

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

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER Stage 3b of the
Proposed District Plan
submission related to
notified Walter Peak
Rural Visitor Zone

**REPLY EVIDENCE OF ELIAS JACOBUS MATTHEE
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

PLANNING - WALTER PEAK RE-ZONING

5 July 2021

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CONTENTS

	PAGE
1. INTRODUCTION.....	2
2. SIZE OF THE DIFFERENT LANDSCAPE SENSITIVITY MAPPING AREAS AND THE AREAS OVERLAID BY HAZARD MAPPING	3
3. CHAPTER 3, 4 AND 6 PDP PROVISIONS RELEVANT TO THE WALTER PEAK REZONING.....	3
4. HOW TO DETERMINE WHAT IS ‘APPROPRIATE DEVELOPMENT’ IN THE CONTEXT OF STRATEGIC OBJECTIVE 3.2.5.3	4
5. RECOMMENDED APPROACH TO MANAGING NATURAL HAZARD RISK....	5
6. DOES THE PROPOSED OTAGO REGIONAL POLICY STATEMENT CHANGE THE POLICY APPROACH?	6
7. IS IT APPROPRIATE FOR BUILDING DENSITY, BULK AND LOCATION TO BE MATTERS OF CONTROL FOR CONTROLLED ACTIVITY RESOURCE CONSENTS?	9
8. CONCLUSION	11

Appendix A: Map demonstrating size and extent of the hazard areas and the low, moderate and high sensitivity landscape areas

Appendix B: Applicable Chapters 3, 4 and 6 (strategic objectives and policies) provisions

Appendix C: My recommended changes to the Decision Version RVZ provisions for the Walter Peak site

1. INTRODUCTION

- 1.1 My name is Elias Jacobus (EJ) Matthee. I prepared the section 42A report¹ (**s42A**) and a statement of rebuttal evidence² for Hearing Stream 19. My qualifications and experience are set out in section 1 of my s42A.
- 1.2 I attended the hearing on Tuesday 22 June 2021 and have since reviewed the supplementary submissions filed by counsel for Wayfare Group Limited (**Wayfare**) dated 25 June 2021.
- 1.3 My reply evidence addresses the following matters:
- (a) Size of the different landscape sensitivity mapping areas and the areas overlaid by hazard mapping;
 - (b) Chapter 3, 4 and 6 Proposed District Plan (**PDP**) provisions relevant to the Walter Peak rezoning;
 - (c) How to determine what is 'appropriate development' in the context of strategic objective 3.2.5.3;
 - (d) Recommended approach to managing natural hazard risk;
 - (e) Whether the proposed Otago Regional Policy Statement (**pRPS**) changes the policy approach for Walter Peak;
 - (f) Is it appropriate for building density, bulk and location to be matters of control for controlled activity resource consents?
- 1.4 The following are attached to my reply evidence:
- (a) **Appendix A:** Map demonstrating the size and extent of the hazard areas / overlays and the low, moderate and high sensitivity landscape areas;
 - (b) **Appendix B:** Applicable Chapters 3, 4 and 6 (strategic objectives and policies) provisions; and
 - (c) **Appendix C:** My recommended changes to the Decision Version Rural Visitor Zone provisions for Walter Peak station.

1 Dated 4 March 2021.

2 Dated 11 June 2021.

2. SIZE OF THE DIFFERENT LANDSCAPE SENSITIVITY MAPPING AREAS AND THE AREAS OVERLAID BY HAZARD MAPPING

2.1 During the Hearing, the Panel requested that Council confirm the size of the areas subject to the proposed hazard mitigation overlays. In order to assist the Panel, Council has also calculated the size of the areas subject to the various landscape sensitivity overlays.

2.2 I have attached, as **Appendix A** to this reply evidence, a map depicting the size and extent of the hazard areas as well as the low, moderate and high sensitivity landscape areas.

2.3 To clarify, the extent of the low landscape sensitivity area not affected by the hazard overlays at all is approximately 16.2 ha.

3. CHAPTER 3, 4 AND 6 PDP PROVISIONS RELEVANT TO THE WALTER PEAK REZONING

3.1 During the Hearing, the Panel sought clarification from Council as to which provisions in Chapters 3 and 6 PDP (strategic objectives and policies) apply to the matters being considered through this hearing (ie. rezoning of land). I have set out, at **Appendix B** to this evidence, a list of the relevant provisions in Chapters 3 and 6 that I consider apply. I have also provided in **Appendix B** some commentary explaining why I consider these provisions to be relevant.

3.2 In order to assist the Panel, and to the extent that it might be relevant, I have also included at **Appendix B** a list of the relevant Chapter 4 PDP provisions that were discussed during the Hearing. I note that the supplementary submissions by Wayfare,³ at paragraph 48, state that residential development related to staff accommodation is fully discretionary under the Tourism Zone. I do not consider this to be correct, as Rule X.4.6 permits residential activity ancillary to Visitor Accommodation, Commercial Recreation, Recreation and Recreational Activities. I also note that the proposed new policies set out in the Wayfare supplementary submissions (x.2x and x.2xx) are enabling of residential activities, and potentially urban, development at

³ Dated 25 June 2021.

“low average density”. It is uncertain what threshold of residential (potentially urban) development would compromise the zone purpose, as it is not quantified.

3.3 With reference to paragraph 18 of the Wayfare supplementary submissions, I do not agree that the intent of 3.1B.6 and 3.3.30 is aimed at applying to only new zoning proposals (seeking changes from the Rural Zone). I do not interpret the Chapter 3 provisions as making any assumption that the underlying zone must be Rural Zone, and prefer an interpretation that focuses on the intent of the Exception Zone framework, which is to ensure that any rezoning within the ONL achieves the ‘protect landscape values’ strategic direction.

4. HOW TO DETERMINE WHAT IS ‘APPROPRIATE DEVELOPMENT’ IN THE CONTEXT OF STRATEGIC OBJECTIVE 3.2.5.3

4.1 During the Hearing, the Panel asked the planning witness for Wayfare how ‘appropriate’ development should be assessed in the context of SO 3.2.5.3. Mr Farrell’s opinion was that development should be assessed against what is anticipated by the legacy zone.

4.2 I disagree. I consider that there are two scenarios where proposed development is to be assessed: at the plan development stage, and through consent applications. When assessing what is appropriate at the plan development stage, ‘appropriate’ should be considered in the context of the proposed zoning, the site and its surrounds and the relevant objectives and policies of the plan applying to those aspects. Relevantly, the site in this case is within the Outstanding Natural Landscape (**ONL**), and so the direction in Chapter 3 that any subdivision, use or development must *protect* the landscape values of that ONL is an important consideration.

4.3 The distinction with consenting is that what is appropriate or not is guided by the zone provisions in play. If in this case the Rural Visitor Zone is applied to the site, then the legacy zoning will no longer be relevant.

5. RECOMMENDED APPROACH TO MANAGING NATURAL HAZARD RISK

- 5.1 During the Hearing, Ms Black, for Wayfare raised the possibility that the debris channels could move in the future and that this could result in the Building Restriction Area (**BRA**) being located in the wrong place. I understand that when Ms Black raised this concern, she was referring to the debris channel located higher up the alluvial fan, and that movement here could cause the debris flow and flood hazard risk to affect another part of the site (on the lower slopes of the alluvial fan) which is not covered by a BRA or Hazard Management Area (**HMA**).
- 5.2 While I agree with Ms Black that there is a possibility that the debris channel, located on the higher slopes, may move and affect other parts of the site, the areas identified by Mr Bond as subject to a BRA and HMA are intended to only include those areas where on-site measures are required to manage the risk. This is provided that other measures of managing the hazard risk, such as monitoring⁴ and managing the debris flow source areas (partly off-site), are continuously undertaken.
- 5.3 There is one matter I want to address in relation to this matter. I consider that the policies of the RVZ could be strengthened to provide further guidance on what needs to be considered when processing applications for buildings in the areas that are not subject to a BRA or HMA, but which could still potentially be affected by the debris flow should the channels change. I have recommended an additional policy (46.2.2.11) for inclusion in the PDP for the Walter Peak site at **Appendix C**.

4 Page 9-10 of the Golder report attached to Mr Meldrum's Evidence in Chief.

6. DOES THE PROPOSED OTAGO REGIONAL POLICY STATEMENT CHANGE THE POLICY APPROACH?

6.1 The pRPS was notified on 26 July 2021. In summary, my assessment of the pRPS is that:

- (a) the policy direction for ONLs is similar to the Partially Operative Otago Regional Policy Statement 2019 (updated March 2021) (**PORPS**) direction; and
- (b) there is a notable shift in the policy direction for natural hazards.

6.2 I discuss each of these matters below.

Landscape

6.3 In my opinion, the pRPS direction on landscape matters has been strengthened slightly in comparison to the PORPS, by clarifying the requirement for protection in relation to ONLs (and Outstanding Natural Features (**ONFs**)), but overall the approach is very similar. For example, proposed Objective NFL-01⁵ requires the identification of the areas and values of ONFs and ONLs and the protection of ONFs and ONLs. The comparable PORPS objective 3.2⁶ does not refer directly to ONFs or ONLs (it refers more generally to significant and highly valued natural resources), but the policies sitting under that objective require the identification of areas and values of ONFs and ONLs (3.2.3) and the protection of the values that contribute to the ONF/L being outstanding (3.2.4).

6.4 The direction in the pRPS to identify ONFs and ONLs has also been strengthened, compared to the PORPS. For example, pRPS Policy NFL-P1 requires the identification of the *capacity* of ONF/Ls to accommodate use or development, while protecting the values that contribute to the natural feature or landscape being considered outstanding. This direction was not included in the PORPS. I note that

⁵ NFL-01 (refer page 182 pRPS).

⁶ Objective 3.2 PORPS (refer page 32).

the criteria for the identification of ONFs and ONLs is the same between the PORPS and the pRPS.⁷

- 6.5** Overall, it is my opinion that the pRPS does not raise any additional considerations for the Panel in terms of landscape assessment. I consider that the direction in Chapter 3 of the PDP already gives effect to⁸ the pRPS provisions.

Natural Hazards

- 6.6** The natural hazard provisions of the pRPS provide a more directive framework for the management of risk associated with natural hazards than the PORPS. There are two key differences in the pRPS:

- (a) A specific methodology is to be followed when assessing risks from natural hazards;⁹ and
- (b) Specific direction is provided as to what the results of these assessments mean and how to respond.¹⁰

- 6.7** In relation to the Wayfare submission, there was no opportunity to adopt the specific methodology set out in the pRPS. Mr Bond advises¹¹ that the risk assessment has been based on the Australian Geomechanics Society methodology for assessing landslide risk, which, while applying the same general approach of assessing the likelihood and consequences for understanding risk, involves different parameters (recurrence intervals and consequence descriptions) to those set out in APP6 of the pRPS.

- 6.8** The pRPS defines three levels of risk, based on the results of the risk assessment methodology: acceptable, tolerable and significant. It is not clear how the results of the risk assessment for Walter Peak relate to these three levels of risk. In addition, where the initial qualitative assessment of risk results in a 'significant' risk result, the pRPS directs that a quantitative assessment be undertaken. Again, it is not clear

⁷ See Schedule 3 on the PORPS and App 9 of the pRPS.

⁸ Acknowledging that 'give effect to' is not the test for a proposed RPS. It is a higher test, and if 'give effect to' is met, then 'have regard to' is also met.

⁹ See APP6.

¹⁰ HAZ-NH-O1, HAZ-NH-P1 – P11.

¹¹ Within paragraph 4.4 of Mr Bond's rebuttal evidence for Stage 3 RVZ, he explains that it is the current adopted best practice in New Zealand.

whether a quantitative assessment of risk would be required for the Walter Peak site.

- 6.9** The policy framework of the pRPS directs how to respond to the levels of risk identified for an area. For example, Objective HAZ-NH-O1 requires that *levels of risk to people, communities and property from natural hazards within Otago do not exceed a tolerable level*. In my opinion, this is much more directive than the equivalent PORPS Objective 4.1 which is that *risks that natural hazards pose to Otago's communities are minimised*. This specific direction continues through the policies. For example, Policy HAZ-NH-P3 relates to new activities and requires that when natural hazard risk is significant, the activity is avoided; when the risk is tolerable, the level of risk is managed so it does not become significant; and when the natural hazard risk is acceptable, the level of risk is maintained.
- 6.10** It is my understanding that the approach taken by the pRPS to the management of risk from natural hazards reflects planning best practice. A similar approach can be found in the Bay of Plenty Regional Policy Statement, which I understand has been confirmed by the Environment Court.
- 6.11** In my opinion, it is not possible to say at this stage whether the Rural Visitor Zone provisions recommended by Council or the bespoke provisions sought by Wayfare would accord with the natural hazard risk management framework in the pRPS, without the prescribed risk assessment having first been undertaken.
- 6.12** Overall, I consider that the pRPS natural hazard provisions to be more directive and specific than those in the PORPS. Should the approach taken in the pRPS policy framework for natural hazard risk management largely survive the Schedule 1 RMA process, the relationship between those provisions and Chapter 28 of the PDP would need to be considered.
- 6.13** In terms of how the pRPS could impact on the Walter Peak rezoning, in my opinion the new policy proposed at **Appendix C**, which is in response to the natural hazard issues discussed at the Hearing, is

adequate to ensure there is no inconsistency with the pRPS. The policy strengthens the direction for consideration of resource consent applications for non-complying, discretionary, and controlled activities within the Walter Peak site. I consider it would provide sufficient discretion, including for controlled activities, to allow the requirements of the pRPS to be applied and considered in resource consent decision-making.

7. IS IT APPROPRIATE FOR BUILDING DENSITY, BULK AND LOCATION TO BE MATTERS OF CONTROL FOR CONTROLLED ACTIVITY RESOURCE CONSENTS?

7.1 Wayfare considers that the Council will have the ability, through a controlled activity framework, to control the location, density and scale of buildings in order to protect or enhance landscape values and nature conservation values, and has proposed a new policy for its proposed Tourism Zone provisions.¹² Ms Mellsop remains of the opinion¹³ that the proposed controlled activity rule would not ensure protection of the ONL values. She highlights that the functional requirements of a building may limit the degree to which location could be altered to avoid adverse effects on landscape values.

7.2 Ms Baker-Galloway has submitted¹⁴ that there is a point at which design through conditions, in a controlled activity context, will logically reach a point where significant changes to a proposal would be tantamount to refusal. She also considered that it would cross this threshold based upon intent or purpose of the proposal being amended, rather than just by geographic location.

7.3 I am of the opinion that a building/s location, density and scale are easily tied to its intent or purpose, and I consider that applicants would almost certainly appeal conditions if the location was altered, based on an argument that the condition is tantamount to a refusal.

7.4 In my view, there is a danger if reserving control over the location, density or scale of built form relative to landscape values, as exercising

¹² Paragraph 35 of Further Legal Submissions for Wayfare Group Limited dated 25 June 2021.

¹³ Paragraph 2.2 of Ms Mellsop's reply evidence dated 5 July 2021.

¹⁴ Paragraph 27-28 of Further Legal Submissions for Wayfare Group Limited dated 25 June 2021.

that control requires a thorough understanding of the different landscape sensitivities across the site and a detailed understanding of where and to what scale or extent of development can be absorbed. Without having this understanding, or specific guidance through the zone provisions (or a structure plan), I consider it very challenging to control the effects of development on the landscape values through consent conditions.

- 7.5** Given Council's current understanding of the landscape sensitivities of the site, a condition that required the relocation of a building from Von Hill, for example, down towards the proposed RVZ Low Landscape Sensitivity area (where the building can be absorbed into the landscape without affecting ONL values), would almost certainly qualify as a significant change to a proposal that could be appealed.
- 7.6** Putting landscape considerations to one side, given the hazard mitigation needed and the topography of the site, it is very likely that changing the location, scale or density of buildings could trigger a requirement for different earthworks (cut height and volume), or additional works for hazard mitigation, infrastructure and servicing and different landscape mitigation. These would then require more or different resource consents under the district wide chapters and further assessment (which is not possible if the consent is issued). In effect, the consent holder would then not be able to give effect to the consent, as further consents would be required.
- 7.7** I have experienced this issue myself, where counsel for an applicant wrote to the Council putting forward a 'tantamount to refusal' argument if the Council sought to exercise control over location (based on a potential future use not applied for) where an alternative location required additional flood mitigation earthworks not applied for.
- 7.8** Given that, the Council cannot refuse a controlled activity application, and given the lack of policy guidance within the proposed Tourism Zone framework on what is appropriate and where, I consider the proposed controlled activity rule and matters of control to be extremely problematic and not effective or efficient at managing effects on landscape values.

8. CONCLUSION

- 8.1 My recommendation remains that the RVZ provisions and notified extent of the zone, including the landscape sensitivity areas, is the most appropriate way to achieve the objectives and policies of Chapters 3 and 6, with the inclusion of a BRA and HMA and the additional recommended provisions as outlined in **Appendix C**.

A handwritten signature in blue ink, appearing to read 'E. Matthee', is positioned above the printed name.

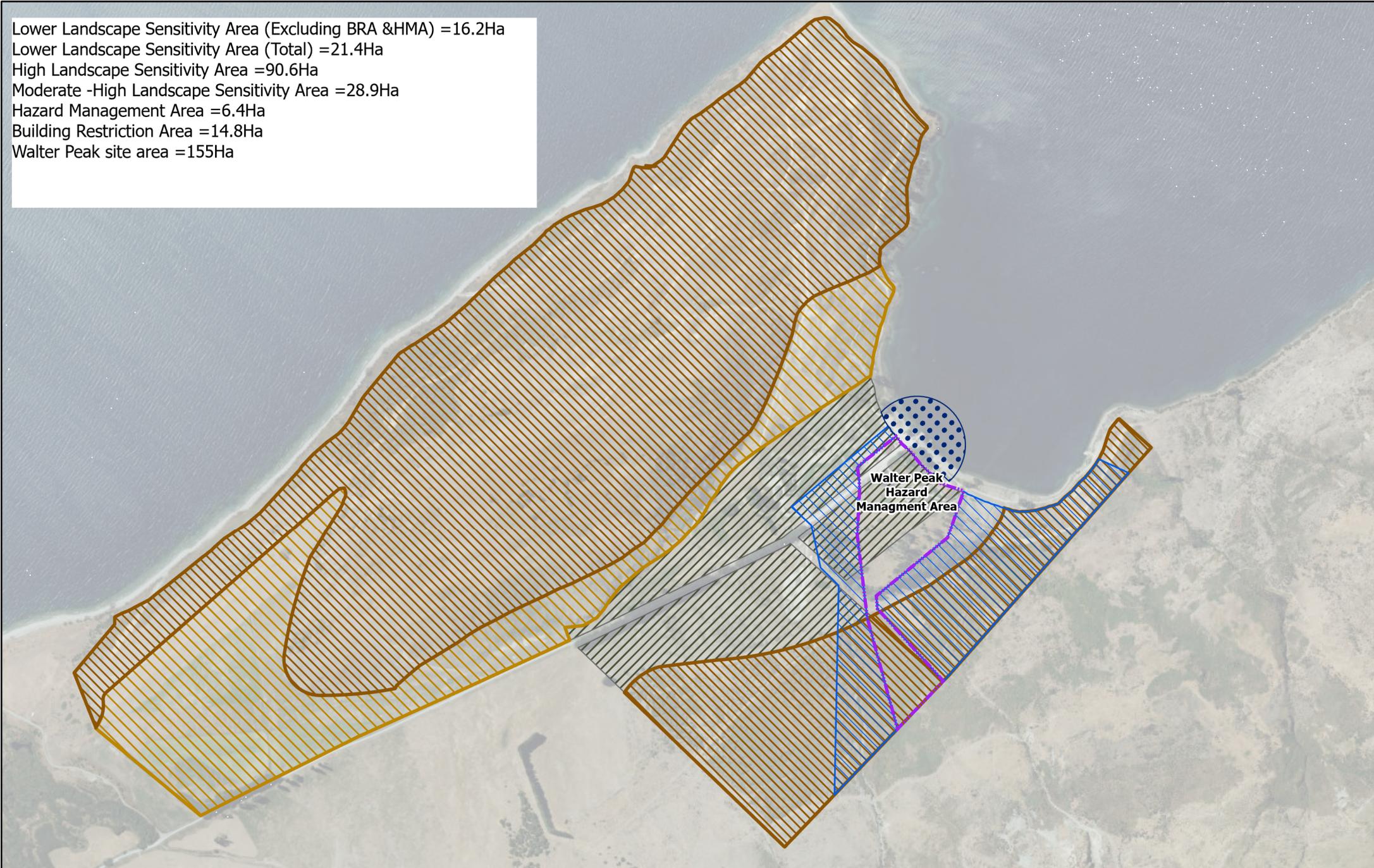
Elias Matthee

5 July 2021

APPENDIX A

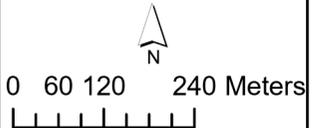
Map demonstrating size and extent of the hazard areas / overlays and the low, moderate and high sensitivity landscape areas

Lower Landscape Sensitivity Area (Excluding BRA &HMA) =16.2Ha
 Lower Landscape Sensitivity Area (Total) =21.4Ha
 High Landscape Sensitivity Area =90.6Ha
 Moderate -High Landscape Sensitivity Area =28.9Ha
 Hazard Management Area =6.4Ha
 Building Restriction Area =14.8Ha
 Walter Peak site area =155Ha

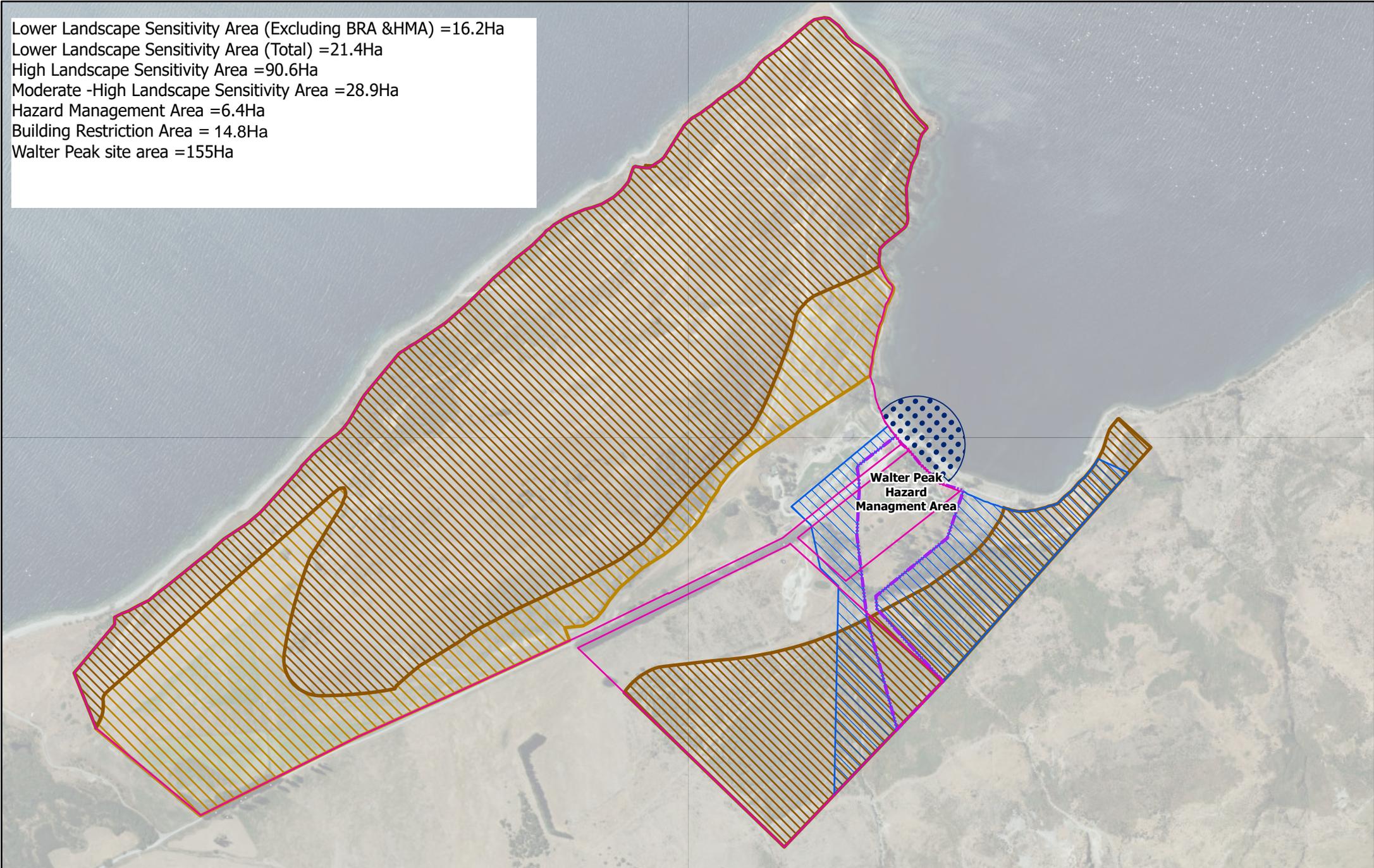


-  Specific Provisions Apply
-  Water Transport Infrastructure Overlay
-  Building Restriction Area
-  High Landscape Sensitivity Area
-  Moderate - High Landscape Sensitivity Area
-  Lower Landscape Sensitivity Area

Walter Peak Hazard and Landscape Sensitivity Mapping



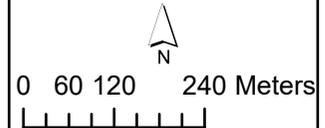
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 Hazard Management Area =6.4Ha
 Building Restriction Area = 14.8Ha
 Walter Peak site area =155Ha



Walter Peak
 Hazard
 Management Area

- Walter Peak Site
- Specific Provisions Apply
- Water Transport Infrastructure Overlay
- Building Restriction Area
- High Landscape Sensitivity Area
- Moderate - High Landscape Sensitivity Area

Walter Peak Hazard and Landscape Sensitivity Mapping



APPENDIX B
Applicable Chapters 3, 4 and 6 (strategic objectives and policies) provisions

Chapter 3 – Strategic Direction		Relevance of provisions
<u>3.1</u>	<u>Purpose</u> <p>This chapter sets out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the Queenstown Lakes District’s special qualities:</p> <ol style="list-style-type: none"> a. distinctive lakes, rivers, alpine and high country landscapes free of inappropriate development; b. clean air and pristine water; c. vibrant and compact town centres; d. compact and connected settlements that encourage public transport, biking and walking; e. diverse, resilient, inclusive and connected communities; f. a district providing a variety of lifestyle choices; g. an innovative and diversifying economy based around a strong visitor industry; h. a unique and distinctive heritage; i. distinctive Ngāi Tahu values, rights and interests; j. indigenous biodiversity and ecosystems. 	Context
<u>3.1A</u>	<u>Strategic issues</u> <p>The following Strategic Issues are overarching. While not intended to be an exhaustive list or description of issues to be addressed in the District’s pursuit of sustainable management, these Strategic Issues are identified as warranting to be addressed at the present time and during the lifetime of the Plan (and beyond) to enable the retention of the special qualities listed at a. - j. of 3.1 Purpose:</p> <ol style="list-style-type: none"> a. Strategic Issue 1: Economic prosperity and equity, including strong and robust town centres, and the social and economic wellbeing and resilience of the District’s communities may be challenged if the District’s economic base lacks diversification. b. Strategic Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding natural features and outstanding natural landscapes. c. Strategic Issue 3: High growth rates can challenge the qualities that people value in their communities. d. Strategic Issue 4: Some resources of the District’s natural environment, particularly its outstanding natural features and outstanding natural landscapes and their landscape values, require effective identification and protection in their own right as well as for their significant contribution to the District’s economy. e. Strategic Issue 5: The design of developments and environments can either promote or weaken safety, health and social, economic and cultural wellbeing. f. Strategic Issue 6: Tangata Whenua status and values require recognition in the District Plan. 	Context
<u>3.1B</u>	<u>Interpretation and Application of this Chapter</u>	
3.1B.1	For the purpose of plan development, including plan changes, the Strategic Objectives and Strategic Policies in this Chapter provide direction for the development of the more detailed provisions contained elsewhere in the District Plan in relation to the Strategic Issues.	Context
3.1B.5	In 3.1B.6 and SO 3.2.5.4, ‘Exception Zone’ means any of the following, to the extent that the Zone (or Sub-Zone) is depicted on the planning maps: <ol style="list-style-type: none"> a. The Ski Area Sub-Zone; b. The Rural Residential Zone and Rural Lifestyle Zone (Chapter 22); c. The Gibbston Character Zone (Chapter 23); d. The Jacks Point Zone (Chapter 41). 	Relevant if the proposed Tourism Zone is accepted as an exception zone
3.1B.6	The following Strategic Objectives and Strategic Policies (or specified parts thereof) do not apply to the consideration or determination of any applications for any subdivision, use or development within any of the Exception Zones except insofar as the receiving environment includes an Outstanding Natural Feature or Outstanding Natural Landscape (or part thereof) that is outside the Exception Zone: <ol style="list-style-type: none"> a. SO 3.2.1.7.a, SO 3.2.1.8.a, SO 3.2.5.1, SO 3.2.5.2; and b. SP 3.2.5.4, SP 3.3.21.a, SP 3.3.23.a, SP 3.3.29, SP 3.3.30, SP 3.3.31. 	Provision clarifies that the listed provisions apply to plan development, including plan changes.

	For avoidance of doubt, the above identified strategic Objectives and Strategic Policies apply to plan development, including plan changes.	
3.1B.7	In this Chapter: a. 'Landscape capacity': i. in relation to an Outstanding Natural Feature or Outstanding Natural Landscape, means the capacity of a landscape or feature to accommodate subdivision and development without compromising its identified landscape values; b. 'Landscape values' in relation to any Outstanding Natural Feature, Outstanding Natural Landscape or Rural Character Landscape includes biophysical, sensory and associative attributes (and 'values' has a corresponding meaning); c. 'Rural Living' means residential-type development in a Rural Character Landscape or on an Outstanding Natural Feature or in an Outstanding Natural Landscape, including of the nature anticipated in a Rural Residential or Rural Lifestyle zone but excluding residential development for farming or other rural production activities; e. 'Best practice landscape methodology' in relation to the identification of landscape values or related landscape capacity or their assessment includes a methodology produced or recommended by a reputable professional body for landscape architects.	Clarifies the terms used in Chapter 3, which will be relevant to plan development
3.2	Strategic Objectives	
3.2.1	The development of a prosperous, resilient and equitable economy in the District. (addresses Issue 1)	Relevant in terms of the need to provide for a resilient economy
3.2.1.1	The significant socioeconomic benefits of well designed and appropriately located visitor industry places, facilities and services are realised across the District.	Relevant to visitor industry activities
3.2.1.6	Diversification of the District's economic base and creation of employment opportunities through the development of innovative and sustainable enterprises.	More limited relevance, but provides for diversification of District's economy
3.2.1.7	Agricultural land uses are enabled provided those uses are consistent with: a. the protection of the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;	Potentially relevant when considering a plan change for an exception zone
3.2.1.8	Diversification of land use in rural areas beyond traditional activities, including farming, provided that: a. the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected; ... c. significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained.	Diversification provided for on the basis that ONL/ONF landscape values are protected Relevant when considering a plan change for an exception zone
3.2.1.9	Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment. (also elaborates on S.O. 3.2.2 following)	More limited relevance, but engaged on the basis that infrastructure will be required for the rezoning proposal
3.2.2	Urban growth is managed in a strategic and integrated manner. (addresses Issue 2) (Strategic Objective 3.2.2.1 elaborates on Strategic Objective 3.2.2. SO 3.2.1.9 also elaborates on SO 3.2.2).	Relevant to proposals for urban development
3.2.2.1	Urban development occurs in a logical manner so as to: a. promote a compact, well designed and integrated urban form; b. build on historical urban settlement patterns; c. achieve a built environment that provides desirable, healthy and safe places to live, work and play; d. minimise the natural hazard risk, taking into account the predicted effects of climate change; e. protect the District's rural landscapes from sporadic and sprawling urban development; f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in; g. contain a high quality network of open spaces and community facilities; and	Relevant to proposals for urban development

		h. be integrated with existing, and proposed infrastructure and appropriately manage effects on that infrastructure. (also elaborates on S.O. 3.2.3, 3.2.5 and 3.2.6 following)	
3.2.3		A quality built environment taking into account the character of individual communities. (addresses Issues 3 and 5) (Strategic Objective 3.2.3.1 elaborates on Strategic Objective 3.2.3. In addition, SO 3.2.2.1 also elaborates on SO 3.2.3).	
	3.2.3.1	The District's important historic heritage values are protected by ensuring development is sympathetic to those values.	Ensure that historic heritage is protected if relevant
	3.2.3.2	Built form integrates well with its surrounding urban environment.	
3.2.4		The distinctive natural environments and ecosystems of the District are protected. (addresses Issue 4) (Strategic Objectives 3.2.4.1 – 3.2.4.7 inclusive elaborate on Strategic Objective 3.2.4. In addition, SO 3.2.1.7 also elaborates on SO 3.2.4).	Relevant to plan development
	3.2.4.1	Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity	Relevant to plan development
	3.2.4.2	The spread of wilding exotic vegetation is avoided.	Relevant to plan development
	3.2.4.3	The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved, or enhanced where possible, and protected from inappropriate subdivision, use and development.	Relevant to plan development
	3.2.4.4	The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.	Relevant to plan development
	3.2.4.5	Public access to the natural environment is maintained or enhanced.	Relevant to plan development
	3.2.4.6	The values of significant indigenous vegetation and significant habitats of indigenous fauna are protected.	Relevant to plan development
	3.2.4.7	The survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities are maintained or enhanced.	Relevant to plan development
3.2.5		The retention of the District's distinctive landscapes. (addresses Issues 2 and 4) (Strategic Objectives 3.2.5.1 – 3.2.5.7 inclusive elaborate on Strategic Objective 3.2.5. In addition, SO 3.2.1.7, 3.2.1.8 and 3.2.2.1 also elaborate on SO 3.2.5).	Objective sets direction for all distinctive landscapes in the District
Outstanding Natural Features and Outstanding Natural Landscapes			
	3.2.5.1	The District's Outstanding Natural Features and Outstanding Natural Landscapes and their landscape values and related landscape capacity are identified.	Relevant to plan development when land involved is in an ONF or the ONL
	3.2.5.2	Within the Rural Zone, new subdivision, use and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless: a. ... b. where the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are not specified in Schedule 21.22, the values identified according to SP 3.3.45 are protected.	Context Not directly applicable as it applies to the rural zone and the site is RVZ under the ODP
	3.2.5.3	In locations other than in the Rural Zone, the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development.	Relevant to plan development when land involved is in an ONF or the ONL Direction is to protect ONL/ONF values from inappropriate activities, which need to be achieved through the plan provisions
	3.2.5.4	In each Exception Zone located within or part within Outstanding Natural Features and Outstanding Natural Landscapes, any application for subdivision, use and development is provided for: a. to the extent anticipated by that Exception Zone; and b. on the basis that any additional subdivision, use and development not provided for by that Exception Zone protects landscape values.	If a zone is confirmed as an Exception Zone, it will need to set out what is anticipated and make it clear what is not provided for Relevant when considering a plan

			change for an exception zone
3.2.6	The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety. (addresses Issues 1 and 6)		Relevant to plan development
3.2.6.1	The accessibility needs of the District's residents and communities to places, services and facilities are met.		Relevant to plan development
3.2.7	The partnership between Council and Ngāi Tahu is nurtured. (addresses Issue 6). (Strategic Objectives 3.2.7.1 and 3.2.7.2 elaborate on Strategic Objective 3.2.7).		Relevant to plan development
3.2.7.1	Ngāi Tahu values, interests and customary resources, including taonga species and habitats, and wāhi tūpuna, are protected.		Relevant to plan development
3.2.7.2	The expression of kaitiakitanga is enabled by providing for meaningful collaboration with Ngāi Tahu in resource management decision making and implementation.		Relevant to plan development
3.3	<u>Strategic Policies</u>		
Visitor Industry			
3.3.2	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: a. protects the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes; and b. ...		The Walter Peak site is within a rural area Protection of landscape values required
Climate Change			
3.3.13	Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change.		Relevant consideration
Urban Development			
3.3.15	Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs. (relevant to SO 3.2.1.8, 3.2.2.1, 3.2.3.1, 3.2.5.1 - 3.2.5.7)		Relevant if the provisions provide for urban development
Natural Environment			
3.3.20	Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity is safeguarded; and natural character is maintained or enhanced as far as practicable. (relevant to SO 3.2.1.8, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 - 3.2.5.7)		Relevant due to location of site, presence of natural character and nature conservation values of Lake Wakatipu and it's margins
Rural Activities			
3.3.21	Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with: a. protection of the landscape values of Outstanding Natural Features or Outstanding Natural Landscapes; or		Relevant due to ONL classification of site, and when considering a plan change for an exception zone
3.3.22	Provide for rural living opportunities in areas identified on the District Plan web mapping application as appropriate for rural living developments. (relevant to SO 3.2.5.4, S.O. 3.2.1.7, 3.2.5.1 - 3.2.5.7)		Relevant if the provisions provide for rural living, which is not currently clear
3.3.23	Ensure that the effect of cumulative subdivision and development for the purposes of Rural Living does not compromise: a. the protection of the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes; and		Relevant because of ONL classification, and when considering a plan change for an exception zone
3.3.24	Provide for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment. (relevant to SO 3.2.1.8, 3.2.1.9, 3.2.5.1 - 3.2.5.7)		Relevant to water transport infrastructure
3.3.25	That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District. (relevant to SO 3.2.1.8, 3.2.4.1 and 3.2.4.3)		Relevant consideration

3.3.26	Avoid the planting of identified exotic vegetation with the potential to spread and naturalise unless spread can be acceptably managed for the life of the planting. (relevant to SO 3.2.4.2)	Relevant consideration
3.3.27	Seek opportunities to provide public access to the natural environment at the time of plan change, subdivision or development. (relevant to SO 3.2.4.5)	Relevant consideration
Outstanding Natural Features and Landscapes and Rural Character Landscape		
3.3.28	Identify the District's Outstanding Natural Features and Outstanding Natural Landscapes on the District Plan web mapping application. (relevant to SO 3.2.5.1)	Walter Peak is within the ONL
3.3.29	For Outstanding Natural Features and Outstanding Natural Landscapes, identify landscape values and landscape capacity: b. outside of identified Priority Areas, in accordance with the landscape assessment methodology in SP 3.3.45 and through best practice landscape assessment methodology.	Relevant because of ONL classification, and when considering a plan change for an exception zone
3.3.30	Protect the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes.	Relevant because of ONL classification, and when considering a plan change for an exception zone
3.3.31	Avoid adverse effects on the landscape values of the District's Outstanding Natural Features and Outstanding Natural Landscapes from residential subdivision, use and development where there is little capacity to absorb change.	Relevant because of ONL classification, and when considering a plan change for an exception zone - in the event it seeks to provide for residential activities
Outstanding Natural Features, Outstanding Natural Landscapes and Rural Character Landscapes		
3.3.43	In applying the Strategic Objectives and Strategic Policies for Outstanding Natural Features, Outstanding Natural Landscapes and Rural Character Landscapes, including the values identification frameworks in SP 3.3.37 and SP 3.3.40 and the landscape assessment methodology in SP 3.3.45, have regard to the following attributes: a. Physical attributes: i. geology, geomorphology and topography; ii. ecology; iii. vegetation cover (exotic and indigenous); iv. the presence of waterbodies including lakes, rivers, streams, wetlands, and their hydrology; v. land use (including settlements, buildings and structures; and b. Sensory (or experiential) attributes: i. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes; ii. aesthetic values including memorability and naturalness; iii. wild or scenic values; iv. transient values including values at certain times of the day or year; and b. Associative attributes: i. whether the attributes identified in (a) and (b) are shared and recognised; ii. cultural and spiritual values for Tangata Whenua; iii. historical and heritage associations; iv. recreational values.	Relevant because of ONL classification
3.3.44	Where any or any part of an Outstanding Natural Feature, or an Outstanding Natural Landscape or a Rural Character Landscape is not identified as a Priority Area in Schedule 21.22 or 21.23, this does not imply that the relevant area: a. is more or less important than the identified Priority Areas in terms of: i. the landscape attributes and values, in the case of any or any part of an Outstanding Natural Feature or Outstanding Natural Landscape; ii. landscape character and visual amenity values, in the case of any or any part of a Rural Character Landscape; or b. is more or less vulnerable to subdivision, use and development.	Relevant because of ONL classification

Landscape Assessment Methodology		
3.3.45	<p>Landscape assessments shall:</p> <ul style="list-style-type: none"> a. in the case of for Outstanding Natural Features and Outstanding Natural Landscapes: <ul style="list-style-type: none"> i. identify landscape attributes and values; and ii. assess effects on those values and on related landscape capacity; c. in each case apply a consistent rating scale for attributes, values and effects. <p>Note: QLDC may, from time to time, promulgate and update guidelines that provide assistance in the application of best practice landscape assessment methodologies by publication on the QLDC website. Access will be via this link <i>[URL link to be added]</i>.</p>	Relevant because of ONL classification
3.3.46	<p>The Landscape Assessment Methodology required by SP 3.3.45 is to be implemented when assessing:</p> <ul style="list-style-type: none"> a. a proposed plan change affecting the rural environment; c. resource consent where the proposal (or part thereof) is in an Exception Zone in 3.1B.5 and gives rise to landscape effects on the receiving environment that includes an Outstanding Natural Feature or Outstanding Natural Landscape on land with Rural zoning outside that Exception Zone. 	Relevant in terms of clarifying that the landscape assessment methodology needs to be followed now, at plan development stage
Cultural Environment		
3.3.49	Avoid significant adverse effects on wāhi tūpuna within the District. (relevant to SO 3.2.7.1)	Provisions that give effect to this are in place already – Chapter 39
3.3.50	Avoid remedy or mitigate other adverse effects on wāhi tūpuna within the District. (relevant to SO 3.2.7.1)	Provisions that give effect to this are in place already – Chapter 39
3.3.51	Manage wāhi tūpuna within the District, including taonga species and habitats, in a culturally appropriate manner through early consultation and involvement of relevant iwi or hapū. (relevant to SO 3.2.7.1 and 3.2.7.2)	Provisions that give effect to this are in place already – Chapter 39

<u>Chapter 4 - Urban Development</u>		If urban development is proposed
4.1.2	The Chapter 3 strategic objectives and policies are further elaborated on in Chapter 4, which provides more detailed objectives and policies for urban development.... The principal role of Chapters 3 to 6 collectively is to provide direction for the more detailed provisions related to zones and specific topics contained elsewhere in the District Plan.	
4.2	<p>The following Objectives and Policies applies if Urban Development is enabled by the proposed zone:</p> <p>4.2.1 – 4.2.2.20</p>	

<u>Chapter 6 - Landscapes and Rural Character</u>		
6.1	Purpose	
<p>The purpose of this chapter is to provide greater detail as to how the landscape, particularly outside urban settlements, will be managed in order to implement the strategic objectives and policies in Chapter 3. This chapter needs to be read with particular reference to the Chapter 3 strategic objectives and policies, which identify the outcomes the policies in this chapter are seeking to achieve. The relevant Chapter 3 strategic objectives and policies are identified in brackets following each policy.</p> <p>Landscapes have been categorised to provide greater certainty of their importance to the District, and to respond to regional policy and national legislation. Categorisations of landscapes will provide decision makers with a basis to consider the appropriateness of activities that have adverse effects on those landscapes.</p>		Context

6.1.1	Application of this Chapter	
	Chapter 3 provides overarching strategic direction for the Queenstown Lakes District. The Chapter 3 strategic objectives and policies are further elaborated on in Chapter 6, which provides more detailed policies for landscapes and rural character. Chapter 6 applies district wide over Volume A and Volume B land, with the application of location specific policies as set out in the chapter. The principal role of Chapters 3 to 6 collectively is to provide direction for the more detailed provisions related to zones and specific topics contained elsewhere in the District Plan.	Context
6.2	Values	Context
6.3	Policies	
6.3.1	Rural Landscape Categorisation	
6.3.1.3	Provide a separate regulatory regime for the Gibbston Valley (identified as the Gibbston Character Zone), Rural Residential Zone, Rural Lifestyle Zone and the Special Zones within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply unless otherwise stated. (3.2.1.1, 3.1B.6).	Importantly, if the proposed zone is approved as an Exemption Zone, then it is expected that the proposed separate regulatory regime gives effect to the Ch 3 landscape Obs and Pols It also needs to be considered if the proposed zone needs further policy direction to give effect to Ch3. If so, then there would be a need to include more policy direction in CH 6 – potentially include/list the proposed zone under 6.3.2 below.
6.3.2	Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone	Potentially list the Tourism zone here if zoning accepted by the Panel
6.3.2.1 to 6.3.2.7	Refer to Chapter 6	Context
6.3.5	Managing Activities on Lakes and Rivers	
6.3.5.1	Manage the location, intensity and scale of structures on the surface and margins of water bodies including jetties, moorings and infrastructure recognising the functional needs of these activities, and the importance of lakes and rivers, including as a commercial recreation, tourism, transport and recreational resource, and ensure these structures are at a scale or in a location that, as far as practicable: a. protects the values of Outstanding Natural Features and Outstanding Natural Landscapes; and b. maintains the landscape character of Rural Character Landscapes and maintains or enhances their visual amenity values. (3.2.1.1, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.5, 3.2.5.6, 3.3.20, 3.3.25, 3.3.30, 3.3.33).	Relevant to the consideration of whether the proposed provisions achieves this policy outcome
6.3.5.4	Provide for appropriate commercial and recreational activities on the surface of water bodies that do not involve construction of new structures. (3.2.1.1, 3.2.4.4, 3.2.5.5, 3.2.5.6, 3.3.30, 3.3.34-5).	Relevant to the consideration of whether the proposed provisions achieves this policy outcome

APPENDIX C

My recommended changes to Decision Version RVZ provisions for the Walter Peak site

Additional provisions recommended:

Underlined text to be included:

46.2.2.9 Ensure the ongoing management and maintenance of existing hazard mitigation measures, including management systems and evacuation plans, where new or relocated buildings within the Hazard Management Area identified on the District Plan web mapping application in the Walter Peak Rural Visitor Zone rely on those measures.

46.2.2.10 Avoid development for living purposes (including visitor accommodation) in the Natural Hazard Building Restriction Areas identified on the District Plan web mapping application in the Walter Peak Rural Visitor Zone.

46.2.2.11 Within the Walter Peak Rural Visitor Zone, when assessing applications for buildings, ensure that any natural hazard risk is managed, including by controlling location, scale, and adopting mitigation measures where necessary, so risk from natural hazards does not exceed a tolerable level.

46.4.7	Construction of buildings 46.4.7.1: The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.8 to 46.4.12 <u>and 4.4.18</u>).	C
46.4.11	Construction of buildings <u>46.4.11.3;</u> <u>In the Walter Peak Rural Visitor Zone, the construction or relocation of buildings or structures used for living purposes (including visitor accommodation) within an area identified on the District Plan web mapping application as a Hazard Management Area.</u>	D
<u>46.4.18</u>	<u>In the Walter Peak Rural Visitor Zone, the construction or relocation of buildings or structures used for living purposes (including visitor accommodation) within an area identified on the District Plan web mapping application as a Natural Hazard Building Restriction Area (NHBRA).</u>	<u>NC</u>