

Emily Suzanne Grace for QLDC: Summary of Evidence, Stream 20 – Late submission #31074

1. The late submission by Mr Veint relates to the way the provisions of Chapter 35 manage temporary filming activities within the Arcadia Rural Visitor Zone (RVZ). The submission requests that the Rural Zone provisions for managing these activities be applied within the Arcadia RVZ, as these are less restrictive than those that would apply to the RVZ otherwise.
2. Mr Vivian has provided planning evidence on behalf of the submitter, and Ms Robb has provided legal submissions. Mr Vivian and I are generally in agreement that the Rural Zone provisions for managing temporary filming activities are the most appropriate for the Arcadia RVZ, given the surrounding Rural Zone, the space on the site that allows temporary filming activities to have a degree of separation from visitor accommodation and commercial recreation activities, and the positive benefits that accrue from filming activities.
3. However, Mr Vivian does not agree with the qualification I place on my conclusion about the appropriateness of the Rural Zone provisions. My recommendations are qualified in that they relate to the RVZ provisions for Arcadia as amended in my second rebuttal statement, and may not hold when considered against the relief sought in the submitter's primary submission. My main reasons for this qualification being, the increased type and quantity of sensitive activities that could take place on the site, being residential, visitor accommodation and commercial recreation activities, and the reduced ability for those activities to be separated from temporary filming activities.
4. In case the Panel is of a mind to grant the relief sought in Mr Veint's primary submission, I have considered Mr Vivian and Ms Robb's reasons for disagreeing with my qualification, and examined the structure plan proposed for Arcadia again. I agree with Ms Robb that the residential development that would be enabled by the Arcadia structure plan would be rural residential in nature. It would allow 23 dwellings within the area. As Ms Robb points out, the PDP gives direction on managing the effects of temporary filming within rural residential zones, as distinct from urban zones and rural zones, by setting a limit of 100 people participating in the filming¹ (in between the 200 for rural and 50 for urban), and also by excluding the use of land as an informal airport². In my opinion, applying the limit of 100 persons and the exclusion for informal airports

¹ Rule 35.4.8 (a)

² Rule 35.4.8 (e)

to the Arcadia RVZ, should the Panel recommend granting the relief sought in Mr Veint's primary submission, would be consistent with the way this matter is managed in similar settings.

5. In order to apply the limit of 200 people to, and allow informal airports in, the Arcadia RVZ as proposed to be amended by the submitter through the incorporation of the structure plan, I consider there would need to be confidence that the benefits of permitting that level of filming activity, such as lower compliance costs, would justify a greater level of effect than is permitted in the PDP in similar rural residential settings. I note that the change requested would not reduce compliance costs in at least one of the two primary resource consents identified by Mr Vivian, as that activity involved over 200 people³. There would also need to be confidence that the 200 person permitted limit and the allowance for informal airports effectively minimised adverse effects in a rural residential setting, as required by the objectives and policies of Chapter 35⁴. I am not convinced that the evidence for the submitter demonstrates this. I note the discretionary activity resource consent path provided by Rule 35.4.15, for activities not otherwise provided for, would allow these effects to be considered on a case-by-case basis, against the level of development within the Arcadia RVZ that had occurred at that point in time.

³ See paragraph 2.1 of Mr Vivian's evidence

⁴ Particularly those identified in my s42A report: Objective 35.2.1 and Policy 35.2.1.8