-based activities.

12. I support the recognition of lake and river based public passenger transport in the provisions. The possible ferry route from Queenstown, Frankton Arm and the Kawarau River, connecting the various existing and future settlement areas is a perfect example of an alternative transport connection to contribute to relieving road congestion. It can also facilitate access and enjoyment of the river and its margins.

Ski areas

13. I propose some modifications to Objective 21.2.6 and its policies, including the addition of a new policy, Policy 21.2.6.4, which, on reconsideration, should be worded as follows:

> ***21.2.6.4 Provide for appropriate alternative (non-road) means of transport to Ski Area Sub Zones, including from nearby urban zones and facilities, by way of passenger lift systems and ~~associated~~ <u>ancillary</u> structures and facilities.***

14. The word "ancillary" better limits the kind of structures and facilities to those necessary for a passenger lift system, such as ticketing, toilets, and shelter, and it better aligns with the additional clause (g) I have added into the definition of "ski area activities":

> *Means the use of natural and physical resources for the purpose of providing for:*
>
> *(a) recreational activities either commercial or non commercial.*
>
> *(b) ~~chairlifts, t-bars and rope tows to facilitate commercial recreational activities.~~ <u>passenger lift systems.</u>*
>
> *(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) Installation and operation of snow making infrastructure including reservoirs, pumps and snow makers.

~~(f)~~ (g) buildings for or ancillary to the activities in (a) – ~~(e)~~(f) above

15. This definition also includes Mr Barr's new clause (in (f) above). I consider that this definition overall is better than Mr Barr's definition (as set out in page 32 of his Appendix 1) because buildings that are necessary for the activities (such as those I identified in paragraph 14 above) are explicitly provided for.

16. In Rule 21.5, Table 3, I consider that the preamble should include the words "... *and Passenger Lift Systems*" along with Farm Buildings as the exemptions from the standards applying to structures and buildings. This would mean that Passenger Lift Systems would be exempt from the standards for buildings. This is necessary because, for example, many pylons will almost certainly be higher than 8m in height.

17. However, this is not to say that the effects of Passenger Lift Systems should not be managed. Within Ski Area Sub Zones they are a controlled activity (Rule 21.5.28, Table 7). In paragraph 2.41 of my EIC I indicated that outside Ski Area Sub Zones the default status for Passenger Lift Systems should be controlled or restricted discretionary. Having reflected further, I consider that the status should be restricted discretionary, because, given the potential effects (including ecological, landscape, geotechnical) in the areas in question, and the operational needs, the consent authority should have the power to refuse consent. The following new Rule 21.4.19A would be necessary:

Rule	Table 1 – Activities Rural Zone	Activity
...	...	...
21.4.19A	*Passenger Lift Systems not located within a Ski Area Sub Zone.* *Discretion is reserved to all of the following:* • *The route of the passenger lift system and the extent to which the passenger lift system breaks the line and form of the landscape with special regard to skylines, ridges, hills, and prominent slopes;* • *Whether the materials and colours to be used are consistent with the rural landscape of which the passenger lift system will form a part;* • *Whether the geotechnical conditions are suitable for the passenger lift system and the extent to which they are relevant to the route;* • *Lighting;* • *The ecological values of the land affected by structures and activities;* • *Balancing environmental considerations with operational requirements.*	*RD*

	• *The positive effects arising from directly linking settlements with ski area sub zones and providing alternative non-vehicular access*	

Chapter 22 – Rural Residential and Rural Lifestyle Zone

18. I support Mr Barr's additions to Table 2, Rule 22.5.1, relating to the reflective values of natural materials and the colours of windows. These are necessary to avoid triggering additional consent requirements.

19. In Rule 22.4.3.2, regarding the location of buildings within the building platform on the site, the words "*visibility from public places*" should be deleted from the list of matters over which discretion is restricted. The visibility of an expansion to a building's gross floor area outside the building platform, subject to meeting other development controls, will not have adverse effects on the view from a public place, given the effects arising from the existence of the building on the platform anyway.

Chapter 23 – Gibbston Character Zone

20. To large extent my comments about the Gibbston Character Zone are the same as those for the Rural Zone, including the need, in my view, for the objectives and policies to more actively recognise activities other than viticulture that rely on the rural resources of the Zone and managing the effects of these activities. This includes rural living, which I have added into policy 23.2.1.8 so that it sits alongside commercial recreation and visitor accommodation as examples of activities that are complementary to the character and viability of the Zone – again providing that their effects are managed.

Chapter 33 – Indigenous Vegetation and Biodiversity

21. Further to my comments on ski area sub zones, I consider that the Chapter 33 purpose statement should be modified to recognise not only ski area sub zones but also the potential for access to ski area subzones (ie. by passenger lift systems).

22. This proposed plan does not directly incentivise the protection of areas of ecological value but I consider that opportunities for proposals that can demonstrate a significant indigenous biodiversity gain, implemented as part of a development, should at least be recognised in the Chapter 33 objectives and policies. I support adding the following or similar policies:

> ***33.2.1.x Recognise the importance of providing for a range of activities that have the potential to protect, maintain or enhance indigenous biodiversity.***

33.2.1.y Encourage development proposals that can generate positive environmental outcomes through the permanent protection and enhancement of substantial areas of high quality indigenous vegetation or wetlands.

23. These are complemented by and would be given effect to by existing assessment matter 21.7.3.3(b) in Chapter 21 which relates to the positive effects of development, including the enhancement of indigenous biodiversity values. Related to this is my suggested new Policy 33.2.4.3:

33.2.4.3 Encourage land use practices that enable rehabilitation through replanting and pest control.

24. I also suggest modifications to:

- Policy 33.2.2.3 to reflect that some land may not necessarily be farm land, and that small scale low impact removal of indigenous vegetation should not just be allowed for farming purposes but can be for other non-farming purposes also, including public access and recreation; and

- Objective 33.2.4 and Policy 33.2.4.1, so that the focus is on the adverse effects of vegetation clearance, and for better consistency with the policies that do promote some limited removal of vegetation in some circumstances.

J A Brown
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