

**BEFORE THE HEARINGS PANEL FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

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

**AND**

**IN THE MATTER** of Stage 3b of the Queenstown Lakes Proposed District Plan

**AND**

**IN THE MATTER** Submission of Matakauri Lodge Limited (31033)

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**STATEMENT OF EVIDENCE OF SCOTT ANTHONY FREEMAN**

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## **INTRODUCTION**

1. My name is Scott Anthony Freeman and I reside in Queenstown. I am a Director of Southern Planning Group Limited, a Queenstown based resource management planning consultancy. I hold the degree of Bachelor of Planning from the University of Auckland. I have 22 years' experience in the field of resource management planning.
2. I have previously worked for the Queenstown Lakes District Council ("Council") and later Civic Corporation Limited from 1997–1999. During this period I was employed as a consents planner responsible for processing a variety of land use and subdivision consents on behalf of the Council.
3. Since late 1999, I have been practicing as a resource management planning consultant, primarily within the Queenstown Lakes District. I formed Southern Planning Group in 2003.
4. Throughout my professional career, I have been involved in a range of resource consent and policy matters. I have made numerous appearances in front of various district and regional councils and the Environment Court.
5. From the variety of working roles that I have performed (as described in the preceding paragraphs), I have acquired a sound knowledge and experience of the resource management planning issues that are faced in the Queenstown area and the wider District.

## **EXPERT WITNESS CODE OF CONDUCT**

6. I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Consolidated Practice Note dated 1 November 2014. Although this hearing is not before the Environment Court, I confirm that I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

## **SCOPE OF EVIDENCE**

7. I have been engaged by Matakauri Lodge Limited ("MLL") in relation to its submission on Stage 3b of the Proposed District Plan ("PDP"). The submission by MLL has the reference number 31033.
8. My evidence is structured as follows:
  - (a) Executive Summary
  - (b) Site Description

- (c) Resource Consent Background
  - (d) Operative and Proposed District Plan Overview
  - (e) Section 42A Report
  - (f) Analysis
  - (g) Conclusion
9. Within my evidence, I rely or refer to reports or evidence that address matters such as planning, landscape architecture and traffic engineering. Such reports and evidence emanate from both the Council representatives (Ms Emily Grace and Mr Matthew Jones) and expert witnesses for the applicant (Ms Rebecca Lucas and Mr Jason Bartlett).

### **EXECUTIVE SUMMARY**

10. Matakauri Lodge is a long established visitor accommodation facility located approximately eight kilometres from central Queenstown. Through various resource consents issued by the Council, up to thirty two guests can stay overnight at Matakauri Lodge.
11. The owners of Matakauri Lodge own and operate three high quality lodges throughout New Zealand. Matakauri Lodge is the sole South Island visitor accommodation operation in a network that includes Kauri Cliffs in Northland and Cape Kidnappers in Hawkes Bay. The three lodges have a renown international reputation.
12. Matakauri Lodge was first developed for visitor accommodation purposes in the late 1990's. At that stage, it was proposed to establish a high quality boutique visitor accommodation facility that took advantage of its setting next to Lake Wakatipu.
13. MLL acquired the site in 2009. At that time, the existing buildings, grounds, landscaping and services were generally in a somewhat neglected state.
14. After acquiring the site, MLL embarked on a significant enhancement programme, in order to bring the overall operation up to a 5-Star boutique lodge standard. The enhancement works primarily focused on the existing buildings (both externally and internally), significant native landscaping (and removal of exotic species), access, car parking, services upgrade and the introduction of further high quality guest accommodation and amenities, bringing the total number of buildings on the site up to six.
15. Matakauri Lodge has an excellent reputation (both nationally and internationally) of providing high quality guest accommodation for a range of travellers.

16. Key aspects for guests staying at Matakauri Lodge are high quality guest facilities and services, privacy, a quiet peaceful environment, and the existence of magnificent views over Lake Wakatipu and towards distant mountains.
17. Matakauri Lodge also provides small scale ancillary activities that complement the primary visitor accommodation operation. These activities include small scale public dining, spa facilities and a limited number of functions.
18. The architectural built form constructed on the site to date takes advantage of the magnificent landscape vistas of the setting, while at the same time minimising the visual effect of buildings on the surrounding land and Lake Wakatipu through the style of architecture presented. Complementing the architectural style of the buildings has been the gradual removal and control of exotic vegetation on the site and the replacement with an abundant array of native plant and tree species. The native planting also has the benefit of visually assisting in mitigating the visual effects of the built form on site when viewed from outside of the site.
19. All resource consents issued for visitor accommodation purposes in relation to the site have been issued under the Rural Lifestyle Zone ("RLZ") provisions of the Operative District Plan ("ODP"), which require, as a minimum a discretionary activity consent. The only exception to this is the consent for the jetty that the original owners of the site gained approval for and subsequently constructed within Lake Wakatipu, directly below the site. The jetty was located in the Rural General Zone under the ODP.
20. Under Stage 1 of the notified PDP, the site was contained in the RLZ, with a Visitor Accommodation Sub-Zone ("VASZ") also imposed on the site. Under this zone, visitor accommodation (including the construction and use of buildings for this use) required a controlled activity consent (subject to compliance with various standards).
21. The PDP decisions version for the RLZ removed the VASZ. Visitor accommodation (in the style and form provided at Matakauri Lodge) now requires a discretionary activity consent pursuant to Rule 22.4.10 (for the activity and the construction and use of buildings for visitor accommodation purposes). MLL appealed the Council's decision on this aspect. Three Section 274 parties joined MLL's appeal - Christine Byrch, Marc Scaife and Mt Christina Limited. The mediation process for the MLL appeal has been postponed due to MLL's submission on Stage 3b of the PDP.
22. The decisions version for the RLZ presents a number of issues for further visitor accommodation facilities at Matakauri Lodge. This is because the objectives and policies in the RLZ seek to discourage visitor accommodation (in the form

provided at Matakauri Lodge) where it is not commensurate with the development anticipated in the RLZ and surrounding residential activities.

23. MLL lodged a submission on Stage 3b of the PDP. The submission outlined that the long term established use on the site was visitor accommodation, and that no full-time residential activities occur on the site. On the basis of the established visitor accommodation use on the site, its size and location, the submission outlined that the PDP RVZ is more appropriate for the site, as opposed to the Stage 1 PDP RLZ.
24. In the submission, MLL requested the imposition of the PDP RVZ on its site and supported the notified RVZ provisions. However, as detailed below, a number of amendments to the RVZ provisions are proposed (based on the version of the provisions as contained in the Section 42A report). In summary, the recommended amendments comprise:
  - (a) Adding the PDP Transport Chapter 29 into provision 46.3;
  - (b) Adding additional transportation matters of control in terms of Rule 46.4.6;
  - (c) Amending Rule 46.5.2.1 to exclude the site from the 500m<sup>2</sup> total maximum ground floor area limitation;
  - (d) Adding a new rule (Rule 46.5.2.2) that provides a total maximum ground floor area of 2,500m<sup>2</sup> for the site (plus adding traffic generation as a matter of discretion, if this rule is breached); and
  - (e) Adding a new rule (Rule 46.5.XX) that requires a 10m building separation requirement for buildings within the site.
25. In principle, Ms Grace (and Mr Jones) consider that the RVZ is a more appropriate zoning regime for the site when compared to the RLZ. However, Ms Grace recommended that the MLL submission should not be accepted on the basis that a landscape assessment had not been undertaken for the site to support the PDP submission. Ms Grace indicated that such an assessment would need to address any areas of moderate-high and high landscape sensitivity areas in the site. In this regard, MLL commissioned Ms Lucas from LAND to compile a landscape assessment, based on the methodology contained in Section 16 of Mr Jones Second Statement of Evidence.
26. Ms Lucas has addressed the landscape context that the site sits within, existing landscape attributes/character and development constraints and opportunities. Ms Lucas has also identified areas of the site with a high landscape sensitivity rating. Ms Lucas considers that the site can be accommodated in the RVZ, and that future development can be undertaken

on the site which protects the landscape values of the ONL which the site is located within.

27. Mr Bartlett has provided transportation evidence that has assessed the existing transport environment which the site relies upon in terms of access. In Mr Bartlett's opinion, with appropriate access upgrades, safe and efficient access can be achieved to and from the site.
28. In my opinion, the imposition of the RVZ on the site will recognise the established visitor accommodation operation and will provide the opportunity to enable appropriate alterations and extensions to this operation.

### **SITE DESCRIPTION**

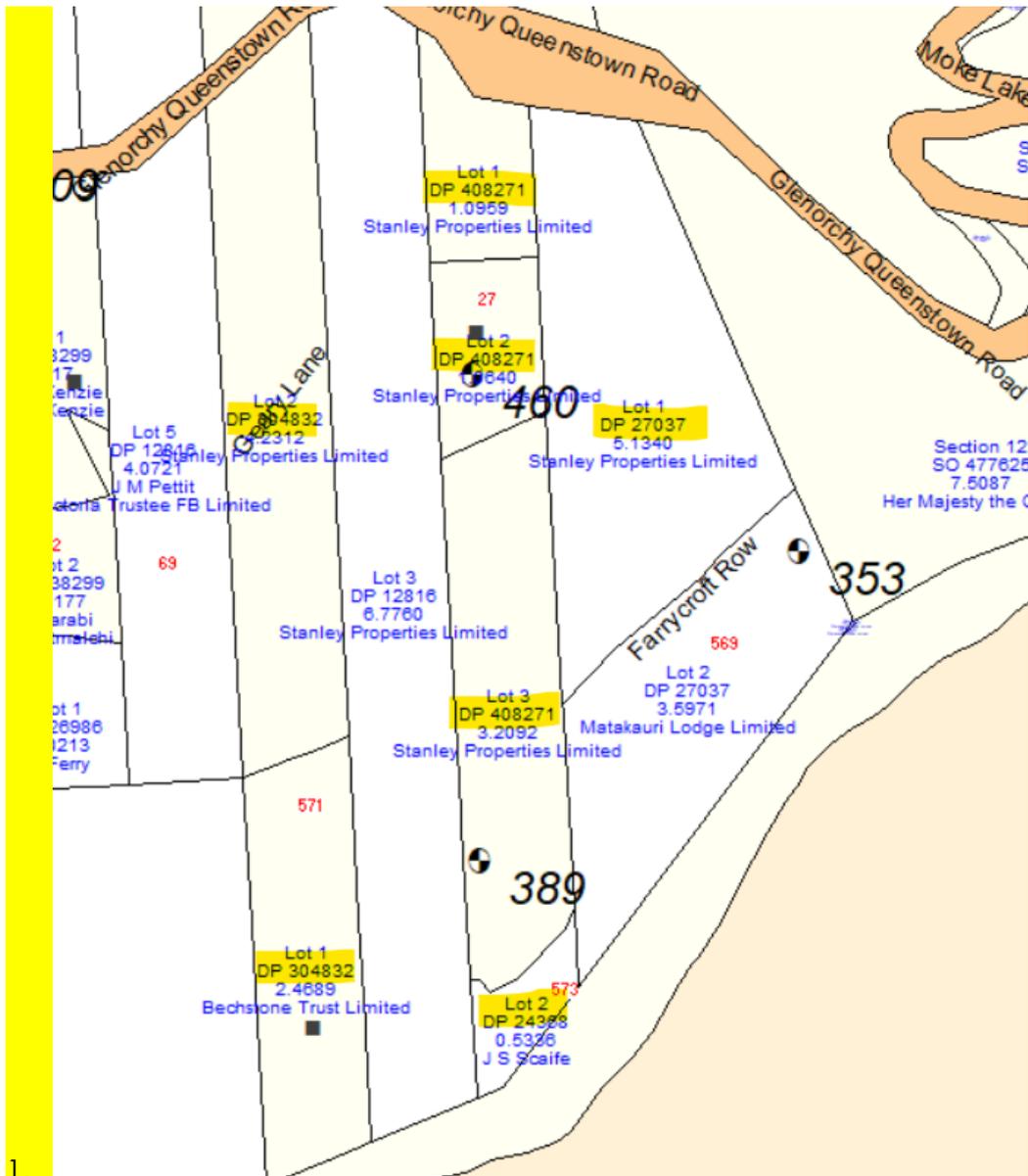
29. The site is legally described as Lot 2 Deposited Plan 27037 and Section 1-2 Survey Office Plan 434205. The site is 3.5994 hectares in area.
30. The site is located approximately 8 kilometres west from the centre of Queenstown and on the southern side of the Glenorchy – Queenstown Road. The location of the site is illustrated on the aerial photograph below.



31. The majority of the site slopes gently down to Lake Wakatipu in a north to south direction. The southern portion of the site falls away steeply to Lake Wakatipu.
32. Vehicular access to the site from the Glenorchy – Queenstown Road is via a formed right of way that is called Farrycroft Row. From Farrycroft Row, there are three existing vehicular access points to the site, although two of the access points are one way. The first portion of the right of way is located on

Section 12 Survey Office Plan 477625. This land is owned by the Crown and is administered by the Department of Conservation and is classified as a Recreation Reserve.

33. The land located between the site and Lake Wakatipu is classified as a Recreation Reserve under the Reserves Act 1977. This Recreation Reserve is owned by the Crown and administered by the Department of Conservation (legally described as Section 4 Survey Office Plan 434205). A public walking track below the site meanders along the lake edge within this Recreation Reserve. There is pedestrian access from the site down to the track located next to Lake Wakatipu. Due to a difference in topography and established vegetation, there is very limited visibility (and at some points no visibility) of the existing built form when walking along the public track directly below the site.
34. Adjoining the site to the east is another Recreation Reserve that is owned by the Crown and is administered by the Department of Conservation. This Recreation Reserve is legally described as Section 12 Survey Office 477625. The public walking track described above also meanders through this Recreation Reserve, with the track connecting to a public car park, which is accessed off the Queenstown-Glenorchy Road. From this portion of the walking track, there is greater opportunity to view into the site at distance, albeit vegetation assists with visually mitigating built form from this viewing location.
35. It is noted that seven other properties gain legal access over the MLL land via a right of way (Farrycroft Row). It is noted that three of the seven properties contained established residential dwellings, with two of these properties gaining access via Farrycroft Row (the third property gains access via Geary Lane). These properties are highlighted below in yellow:



## RESOURCE CONSENT BACKGROUND

36. The site has an extensive resource management planning background in terms of resource consents obtained from the Council starting from the late 1990's. The resource consents have primarily centred on the use of the site for visitor accommodation purposes. The full list of resource consents issued for the site is contained within Appendix [A].
37. Based on the resource consents given effect to as contained in Appendix [A], Matakauri Lodge has the ability to house thirty two overnight paying guests within sixteen guest rooms. Currently the guests are housed in the following buildings on site:
  - (a) Eight guests can be accommodated in the chalets that were originally approved via RM980500 (four guest rooms in total);

- (b) Eight guests can be accommodated in the main lodge building as authorised via RM000345 (four guest rooms in total);
  - (c) Eight guests can be accommodated within one of the villas that was originally approved via RM030416 (four guest rooms in total); and
  - (d) Eight guests can be accommodated in the "owners cottage" that was authorised via RM120008 (four guest rooms in total).
38. Matakauri Lodge also provides small-scale ancillary activities that complement the primary visitor accommodation operation on-site. These ancillary activities include public dining (a maximum of 10 patrons at one time, in addition to overnight paying guests) and attendance at the health care facility (maximum of two guests per hour using the spa facilities) for a small number of public users, as well as the ability to hold four functions per year for events such as weddings.
39. It is noted that MLL has a resource consent application (RM171104) lodged with the Council that relates to constructing two new guest accommodation buildings, expanding the central lodge building, together with ancillary physical works that include the provision of additional onsite car parking, earthworks, landscaping and infrastructure servicing. RM171104 also seeks to increase the present limit of 32 guests to a maximum of 46 guests. RM171104 has been on hold since 2017 at MLL's request.
40. The existing buildings have an approximate building footprint of 1,634m<sup>2</sup>, which equates to a building coverage of 4.9% (based on the net area of the site). I note that the MLL Stage 3b submission states that the existing building footprint is 1,924m<sup>2</sup> and that the building coverage is 5.35% (these figures were taken from the Stage 1 PDP Section 32 report that addressed the VASZ on the MLL site). In compiling this evidence, it became apparent that the figures in the MLL Stage 3b PDP submission and Stage 1 PDP Section 32 report were not correct, and that the building footprint is 1634m<sup>2</sup> and the building coverage is 4.9%.

## **OPERATIVE AND PROPOSED DISTRICT PLAN - OVERVIEW**

41. This section summarises the relevant provisions of the ODP and Stage 1 PDP that relate to visitor accommodation activities.

### **Operative District Plan**

42. Under the ODP, the site is contained in the RLZ. It is noted that all resource consents issued for visitor accommodation purposes on the site have been issued under the ODP RLZ.
43. The purpose of the RLZ is to provide for low density residential opportunities as an alternative to suburban living in areas across the District.

44. From a visitor accommodation perspective, the key planning provisions within the RLZ are summarised below.
45. Three objectives apply to the site, which address Rural Living, Rural Amenity and Life Supporting Capacity of Water. However, from a visitor accommodation perspective, these objectives (and supporting policies) are largely silent when dealing with this land use activity.
46. In terms of the rules:
- (a) For buildings that are used for visitor accommodation purposes, a controlled activity consent is required pursuant to Rule 8.2.2.2(i), with Council having control over the following matters:
    - *the location and external appearance of the buildings and associated earthworks, access and landscaping, to avoid or mitigate adverse effects on landscape and visual amenity values, nature conservation values and the natural character of the rural environment; and*
    - *the provision of water supply, sewage treatment and disposal, electricity and telecommunication services; and*
  - (b) Visitor accommodation requires a discretionary activity consent pursuant to Rule 8.2.2.3(i).
  - (c) Rule 8.2.4.1(i) (restricted discretionary to breach) provides for a maximum building coverage of 15%.
  - (d) Rule 8.2.4.1(ii) (restricted discretionary to breach) requires a 10m internal building setback.
  - (e) Rule 8.2.4.1(v) deals with the Nature and Scale of Activities, in that within the RLZ, the maximum gross floor area of non-farming or non-residential activities shall not exceed 100m<sup>2</sup>. A restricted discretionary consent is required to breach Rule 8.2.4.1(v).
  - (f) Rule 8.2.4.2 (non-complying to breach) provides for a maximum building height of 8m.
47. In terms of assessment matters, 8.3.2(vi) deals with visitor accommodation in the RLZ and states as follows:
- (a) *The extent to which the visitor accommodation will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding area.*
  - (b) *Any adverse effects of the proposed visitor accommodation in terms of:*

- i. *Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road.*
  - ii. *Loss of privacy.*
  - iii. *Levels of traffic congestion or reduction in levels of traffic safety inconsistent with the classification of the adjoining road.*
  - iv. *Pedestrian safety in the vicinity of the activity.*
  - v. *Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.*
- (c) *The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of additional traffic generation.*
- (d) *Any potential adverse effects of the activity on the quality of ground and/or surface waters.*

### **Notified Version of the Rural Lifestyle Zone (Stage 1)**

48. As part of the notified version of Stage 1 of the PDP, the site was contained within the RLZ. A VASZ was also imposed on the site.
49. The purpose of the RLZ was to provide for rural living opportunities, having a density of one residential unit per hectare with an overall average density of one residential unit per two hectares across a subdivision.
50. From a visitor accommodation perspective, the key planning provisions within the notified version of the RLZ are summarised below.
- (a) Objective 22.2.2 was to:
    - i. *Ensure the predominant land uses are rural, residential and where appropriate, visitor and community activities.*
  - (b) Objective 22.2.2 was to be implemented by a number of policies, which stated:
    - i. *22.2.2.1 Provide for residential and farming as permitted activities, and recognise that depending on the location, scale and type, community activities may be compatible*

*with and enhance the Rural Residential and Rural Lifestyle Zones.*

- ii. *22.2.2.2 Any development, including subdivision located on the periphery of residential and township areas, shall avoid undermining the integrity of the urban rural edge and where applicable, the urban growth boundaries.*
- iii. *22.2.2.3 Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, so that the amenity, 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.*
- iv. *22.2.2.4 Encourage visitor accommodation only within the specified visitor accommodation subzone areas and control the scale and intensity of these activities.*
- v. *22.2.2.5 The bulk, scale and intensity of buildings used for visitor accommodation activities are to be commensurate with the anticipated development of the zone and surrounding residential activities.*

- (c) Policy 22.2.2.4 was relevant to the site, as it specifically encouraged visitor accommodation only within the specified VASZ, while also seeking to control the scale and intensity of such an activity.

51. In the VASZ as provided for in the RLZ, visitor accommodation was given a controlled activity status pursuant to Rule 22.4.10. This rule governed both the activity of visitor accommodation and the construction or use of buildings for visitor accommodation use. Rule 22.4.10 reserved control over the following matters:

- (a) *The bulk and scale of buildings in the context of the scale of residential buildings in the surrounding area.*
- (b) *Access safety and transportation effects.*
- (c) *Car Parking.*
- (d) *Noise.*
- (e) *Signs and Lighting.*
- (f) *Landscaping to mitigate effects associated with buildings, infrastructure and car parking areas.*

- (g) *Where buildings are located near water bodies, ensuring the buildings are compatible with the scenic and amenity values of any waterbodies.*
  - (h) *Whether the building will be located in an area subject to natural hazards including the effects of any mitigation to manage the location of the building.*
52. A variety of development controls applied to visitor accommodation in the RLZ and VASZ as detailed below.
- (a) Rule 22.5.3 (restricted discretionary to breach) stated that the maximum building size is 500m<sup>2</sup>, with discretion being restricted to the following matters:
    - i. *Visual dominance.*
    - ii. *The effect on open space, rural character and amenity.*
    - iii. *Effects on views and outlook from neighbouring properties.*
    - iv. *Building design and reasons for the size.*
  - (b) Rule 22.5.4 (restricted discretionary to breach) provided a minimum internal setback of 10m in the RLZ, with discretion being restricted to the following matters:
    - i. *Visual dominance.*
    - ii. *The effect on open space, rural character and amenity.*
    - iii. *Effects on privacy, views and outlook from neighbouring properties.*
    - iv. *Reverse sensitivity effects on adjacent properties.*
    - v. *Landscaping.*
  - (c) Rule 22.2.5.8 set the maximum building height at 8m, with a non-complying activity resource consent being required to breach this limit.
  - (d) Rule 22.2.5.13 (restricted discretionary to breach) stated that the maximum building coverage in the VASZ was limited to 10% and on sites greater than 1 hectare, the maximum building coverage was to be 10% or 2,500m<sup>2</sup>, whichever was the lesser. Discretion was restricted to the following matters:

- i. The scale and intensity of the activity and the extent to which it is compatible with surrounding activities.
  - ii. The effect on open space, character and amenity.
  - iii. Effects on views and outlook from neighbouring properties.
  - iv. Ability of stormwater and effluent to be disposed of on-site.
- (e) Rule 22.2.6 stated that visitor accommodation in the VASZ would not require the written consent of other persons and would not be notified or limited-notified.
53. It is noted that visitor accommodation (including the construction or use of buildings for visitor accommodation) outside of the VASZ in the Rural Lifestyle Zone required a non-complying activity resource consent pursuant to Rule 22.4.11.

### **Decisions Version of the Rural Lifestyle Zone (Stage 1 PDP)**

54. The decisions version for the RLZ removed the VASZ on the site as contained in the notified version for this zone, in combination with altering a number of other planning provisions that relate to visitor accommodation in the RLZ.
55. Report 4B compiled by Independent Commissioners ("Commissioners") dealt with the VASZ in Chapter 22 (Rural Residential and Lifestyle Zones). The Commissioners in considering the appropriateness of the VASZ for the MLL site, limited their consideration of this issue to Policy 22.2.2.4, Rule 22.4.10 and Rule 22.5.13<sup>1</sup>.
56. In relation to Policy 22.2.2.4, the Commissioners found that this policy was inconsistent with Policies 22.2.2.1, 22.2.2.3 and 22.2.2.5, in that these policies provide that visitor accommodation should be able to occur in the RLZ (in this case) where the overall qualities of the RLZ are retained and the scale and intensity of development is consistent with that anticipated by that outside of the VASZ.<sup>2</sup> The Commissioners also found that Policies 22.2.2.1, 22.2.2.3 and 22.2.2.5 establish (in part) those circumstances where visitor activities are appropriate, while Policy 22.2.2.4 is contrary to these policies by suggesting visitor accommodation should only occur in specified visitor accommodation subzone areas, and based on these reasons, the Commissioners considered Policy 22.2.2.4 to be superfluous (and should be deleted).<sup>3</sup>

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<sup>1</sup> Report 4B – paragraph 35

<sup>2</sup> Report 4B – paragraph 38

<sup>3</sup> Report 4B - paragraph 39

57. The Commissioners decided that Rule 22.4.10 was not appropriate for a range of reasons, and that it was appropriate to classify visitor accommodation in the RLZ as a discretionary activity. In particular the Commissioners found that:

- (a) The matters of control did not enable consideration of all matters which the policies in Chapter 22 suggest would be relevant. For example, Policies 22.2.2.4 and 22.2.2.5 raised issues of the *intensity* of visitor accommodation development, however control was limited to the bulk and scale of buildings;<sup>4</sup> and while Policies 22.2.1.1 and 22.2.1.4 sought to ensure the location and form of buildings would not affect specified landscape qualities, Rule 22.4.10 only controlled the location of buildings in respect of water bodies.<sup>5</sup>
- (b) Rule 22.4.10 did not enable consideration of the maintenance or enhancement of landscape quality, character and visual amenity values (aside from the consideration of the scenic and amenity values relating to water bodies)<sup>6</sup>.
- (c) Because there would be so many matters of 'discretion', that it was not appropriate to have a controlled or restricted discretionary status<sup>7</sup> and that visitor accommodation in the RLZ (and for the MLL site) should be a discretionary activity pursuant to Rule 22.4.11.
- (d) Rule 22.5.13 was unnecessary since visitor accommodation would now be classified as a discretionary activity in the Rural Lifestyle Zone.

58. While noting that there have been a number of appeals on these provisions (including from MLL), based on the decisions version for the RLZ, the following key provisions will apply to any further visitor accommodation development at Matakauri Lodge:

- (a) The Zone Purpose statement which contains no reference to visitor accommodation states:

*The Rural Residential and Rural Lifestyle Zone provide rural living opportunities on the periphery of urban areas and within specific locations amidst the Rural Zone. In both zones a minimum allotment size is necessary to maintain the character and quality of the zones and the open space, rural and natural landscape values of the surrounding Rural Zone.*

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<sup>4</sup> Report 4B – Paragraph 41

<sup>5</sup> Report 4B – paragraph 41

<sup>6</sup> Report 4B – Paragraph 43

- (b) Provision 22.1 which states the following in relation to the Rural Lifestyle Zone:

*The Rural Lifestyle zone provides for rural living opportunities with an overall density of one residential unit per two hectares across a subdivision. Building platforms are identified at the time of subdivision to manage the sprawl of buildings, manage adverse effects on landscape values and to manage other identified constraints such as natural hazards and servicing. The potential adverse effects of buildings are controlled by height, colour and lighting standards.*

- (c) Objective 22.2.1 which states that the District's landscape quality, character and amenity values are maintained while enabling rural living opportunities in areas that can absorb development.

- (d) Policies 22.2.1.1, 22.2.1.2, 22.2.1.4 and 22.2.1.5, which implement objective 22.2.1, deal with matters such as avoiding, remedying or mitigating the visual prominence of buildings, setting density and building coverage standards in order to maintain rural living character and amenity values (and open space and rural qualities of the District's landscapes), managing activities that are located ONL/ONF's so as to not diminish the qualities of these landscapes and finally, maintaining and enhancing landscape and amenity values by controlling the external appearance of built form.

- (e) Objective 22.2.2 which states:

*The predominant land uses within the Rural Residential and Rural Lifestyle Zones are rural and residential activities.*

- (f) The relevant policies that implement Objective 22.2.2 are:

*Policy 22.2.2.1 Enable residential and farming activities in both zones, and provide for community and visitor accommodation activities which, in terms of location, scale and type, community are compatible with and enhance the predominant activities of the relevant zone.*

*Policy 22.2.2.3 Discourage commercial, community and other non-residential activities, including restaurants, visitor accommodation and industrial activities that would diminish amenity values and the quality and character of the rural living environment.*

*Policy 22.2.2.4 The bulk, scale and intensity of buildings used for visitor accommodation, residential visitor accommodation and homestays are to be*

*commensurate with the anticipated development of the zone and surrounding residential activities.*

*Policy 22.2.2.5 Enable residential visitor accommodation and homestays in conjunction with residential units (including residential flats) whilst limiting the scale, intensity and frequency of these activities.*

- (g) The key development controls include:
- i. Rule 22.4.10 which states that visitor accommodation (including the construction or use of buildings for visitor accommodation) requires a discretionary activity.
  - ii. Rule 22.5.3 (restricted discretionary to breach) which states that the maximum ground floor area of any individual building must not exceed 500m<sup>2</sup>.
  - iii. Rule 22.5.4 (restricted discretionary to breach) which states that the minimum setback from internal boundaries is 10m.
  - iv. Rule 22.5.8 (non-complying to breach) which states that the maximum building height is 8m.

## **SECTION 42A REPORT**

59. The discussion under this heading will deal with two matters, being Ms Grace's views of the zoning request by MLL and her recommended changes to the notified version of the RVZ.

### **Specific Commentary on the MLL Submission**

60. In paragraphs 13.3 to 13.10, Ms Grace specifically considers the merits of the MLL zoning request in terms of imposing the RVZ on the site.
61. In Ms Grace's opinion, the site has the key characteristics for RVZ areas, in that the site has a degree of remoteness and is difficult to see from the Glenorchy – Queenstown Road (although it is visible from Lake Wakatipu). Ms Grace (in reliance on the opinion of Mr Jones), considers that the site should be able to accommodate the type of development anticipated by the RVZ in an ONL.
62. In terms of the appropriateness of the RVZ when compared to the Rural Lifestyle Zone, Ms Grace states the following:

*In principle, I consider that the RVZ is a more appropriate zone than the Rural Lifestyle Zone to manage the activities on the Matakauri site. The site is clearly not used for rural living activities and in my opinion would be highly unlikely to be in the future given the nature of the built development on the site. There would be an economic benefit*

*of providing certainty for future activities on the site through the application of the RVZ. I note that the bulk and location standards for buildings in the RVZ are either the same or more restrictive under the RVZ than Rural Lifestyle Zone. I consider that the RVZ is better able to manage the effects on landscape from future development of the site, provided a landscape sensitivity assessment has been undertaken on the site, resulting in an environmental benefit from rezoning.<sup>8</sup>*

63. As outlined in paragraph 7.2 of the Section 42A Report, Ms Grace considers that to support rezoning requests for the RVZ (for all the rezoning requests, not just MLL), submitters need to demonstrate that the proposed land area is largely comprised of areas of lower landscape sensitivity, and that controlled activity developments within a site would protect landscape values in the ONL's (in this case). Ms Grace further outlines that if there are areas of high or moderately high landscape sensitivity present, such areas need to be identified so they can be mapped (and the discretionary and non-complying rule framework then comes into play).
64. Ms Grace recommends that the MLL submission should not be accepted on the basis that a landscape assessment was not included in the submission. MLL engaged Ms Lucas to compile a detailed landscape assessment analysis and assessment, based on the matters to be considered as outlined by Mr Jones in his Second Statement of Evidence (dated 18 March 2020). The analysis and conclusions reached by Ms Lucas will be addressed below in terms of landscape considerations.

#### **Recommended amendments to the notified version of the RVZ.**

65. Ms Grace has recommended a number of amendments to the notified version of the RVZ. With some exceptions, I generally agree with the amendments proposed by Ms Grace, as outlined below.
66. In terms of the recommended amendments to objective 46.2.1, I agree with how Ms Grace has reframed this objective in terms of dealing with RVZ's that are located in both an ONL and Rural Character Landscape ("RCL"). In relation to ONL's, the use of the term 'protection' is consistent with the now Chapter 3 of the PDP, while the inclusion of reference to RCL's takes into account that a site in such a landscape category might be rezoned to RVZ.
67. My opinion on the recommended amendments to objective 46.2.2 are very much the same when compared to the amendments to objective 46.2.1, in that the terms of Chapter 3 (protect, maintain, enhance) are also applied to objective 46.2.2.

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<sup>8</sup> Section 42A Report- Paragraph 13.9

68. The recommended amendments to the 'purpose' (46.1) of the RVZ by Ms Grace are logical in my opinion. Again, the amendments ensure consistency between Chapter 3 of the PDP and objectives 46.2.1 and 46.2.2.
69. Ms Grace recommends a new policy that implements objective 46.2.1, being policy 46.2.1.a. This new policy reinforces the key attributes of the RVZ in terms of location, visibility from public places and landscape characteristics. I agree with adding the term 'generally' in front of 'remote in location'.
70. I agree with the recommended amendment to Policy 46.2.1.1 in terms of the inclusion of RCL. Again, this makes it clear that the RVZ can be located outside of an ONL.
71. The recommended amendment to Policy 46.2.1.4, by including the reference to the RVZ being 'generally remote', is again appropriate in my opinion.
72. The recommended amendment to Policy 46.2.1.6 is similarly appropriate in my opinion, with direct references to the attributes to be either protected, maintained or enhanced in the respective landscape categories.
73. I agree with the recommend amendments to objective 46.2.2. The amended objective clearly seeks to enable buildings associated with visitor accommodation use within areas of lower landscape sensitivity, while also dealing with the attributes to be either protected, maintained or enhanced in the respective landscape categories.
74. Policy 46.2.1.1 builds on objective 46.2.2 of either enabling or restricting built form, depending on the landscape sensitivity of the subject RVZ. I agree with the recommended amendments to Policy 46.2.1.1.
75. I also agree with the recommended amendments to Policies 46.2.2.2 and 46.2.2.3.
76. In terms of Rule 46.4.6(a) that deals with buildings in the RVZ, the addition of the words 'density' and 'location' are appropriate. Such additions provide a stronger degree of control over built form in the RVZ (excluding buildings governed by Rules 46.4.7 and 46.4.11). It is noted that I have promoted an additional matters of control in terms of Rule 46.4.6 in relation to transportation considerations.
77. Ms Grace has recommended an addition to Rule 46.5.2 (being 46.5.2.1, noting that this numbering has been used twice) that will provide a total maximum ground floor area of 500m<sup>2</sup> across a piece of land that is contained in the RVZ (excluding any areas identified as Moderate-High and High Landscape Sensitivity). This restriction would only apply to any new RVZ (i.e. the restriction does not apply to the notified RVZ's).

78. The imposition of the 500m<sup>2</sup> by Ms Grace has resulted from concerns from Ms Melsop, Ms Gilbert and Mr Jones have expressed, in that if there are no site coverage/density standards, then inappropriate development could occur in the new RVZ's, with Council having limited control via a controlled activity resource consent process.
79. I agree with Ms Grace that a building percentage control based on the size of the land is not an appropriate method to control the effects of built form. Building coverage being determined by the size of the allotment (or area contained in the RVZ) is somewhat arbitrary.
80. Ms Grace (in reliance of Ms Melsop and Mr Jones) acknowledges that the appropriate total building coverage is likely to vary depending on such things as the size of the lower landscape sensitivity area and the characteristics and values of the landscape context. I agree with this rationale.
81. I do not disagree with Ms Grace in relation to a form of building/density control for new RVZ's. However, the imposition of a 500m<sup>2</sup> total maximum ground floor area at Matakauri Lodge instantly creates a situation of non-compliance for any new development on this site. This is because the existing building footprint at Matakauri Lodge is 1,634m<sup>2</sup>.
82. In my opinion, it is appropriate to consider a bespoke building coverage for the site, and this matter is addressed later below.
83. I have no issue with the introduction of Rule 46.5.x that deals with building materials and colours. In my opinion, this is an appropriate control to ensure that built form blends into the landscape context of the site.
84. Rule 46.6 states that controlled or restricted discretionary activities shall not require the written consent of other persons and shall not be notified or limited notified (with certain exceptions). I am unsure as to why Ms Grace has added Rule 46.4.6 (controlled activity buildings) into the 'exception' list. This means that a controlled activity could face some form of notification. In my opinion, for a number of reasons it is not appropriate to provide the potential for notification of controlled activity buildings. Firstly, this approach defeats the purpose of classifying an activity as a controlled activity. Secondly, by zoning a site RVZ (and focusing development in the low sensitivity areas), it has been determined that built form on the site is a suitable outcome. Finally, in my opinion, there is suitable control in Rule 46.4.6 that deals with building density, design and location (among other matters).

## **ANALYSIS**

85. The analysis below will deal with the following matters:
  - (a) Landscape Considerations

- (b) Infrastructure servicing and traffic considerations
- (c) RVZ versus RLZ
- (d) PP Chapter 3 – Strategic Directions
- (e) Proposed Regional Policy Statement for Otago
- (f) Appropriateness of the proposed zoning/amendments to the RVZ

86. The matters above are addressed below.

### **Landscape considerations**

87. Ms Grace in paragraph 4.5 of the Section 42A report has stated that any new areas of RVZ (whether inside or outside of ONL areas) would need to demonstrate that controlled activity developments within the identified areas could protect the landscape values if within an ONL (in this case). Further, Ms Grace states that any areas of high or moderately-high landscape sensitivity need to be identified and mapped for the subject area.

88. As stated previously, Ms Lucas in her Statement of Evidence has compiled a landscape assessment in relation to the MLL site in general accordance with the methodology as recommended by Mr Jones. The purpose of this assessment is to ascertain the appropriateness of imposing the RVZ on the site from a landscape perspective, and further to identify any areas of moderate to high landscape sensitivity (and conversely, identify areas of the site that can accommodate further visitor accommodation development).

89. Ms Lucas has addressed the surrounding landscape context of the MLL site. This context includes residential dwellings dispersed and situated at various elevations. Ms Lucas notes that due to topography and existing vegetation, the surrounding residential dwellings are not visible from the site, and as such, it can be expected that from the surrounding residential dwellings, the existing built form on the site will also not be visible from these residences. The surrounding context includes an abundance of mature vegetation, reserves administered by the Department of Conservation and Lake Wakatipu.

90. In relation to the site itself, Ms Lucas in paragraph 14 states:

*The existing lodge buildings are located at a higher density than the surrounding residential dwellings but they sit well on the terrace top within the native planting cover of the site. Native planting is the dominant vegetation cover of the surrounding area including between residential buildings, although some mature conifers are also scattered throughout the reserve. The native vegetation cover of the site has been highly effective in softening and screening the appearance of the existing Lodge buildings and the surrounding native vegetation also provides screening*

*and softening of the residential dwellings within the zone maintaining a visual cohesion with the surrounding landscape.*

91. Ms Lucas has addressed the existing landscape attributes and site character in terms of topography, access, location of built form and vegetation. In analysing these attributes and site character, Ms Lucas has raised three key observations which give credence to the imposition of the RVZ on the site. The three key observations are as follows:

*The surrounding elevated topography including higher mountains to the north enclose the site and further add to the sense of separation and remoteness.<sup>9</sup>*

*The site is located away from the Queenstown Glenorchy Road which gives a sense of peaceful remoteness. Views are spectacular and readily available of Lake Wakatipu and the surrounding mountains. The topography to the north, west and east, slopes up and away from the site surrounding it and enclosing it and directing the orientation of development towards the lake, with no visible neighbouring residences, further adding to the enclosed nature of the site location.<sup>10</sup>*

*The character of the site is that of a secluded high end resort with associated amenities, located in a very scenic, beautiful and unique location close to Queenstown but with a high level of isolation and wildness.<sup>11</sup>*

92. In my opinion, the observations by Ms Lucas are fundamental considerations, as the site is enclosed, separated and with a degree of remoteness. These factors combined with the spectacular views afforded to Lake Wakatipu and distant mountains, provide the experiential qualities for a high quality visitor accommodation lodge.

93. Ms Lucas considers that the site has the following attributes that make it suitable to be rezoned as a RVZ:

- The site is located within an ONL.*
- The site is modified due to the existing Lodge development but has retained a remote, wild, scenic and peaceful character.*
- The site has areas of topography that are suited to development as they are less steep than the steep terrace slope but still afford spectacular views of Lake Wakatipu.*

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<sup>9</sup> Statement of Evidence by Rebecca Lucas – para 17

<sup>10</sup> Statement of Evidence by Rebecca Lucas – paragraph 21

<sup>11</sup> Statement of Evidence by Rebecca Lucas – paragraph 27

- *The site has easy and existing access, is reasonably close to Queenstown but is located away from the Queenstown - Glenorchy Road enhancing a remote character.*
  - *Existing mature, native vegetation located on the site and in the surrounding reserves provides excellent screening and absorption of built form into the surrounding landscape.*<sup>12</sup>
94. Ms Lucas has addressed the site specific landscape constraints that will be important considerations in any further visitor accommodation. In short, the key factors that limit further expansion include steep topography, existing built form, internal circulation (both vehicular and pedestrian) and infrastructure servicing, with a large area on the site being set aside for the disposal of wastewater.
95. Ms Lucas has also addressed the opportunities for further visitor accommodation development on the site, taking into account the physical constraints on the site.
96. Topography and visibility of built form are key issues that will dictate where future buildings might be located on the site (combined with the existing built form, parking and services). Steeper and more visible parts of the site should be avoided in terms of further development. Further, additional development on the site will require infrastructure services and car parking to be accommodated on the site. While the site is of a reasonable size, when taking into account various limitations, the areas where additional development can occur is generally small in size.
97. Ms Lucas notes the analysis that went into the proposal as contained in RM171104 in terms of considering the location of additional visitor accommodation buildings on the site. This analysis is useful in providing guidance as to where further development can be accommodated on the site in the future. In this regard, Appendix 4 within Ms Lucas illustrates areas of the site where it would be appropriate to locate further visitor accommodation development.
98. After a detailed assessment, Ms Lucas has applied a landscape sensitivity rating to the site, as has been applied to the notified RVZ's. Ms Lucas considers that two areas of the site should be afforded a High Landscape Sensitivity Area, with such areas including the steep terrace face that runs down to the southern boundary of the site, and the steep topography located above Farrycoft Row. Ms Lucas considers that the remainder of the site should be afforded a Low to Moderate level of landscape sensitivity, as this area has the ability to absorb a limited level of appropriately designed development, over and above what already exists on the site at present. Due

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<sup>12</sup> Statement of Evidence by Rebecca Lucas – paragraph 29

to the existing buildings and other physical 'obstructions' on the site, there are two areas where additional built form can be accommodated on the site.

99. Ms Lucas has made a number of recommendations should the site be rezoned to RVZ, with one of these recommendations being a 10m building separation rule.
100. Based on the attributes of the site, its context, the style of development existing on the site, and finally a suite of controls in the revised RVZ provisions, Ms Lucas considers that further appropriate development on the site can be undertaken in a manner which protects the ONL within which the site sits.

### **Infrastructure servicing and traffic considerations**

101. From an infrastructure perspective, information contained within the application RM171104 confirmed that it is feasible to service additional visitor accommodation buildings on the site.
102. In terms of traffic engineering considerations, Mr Bartlett has provided evidence that addresses:
  - (a) access to the site from the Glenorchy – Queenstown Road.
  - (b) the transport environment in the vicinity of the site, in particular the entry to Farrycroft Row from the Glenorchy – Queenstown Road.
  - (c) the typical traffic flow on Farrycroft Row, which is estimated to be 150vpd or 25vph during peak hour and less than 22 vpd.
103. Mr Bartlett has indicated that he considers Farrycroft Row to be a low volume shared access, with a likely operating speed of less than 30km/hr. In terms of the capacity of Farrycroft Row to accommodate further vehicular traffic should Matakauri Lodge be expanded, Mr Bartlett in paragraph 18 of his evidence states the following:

*Research from the United Kingdom for single track roads, one lane with limited passing opportunities, suggests a two-way operating capacity of between 100vph and 200vph with significant delays and reduced level of service identified at 300vph. For Farrycroft Row the reduced passing opportunities would mean its operating capacity would be towards the lower end of this range, say 100vph. As provided above the actual hourly traffic flow is estimated to be significantly below this at 25vph.*
104. Mr Bartlett notes that any expansion of Matakauri Lodge will be subject to Chapter 29 (Transport) in the PDP. In particular, Mr Bartlett notes (at paragraph 31 of his evidence) that in its current form, Farrycroft and the intersection with

Queenstown-Glenorchy Road would not comply with Rules 29.5.14 and 29.5.16 which state:

*29.5.14 Access and Road Design; The design of Farrycroft Row would not meet the road design standards of QLDC Land Development and Subdivision Code of Practice based on the potential traffic flow although it is appropriate for the number of lots served.*

*29.5.16 Design of Vehicle Crossings (Rural Zones); The intersection of Farrycroft Row (shared access) with Glenorchy-Queenstown Road would not meet the required design standard base on potential traffic flow.*

105. In order to deal with the non-compliances in terms of Chapter 29 (and based on the traffic assessment contained in the application RM171104), Mr Bartlett recommends the following physical works to both Farrycroft Row and the entry from the Glenorchy – Queenstown Road:

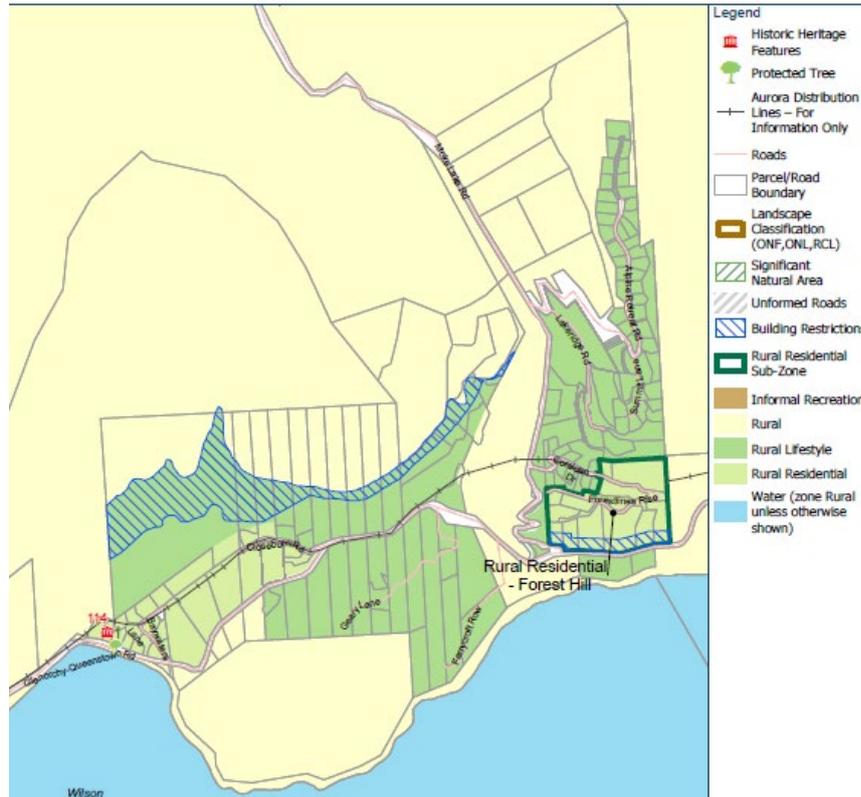
- (a) *Road widening to a 5.5m minimum sealed carriageway (two lane) at specific locations to provide passing opportunities. These locations are at points where forward visibility is limited and includes: the approach to the Glenorchy-Queenstown Road intersection, a summit curve approximately 70m from the intersection, and a horizontal curve approximately 160m from the intersection where Farrycroft Row passes into the site.*
- (b) *Provide curve warning signage on the horizontal curve approximately 160m from the intersection with Glenorchy-Queenstown Road. This would include an advisory speed of 15km/hr to reinforce the current low operating speed of the road.*
- (c) *Place edge marker posts on the downhill edge of the road to delineate the top of the slope/edge of the grass shoulder which may be used for passing as well as providing delineation for drivers at night.*
- (d) *Provide seal widening on Glenorchy-Queenstown Road opposite Farrycroft Row similar to the ODP Diagram 3. This is a reduced version of the PDP Diagram 9 access type.*
- (e) *Provide intersection improvements including: a stop control (Stop sign and road marking) on Farrycroft Road at the intersection with Glenorchy-Queenstown Road and provide advance warning signs on Glenorchy-Queenstown road prior to the intersection being visible to drivers.*

106. In Mr Bartlett's opinion, the above physical works will improve the safety and efficiency of Farrycroft Row and the intersection with the Glenorchy – Queenstown Road intersection, and such works would enable Matakauri Lodge to expand its visitor accommodation facilities.

107. As discussed previously, Mr Bartlett has recommended additional matters of control/discretion that deal with transportation matters.

### **RVZ versus RLZ**

108. As outlined above, all resource consents that have been issued for the site for visitor accommodation activities (and associated small scale commercial activities) were authorised via the ODP RLZ.
109. Under the ODP, subject to compliance with other rules, all buildings to be used for visitor accommodation purposes require at least a controlled activity resource consent pursuant to Rule 8.2.2.2(i), while a discretionary activity is required for visitor accommodation (activity itself).
110. Via the decisions version for the RLZ in the ODP, visitor accommodation (including the construction and use of buildings for this use) requires a discretionary activity pursuant to Rule 22.4.10.
111. On the face of it, the PDP RLZ activity status for visitor accommodation is the same when compared to the ODP, noting that the activity status for visitor accommodation buildings have gone from being a controlled activity (ODP) to a discretionary activity (PDP Stage 1).
112. With a discretionary activity status, it is open to MLL to apply for altered or enhanced visitor accommodation facilities on the site. However, the primary issue with the PDP versus the ODP is the policy thrust in the PDP that seeks to discourage the type (and scale) of visitor accommodation activities as presently provided on the MLL site.
113. Objective 22.2.2 outlines that the predominant land uses in the Rural Residential and RLZ are rural and residential activities. In the general vicinity of the site, the predominant land uses are rural and residential activities, however, this predominant land use clearly does not prevail on the MLL site.
114. Policy 22.2.2.1 does enable visitor accommodation activities which, in terms of location, scale and type are compatible with and enhance the predominant activities in the zone (being the RLZ in this case). In the general vicinity of the site, the three PDP zones are the Rural Zone, RLZ and the Rural Residential Zone, as illustrated on Planning Map 39 from the PDP below:



- 2.
115. Notwithstanding the lawfully established nature of Matakauri Lodge, as the operation exists at present it would not be compatible with the predominant uses in the surrounding RLZ, which of course are rural and residential activities. Irrespective of the merits (or actual effects) of any further visitor accommodation development on the MLL site, the existing incompatibility with the predominate activities in the RLZ will only be exacerbated if MLL seeks to expand its current operation. There will be tension with Policy 22.2.2.1 should MLL seek to expand the existing visitor accommodation operation on the site.
116. In terms of Policy 22.2.2.3, through careful building design and placement of built form, I consider there could be a solid argument to state that further visitor accommodation facilities on the site would not diminish amenity values and the quality and character of the rural living area.
117. Policy 22.2.2.4 is where there is the most friction for the site in terms of any further visitor accommodation facilities at Matakauri Lodge. The existing bulk, scale and intensity of built form (while not overly excessive in my opinion) is not commensurate with the anticipated development in the RLZ and surrounding residential activities. Under the PDP, the site from a density perspective can have one residential dwelling. Irrespective of the merits from an effects perspective, any increased visitor accommodation facilities will have potential difficulties with Policy 22.2.2.4.

118. Overall, any further expansion of Matakauri Lodge will create a tension with Objective 22.2.2, because clearly visitor accommodation is not a predominate use in the RLZ. Matakauri Lodge is a high quality lodge style visitor accommodation operation, with multiple buildings dispersed throughout the site. The site has no hallmarks of a standard residential living arrangement that is provided for and anticipated within the RLZ. In my opinion, there can be no debate on the merits of the existing operation at Matakauri Lodge – it exists, it has been consented and the reality is that it is now an anomaly in terms of land use versus the expected predominant uses in the RLZ (being rural and residential activities). As outlined above, any further expansion will face issues in terms of policies 22.2.2.1 and in particular 22.2.2.4. It is not impossible to gain further resource consents under the RLZ, however in my opinion, such a process could very well be challenging and uncertain for MLL. I also consider it would be an inefficient use of a resource to simply maintain the current operation at Matakauri Lodge, especially as the evidence of Ms Lucas confirms that small areas of the site can accommodate additional built form (with protects the values of the ONL).
119. Subject to a detailed landscape assessment, I note that Ms Grace agrees that the RVZ is more appropriate for the site when compared to the RLZ when it comes to managing visitor accommodation activities (and future growth at Matakauri Lodge). In this regard, I concur with the views of Ms Grace in the following statement:
- The site is clearly not used for rural living activities and in my opinion would be highly unlikely to be in the future given the nature of the built development on the site. There would be an economic benefit of providing certainty for future activities on the site through the application of the RVZ. I note that the bulk and location standards for buildings in the RVZ are either the same<sup>114</sup> or more restrictive under the RVZ than Rural Lifestyle Zone. I consider that the RVZ is better able to manage the effects on landscape from future development of the site, provided a landscape sensitivity assessment has been undertaken on the site, resulting in an environmental benefit from re-zoning.<sup>13</sup>*
120. In my opinion, the imposition of the RVZ on the site will recognise the established visitor accommodation operation and will provide the opportunity to enable appropriate alterations and extensions to this operation.
121. Ms Lucas has identified areas of the site that can accommodate further visitor accommodation buildings, while at the same time identifying high sensitivity areas where it would not be appropriate to develop. Further appropriate development on the site governed by the suggested amendments to the RVZ

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<sup>13</sup> Section 42A Report – Paragraph 13.9

can be undertaken in a manner that protects the values of the ONL within which the site sits in. In this regard, I am encouraged from the style of the existing development on the site (together with the substantial native planting regime) as testament to the fact that new buildings can and will blend into the landscape setting.

### **Objectives and Policies of the Rural Visitor Zone**

122. The discussion below will deal with whether rezoning the site to RVZ is consistent with the objectives and policies of the RVZ.
123. I consider the attributes of the existing development at Matakauri Lodge, its landscape context, location and development controls that will govern future development, fit easily into the 'purpose' of the RVZ as contained in provision 46.1 for the following reasons:
  - (a) Through the size of the site (and various constraints as listed above), visitor accommodation activities will occur at a limited scale and intensity.
  - (b) The site is enclosed, separated and with a degree of remoteness.
  - (c) Further development can be undertaken without compromising the landscape values of the District or the setting of the site.
  - (d) By enabling further visitor accommodation development, there is recognition of the economic value that the visitor industry makes to the economic and recreational values of the District.
124. Provision 46.1 also states that the primary method of managing effects of visitor accommodation development on the landscape is through directing sensitive and sympathetic development to areas which can accommodate such change. Based on the assessment undertaken primarily by Ms Lucas (and in part by Mr Jones), I consider that the site is a location that can accommodate further visitor accommodation development, with the exception of the High Landscape Sensitivity Areas identified by Ms Lucas.
125. I consider that a well-designed extension (or extensions) located within the areas of the site as identified by Ms Lucas, can be undertaken in a manner which meets the goals of Objective 46.2.1, in that the protection of the landscape values of the ONL occur (in this instance).
126. I consider that the site fits the attributes as expressed in Policy 46.2.1.a, as the site is generally remote in its location and with the exception of Lake Wakatipu, the site is difficult to see from public places (through topography, vegetation, distance and recessive external materials), and the site has been broken down into lower and higher landscape sensitivity areas. As addressed

by Ms Lucas, views into the site from Lake Wakatipu from the majority of users is generally at distance.

127. In relation to Policy 46.2.1.1, further visitor accommodation development can be undertaken on the site in a manner which protects the landscape values of the ONL.
128. Policy 46.2.1.2 provides for tourism related activities within appropriate locations where they enable people to access and appreciate the District's landscapes, provided that landscape quality, character, visual amenity values and nature conservation values are maintained or enhanced. I consider that Matakauri Lodge is situated in an appropriate location, and that further development will not degrade the attributes sought to be maintained or enhanced by Policy 46.2.1.2.
129. Policy 46.2.1.3 encourages the enhancement of nature conservation values as part of the use and development within the RVZ. As addressed above, MLL have undertaken a significant native vegetation enhancement programme since acquiring the site, and it is not difficult to envisage that this programme will continue with any further development on the site (with landscaping a matter of control via Rule 46.4.6)..
130. In terms of Policy 46.2.1.4, Matakauri Lodge is largely self-reliant in terms of the services and facilities that it provides for guests.
131. In terms of Policy 46.2.1.7, aside from an onsite overnight manager, residential accommodation is not provided at Matakauri Lodge.
132. Objective 46.2.2 deals with buildings and developments within the RVZ. Future development within appropriate locations within the site can be undertaken in a manner which protects the landscape values of the ONL within which the site sites within.
133. Policy 46.2.2.1 is two-fold, in that it seeks to enable development in areas in the RVZ which are not identified as moderate-high or high landscape sensitivity, and alternatively, to restrict development in such areas. For the site, areas have been classified as high landscape sensitivity, where development will be avoided in the future, while development can occur in the less sensitive locations where the landscape values will be protected.
134. In relation to Policy 46.2.2.2, the RVZ provides suitable control over the external appearance of built form, so as to ensure that landscape character and visual amenity values will be protected.
135. Policy 46.2.2.3 is not relevant to the site as the identified high landscape sensitivity area does not have an open landscape character.

136. In relation to Policy 46.2.2.4, lighting can be controlled through a standard resource consent process.
137. In terms of Policy 46.2.2.6, any future development at Matakauri Lodge can be adequately dealt with from an infrastructural perspective.
138. In my opinion, the Matakauri Lodge comfortably meets the purpose of the RVZ through its location, landscape attributes and style of development anticipated under this zoning framework. Further, future development of the site can be controlled (and located) in a manner whereby such a development will be consistent with the relevant objectives and policies in the RVZ. From a landscape perspective, future development can be undertaken while protecting the landscape values of the wider ONL.

### **PDP Chapter 3 – Strategic Directions**

139. The following paragraphs deal with whether rezoning the site to RVZ provides an outcome consistent with the Strategic Directions chapter in the PDP as referenced in Mr Barr's Statement of Evidence (Strategic Overview for all of Stage 3 – dated 18 March 2020).
140. The purpose of the Strategic Directions chapter is to set out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the District's special qualities. Nine special qualities are listed, of which the following two special qualities are relevant to Matakauri Lodge:
- i. *Distinctive lakes, rivers, alpine and high country landscapes free of inappropriate development*
  - ii. *An innovative and diversifying economy based around a strong visitor industry.*
141. The Strategic Directions chapter lists 6 Strategic Issues that the District faces.
142. Strategic Objective 3.2.5 deals with the retention of the District's distinctive landscapes. Of relevance is Strategic Objective 3.2.5xxx which requires the landscape values in the ONL (in this case) to be protected from inappropriate subdivision, use and development. Based on the landscape assessment undertaken by Ms Lucas, I consider that additional development on the site can occur without upsetting the outcomes envisaged by this objective.
143. Ms Grace notes the importance of Strategic Policy 3.3.1A in terms of the RVZ. Policy 3.3.1A states the following:
- (a) *In Rural areas, provide for commercial recreation and tourism related activities that enable people to access and appreciate the District's*

*landscapes, provided that those activities are located and designed and are of a nature that:*

- i. *Protects the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes; and*
- ii. *Maintains the landscape character and maintains or enhances the visual amenity values of Rural Character Landscapes.*

144. In my opinion, the site can be accommodated in the RVZ, and future development can occur without leading to an outcome that is contrary to the relevant provisions in the Strategic Directions chapter.

### **Proposed Regional Policy Statement for Otago**

145. The Proposed RPS was publicly notified on 23 May 2015 and decisions were released on 1 October 2016. A number of provisions of the Proposed RPS were the subject of appeals to the Environment Court.

146. It is understood that most of the appealed provisions of the Proposed RPS have been finalised by the Environment Court in the form of consent memoranda. These provisions (and those provisions of the Proposed RPS not appealed) now form the Partially Operative RPS.

147. The appealed provisions of the Proposed RPS included the provisions of Chapter 3 concerning natural resources and ecosystems. Those provisions are relevant to this Proposal.

148. On 27 February 2020 the Environment Court issued a consent memorandum finalising Policy 3.2.4 of Chapter 3, and confirming that Chapter 3 is otherwise finalised in accordance with the Environment Court's Decision of 15 March 2020. As the provisions of Chapter 3 have been finalised by the Environment Court, they form part of the Partially Operative RPS, replacing the corresponding Operative RPS provisions.

149. It is understood that full weight should be given to the Proposed RPS Chapter 3 provisions, and that no weight should be given to the corresponding Operative RPS provisions which are now irrelevant.

150. Of relevance the potential rezoning of the site is Policy 3.2.6 from the Proposed RPS, with this policy stating the following:

- i. *Policy 3.2.6:*
- ii. *Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes*

- iii. *Maintain or enhance highly valued natural features, landscapes and seascapes by all of the following:*
  - a) *Avoiding significant adverse effects on those values that contribute to the high value of the natural feature, landscape or seascape;*
  - b) *Avoiding, remedying or mitigating other adverse effects;*
  - c) *Encouraging enhancement of those values that contribute to the high value of the natural feature, landscape or seascape.*

151. It is considered that appropriate and controlled development on the site (as enabled by the RVZ) will not be contrary to Policy 3.2.6.

### **Appropriateness of the proposed zoning/amendments to the RVZ**

152. The imposition of the RVZ on the site needs to achieve the purpose of the Act, must give effect to the relevant provisions of the Regional Policy Statement and finally implement the relevant strategic objectives and policies within the Strategic Directions chapter of the PDP. Section 32AA of the Act also requires particular attention.
153. In terms of the request to include the site with the PDP RVZ, there is support (in principle) from Ms Grace from a planning perspective and general support from Mr Jones from a landscape perspective.
154. The site has locational and physical attributes that lend itself to being included within the RVZ. However, the key attribute is that the site has been utilised for visitor accommodation purposes for over 20 years. The site has never been used for permanent residential purposes (i.e. a standalone residential dwelling) and I seriously doubt it ever will be due to the significant investment in the visitor accommodation facilities on the site. I agree with Ms Grace, that the RVZ is more appropriate to manage visitor accommodation activities on the site when compared to the PDP RLZ. As discussed above, the use of the site heavily contrasts with the PDP RLZ, and any additional development on the site will face challenges and an uncertain resource consent process, if the PDP RLZ is to remain. Including the site within the RVZ will enable sufficient control to govern future development, while at the same time, providing certainty to MLL through a resource consent process.
155. The prime caveat from Ms Grace in terms of rezoning the site to RVZ is the provision of a detailed landscape assessment. Such an assessment has been undertaken, with the result that areas of the site have been identified where future built form can be established (and areas restricted from further development). In the opinion of Ms Lucas, the site can be further developed, with the values of the ONL being protected. This is a key outcome sought via Chapter 3 of the PDP.

156. I will now deal with the remainder of the recommended changes to the RVZ provisions. An amended version of the RVZ provisions (based off the version contained in the Section 42A report) are contained within Appendix [B].
157. The inclusion of Chapter 29 within provision 46.3.1 (dealing with the applicable District Wide chapters) is appropriate.
158. Mr Bartlett has recommended that the control over transportation matters be enhanced in terms of Rule 46.4.6(f). The matters of control recommended include the '*design and layout of site access, on-site parking, manoeuvring and traffic generation*'. While Chapter 29 should still apply to the RVZ, in my opinion making it clear that the Council has control over transportation matters as part of assessing a proposal via Rule 46.4.6(f) is an appropriate outcome.
159. Ms Grace has recommended a total maximum ground floor area of 500m<sup>2</sup> for any new RVZ's. Such a rule does not take into account the site specific characteristics of the established long-standing visitor accommodation use at Matakauri Lodge, where the existing building footprint is 1,634m<sup>2</sup>. However, Ms Grace notes that the 500m<sup>2</sup> is being imposed on the potential new RVZ's in the 'absence of landscape evidence' that justifies a larger total maximum ground floor area limit. I can understand the approach adopted by Ms Grace in terms of providing a generic restriction for a new RVZ, if eventually confirmed. However, following a detailed assessment by Ms Lucas (which relies on the significant work undertaken via RM171104), I consider it appropriate that a bespoke building coverage limit rule is promoted for the site. The building restriction is a total maximum ground floor area limit for the site of 2500m<sup>2</sup>
160. The figure of 2,500m<sup>2</sup> recognises the potential additional development capacity on the site. In short, the 2500m<sup>2</sup> is not a random generic limit, it is a limit based on a specific assessment as to the site's capacity to absorb more development, while at the same time providing a cap on further development (combined with other non-planning limitations on the site). In my opinion, the 2,500m<sup>2</sup> limit will allow further development on the site (roughly another 866m<sup>2</sup> of built form on the site), while at the same time, protecting the values of the ONL within which the site is located. While I note that there could be criticism that a bespoke rule is applying to only one RVZ, Matakauri Lodge is in the unique situation of having a long-standing (some 20 plus years) established visitor accommodation use. I recommend amending Rule 45.5.2 as follows (underlined text being additions):

*Building Size*

*46.5.2.1 The maximum ground floor area of any building shall be 500m<sup>2</sup>.*

*46.5.2.1 In the <x, y and z Rural Visitor Zones> the total maximum ground floor area across the zoned area, excluding any areas identified as Moderate – High and High Landscape Sensitivity, shall be 500m<sup>2</sup>. Note, Rule 46.5.2.1 does not apply to the site contained in Rule 46.5.2.2.*

*46.5.2.2 The total maximum ground floor area for the site located at 569 Glenorchy – Queenstown Road shall be 2500m<sup>2</sup> (excluding any areas identified as Moderate – High and High Landscape Sensitivity).*

161. The 2,500m<sup>2</sup> limitation is consistent with the approach initially adopted in Stage 1 of the PDP in terms of the VASZ.
162. I have also added one further matter of discretion in terms of Rule 46.5.2, with such being 'traffic generation'. Should a development within the new RVZ's exceed either the 500m<sup>2</sup> limit or for the MLL site, exceed 2,500m<sup>2</sup>, then I consider it appropriate that the effects from traffic generation should be taken into account for any future resource consent application.
163. Ms Lucas has recommended a 10m building separation distance (within the site) so as to maintain adequate areas of vegetation between buildings and to avoid views of continuous built form when viewed from Lake Wakatipu. The building separation rule will assist with visually mitigating future additional buildings (together with vegetation between the existing and proposed buildings). The building separation rule will also assist with protecting the values of the ONL. I agree with this building separation requirement and have promoted a new rule (Rule 46.5.XX) as detailed below:

*Building Separation*

*All buildings on the site located at 569 Glenorchy – Queenstown Road shall be separated by a minimum of 10m from other buildings on this site.*

164. Breaching Rule 46.5.XX would require a restricted discretionary consent, with discretion being restricted to the following matters:

*Discretion is restricted to:*

- i. Nature and scale;*
- ii. Functional need for the building(s) to be located within the separation setback; and*
- iii. Landscape and visual amenity effects.*

## **CONCLUSION**

165. I consider that the proposed rezoning of the site to RVZ is a logical and common sense outcome from a planning perspective, considering the long term existing visitor accommodation operation at Matakauri Loge.
166. The site has physical attributes that allow the land to be included in the RVZ due its general remoteness, location, aspect and lack of visibility from public places (with the exception of Lake Wakatipu).
167. The imposition of the RVZ with various controls (and bespoke provisions for the site) will enable development to occur that is respectful to the location, and more importantly, protect the values of the ONL.

**SCOTT FREEMAN**

**13 May 2020**

**APPENDIX A**

**BACKGROUND RESOURCE CONSENT LIST**

## **RESOURCE CONSENTS FOR MATAKAURI LODGE**

### RM980500

Resource consent was issued by the Council on the 27<sup>th</sup> April 1999 which authorised the establishment and operation of a lodge for visitor accommodation purposes.

The resource consent RM980500 provided for the construction of the main lodge building, two standalone buildings that contained four chalets, and finally two carports.

The lodge building contained centralised facilities and a four bedroom residential unit which the then owners were to reside in.

The maximum number of guests approved through the resource consent RM980500 was eight. The guests were to be accommodated within the four chalets (contained within two standalone buildings).

A comprehensive plan for landscape and vegetation management was submitted as part of this application. This plan involved the selective removal of exotic species and the reintroduction of native species within the site.

### RM990458

Resource consent was issued by the Council on the 20<sup>th</sup> of August 1999 which authorised the construction of a building that contained four carports and a small health care facility for the exclusive use of guests.

The resource consent RM990458 specifically involved the re-positioning of the two carports approved through RM980500 into a single building and adding additional floor space to include a small health care facility for the use of guests.

### RM990571

Although not located on the site, resource consent was issued by the Council on the 25<sup>th</sup> of March 2000 to allow for the establishment of a jetty adjacent to the recreation reserve that divides the site and Lake Wakatipu. The applicant for the jetty was the then landowner of the site.

#### RM990779

Resource consent was issued by the Council on the 25<sup>th</sup> of January 2009 which authorised the installation of LPG tanks on site for the purpose of cooking and heating.

#### RM000345

Resource consent was issued by the Council on the 14<sup>th</sup> of June 2000 which authorised the conversion of part of the residential unit and lodge building into visitor accommodation use for up to eight paying guests. At this point, the site was authorised to provide overnight accommodation for sixteen guests.

Resource consent RM000345 also authorised the sale of liquor to guests staying at Matakauri Lodge.

#### RM010477

Resource consent was issued by the Council on the 28<sup>th</sup> of September 2001 which authorised the construction of four new chalets (contained within two standalone buildings) to be used for visitor accommodation purposes.

The chalets approved as part of the resource consent RM010477 were identical to the chalets approved through the earlier resource consent RM980500. A maximum of eight guests (two per chalet) was approved through the resource consent RM010477.

It is noted that the buildings approved through the resource consent RM010477 were not established on the site, and as such, this approval lapsed some time ago.

#### RM030416

Resource consent was issued by the Council on the 20<sup>th</sup> of October 2003 which authorised the construction of four villas contained within two distinct buildings. Resource consent RM030416 superseded the approval given through RM010477.

Each villa contained two visitor accommodation units (total of eight). Each visitor accommodation unit provided accommodation for two guests, thereby a total of 16 guests were authorised through the resource consent RM030416. At this point, the site was authorised to provide overnight accommodation for thirty two guests.

The resource consent RM030416 was subject to three extensions of time pursuant to Section 125 of the Resource Management Act 1991. The third time extension was issued by the Council on the 23<sup>rd</sup> of August 2010 which means resource consent RM030416 was to expire on the 20<sup>th</sup> of October 2013.

It is noted that only one of the approved villas (the building closest to the main lodge building) has been constructed on the site.

In terms of the existing villa that is presently established on site, it is noted that this building was constructed outside of the parameters of the resource consent RM030416 in that the building location and size (the building became slightly larger) were different to the original plans approved through the resource consent RM030416.

The changes to the existing villa when compared to the original plans approved through RM030416 were legalised from a planning perspective through the resource consent RM090831 (see below).

#### RM090831

Resource consent was issued by the Council on the 17<sup>th</sup> of December 2009 which authorised changes to existing buildings, landscaping, access, car parking layout and the erection of two small buildings on the site. These changes were instigated by the current landowner of the site as part of a comprehensive reinvigoration programme for the site.

#### RM100012

Resource consent was issued by the Council on the 1<sup>st</sup> of February 2010 that authorised alterations to an existing building and to add further visitor accommodation facilities.

Specifically, resource consent RM100012 authorised changes to the building authorised via the resource consent RM990458 in that the two carports were enclosed and the existing spa and gymnasium were extended. A new swimming pool and associated decking were also approved that adjoined this building.

#### RM100317

Resource consent was issued by the Council on the 15<sup>th</sup> of June 2010 that authorised an existing building to be located within an internal boundary setback and to undertake minor external alterations. Consent was also authorised to undertake a minor boundary adjustment subdivision.

By way of background in relation to the resource consent RM100317, when the current landowner of the site embarked on the extensive process of upgrading the existing buildings, landscaping, access and services in mid to late 2009 (as illustrated through the resource consent RM090831), new topographical survey information was commissioned.

This topographical survey identified a significant issue with the existing eastern chalet that was approved through RM980500 in that this building had been partially constructed outside of the site and on Recreation Reserve land administered by the Department of Conservation (specifically Sections 3 and 4 Survey Office 434205).

Within the original approval given via the resource consent RM980500, the eastern chalet was authorised to be located within 5 metres of the southern boundary of the site.

It is noted that as part of the information submitted for the resource consent RM990458 (the proposal to erect a building incorporating the carports and health facility), the position of the eastern chalet moved closer to the eastern and southern boundaries when compared to the original location as authorised via the resource consent RM980500. The resource consent RM990458 did not appear to authorise the relocation of the eastern chalet from the position originally approved through resource consent RM980500.

Irrespective of the resource consents RM980500 and RM990458, the eastern chalet was not constructed in the position that was originally approved, and further, the eastern chalet was located outside of the legal boundaries of the site. The resource consent RM100317 legalised the location of the eastern chalet from a planning perspective, together with minor external alterations to this building.

#### RM100535

Resource consent was issued by the Council on the 13<sup>th</sup> of September 2010 that authorised amendments to the access, car parking and landscaping approved via RM980500 and for the installation of a new stormwater system and water supply for fire-fighting. Land use consent was also approved to undertake earthworks.

#### RM100550

Resource consent was issued by the Council on the 16<sup>th</sup> of September 2010 that authorised a one off wedding event to be held on site. Resource consent RM100550 was obtained in order to facilitate the wedding of the landowner of the site.

#### RM100669

Resource consent was issued by the Council on the 5<sup>th</sup> of November 2010 that authorised the establishment and operation of a small scale boutique public dining activity for up to 10 persons on the site.

#### RM100804

Resource consent was issued by the Council on the 13<sup>th</sup> of January 2011 which authorised up to four commercial functions per year and to provide an additional commercial activity to allow public use of the health care facility on the site (a maximum of two guests per hour).

#### RM110171

Resource consent was issued by the Council on the 2<sup>nd</sup> of June 2011 which authorised earthworks to allow for the physical upgrade of the initial portion of Farrycroft Row. The upgrade of Farrycroft Row was to occur prior to the use of the visitor accommodation building that was authorised by RM120008 (see below).

The specific portion of Farrycroft Row that was subject to the upgrade is largely located on the land that is legally described as Section 3 Survey Office 434205.

#### RM110297

Resource consent was issued by the Council on the 30<sup>th</sup> of June 2011 which authorised the construction of a visitor accommodation building and associated earthworks. RM110297 was not given effect to by the consent holder as the approval was judicially reviewed by a third party.

#### RM120008

Resource consent was issued by the Council on the 23<sup>rd</sup> of April 2012 for the construction of a visitor accommodation building that would contain eight guests. Resource consent RM120008 was the second resource consent application for the building that was originally proposed via RM110297.

A submitter appealed RM120008 to the Environment Court. Subsequently, the Environment Court issued a Consent Order dated the 29<sup>th</sup> of October 2012 (referenced ENV-2012-CHC-0065) that settled the appeal.

It is noted that the building authorised by RM120008 replaced the un-built villa that was originally consented by RM030416.

#### RM130142

Resource consent was issued by the Council on the 17<sup>th</sup> of April 2013 that authorised physical alterations to the central lodge building on the site.

#### RM130472

Resource consent was issued by the Council on the 22<sup>nd</sup> of August 2013 which authorised an addition (loggia) to the central lodge building. This resource consent was not given effect to.

RM140792

Resource consent was issued by the Council on the 4<sup>th</sup> of November 2014 which authorised an outside storage area of materials associated with the visitor accommodation operation. The storage area was located on the Department of Conservation Seven Mile Recreation Reserve.

**APPENDIX B**

**RECOMMENDED AMENDMENTS TO THE RVZ PROVISIONS**

## 46 Rural Visitor Zone

### KEY:

Red underline and strike through text are recommended amendments made in section 42A report, 18/03/2  
Any black underlined or ~~strike through~~ text, reflect notified variations.

### 46.1 Purpose

The Rural Visitor Zone provides for visitor industry activities to occur at a limited scale and intensity in generally remote locations, including within Outstanding Natural Landscapes. ~~at a limited scale and intensity that have been identified as being able to absorb the effects of development without compromising the landscape values of the District. The Zone is not anticipated to be located on Outstanding Natural Features, where each particular Zone can accommodate the adverse effects of land use and development.~~ By providing for visitor industry activities, the Zone recognises the contribution visitor industry places, services and facilities make to the economic and recreational values of the District.

The primary method of managing effects of land use and development on landscape will be location, directing sensitive and sympathetic development to where the landscape can accommodate change. This method is implemented firstly through limiting the extent of the zone itself to areas of predominantly lower landscape sensitivity, and then through the identification of any areas of higher landscape sensitivity within zoned areas where protection of landscape values is a priority, and the adverse effects on landscape values from land use and development will be cumulatively minor. The nature and design and mitigation of buildings and development are secondary factors in the role of landscape management that will contribute toward ensuring buildings are not visually dominant and are integrated into the landscape. Through these two methods, the planning framework requires the protection of the landscape values of Outstanding Natural Landscapes, and the maintenance of landscape character and the maintenance or enhancement of visual amenity values of Rural Character Landscapes.

The principal activities in the Zone are visitor accommodation and related ancillary commercial activities, commercial recreation and recreation activities. Residential activity is not anticipated in the Zone with the exception being for onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities.

**Pursuant to Section 86B(3)(a) of the Act Rules 46.4.8, 46.4.9 and 46.5.4 have immediate legal effect.**

### 46.2 Objectives and Policies

**46.2.1 Objective – Visitor accommodation, commercial recreation and ancillary commercial activities within appropriate locations are provided for through a Rural Visitor Zone located only in areas of landscape sensitivity that: maintain or enhance**

- a. **protect the landscape values of Outstanding Natural Landscapes, and**
- b. **maintain the landscape character, and maintain or enhance the visual amenity values of Rural Character Landscapes.**

**Commented [EG1]:** 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLs.  
31021.3 Corbridge Estates Limited Partnership: extend RVZ beyond ONLs and provide for residential within RVZ.  
31030.1, .3, .4 Byrch: write purpose more clearly, restrict the extent of the zone, provide clear guidelines on which areas are suitable for the zone.  
31035.5 Barnhill Corporate Trustee Ltd + others: amend purpose to extend RVZ beyond ONLs.  
31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLs.

**Commented [EG2]:** 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLs.  
31021.3, .4 Corbridge Estates Limited Partnership: extend RVZ beyond ONLs.  
31030.3, .4 Byrch: restrict the extent of the zone, provide clear guidelines on which areas are suitable for the zone.  
31035.6 Barnhill Corporate Trustee Ltd + others: amend 46.2.1 to extend RVZ beyond ONLs.  
31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLs.

## Part 6

# Rural Visitor Zone 46

### Policies

**46.2.1.a** ~~Areas identified as a Rural Visitor Zone shall be generally remote in location, difficult to see from public places, and largely comprised of areas of lower landscape sensitivity, with any areas of Moderate – High and High Landscape Sensitivity specifically identified.~~

46.2.1.1 Provide for innovative and appropriately located and designed visitor accommodation, including ancillary commercial activities and onsite staff accommodation, recreation and commercial recreation activities where the landscape values of the District's Outstanding Natural Landscapes are protected, and the landscape character of Rural Character Landscapes is maintained and the visual amenity values of Rural Character Landscapes are will be maintained or enhanced.

46.2.1.2 Provide for tourism related activities within appropriate locations in the Zone where they enable people to access and appreciate the District's landscapes, provided that landscape quality, character, visual amenity values and nature conservation values are maintained or enhanced.

46.2.1.3 Encourage the enhancement of nature conservation values as part of the use and development of the Zone.

46.2.1.4 Recognise the generally remote location of Rural Visitor Zones and the need for visitor industry activities to be self-reliant by providing for services or facilities that are directly associated with, and ancillary to visitor accommodation activities, including onsite staff accommodation.

46.2.1.5 Ensure that the group size, nature and scale of commercial recreation activities do not degrade the level of amenity in the surrounding environment.

46.2.1.6 Ensure that any land use or development not otherwise anticipated in the Zone, protects the landscape values of the District's Outstanding Natural Landscapes, and maintains the landscape character, or maintains or enhances the visual amenity values of Rural Character Landscapes, or and enhances landscape values and nature conservation values.

46.2.1.7 Avoid residential activity within the Rural Visitor Zone with the exception of enabling onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities.

**46.2.2** **Objective** – ~~Buildings and development that have a visitor industry related use are enabled where within the Rural Visitor Zone in areas of lower landscape sensitivity and where necessary are restricted or avoided to:~~

- a. protect the landscape values of Outstanding Natural Landscapes, and
- b. maintain the landscape character and maintain or enhance the visual amenity values of Rural Character Landscapes are maintained or enhanced.

### Policies

46.2.2.1 Protect the landscape values of the Zone and the surrounding rural landscapes Rural Zone Outstanding Natural Landscapes by:

- a. providing for enabling and consolidating buildings within the Rural Visitor Zone in areas that are not identified on the District Plan maps as a High Landscape Sensitivity Area, nor within an area of Moderate – High Landscape Sensitivity;
- b. ensuring that restricting buildings within areas identified on the District Plan maps as Moderate – High Landscape Sensitivity unless they are located and designed, and adverse

**Commented [EG3]:** 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLS. 31030.3 & .4 Byrch: restrict the extent of the zone and provide clear guidelines on which areas are suitable for the zone. 31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLS.

**Commented [EG4]:** 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLS. 31021.5 Corbridge Estates Limited Partnership: extend RVZ beyond ONLS. 31035.7 Barnhill Corporate Trustee Ltd + others: amend 46.2.1.1 to extend RVZ beyond ONLS. 31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLS.

**Commented [EG5]:** 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLS. 31021.5 Corbridge Estates Limited Partnership: extend RVZ beyond ONLS. 31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLS.

**Commented [EG6]:** 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLS. 31021.10 Corbridge Estates Limited Partnership: extend RVZ beyond ONLS. 31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLS.

**Commented [EG7]:** 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLS. 31021.14 Corbridge Estates Limited Partnership: extend RVZ beyond ONLS. 31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLS.

**Commented [EG8]:** 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLS. 31021.15 Corbridge Estates Limited Partnership: extend RVZ beyond ONLS. 31035.8 Barnhill Corporate Trustee Ltd + others: amend 46.2.2.1 to extend RVZ beyond ONLS. 31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLS.

## Part 6

## Rural Visitor Zone 46

effects are mitigated, to ensure landscape values of Outstanding Natural Landscapes are protected, and landscape character of Rural Character Landscapes is maintained and visual amenity values of Rural Character Landscapes are maintained or enhanced; and

- c. avoiding buildings within areas identified on the District Plan maps as High Landscape Sensitivity Areas.

46.2.2.2 Land use and development, in particular buildings, shall protect, maintain or enhance the landscape character and visual amenity values of the Rural Visitor Zone and surrounding rural landscapes Outstanding Natural Landscapes by:

- a. controlling the colour, scale, design, and height of buildings and associated infrastructure, vegetation and landscape elements; and
- b. in the immediate vicinity of the Homestead Area at Walter Peak, and the Homestead Area at Arcadia provide for a range of external building colours that are not as recessive as required generally for rural environments, but are sympathetic to existing development.

46.2.2.3 Within those areas identified on the District Plan maps as High Landscape Sensitivity or Moderate – High Landscape Sensitivity, ~~avoid buildings and development where the landscape cannot accommodate the change, and~~ maintain open landscape character where it is open at present.

46.2.2.4 Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character.

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

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

46.2.2.6 Ensure development can be appropriately serviced through:

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

### 46.3 Other Provisions and Rules

#### 46.3.1 District Wide

Attention is drawn to the following District Wide chapters.

**Commented [EG9]:** 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLs.  
31021.16 Corbridge Estates Limited Partnership: extend RVZ beyond ONLs.  
31035.9 Barnhill Corporate Trustee Ltd + others: amend 46.2.2.2 to extend RVZ beyond ONLs.  
31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLs.

**Commented [EG10]:** 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLs.  
31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLs.

## Part 6

## Rural Visitor Zone 46

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

### 46.3.2 Interpreting and Applying the Rules

- 46.3.2.1 A permitted activity must comply with all the rules (in this case Chapter 46 and any relevant district wide rules).
- 46.3.2.2 Where an activity does not comply with a standard listed in the standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 46.3.2.3 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control or discretion to the matters listed in the rule.
- 46.3.2.4 The surface of lakes and rivers are zoned Rural, except for the area identified on the District Plan maps as Walter Peak Water Transport Infrastructure overlay for the purposes of Rule 46.4.9.
- 46.3.2.5 These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

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

### 46.3.3 Advice Notes - General

- 46.3.3.1 On-site wastewater treatment is also subject to the Otago Regional Plan: Water. In particular, Rule 12.A.1.4 of the Otago Regional Plan: Water.
- 46.3.3.2 Particular attention is drawn to the definition of Visitor Accommodation which includes related ancillary services and facilities and onsite staff accommodation.

#### 46.3.3.X [New Zealand Electrical Code of Practice for Electrical Safe Distances \(“NZECP34:2001”\)](#)

[Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances \(“NZECP34:2001”\) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation.](#)

Commented [EG11]: 31020.8 Aurora

## Part 6

## Rural Visitor Zone 46

To assist plan users in complying with NZECP 34(2001), the major distribution components of the Aurora network (the Electricity sub-transmission infrastructure and Significant electricity distribution infrastructure) are shown on the Planning Maps.

For the balance of Aurora's network plan users are advised to consult with Aurora's network maps at [www.auroraenergy.co.nz](http://www.auroraenergy.co.nz) or contact Aurora for advice.

### 46.4 Rules – Activities

	Table 46.4 – Activities	Activity Status
46.4.1	Farming	P
46.4.2	Visitor accommodation	P
46.4.3	Commercial recreational activities and onsite staff accommodation	P
46.4.4	Recreation and recreational activity	P
46.4.5	Informal airports	P
46.4.6	<p>The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.7 to 46.4.11)</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> <li>The compatibility of the building <u>density, design and location</u> with landscape, cultural and heritage, and visual amenity values;</li> <li>Landform modification, landscaping and planting;</li> <li>Lighting;</li> <li>Servicing including water supply, fire-fighting, stormwater and wastewater;</li> <li>Natural Hazards; and</li> <li><del>Design and location of related carparking.</del> <u>Design and layout of site access, on-site parking, manoeuvring and traffic generation</u></li> <li><u>Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or subject site any adverse effects on that infrastructure.;</u></li> </ol>	C
46.4.7	<p>Farm building</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>The relationship of the proposed farm building to farming activity;</li> <li>Landform modification, landscaping and planting;</li> <li>Lighting;</li> <li>Servicing including water supply, fire-fighting, stormwater and wastewater; and</li> </ol>	RD

**Commented [EG12]:** Re-zoning submissions: 31012, 31013, 31014, 31015, 31016, 31021, 31022, 31033, 31035, 31037, 31039, 31043, 31045, 31053

**Commented [EG13]:** 31011.8 HNZ

**Commented [EG14]:** 31020.4 Aurora

## Part 6

## Rural Visitor Zone 46

	<p>e. Natural Hazards.</p> <p>x. <u>Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or subject site any adverse effects on that infrastructure.</u></p>	
46.4.8	<p>At Walter Peak within the Water Transport Infrastructure Overlay as identified on the District Plan maps, a jetty or wharf, weather protection features and ancillary infrastructure</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>Effects on natural character;</li> <li>Effects on landscape values and amenity values;</li> <li>Lighting;</li> <li>Effects on public access to and along the lake margin; and</li> <li>External appearance, colour and materials.</li> </ol>	RD
46.4.9	At Walter Peak within the Water Transport Infrastructure Overlay as identified on the District Plan maps, any building other than those identified in Rule 46.4.8	D
46.4.10	The construction, relocation or exterior alteration of buildings within an area identified on the District Plan maps as a Moderate – High Landscape Sensitivity Area	D
46.4.11	The construction, relocation or exterior alteration of buildings within an area identified on the District Plan maps as a High Landscape Sensitivity Area	NC
46.4.12	Industrial activity	NC
46.4.13	Residential activity except as provided for in Rules 46.4.2 and 46.4.3	NC
46.4.14	Commercial, retail or service activities except as provided for in Rules 46.4.2 and 46.4.3	NC
46.4.15	Mining	NC
46.4.16	Any other activity not listed in Table 46.4	NC

Commented [EG15]: 31020.5 Aurora

### 46.5 Rules - Standards

	Table 46.5 – Standards	Non-compliance status
46.5.1	<p>Building Height</p> <p>46.5.1.1: The maximum height of buildings shall be 6m.</p>	NC

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	Table 46.5 – Standards	Non-compliance status
	46.5.1.2: Within the Water Transport Infrastructure overlay identified on the District Plan maps the maximum height of buildings shall be 4m.	NC
46.5.2	<p><b>Building Size</b></p> <p><u>46.5.2.1</u> The maximum ground floor area of any building shall be 500m<sup>2</sup>.</p> <p><u>46.5.2.1</u> In the &lt;x, y and z Rural Visitor Zones&gt; the total maximum ground floor area across the zoned area, excluding any areas identified as Moderate – High and High Landscape Sensitivity, shall be 500m<sup>2</sup>. <u>Note, Rule 46.5.2.1 does not apply to the site contained in Rule 46.5.2.2.</u></p> <p><u>46.5.2.2</u> The total maximum ground floor area for the site located at 569 Glenorchy – Queenstown Road shall be 2500m<sup>2</sup> (excluding any areas identified as Moderate – High and High Landscape Sensitivity).</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. landscape;</li> <li>b. Visual amenity values; <del>and</del></li> <li>c. Nature, scale and external appearance;</li> <li>d. <u>Density of development;</u> <del>and;</del></li> <li><del>e.</del> <u>Traffic generation.</u></li> </ul>
46.5.3	<p><b>Glare</b></p> <p>46.5.3.1: All exterior lighting shall be directed downward and away from adjacent sites and public places including roads or waterbodies.</p> <p>46.5.3.2: No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site.</p> <p>46.5.3.3: Rule 46.5.3.2 shall not apply to exterior lighting within the Walter Peak Water Transport Infrastructure overlay.</p>	NC
46.5.4	<p><b>Setback of buildings from waterbodies</b></p> <p>46.5.4.1: The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p> <p>46.5.4.2: Rule 46.5.4.1 shall not apply to those structures or buildings identified in Rule 46.4.8 located within the Walter Peak Water Transport Infrastructure overlay.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Indigenous biodiversity values;</li> <li>b. Visual amenity values;</li> <li>c. landscape;</li> <li>d. open space and the interaction of the</li> </ul>

**Commented [EG16]:** Re-zoning submissions: 31012, 31013, 31014, 31015, 31016, 31021, 31022, 31033, 31035, 31037, 31039, 31043, 31045, 31053

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	Table 46.5 – Standards	Non-compliance status
		<p>development with the water body;</p> <p>e. environmental protection measures (including landscaping and stormwater management);</p> <p>f. natural hazards; and</p> <p>g. Effects on cultural values of manawhenua.</p>
<b>46.5.5</b>	<p>Setback of Buildings</p> <p>46.5.5.1: Buildings shall be set back a minimum of 10 metres from the Zone boundary.</p> <p>46.5.5.2: Rule 46.5.5.1 shall not apply to those structures or buildings identified in Rule 46.4.8 located within the Walter Peak Water Transport Infrastructure overlay.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Nature and scale;</p> <p>b. Reverse Sensitivity effects; and</p> <p>Functional need for buildings to be located within the setback.</p>
<b>46.5.6</b>	<p>Commercial Recreational Activity</p> <p>46.5.6.1: Commercial recreational activity that is undertaken outdoors must not involve more than 30 persons in any one group.</p> <p>46.5.6.2: Rule 46.5.6.1 shall not apply at Walter Peak.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Nature and scale including cumulative adverse effects;</p> <p>a. Hours of operation;</p> <p>b. The extent and location of signage;</p> <p>c. Transport and access; and</p> <p>d. Noise.</p>
<b>46.5.7</b>	<p>Informal Airports</p> <p>Other than in the case of informal airports for emergency landings, rescues, firefighting and activities ancillary to farming Activities, Informal Airports shall not exceed 15 flights per week.</p> <p>Note: For the purposes of this Rule a flight includes two aircraft movements (i.e. an arrival and departure).</p>	<p>D</p>

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<p>46.5.x</p>	<p><b>Building Material and Colours</b></p> <p><u>Any building and its alteration, including shipping containers that remain on site for more than six months, are subject to the following:</u></p> <p><u>All exterior surfaces* must be coloured in the range of browns, greens or greys including:</u></p> <p><u>24.5.3.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and</u></p> <p><u>24.5.3.2 All other exterior surface** finishes, except for schist, must have a light reflectance value of not greater than 30%.</u></p> <p><u>* Excludes soffits, windows and skylights (but not glass balustrades).</u></p> <p><u>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</u></p>	<p><b>RD</b></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Landscape;</u></p> <p>b. <u>Visual amenity values;</u> <u>and</u></p> <p>c. <u>External appearance.</u></p>
<p>46.5.XX</p>	<p><b>Building Separation</b></p> <p><u>All buildings on the site located at 569 Glenorchy – Queenstown Road shall be separated by a minimum of 10m from other buildings on this site.</u></p>	<p><b>RD</b></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Nature and scale;</u></p> <p>b. <u>Functional needs for the building(s) to be located within the separation setback; and</u></p> <p>c. <u>Landscape and visual amenity effects.</u></p>

**Commented [EG17]:** Re-zoning submissions: 31012, 31013, 31014, 31015, 31016, 31021, 31022, 31033, 31035, 31037, 31039, 31043, 31045, 31053

**46.6 Non-Notification of Applications**

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

- a. Rule 46.4.8 Water Transport Infrastructure at Walter Peak.
- b. Rule 46.5.4 setback of buildings from waterbodies.
- c. Rule 46.5.5 setback of buildings from the Zone boundary.
- d. Rule 46.5.6 commercial recreational activities.
- x. Rule 46.4.6 The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.7 to 46.4.11)
- x. Rule 46.4.7 Farm Building

**Commented [EG18]:** 31020.6 Aurora

**Commented [EG19]:** 31020.6 Aurora

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46.6.x For any application for resource consent where Rules 46.4.6(g) and 46.4.7(f) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991.

Commented [EG20]: 31020.7 Aurora

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### Variation to Earthworks Chapter 25:

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

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

25.5.5	Queenstown Town Centre Zone	500m <sup>3</sup>
	Wanaka Town Centre Zone	
	Local Shopping Centre Zone	
	Business Mixed Use Zone	
	Airport Zone (Queenstown)	
	Millbrook Resort Zone	
	<u>Rural Visitor Zone</u>	

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Variation to Subdivision and Development Chapter 27:

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

Amend Chapter 27 by amending Rule 27.5.9 as follows:

27.5.11	All subdivision activities in the <u>Rural Visitor Zone</u> , Rural and Gibbston Character Zones and Airport Zone - Wanaka, unless otherwise provided for.	D
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27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified.

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

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## Rural Visitor Zone 46

### Variation to Signs Chapter 31:

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

#### 31.14 Rules – Activity Status of Signs in Special Zones

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

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

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Variation to Chapter 36 Noise:

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

36.5 Rules – Standards

Table 2: General Standards

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