

QUEENSTOWN-LAKES DISTRICT COUNCIL  
PROPOSED DISTRICT PLAN HEARING - CHAPTER 46 RURAL VISITOR ZONE

**IN THE MATTER**

of a hearing on submissions to Stage 3 and 3B of the  
Proposed District Plan pursuant to clause 8B of the  
First Schedule to the Resource Management Act 1991

**Lloyd James (Jim) Veint**

Submission #31034

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**EVIDENCE OF CAREY VIVIAN  
(PLANNER)  
28 May 2020**

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# Executive Summary

This evidence addresses the content of Mr Veint's submission on the Arcadia Rural Visitor Zone.

In Part 2 of this evidence I outline the planning history of the Arcadia Rural Visitor Zone, including the approval of a Structure Plan and Design Guidelines in 2011 and a twelve-lot residential subdivision in 2014. Mr Veint's submission seeks the development rights approved by the Structure Plan and Design Guidelines and subdivision consent be retained for the property. I agree with that submission. Part 2 culminates in a discussion about section 85 of the RMA.

In Part 3 of my evidence I explain how the Approved Structure Plan and Design Guidelines can be incorporated in the notified Rural Visitor provisions by recommending the adoption of new provisions, specific to the Arcadia Rural Visitor Zone, and which do not adversely affect other Rural Visitor zones.

In Part 4 of my evidence I discuss the mandatory assessment criteria. I do not identify any impediment to incorporating the amendments I recommend in Part 3 into the District Plan.

In Part 5 and Appendix E of my evidence I address section 32AA of the RMA. I conclude from this evaluation that the amended proposal is the most appropriate zoning for Arcadia Station. Notwithstanding this conclusion, I do address Ms Grace's suggestion that a different zoning may be appropriate should jurisdiction allow in my paragraph 2.52 of my evidence.

In part 6 of my evidence I consider Part II of the RMA. In my opinion, the amended proposal achieves sustainable management of natural and physical resources.

## 1. Introduction

1.1 My name is Carey Vivian. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I have been a full member of the New Zealand Planning Institute since 2000. I am a director of Vivian and Espie Limited, a resource management and landscape planning consultancy based in Queenstown. I have been practicing as a resource management planner for twenty-six years, having held previous positions with Davie Lovell-Smith in Christchurch; and the Queenstown Lakes District Council (QLDC or the Council), Civic Corporation Limited, Clark Fortune McDonald and Associates and Woodlot Properties Limited in Queenstown.

- 1.2 I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014 and agree to comply with it. This evidence is within my area of expertise, except where I state that I am relying on information I have been given by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.
- 1.3 I have read the Council staff section 42A report and supporting evidence. I comment on this material through my evidence.
- 1.4 My evidence is structured as follows:
- 2. Discussion
  - 3. Specific Changes Sought
  - 4. Mandatory Assessment Criteria
  - 5. Section 32AA evaluation
  - 6. Part II of the RMA

## 2. Discussion

- 2.1 Mr Veint's submission comprehensively sets out the background to the Arcadia Rural Visitor Zone (ARVZ).
- 2.2 Mr Veint has owned the property at Arcadia Station for close to 60 years. However, due to the ill health of his wife, has recently entered into a sale and purchase agreement to sell the property. Because the sale is not settled at the time of writing this evidence, this submission is still being advanced by Mr Veint. However, I have been advised, the new purchaser, if the property settles, intends to utilize the RVZ (which covers only part of the property) and will continue to implement the subdivision consent for rural residential purposes as discussed below.
- 2.3 In 1995 Mr Veint made a submission to the then PDP (now ODP) seeking tourism zoning over some of his land at Arcadia Station. The Council, in its 1998 decision, approved Rural Visitor Zoning over approximately 89 hectares of Mr Veint's 590-hectare property. The decision stated:

"The Hearings Committee noted the submission does not specify which part of Arcadia Station should be zoned for tourist activities. Arcadia Station is a very large holding of land and the Hearings Committee considered it appropriate that only that land surrounding the existing dwelling

should be considered for re-zoning, that is sections 1,2,3, and 4 Block II.

The Hearings Committee recognised the Rural Tourist Zone rules provide for more intensive development of tourist activities and Arcadia Station was considered suitable for this. The potential of the site with the existing 'Arcadia', its nearby location to Glenorchy, landscape values, architecture and historical values makes this an appropriate area for redevelopment as a Rural Tourist Zone.

The Hearings Committee noted at present there is no clear concept for the development of the land and therefore decided any development of the site will be subject to Council approval of a structure plan as a Controlled Activity.”

2.4 The Arcadia Rural Visitor Zone, under the ODP and as proposed in the PDP, is bounded by Diamond Lake, Mount Aspiring National Park and roadways (formed and unformed). Arcadia Station contains several existing buildings, including the historic Arcadia residence, in addition to numerous implement sheds and an existing dwelling. On the northern side of the road, adjacent to the River Jordan, Mr Veint obtained a four-lot rural-residential subdivision. The titles have been created and Mr Veint still retains ownership of these sites.

2.5 Since obtaining Rural Visitor Zoning, Mr Veint has been through two significant resource consents processes for the development of the zone. The first resource consent process (RM110010 – copy appended as **Attachment A**) sought the approval of a Structure Plan for the entire zone, as was anticipated by the Council in its 1998 decision.

2.6 The development of the Structure Plan was a collaborative approach between Mr Veint, Mr Paddy Baxter (consultant landscape architect), the Council's Urban Design Panel and myself. The Council's Urban Design Panel (consisting of six urban design professionals, the Council's in-house urban designer and policy planner) met on site and walked over the entire zoned area with Mr Veint, Mr Baxter, Mr Curley and myself. Following this meeting the Panel submitted a report (copy appended as **Attachment B**) with a number of issues that they wanted Mr Veint to consider before finalising the Structure Plan. The Council's Urban Design Panel were very pleased to be involved in developing a Structure Plan for the site:

“The Panel appreciated the opportunity to become involved in this project at such an early stage and so considered this proposal an invitation to identify and discuss the conceptual issues involved in developing a workable Structure Plan for this magnificent site.” (Page 1 of **Attachment B**).

2.7 Each of the issues identified by the Urban Design Panel were considered and incorporated into the final design of the Structure Plan and the accompanying Design Controls.

2.8 Mr Veint then applied for land-use resource consent for the approval of the Structure Plan. This application,

allocated resource consent number RM110010, included a detailed landscape assessment report by Mr Baxter, and well as detailed Design Guides for development within each of the Activity Areas.

- 2.9 The Structure Plan was Mr Veint's dream for the property. This included retaining a large portion of the Rural Visitor Zone as open space with built form discretely located either side on the main view corridor from the Glenorchy-Paradise Road down to Diamond Lake. Mr Veint could have sought a Structure Plan that which significantly increased development potential under the ODP, but was not interested in doing so.
- 2.10 The Structure Plan sought the identification of eleven Activity Areas which enabled a variety of residential, visitor accommodation and commercial activities. A large proportion of the zone was protected as open space through identification of an Open Space Activity Area and density controls on development within other activity areas. The accompanying Design Guidelines included rules on density, colours, heights, materials, claddings, roof pitch, roading, fencing, vegetation and curtilage for each of the Activity Areas. The Structure Plan and accompanying Design Guidelines were a comprehensive mechanism to masterplan the zone in accordance with the 1998 Hearings Panel wishes and the ODP provisions.
- 2.11 The application was processed by Council's planning officer, Ms Riddell, who sought landscape input from consultant landscape architect, Ms Mellsop. Ms Mellsop produced a report (copy appended as **Attachment C**) which stated at paragraph 10:

"The proposed structure plan largely fulfils the requirements laid out in the District Plan, in that it shows the locations of proposed activities and open space, and includes details of the general types of proposed landscaping and the potential extent of matagouri removal in the eastern grey shrubland area. The structure plan does not however specify the density of development for the proposed Residential 1 areas, and it is consequently difficult to assess the landscape effects of potential development in these areas. I understand that this approach was agreed with the Urban Design Panel on their visit to the site but I consider that it creates some potential issues in terms of effects on the landscape. Although I consider that Residential 1B and those parts of Residential 1A that are largely screened from the road could absorb a reasonably high density of development, other areas are more sensitive to development. These are discussed in more detail in subsequent sections of this report."

- 2.12 With respect to the RES1A and Res 1B areas, Ms Mellsop stated at paragraphs 15 and 16, the following:

15. The proposed Residential 1 area in the north-western area of the site spans several terraces and escarpments, and also extends onto the lower fan that slopes down to the lakeshore. Exotic vegetation on the escarpments, predominantly mature rowan and cherry trees, could allow future development to be integrated into this part of the site, although I note that there are no controls proposed to prevent removal of existing vegetation. I recommend that such controls be included in the design guidelines.

16. Development on the lower terrace in the north-western corner of the site (see photograph

below) could be visually prominent from the Glenorchy-Paradise Road and from the unformed legal road on the western boundary, detracting from the natural character and rural amenity of the landscape. Without knowing the proposed density of development in this area, it is difficult to assess the magnitude of adverse effects and I recommend that a maximum density be proposed as part of the structure plan or that this lower terrace be excluded from the Residential 1 area. The landscape values of the area would be best protected by maintaining the lower terrace as open pasture. However it is possible that a single dwelling could be absorbed if it was sited against the escarpment at least 150 metres from the road and was effectively screened from the road by planting. I will comment on potential residential development adjacent to the commercial area in the subsequent section on heritage values.”

2.13 With respect to the RES2A, 2B and 2C Activity Areas, Ms Mellsop found at paragraph 14:

“The proposed limitation of development in the eastern area of grey shrubland would also mitigate potential adverse effects on the aesthetic and ecological values of this part of the site. A maximum of 12 residential sites is proposed in this area, giving an average lot size of just over one hectare. Existing matagouri is proposed to be retained in 60% of the area, allowing future houses to be integrated within the vegetation and minimising adverse effects on the habitat values of the shrubland. Exclusion of continuous grazing could also enable natural regeneration of indigenous species if a suitable management regime was introduced to reduce rank grass growth.”

2.14 With respect to VA1, 2A and 3A Activity Areas Ms Mellsop stated, at paragraph 18 the following:

“I consider that the VA 1, 2A and 3A areas are appropriately located and controlled to mitigate adverse effects on the landscape values of the area. When viewed from the Glenorchy Paradise Road south of Earnslaw Burn and from the lake shore, future buildings would appear clustered against a background of dark exotic and indigenous vegetation and against the higher terraces on the site. Existing mature beech trees in these areas, although probably nearing the end of their lives, would provide a context and scale for taller buildings. The design guidelines provide for replacement of these trees if they die or become diseased, but I recommend that replacement planting in the vicinity of the trees be undertaken at the time of any built development, in anticipation of future loss of the mature beech.”

2.15 With respect to the VA 2B and 3B Activity Areas Ms Mellsop stated at paragraph 19:

“... it is my recommendation that these be reduced in size to minimise the spread of development across the open lower flanks of the alluvial fan towards the lake. The open legible fan forms an important element of the landscape vista from the lake and from more distant viewpoints to the south, such as Mount Albert and the public road (see Photograph below). Significant built development within 150 metres of the lake shore esplanade could also detract from the naturalness of the lake itself and the recreational experience of members of the public using the lake. The proposed design controls allow only 6000m<sup>2</sup> of built coverage in VA 2B and 3300m<sup>2</sup> in VA 3B, but these areas cover about 40,000m<sup>2</sup> and 35,000m<sup>2</sup>, respectively. The structure plan could therefore result in dispersed development across the fan, detracting from its open character and legibility. Relocation and/or reduction in the size of these areas to concentrate development closer to VA 2A and 3A would increase the setback from the lake and from the unformed legal road and reduce adverse effects on the landscape character. Alternatively a smaller area for built development could be defined within each VA area.”

2.16 With respect to the LR Activity Areas Ms Mellsop found at paragraph 20:

“Any Lakeside Recreation buildings would be of small scale and recessive appearance and would not in my opinion significantly detract from the natural character of the landscape or the recreational amenity of the lake shore.”

2.17 Upon receiving Ms Mellsop’s report, Ms Riddell then sought the following further information:

“While the proposed structure plan largely fulfils the requirements set out in the District Plan it does not specify the density of development in the proposed Residential 1 areas and it is consequently difficult to assess the landscape effects of potential development in these areas. For these reasons we ask that the applicant addresses the concerns raised in the Lakes Environmental Landscape Architects Report; including the provision of a maximum average density for Residential 1 Areas and the landscape effects of development in parts of Residential 1A, and VA 2B and 3B areas on the lower alluvial fan.”

2.18 Following receipt of this further information, and Ms Mellsop’s report, we met with Ms Riddell. The following five issues were discussed:

1. Ms Mellsop considered that the Res 1A and Res 1B areas would be best developed to comply with a maximum density of buildings, and suggested a density of 8000m<sup>2</sup> for Res 1A, and 4000m<sup>2</sup> for Res 1B. Ms Mellsop also considered that attention should be given to the effects of dwellings being located in close proximity to the Glenorchy-Paradise Road, and that possible effects could potentially be addressed by a setback provision from the roadside extent of area 1A.
2. Discussion was had regarding the 'protection' of the mature exotic trees in 1A/ 1B, and around the Arcadia homestead. All agreed that 'protection' was not required, rather a clause in the rules which referred to development on the site avoiding the exotics if possible; if not possible then replacement trees should be exotic, and any planting plan submitted (at the time of consent) should have a bias towards exotic planting in that area.
3. Some concern was raised about the location of structures within the VA 2B and 3B areas and proximity of future structures to the lake edge. We discussed whether or not this could be controlled by way of setback (or if it was actually a problem). It was agreed that we should explore if rules regarding setbacks were required.
4. Concerns were raised regarding the treatment of roads to the LR structures. Discussions over the appropriateness of gravel or chip seal. It was agreed that we would explore the possibility of having a gravel only restriction.
5. Discussions were had regarding future planting in the OS area being restricted to 'grass only'. This

was considered as too restrictive, and maybe it was more appropriate to have an 'Open Space 'B' area within which indigenous planting could occur. This would be on the east side of the site.

- 2.19 With respect to Issue 1, Mr Veint agreed to the Design Guidelines specifying the densities suggested by Ms Mellsop. With respect to the merits of applying a setback to the Res 1A area, Mr Veint has been particularly helpful in providing a detailed description of the way in which the landscape is perceived by observers, given the on-ground contours/topographical features of the landscape in this area of the property. Overall, Mr Veint did not agree it was necessary to apply setbacks to buildings constructed within the RES 1A area. The setback provided by virtue of the Structure Plan is substantially greater than the 10m (residential), and 20m (visitor accommodation) setbacks outlined and required by Site Standard 12.4.5.1 of the ODP.
- 2.20 With respect to Issue 2, Mr Veint agreed to amend the Design Guideline document to address this matter.
- 2.21 With respect to Issue 3, Mr Baxter carefully considered the visual effects associated with buildings being located in VA2B and VA3B. Overall, he found that the Structure Plan applied for imposes (by virtue of the distance between the lake edge and areas VA2 & 3B) a substantial setback of visitor accommodation buildings in proximity to Diamond Lake (some 170 -200 meters).
- 2.22 With respect to Issue 4, Mr Veint agreed to amend the Design Guideline document to restrict the roads leading to the LR buildings to gravel only.
- 2.23 With respect to Issue 5, Mr Veint agreed to amend the Design Guideline document to allow planting to occur within the OS Activity Area east of the RES 2A, 2B and 2C Activity Areas (although this do not appear to flow through to the decision).
- 2.24 All of the above issues were discussed in a formal response to the further information request. At that stage the application was passed on to Council's planner Ms Giborees, as Ms Riddell was on leave for a month. Ms Giborees forwarded the information to Ms Mellsop and asked her whether the information satisfied her concerns and asked her to prepare an addendum report. Ms Giborees then allocated the application to another Council planner, Ms Afifi.
- 2.25 Ms Mellsop then produced an addendum memo (copy annexed as **Attachment D**). Ms Mellsop notes in her memo that the Design Guidelines had been amended as follows:
- The maximum density of residential/visitor accommodation development has been defined as 1 per 8000m<sup>2</sup> for Residential 1A and 1 per 4000m<sup>2</sup> for Residential 1B.

- A clause has been added to the guidelines for Residential 1A/1B and Visitor Accommodation 1 Areas to encourage retention of existing vegetation - 'Where possible, existing mature exotic vegetation shall be retained and incorporated into the landscape treatment approved at the time of building establishment.'
  - Rooding materials in the Lakeside Recreation area have been amended from gravel or chip seal to gravel only.
  - Vegetation guidelines for the Open Space area have been amended to allow planting of native species east and south-east of the Residential 2A, 2B, and 2C areas.
  - The controls for each development area have been modified to state that the maximum height of any building must comply with the height rules of the District Plan, as well as the height restrictions outlined in the Structure Plan Design Guidelines.
- 2.26 With respect to the RES 1 Activity Area, Ms Mellsoy stated that the provision of maximum density guidelines for the Residential 1 area provides greater certainty about the potential outcome of future development on the site. She also noted that the Structure Plan now complies with the requirements laid out in Section 12.4.3.2 (i) of the District Plan. In Ms Mellsoy's opinion, the densities proposed could be absorbed within the Residential 1 area of the site without significant adverse effects on the landscape values of the surrounding area.
- 2.27 With respect to a setback from the Glenorchy-Paradise Road, Ms Mellsoy maintained that an increased setback from the Glenorchy-Paradise Road would provide more certainty that development would not compromise the landscape setting of the Arcadia Homestead or the amenity values of views from the road. However, she also found, that if the density provisions for Residential 1A are applied only one dwelling at most is likely to be visible from the road on the lower north-west terrace, with another potentially visible on the upper terrace south of the Commercial area. In her opinion, this level of visible development could be absorbed without significant adverse landscape effects, as long as the dwellings were appropriately designed and landscaped.
- 2.28 Ms Mellsoy also found:
- the change to the proposed rooding materials in the Lakeside Recreation area will limit adverse effects on the natural character of the lakeshore area. She felt these roads are only to be used for maintenance access, and grass is therefore likely to grow over most of the gravel surface further integrating them into the surrounding open space pasture areas.
  - The amended vegetation controls for the Open Space area mean that revegetation planting could be undertaken around the River of Jordan if desired. The controls previously limited planting to pasture grasses only.
- 2.29 Finally, Ms Mellsoy was still of the opinion that a greater setback of built development from the lakeshore is

important in maintaining the landscape values of the area.

- 2.30 I understand that Ms Mellsop requested her addendum report be reviewed by another Council consultant landscape architect Dr Read. However, I can find no record of this having occurred on the Council's files.
- 2.31 Following this, Ms Riddell (who was back from holiday), then prepared a section 95 notification report (Copy appended as **Attachment E**). That report recommended the application be processed without public notice because the proposed activity is not likely to have adverse effects on the environment that are more than minor and there are no special circumstances that warrant notification. The report also found that the activity will not have adverse effects that are minor or more than minor on any person. This report was reviewed by Ms Rolls (the then planning team leader).
- 2.32 Following the issue of the section 95 report, the Council issued a resource consent decision, which was prepared by Ms Riddell, reviewed by Ms Baker (nee Rolls, the then Planning Team Leader) and signed off by Commissioner Sinclair. The decision, like the section 95 report, had a significant focus on landscape effects. In this respect, the decision found:
- On balance, the Structure Plan results in positive effects (page 7);
  - The adverse effects on landscape are therefore considered no more than minor (page 7);
  - Overall, it is considered that the proposed densities provided for by the Structure Plan are appropriate for the zone and within the surrounding landscape (page 7);
  - The proposed Structure Plan is in effect providing a mechanism to limit the possible outcomes of future development within the site, without determining them. In this regard it is a positive proposal (page 7);
  - Ms Mellsop has advised that the integrity of the zone and surrounding landscape will be retained as a result of this proposal. For these reasons no persons are considered to be adversely affected (page 7);
  - The Structure Plan enables activities anticipated by the Rural Visitor Zone while having regard to the surrounding landscape values (page 8).
- 2.33 Following the issue of the Structure Plan consent, Mr Veint then sought to obtain subdivision consent (RM130799) to establish twelve allotments with eleven residential building platforms, create access lots, common areas and associated earthworks, roading, site landscaping and servicing within RES 1A and 1B and COM Activity Areas of the approved Structure Plan. Consent was also sought to vary conditions 1 and 3 of RM110010 to enable roading and landscaping that do not comply with the Design Guidelines.
- 2.34 With respect to landscape matters, the application was assessed by Mr Espie (for the applicant) and Dr

Read (for the Council). Relevantly the Council's decision found:

- Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor; (page 15);
- Given the zoning of the land and the anticipated level of development; it is considered that the proposal mitigates any potential effects beyond those which must be anticipated for the site though conditions and landscaping (page 16);
- Overall, with the imposition of appropriate conditions of consent as discussed above, the proposal is aligned with the relevant objectives and policies of the District Plan, and the relevant provisions of the Resource Management Act 1991. In this respect, it is considered that it is appropriate to grant the consent with conditions imposed under s108 of the Act (page 21).
- Part 2 of the Resource Management Act outlines the purpose of the act is to promote the sustainable management of natural and physical resources. The proposed development ensures an efficient use of space by utilising land zoned for development opportunities to create new residential allotments for residential living opportunities. The subdivision layout takes into account the sensitivity of the landscape by mitigating adverse effects through site management measures, location and design and landscaping that in turn ensures that amenity values are maintained. As the development generally falls within standards set by the zoning of the land and adverse effects are mitigated through the imposition of conditions of consent, the development is considered to represent a sustainable use and therefore promotes the sustainable management purpose of Part 2 of the RMA (page 21).

2.35 As stated above, RM130799 also sought to vary conditions 1 and 3 of RM110010 to enable roading and landscaping that did not completely comply with the Design Guidelines. RM130799 did this by:

- (1) Granting consent to vary Conditions 1 and 3 of resource consent RM110010 pursuant to Section 127 of the RMA; and
- (2) Imposing a condition 13(o) which requires, prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall register a covenant on the Computer Freehold Register requiring future development to be undertaken in accordance with the Structure Plan, the Structure Plan Design Guidelines and the resource consent granted referenced RM110010 received 29 March 2011 and submitted with resource consent RM110010 with the exception of the roading and landscaping approved by RM130799

2.36 Mr Veint objected to the wording of condition 13(o) and, after a hearing, Commissioner Nugent amended this condition 13(o) to read:

“13. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:

...

(o) A covenant shall be registered on the Computer Freehold Register of Lots 1-12, Lot 100 and Lot 101 requiring future development to be undertaken in accordance with the Structure Plan, the Structure Plan Design Guidelines and the resource consent granted referenced RM110010 received 29 March 2011 and submitted with resource consent RM110010 with the exception of the roading and landscaping approved by RM130799.”

- 2.37 As stated above RM130799 approved subdivision consent for to create 12 lots with the identification of 11 residential building platforms within the Residential 1A and 1B and Commercial Activity Areas of the Arcadia Station Structure Plan. Under the ODP rules the construction of buildings, including residential buildings, is a controlled activity in the Rural Visitor Zone in respect to:

“... coverage, location, 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” (et al).

- 2.38 RM130799 condition 11 requires the following consent notices to be imposed on the resultant titles:

“ c) All future buildings shall be contained within the Building Platform shown as Area X on Deposited Plan XXXXX

...

h) At the time a dwelling/building is constructed on Lots 1 – 12 the lot owner shall an access complies with the guidelines provided for in Council’s development standard NZS 4404:2004 with amendments as adopted by the Council in October 2005. The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width. Provision shall be made for stormwater disposal from the carriageway.

i) At the time a dwelling/commercial building is erected on Lot 1-12, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an on-site effluent disposal system in compliance with AS/NZS 1547:2012. The design shall be a secondary system and shall take into account the site and soils investigation report and recommendations by Hadley Consultants Ltd, dated 26/09/2013. The proposed wastewater system shall be subject to the review of the Principal Resource Management Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling/building.

j) At the time that a dwelling/commercial building is erected on Lots 1-12, the owner for the time being is to treat the domestic water supply by filtration and disinfection so that it complies with the Drinking Water Standards for New Zealand 2005.”

- 2.39 These conditions clearly anticipate that residential building can be erected on Lots 1 to 11 as a controlled activity under the ODP (with Lot 12 being earmarked for future small-scale commercial activities). A copy of RM130799 is annexed to this evidence as **Attachment F**.

2.40 Mr Veint's submission on Stage 3 of the PDP focuses on protecting the outcome of the Structure Plan and subdivision consent approvals. Ms Grace recommends that Mr Veint's submission seeking the approved Structure Plan be inserted into the District Plan and residential activity be enabled as per that Structure Plan (and the subdivision consent) be rejected.

2.41 As the Commission will be aware, the RVZ provisions of the PDP are different to that contained in the ODP. Paragraph 8.8 of the Council's section 32 evaluation states the reason for such differences:

"The enabling provisions of the operative zoning (controlled activity status, no building coverage limit, generous maximum height) combined with the large extent of the zone areas and the identification of most of the RVSZ areas as being within wider ONLs, means there is a high risk if not absolute certainty that the operative regime is not protecting outstanding landscapes from inappropriate subdivision, use and development as required by section 6 of the Act. The RVSZ does not achieve the strategic direction of the PDP (i.e. Strategic Objective 3.2.5)."

2.42 I agree that the ODP RVZ provisions are enabling. RM110010 found that the approval of the proposed Structure Plan was in effect a mechanism to limit the possible outcomes of future development within the site, without determining them. The council found the proposed Structure Plan maintained positive effects, had adverse effects on the landscape which are no more than minor and provided for densities appropriate for the surrounding environment. The decision also found that Ms Mellsop opined that the integrity of the zone and surrounding landscape would be retained as a result of the proposal. Very little has changed physically since RM11010 was approved. There is no reason, in my opinion, to resile from the rigorous assessment undertaken by the Council in approving the Structure Plan and Design Guidelines. Incorporating the approved Structure Plan and Design Guidelines into the Rural Visitor Zone, in my opinion, achieves the Strategic Directions objectives and policies of the PDP.

2.43 Part 5.3 of the S32 evaluation states, in terms of consultation, that letters were sent out to the owners of Rural Visitor Zones and feedback was received and taken into account as part of the evaluation. Part 5.3(f) notes that previous resource consents and landscape reports at Arcadia Station and potential for continuation of these into the PDP.

2.44 At paragraphs 7.3 – 7.5, the Section 32 Evaluation correctly notes:

"7.3 Council records show that a Structure Plan for Arcadia Station was granted as a controlled activity under Rule 12.4.3.2(i) of the ODP in 2011. The decision and approved Structure Plan are included at Appendix 3. The Structure Plan provided for eleven different development areas within the following broad categories:  
(a) Residential development;  
(b) Visitor accommodation;

- (c) Commercial development;
- (d) Lakeside recreational facility development; and
- (e) Open space.

7.4 The application for the Structure Plan was accompanied by Arcadia Station Design Guidelines detailing density, materials and cladding, building height, roof pitch, vegetation and curtilage areas. One of the conditions of consent required the registration of a covenant on the title at the time consent is given effect to, requiring future development to be undertaken in accordance with the Structure Plan and the Design Guidelines.

7.5 A residential subdivision was granted resource consent in 2014 to establish eleven rural living style residential allotments, along with access lots and common areas, and associated earthworks, roading, site landscaping and servicing. It also included a condition requiring a covenant to be registered requiring future development be undertaken in accordance with the Structure Plan and the Design Guidelines with the exception of the roading and landscaping approved by the 2014 consent. Certification under section 223 of the Act was issued in December 2018, which means that titles must be issued within the next three years or the consent will lapse under section 224(h) of the Act. At the time the resource consent was granted for eleven residential allotments, the consent for the Structure Plan was noted as not yet having been given effect to, with no covenant registered on the Certificates of Title.”

2.45 Paragraph 8.14, the Section 32 Evaluation further acknowledges that Rule 12.4.3.2(i) of the ODP provides for the application for a Structure Plan as a controlled activity within the RVSZ. The matters of control are listed within the rule as *“Showing the locations where activities are to be undertaken, landscaping, open space and details of the density of development.”*

2.46 Paragraphs 8.15 to 8.18 of the S32 evaluation address the ARVZ Structure Plan and subdivision consent. Paragraph 8.19 states:

“Rule 12.4.3.2(i) also raises a potentially much larger issue, addressed by the Environment Court in its third interim decision on Plan Change 19 (Frankton Flats B Zone), of exactly what activities are allowed following the grant of consent for a spatial layout exercise such as a structure plan. The matters of control in Rule 12.4.3.2(i) refer to the location of activities and density of development. In accordance with the decision of the Environment Court, as the rule does not actually identify the activity for which resource consent is granted (noting also that there is no definition of a structure plan in the ODP), it could be considered ultra vires.”

2.47 With respect, during the consultation phase (which occurred prior to the notification of Stage 3 of the PDP), we suggested (on behalf of Mr Veint) that a good solution would be to incorporate the consented Structure Plan and Design Guidelines into the District Plan as part of a revised Rural Visitor Zone. We did not suggest, for the reasons expressed in paragraph 8.19, that Rule 12.4.3.2(i) itself should necessarily be reinstated into the PDP. We are well aware of this issue, having recently completed the Pukaki Tourism Zone in the Mackenzie Basin which also proposed a similar regime. As the Commissioners will be aware, the inclusion of a Structure Plan within the PDP is a common technique.

2.48 The Council's reluctance to consider the inclusion of the Structure Plan into the PDP flows through into Section 9 of the Section 32 Evaluation which addresses the identification of options to address the issues identified. Paragraph 9.2 of the Section 32 Evaluation says the following options are available to address the resource management issues for Arcadia Rural Visitor Zone (et al):

- **Option 1: Retain the operative provisions (status quo)**  
Option 1 would involve retaining the operative provisions and the mapped extent in their entirety.
- **Option 2: Retain the Rural Visitor Zone and refine the extent of the zone and the provisions**  
Option 2 would involve the continued application of the Rural Visitor zoning, with a review of the operative provisions and the extent of the zoning
- **Option 3: Rezone to Rural with an ONL classification**  
Option 3 would involve rezoning the land to Rural, identifying it as ONL and applying the PDP provisions as set out in Chapter 21.

2.49 The Section 32 Evaluation does not consider the option of incorporating the approved Structure Plan and Design Guideline into the PDP as requested in the consultation phase. This is a completely viable option that the Council officers have ignored in formulating the section 32 evaluation options.

2.50 This resulted in Mr Veint making a detailed submission on the PDP requesting the following:

1. Decline Chapter 46 and associated variations and planning map changes until such time as the follow matters are addressed.
2. Amend the notified RVZ provisions as they relate to the Arcadia RVZ to incorporate the consented Structure Plan and Design Guidelines approved by QLDC under RM110010 as part of a revised Arcadia RVZ, AND/OR as part of the Subdivision and Development (Chapter 27).
3. Amend the Subdivision and Development chapter (27) as necessary to incorporate the consented Structure Plan and create subdivision objectives, policies and rules as necessary enabling subdivision in accordance with the consented structure plan as a controlled activity, and subdivision not in accordance with the consented structure plan as a discretionary or non-complying activity.
4. Provide for development as per the consented Structure Plan (including the existing subdivision that already has s223 certification and is on the way to s224 certification) as a controlled activity, but no development over and above that.
5. Remove the 'Moderate-High Landscape Sensitivity Area' and 'High Landscape Sensitivity Area' annotation from the planning maps where it appears in the Arcadia RVZ, and instead incorporate the consented Structure Plan and require development to be in accordance with the Structure Plan and Design Guideline.

6. Notwithstanding the generality of the above points, amend the notified RVZ provisions as follows:
7. Amend section 46.1 Zone Purpose statement to recognise the unique circumstances of the Arcadia RVZ where a Structure Plan and Design Guidelines have already been approved by QLDC and given effect to.
8. Add a new Objective 46.2.3 to recognise the unique circumstances of the Arcadia RV zone where a Structure Plan has been approved and given effect to, and residential and commercial activity is also anticipated.
9. Add three new Policies 46.2.3.1 – 46.2.3.3 that together (1) enable development at Arcadia RV zone while requiring (2) development of the Arcadia RV zone to be in accordance with the approved Structure Plan and (3) the approved Design Guidelines.
10. Amend Rule 46.4.6 to provide for the construction, relocation or exterior alteration of buildings for the Arcadia RVZ that are in accordance with the consented Structure Plan as a controlled activity.
11. Amend Rule 46.4.10 to provide for the construction, relocation or exterior alteration of buildings in the Arcadia R V zone 'Moderate-High Landscape Sensitivity Area' as a controlled activity OR, as noted under 5 above, remove this category from the Arcadia RVZ altogether and instead require development in accordance with the Structure Plan.
12. Amend Rule 46.4.11 to provide for the construction, relocation or exterior alteration of buildings in the Arcadia Rural Visitor zone 'High Landscape Sensitivity Area' as a controlled activity OR, as noted under 6 above, remove this category from the Arcadia RVZ altogether and instead require development in accordance with the Structure Plan.
13. Delete Rule 46.4.13 as it relates to the Arcadia RVZ, and provide a new rule that provides for residential activity in accordance with the consented Structure Plan and Design Guidelines in the Arcadia RVZ as a permitted activity (and within the approved residential lots and platforms approved under RM130799), as it was under the ODP.
14. Amend Rule 46.4.14 to provide for commercial activity as a controlled activity within the area identified for commercial activity on the Structure Plan approved under RM1110010 in the Arcadia Rural Visitor zone.
15. Amend Rule 46.6 relating to non-notification to add a new provision 'e' – "Development in the Arcadia Rural Visitor zone in accordance with the consented Structure Plan and Design Guidelines (RM110010).

2.51 In my view, this submission gives a wide range of scope to consider options with respect to Arcadia Rural Visitor Zone, including enabling provisions for residential development within such zone. However, Ms Grace, in discussing Mr Veint's submission paragraphs 6.4 and 14.15 to 14.20 of her section 42A report, is of the strong view that no residential development should be enabled in Rural Visitor Zones. To that extent

she considers an alternative zone may be more appropriate or Mr Veint should instead seek a non-complying activity for all of his 23 residential sites anticipated by the approved Structure Plan (which would clearly be an efficient process):

“6.4 My recommendation to consider a resort zone or consider a resource consent application extends to the Arcadia RVZ. Residential activity on the Arcadia RVZ has been anticipated, with residential building platforms approved under a subdivision resource consent in 2014. This subdivision consent has been given effect to, as s223 approval was granted in 2018. In my opinion, an approved subdivision intended to provide for 11 residential dwellings suggests that the submitter’s aspirations for the Arcadia RVZ are not in keeping with the intent and purpose of the notified RVZ. As I understand it, the area subject to the subdivision occupies much of the area identified as lower landscape sensitivity, and therefore the area within which visitor industry activity is encouraged through the use of controlled activity status for buildings and permitted activity status for visitor accommodation, commercial recreational activity and onsite staff accommodation, and recreational activity. This suggests to me that an alternative zone may be more appropriate than the RVZ, if the submitter wishes to pursue residential activity, but I understand I do not have any scope to consider an alternative zone. The option of applying for a non-complying resource consent for residential activity would remain open to the submitter under the notified RVZ provisions.”

2.52 In my opinion, the approved Structure Plan and Design Guidelines can be integrated into the notified Rural Visitor Zone provisions without having a significant effect on the integrity of the notified Rural Visitor Zone. The issues facing Arcadia Rural Visitor Zone are specific and unique. Ms Grace’s suggestion that an alternative zone may be more appropriate than Rural Visitor Zone does have some merit. I disagree with Ms Grace that such alternative zone would necessarily be out of scope, given Mr Veint’s submission sought deletion of the notified RVZ in favor of a zone that enabled the activities approved by the Structure Plan and Design Guidelines. While my preference is integrating the approved Structure Plan and Design Guidelines into the notified Rural Visitor Zone provisions, I would happily draft an alternative zoning if the Hearings Commission so directed.

2.53 Anticipating that residential development in accordance with Mr Veint’s approved Structure Plan and subdivision consent was going to be an issue, Mr Veint submitted that the proposed non-complying activity status of residential dwellings at Arcadia could render the lots (both anticipated by the approved Structure Plan and the resource consent) incapable of reasonable use under section 85(2) of the RMA. Ms Grace considers this point at paragraphs 14.15 to 14.16 of her section 42A report:

:

“Arcadia RVZ – Submission 31008

14.15 In section 6 of my evidence I have assessed the requests in the Arcadia submission relating to residential development and the inclusion of a structure plan within the RVZ chapter. My recommended is that these submission points be rejected.

14.16 The Arcadia submission suggest that non-complying activity status for construction of a house on the approved building platforms could render the lots incapable of reasonable

use under s85(2) of the RMA. I do not agree with this suggestion. There are other uses permitted by the notified RVZ provisions that could take place on the lots that I consider to be reasonable, such as visitor accommodation. In addition, in my opinion non-complying activity status does not mean the land would be incapable of residential use, as consent can be granted for a non-complying activity.”

2.54 Ms Robb will address this matter in her legal submissions. As a planning expert, I do not agree with Ms Grace’s opinion. “Reasonable use”, is defined under section 85(6) of the RMA, as the use or potential use of land for any activity whose actual or potential effects on any aspect of the environment or on any person (other than the applicant) would not be significant. I have discussed both the Structure Plan and the subdivision resource consents above in detail. Both of those consents found the potential use of the land for residential activities is appropriate in terms of effects on the environment and people. Residential development authorised by the approved Structure Plan and the subdivision consent is therefore, in my opinion, a reasonable use of this land. Changing the status of residential dwellings approved pursuant to the Structure Plan and subdivision consent from controlled activity to non-complying activity, in my opinion, renders that interest in land incapable of reasonable use and places an unfair and unreasonable burden on Mr Veint’s (or the new owners of the lots) interest in the land. Non-complying activities are, after all, defined in Part 1.69 of the PDP as an activity which is “not anticipated to occur” and are generally the subject of a far more costly and timely consent process.

2.55 I also do not agree with the conclusions in the section 32 report that residential development is not consistent with the intent of the RVZ to provide for the rural visitor industry or the conclusion in the section 42A report that setting non-complying activity status for residential development is a means to ensure the zone is set aside for the rural visitor industry, and protected from residential development. As demonstrated by the approval of the Structure Plan residential development can co-locate with visitor accommodation benefiting the visitor industry while protecting and maintaining landscape values. Council has not provided any examples of where residential activity is not appropriate within an RVZ because it detracts from the visitor accommodation industry or degrades the landscape, they have just asserted this position in the officer’s reports.

2.56 In respect of Ms Grace’s comment that the lots could be used for visitor accommodation and that is a reasonable use, I disagree. The subdivision consent has been specifically designed for residential activity which is reflected in the lot sizes, roading design, servicing, building platforms, covenant and consent notice conditions. The decision also approved a variation to Conditions 1 and 3 of RM110010 by imposing condition 13(o) which requires, pursuant to section 224(c) of the RMA, the registration of a covenant requiring future development to be undertaken in accordance with the Structure Plan and Design Guidelines. The use of the lots created by RM130799 (or the RES Activity Areas more accurately) for anything other than residential

activities would, in my opinion, be contrary to such a covenant.

- 2.57 I note that the Fish and Game Council (F&GC) also submitted in relation to the Arcadia Rural Visitor Zone. They seek approval to the landscape sensitivity mapping, primarily concerned with the protection of the Diamond Lake fishing resource. For the reasons expressed in this evidence, I do not support F&GC relief sought.
- 2.58 The F&GC also seek that commercial recreation activities within the Arcadia Rural Visitor Zone be limited to 12 people in any one groups, as per the Rural Zone. Similarly, F&GC seek the informal airports rule applicable to the Rural Visitor Zone be the same as the Rural zone (Rule 21.10.2). Ms Grace has addressed this part of F&GC submission in paragraph 14.20 of her section 42A report. I concur with Ms Grace's recommendation.

### 3. Specific Changes Sought

- 3.1 The remainder of my evidence focusses on how the approved Structure Plan and Design Guidelines can be integrated into the notified Rural Visitor Zone provisions. Appended as **Attachment G** to my evidence is a set of Rural Visitor Zone provisions with the amendments recommended by Ms Grace shown in red (underline and strike out). I have included, in blue underline and strikeout, amendments to those provisions in order to integrate the approved Arcadia Structure Plan in a way that does not affect the remainder of the Rural Visitor Zones. I will discuss the reasons for each of these amendments in turn.
- 3.2 Provision 46.1 details the purpose of the Rural Visitor Zone. The third paragraph included the statement that residential activity is not anticipated within the zone with the exception of being for onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities. I consider that sentence is factually incorrect (as most existing Rural Visitor Zones contain some degree of residential activity, for example Arcadia House) and I recommend that sentence is deleted and replaced with the following:

~~“Whilst many of the zones contain existing or consented residential activity, new residential activity (other than staff accommodation ancillary to farming, commercial recreation and visitor accommodation activities due to the zones remoteness) is generally discouraged.”~~

- 3.3 With respect to Mr Veint's submission seeking the inclusion of the approved Structure Plan I recommend the following paragraph be added to Provision 46.1:

“The Arcadia Rural Visitor Zone is the only Rural Visitor Zone with an approved Structure Plan. The purpose of this Structure Plan is to guide future land use development by defining future development areas and open space, while at the same time protecting and enhancing key features on the site, which draw people to the area. The approved Arcadia Structure Plan is contained provision 46.7 of the Plan. Specific objectives, policies and rules to the Arcadia Rural Visitor Zone relevant to the Structure Plan are contained in this section of the plan.”

3.4 I recommend Policy 46.2.17 is amended as follows in order to exclude residential activities anticipated by the Arcadia Structure Plan:

Avoid residential activity within the Rural Visitor Zone with the exception of:

- (a) enabling onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities; and
- (b) residential activities in accordance with the Arcadia Rural Visitor Zone Structure Plan;

3.5 In my opinion, for reasons expressed in this evidence, I consider such an amendment to Policy 46.2.17 achieves Objective 46.2.1 and all relevant Part xx objectives and policies.

3.6 I also recommend a new objective and policies specific to the Arcadia Rural Visitor Zone as follows:

**46.2.3 Adopt a Structure Plan for Arcadia Rural Visitor Zone (refer to provision 46.7) which guides future land use development by defining Activity Areas for residential, commercial, visitor accommodation and open space activities, while at the same time protecting and enhancing key features on the site, which draw people to the area.**

46.2.3.1 Within the RES 1A Activity Area:

- (a) to create a unified architectural pattern with a restricted palette of colours and materials in order to blend dwellings in with the landform, to avoid an urban response and to preserve and enhance the existing tree patterns and rural amenity on the site; and
- (b) To ensure that development shall impart a contiguous character, similar in appearance to a collection of rural “homestead” dwellings under single ownership.

46.2.3.2 Within the RES 1B Activity Area:

- (a) to create a unified architectural pattern with a restricted palette of colours and materials in order to blend dwellings in with the landform, to avoid an urban response and to preserve and enhance the existing tree patterns and rural amenity on the site; and
- (b) to ensure development/dwellings shall impart a continuous character, particularly when viewed from distance and shall be similar in appearance to a collection of rural “homestead” dwellings under single ownership.

46.2.3.3 Within the RES 2A, B and C Activity Areas:

- (a) to create a unified architectural pattern with a restricted palette of colours and materials in order to blend dwellings in with the landform and grey shrubland and to avoid an urban response; and

(b) to ensure development/dwellings shall impart a continuous character, ensuring that the existing matagouri shrublands remains as the major determinant of landscape character and that development of the site remains subservient to the grey shrubland pattern; and

(c) To minimize the development footprint, through the creation of common areas in order to maintain the grey shrubland.

46.2.3.4 Within the VA1 Activity Area, to maintain and preserve the architectural uniqueness of the Arcadia homestead, and to ensure that any other structures within this area do not comprise that uniqueness.

46.2.3.5 Within the VA2A - C and VA3A - B Activity Areas:

a. to create a unified architectural pattern with a restricted palette of colours and materials in order to blend dwellings in with the landform and grey shrubland and to avoid an urban response; and

b. to ensure that development is designed comprehensively in order to impart an contiguous character, ensuring that open space surrounding the Activity Area is not compromised and that development within this area is sensitive to the surrounding land-uses.

46.2.3.6 Within the COM Activity Area, allow for limited commercial development to occur adjoining the Glenorchy-Paradise Road.

46.2.3.7 Within the OS Activity Area:

(a) to maintain openness and pastoral quality of open space that surrounds the residential, visitor accommodation and commercial Activity Areas.

(b) to maintain views from the Glenorchy-Paradise Road to Diamond Lake and beyond through the OS Activity Area.

46.2.3.8 Within the LR Activity Area, provide for the establishment of structures for the purpose of storage of recreational craft, such as kayaks, and for communal facilities.

3.7 The wording for this objective and policies has been taken from the approved Design Guideline document.

3.8 With respect to rules I firstly recommend a new Restricted Discretionary Activity rule for buildings within the COM, VA1, VA2A, VA2B, VA3A, VA3B, RES2A, RES2B and RES2C Activity Areas as follows:

<u>46.4.8A</u>	<u>The construction, relocation or exterior alteration of buildings within the COM, VA1, VA2A, VA2B, VA3A, VA3B, RES2A, RES2B and RES2C Activity Areas of the Arcadia Rural Visitor Zone with discretion is restricted to:</u>  <u>(a) Location of the building(s) within the Activity Area, including setbacks from Diamond Lake;</u> <u>(b) Visual effect of built form from outside of the zone;</u> <u>(c) Landform modification, mitigation landscaping and planting;</u> <u>(d) Lighting;</u> <u>(e) Servicing including water supply, fire-fighting, stormwater and wastewater;</u>	<u>RD</u>
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	<a href="#">(f) Natural Hazards; and</a> <a href="#">(g) Design and location of related carparking.</a>	
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3.9 The effect of this rule means that Buildings in RES 1A and 1B Activity Areas retain Controlled Activity Status under Rule 46.4.6 (subject to meeting relevant standards) and all other Buildings in the Arcadia Rural Visitor Zone require a Restricted Discretionary Activity resource consent pursuant to this rule. I have recommended Restricted Discretionary activity status for COM, VA1, VA2A, VA2B, VA3A, VA3B, RES2A, RES2B and RES2C for the reason that these Activity Areas are yet to go through a subdivision or land-use resource consent (as RES 1A and 1B already have).

3.10 I also consider Restricted Discretionary Activity status for these Activity Areas may alleviate some of Ms Mellsop’s outstanding concern with the approved Structure Plan in relation to the location of buildings within the VA 2B and 3B being too close to the lakeside. As I have stated in paragraph 2.21 above, the Structure Plan effectively provides for a setback for visitor accommodation buildings of between 170-200 meters from Diamond Lake.

3.11 With respect to Residential Activities, I propose that Rule 46.4.13 is amended as follows to recognise the level of residential development anticipated by the approved Arcadia Structure Plan:

46.4.13	Residential activity except: <a href="#">(a) As provided for in Rules 46.4.2 and 46.4.3; and</a> <a href="#">(b) a total of 11 residential dwellings within the RES 1A and 1B Activity Areas at the Arcadia Rural Visitor Zone; and</a> <a href="#">(c) a total of 12 residential dwellings within the RES 2A, 2B and 2C Activity Areas at the Arcadia Rural Visitor Zone; and</a>	NC
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3.12 All other residential activities within the Arcadia Rural Visitor Zone will retain Non-Complying Activity status.

3.13 With respect to Commercial Activities, I propose that Rule 46.4.14 is amended as follows to recognise the commercial activities anticipated within the COM Activity Area of the approved Structure Plan:

46.4.14	Commercial, retail or service activities except as provided for in Rules 46.4.2 and 46.4.3 <a href="#">and 46.4.1.8A (in respect of the COM Activity Area of the Arcadia Rural Visitor Zone only).</a>	NC
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3.14 The actual commercial buildings would be a Restricted Discretionary Activity under my recommended Rule 46.4.8A rule above. I also recommend further relevant standards below.

3.15 With respect to Rule 46.5.1, Building Height, I recommend the following amendments:

46.5.1	<p>Building Height</p> <p>46.5.1.1: The maximum height of buildings shall be 6m, <a href="#">except as provided below.</a></p> <p>46.5.1.2: Within the Water Transport Infrastructure overlay identified on the District Plan maps the maximum height of buildings shall be 4m.</p> <p><a href="#">46.5.1.3: Within the Arcadia Rural Visitor Zone the maximum height of buildings shall be:</a></p> <p>(a) <a href="#">RES1A and 2A and VA 2B – 8m;</a></p> <p>(b) <a href="#">RES1B and VA3B – 8m;</a></p> <p>(c) <a href="#">RES2A and COM – 6.5m;</a></p> <p>(d) <a href="#">RES2B – 7.25m;</a></p> <p>(e) <a href="#">VA1 – 8m, except up to 100m<sup>2</sup> of new development 12m;</a></p> <p>(f) <a href="#">VA2A and 3A – 8m;</a></p> <p>(g) <a href="#">Lakeside Recreation – 4.5m.</a></p>	NC
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3.16 I note that the approved Design Guidelines provides for significantly higher building height in some of these Activity Areas. For example, within the RES 1B and VA 3B Activity Areas the Design Guidelines provide for building heights of 10m. Within the VA1 Activity Area the Design Guidelines provide for up to 300m<sup>2</sup> of building to 12m in height. And within the VA2A and 3A Activity Areas the Design Guidelines provide for buildings up to 8m in height. While those building heights were assessed as being appropriate, I recommend building heights slightly lower in recognition of the fact that the notified Rule 46.5.1.3 provide for lower building height than the ODP. However, the notified building height of 6m when combined with the roof pitch requirements of the Structure Plan justifies at higher building height in the Arcadia Rural Visitor Zone.

3.17 I also recommend a new Rule, 46.4.5.2, be inserted into Table 46.5 as follows:

<a href="#">46.5.2A</a>	<p><a href="#">Building Coverage</a></p> <p><a href="#">46.5.2A.1 The total building coverage shall not exceed the following within the Arcadia Rural Visitor Zone:</a></p> <p>(a) <a href="#">VA1 - 500m<sup>2</sup> (excluding the existing homestead);</a></p> <p>(b) <a href="#">VA2A – 1,000m<sup>2</sup>;</a></p> <p>(c) <a href="#">VA2B – 1,500m<sup>2</sup>;</a></p> <p>(d) <a href="#">VA3A - 1,500m<sup>2</sup>;</a></p> <p>(e) <a href="#">VA3B – 1,000m<sup>2</sup>;</a></p>	<a href="#">NC</a>
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	<p>(f) <a href="#">COM – 350m<sup>2</sup></a>;</p> <p>(g) <a href="#">Lakeside Recreation – 80m<sup>2</sup></a>.</p>	
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3.18 I note that the approved Design Guidelines provides for significantly greater building coverage in some of these Activity Areas. For example, the approved Design Guidelines provide for 800m<sup>2</sup> in the VA1 Activity Area, 1,000m<sup>2</sup> in the VA2A Activity Area, 6,000m<sup>2</sup> in the VA2B Activity Area, 4,500m<sup>2</sup> in the VA3A activity Area and 3,300m<sup>2</sup> in the VA3A Activity Area. My recommend Rule 46.5.2A reduces the total building coverage in those Activity Areas of the Arcadia Structure Plan from 19,230m<sup>2</sup> to 4,930m<sup>2</sup>, a reduction of 75%. This reduction is, in my opinion, more in keeping with the density anticipated in the notified Rural Visitor Zone provisions.

3.19 If Ms Grace’s recommended Rule 46.5.2.1 is adopted, I consider it should not apply to the Arcadia Rural Visitor Zone (which I understand is to be the case anyway).

3.20 I recommend Rule 46.5.8 is amended as follows:

<p><u>46.5.8</u></p>	<p><u>Building Material and Colours (except for VA1 Activity Area of the Arcadia Rural Visitor Zone)</u></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><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Landscape;</u></p> <p>b. <u>Visual amenity values; and</u></p> <p>c. <u>External appearance.</u></p>
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3.21 I support this standard being applicable to all other buildings within the Arcadia Rural Visitor Zone except the VA1 Activity Area for reason that the approved Arcadia Structure Plan promotes colours in the VA1 Activity that reflect the historic homestead qualities. Those qualities are not considered consistent with Rule

46.5.8. I therefore recommend a new standard as follows specific to the VA1 Activity Area:

<u>46.5.8A</u>	<p><u>Building Materials and Colours within the VA1 Activity Area Arcadia Rural Visitor Zone</u></p> <p><u>Colours shall reflect the historic homestead qualities of this area. Walls shall be clad in timber, preferably in weatherboard. Timber may be left to weather or be stained/painted.</u></p>	<u>NC</u>
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3.22 The approved Arcadia Structure Plan also has specific standards relating to the type and color of roofs. I consider these additional standards are useful in my recommended Objective 46.2.3. I therefore recommend the following new standard specific to the Arcadia Rural Visitor Zone:

<u>46.5.8B</u>	<p><u>Roofs within the Arcadia Rural Visitor Zone</u></p> <p>(a) <u>In RES 1A and 1B, VA 2A, 3A, 3B and COM Activity Areas:</u></p> <ul style="list-style-type: none"> <li>i. <u>Roofs shall be of slate tiles, natural cedar shakes, or iron (corrugated or tray steel);</u></li> <li>ii. <u>All roofs shall be dark grey or dark green in colour;</u></li> <li>iii. <u>All roofs shall have a minimum pitch of 30 degrees and shall be gable and ridge form;</u></li> <li>iv. <u>Flat roofs are permitted, but only as joins between gable elements, and may not exceed 20% of the total roof area.</u></li> </ul> <p>(b) <u>In RES 2A, B and C Activity Areas:</u></p> <ul style="list-style-type: none"> <li>i. <u>Roofs shall be of slate tiles, natural cedar shakes, or iron (corrugated or tray steel);</u></li> <li>ii. <u>All roofs shall be dark grey or dark green in colour;</u></li> <li>iii. <u>Where flat roofs occur all “butynol” or similar products used shall be in a black finish.</u></li> </ul> <p>(c) <u>In VA1 Activity Area:</u></p> <ul style="list-style-type: none"> <li>i. <u>Roofs shall be of slate tiles, natural cedar shakes, or iron (corrugated or tray steel);</u></li> <li>ii. <u>All roofs shall be dark grey or dark green in colour;</u></li> <li>iii. <u>All roofs shall have a minimum pitch of 30 degrees and shall be gable and ridge form.</u></li> </ul>	<u>NC</u>
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3.23 I also recommend three additional standards to successfully integrate the Arcadia Structure Plan. The first

two relate to Roding and Fencing within the Arcadia Rural Visitor Zone as follows:

<p><a href="#">46.5.11</a></p>	<p><u>Roding within the Arcadia Rural Visitor Zone</u></p> <p>(a) <u>All roading and car parking shall be gravel or chip seal with swale edging.</u></p> <p>(b) <u>Kerb and channel are not permitted;</u></p> <p>(c) <u>Roding and driveways shall be shared where possible in order to limit the extent of roading required;</u></p> <p>(d) <u>Carriageway width shall be kept to a minimum Council standard in order to retain rural amenity.</u></p>	<p><a href="#">NC</a></p>
<p><a href="#">46.5.12</a></p>	<p><u>Fencing within the Arcadia Rural Visitor Zone (except OS Activity Area):</u></p> <p>(a) <u>All boundary fencing, if required, shall be standard post and wire.</u></p> <p>(b) <u>Courtyard walls to 1.8 metres in height are permitted but must be to match the VA building(s) materials.</u></p> <p>(c) <u>Fencing in timber post and rail is permitted, but shall not exceed 1m in height.</u></p>	<p><a href="#">NC</a></p>

3.24 These standards are designed to ensure a consistent rural character throughout the zone.

3.25 The third recommended standard relates to the Open Space Activity Area:

<p><a href="#">46.5.13</a></p>	<p><b><u>Open Space (OS Activity Area) Arcadia Rural Visitor Zone</u></b></p> <p><u>The OS Activity Area of the Arcadia Rural Visitor Zone shall be managed as follows:</u></p> <p>(a) <u>Buildings are prohibited;</u></p> <p>(b) <u>Fencing, other than post and wire and not exceeding 1.2m above ground level (or higher only in the case of deer fencing) shall be prohibited;</u></p> <p>(c) <u>Any planting, with the exception of pastoral grasses for grazing or grass production or native planting to the west of RES2A, 2B and 2C, is prohibited;</u></p> <p>(d) <u>Roding, except for:</u></p> <ol style="list-style-type: none"> <li>i. <u>The provision of access from Glenorchy-Paradise Road to the RES 2A Activity Area;</u></li> <li>ii. <u>From the western boundary of the zone to the RES1A, 1B and VA2A Activity Areas;</u></li> <li>iii. <u>For the provision of a road that will link the western RES and VA Activity Areas with the Eastern RES and VA Activity Areas. This road shall be set back at least 250 metres from the northern boundary</u></li> </ol>	<p><a href="#">PR</a></p>
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	<p><u>of the zone and 250m from the southern boundary of the zone. The road must be placed within a contour in order to minimise visibility from the Glenorchy-Paradise Road and Diamond Lake. All roading within the OS Activity Area shall be gravel or chip seal with swale edging. Kerb and channel are prohibited.</u></p>	
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3.26 I note that I have added the words “with the exception of ... native planting to the west of RES2A, 2B and 2C” in (c) which do not form part of the approved Design Guidelines. I have included these words in response to Ms Mellsop’s concern as detailed Issue 5 as discussed above.

3.27 Finally, I recommend a new provision 46.7 Structure Plan for Arcadia Rural Visitor Zone including the insertion of the approved Structure Plan.

3.28 I refer to the above recommended rules and approved Structure Plan herein as the “amended proposal”.

## 4. Mandatory Assessment Criteria

4.1 In preparing this evidence I am mindful of the amended mandatory legal criteria the Hearings Panel must consider as set out in Colonial Vineyard v Marlborough District Council [2014] NZEnvC 55. This includes:

- (a) Accords with section 75(1) and assists the Council to carry out its functions (s 31) so as to achieve the purpose of the Act (s 72).
- (b) Gives effect to National Policy Statements that are relevant (section 73(3)(a));
- (c) Gives effect to the Otago Regional Policy Statement (section 75(3)(c));
- (d) Has had regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register (section 74(2)(b));
- (e) Takes into account any relevant planning document recognised by an iwi authority;
- (f) Does not have regard to trade competition (section 74(3)).

4.2 I discuss each of these criteria below.

**(a) Whether the proposal accords with section 75(1) and assists the Council to carry out its functions to achieve the purpose of the RMA.**

4.3 Section 75(1) of the RMA states a District Plan must state the objectives for the district; state the policies to implement the objectives; and state the rules (if any) to implement the policies. The amended proposal seeks

the adoption of an amended Arcadia Rural Visitor Zone, with some site-specific rules and an approved Structure Plan. The Rural visitor Zone includes objectives, policies and rules which assist Council to carry out its functions (Section 31) in achieving the purpose of the RMA. This criterion is therefore satisfied in the consideration of these submissions.

**(b) Whether the proposal gives effect to any relevant National Policy Statements (NPSs).**

4.4 At the time of writing this evidence the following NPSs were in place:

- Urban Development Capacity
- Freshwater Management
- Renewable Electricity Generation
- Electricity Transmission
- New Zealand Coastal Policy Statement

4.5 I understand that work has been undertaken on a proposed NPS for Indigenous Biodiversity but this is not yet complete.

4.6 None of the NPS's are particularly relevant to this proposal.

**(c) Whether the proposal gives effect to any relevant Regional Policy Statements and Plans.**

**(i) Operative Regional Policy Statement**

4.7 The Operative Regional Policy Statement 1998 (ORPS) has nearly been completely revoked by the Partially Operative RPS. That parts that are not revoked are shown in a document prepared by the ORC: <https://www.orc.govt.nz/media/6355/orc-1998-rps-revoked-provisions.pdf>

4.8 The chapters of the ORPS most relevant to the amended proposal is Chapter 5 (Land).

4.9 Objective 5.4.3 seeks to protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development. The objective closely mirrors section 6(b) of the RMA. Arcadia Station is recognised as being part of a wider Outstanding Natural Landscape. Development and use of the subject site for rural visitor activities is therefore not consider inappropriate under Objective 5.4.3.

**(ii) Proposed Otago Regional Policy Statement (PORPS)**

4.10 The ORC notified its PORPS on 23 May 2015. Decisions were released on 1 October 2016. The ORC received 26 notices of appeal and mediation on those appeals continues. Some Consent Orders have been issued and parts of the PRPS have now been made fully operative.

- 4.11 The following Chapters of the PORPS are relevant to the amended proposal:
- o Chapter 2 Kai Tahu Values and Interests
  - o Chapter 3 Otago has high quality natural resources and ecosystems
  - o Chapter 4 Communities in Otago are resilient, safe and healthy
  - o Chapter 5 People are able to use and enjoy Otago's natural and built environment
- 4.12 The relevant Chapter 2 objectives and policies are 2.1 to 2.2 (Kai Tahu values and interests). The PORPS requires that Kai Tahu values and interests are recognised and kaitiakitaka is expressed. The amended proposal, in my opinion, does not affect this from occurring at the time of development.
- 4.13 Chapter 3 of the PRPS is titled "Otago has high quality natural resources and ecosystems" and relates to natural resources, including outstanding natural landscapes.
- 4.14 Policies 3.2.4 and 3.2.6 relates to managing ONLs, stating
- 3.2.4 Protect, enhance and restore outstanding natural features, landscapes and seascapes, by all of the following:*
- a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape;*
  - b) Avoiding, remedying or mitigating other adverse effects;*
  - c) Recognising and providing for the positive contributions of existing introduced species to those values;*
  - d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
  - e) Encouraging enhancement of those areas and values which contribute to the significance of the natural feature, landscape or seascape.*
- 3.2.6*
- a) Avoiding significant adverse effects on those values which contribute to the high value of the natural feature, landscape or seascape;*
  - b) Avoiding, remedying or mitigating other adverse effects;*
  - c) Recognising and providing for positive contributions of existing introduced species to those values;*
  - d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
  - e) Encouraging enhancement of those values which contribute to the high value of the natural feature, landscape or seascape.*
- 4.15 Arcadia Station is part of the wider Outstanding Natural Landscape. Policy 3.2.4 is therefore relevant to the consideration of the amended changes. As stated above, the Structure Plan and Design Guidelines were approved by Council on the basis they would result in positive effects, the effects on the landscape would be no more than minor and the proposed densities anticipated were appropriate within the surrounding landscape. Incorporating the Structure Plan and Design Guidelines into the notified Rural Visitor Zone achieves Policies 3.2.4 and 3.2.6.

4.16 Chapter 4 is titled “Communities in Otago are resilient, safe and healthy” and relates to natural hazards and infrastructure. Objective 4.1 seeks that the risk that natural hazards pose to Otago’s communities are minimised. Policy 4.1.4 is to assess activities for natural hazard risk, by considering all of the following:

*4.1.4*

- a) The natural hazard risk identified, including residual risk;*
- b) Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods;*
- c) The long term viability and affordability of those measures;*
- d) Flow on effects of the risk to other activities, individuals and communities;*
- e) The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event.*

4.17 And policy 4.1.5 states:

*4.1.5*

- a) The risk posed, considering the likelihood and consequences of natural hazard events;*
- b) The implications of residual risk, including the risk remaining after implementing or undertaking risk reduction and hazard mitigation measures;*
- c) The community’s tolerance of that risk, now and in the future, including the community’s ability and willingness to prepare for and adapt to that risk, and respond to an event;*
- d) The changing nature of tolerance to risk;*
- e) Sensitivity of activities to risk*

4.18 Natural hazards are retained as a matter of control under Rule 46.4.6 and a matter of discretion under Rule 46.4.7. Natural hazards can also be considered at the time of a discretionary activity application made under Rule 46.4.10 or non-complying activity under rule 46.4.11. In my opinion, the proposal meets these policies.

4.19 With regard to Policy 4.1.6, this policy seeks to manage natural hazard risk to people and communities by avoiding activities that significantly increase risk including displacement of risk off-site. The proposal will not significantly increase risk.

4.20 Policy 4.1.8 relates to the precautionary approach. The policy is that where natural hazard risk to people and communities is uncertain or unknown, but potentially significant or irreversible, to apply a precautionary approach to identifying, assessing and managing that risk. In my understanding there are no hazards which justify a precautionary approach for the Arcadia Rural Visitor Zone.

4.21 Overall, the amended proposal gives effect to objectives and policies of the PORPS.

**(iii) Regional Plan: Air and Water**

4.22 The Regional Plans: Air and Water will be of relevance if the amended proposal is approved. It is possible that that consents may be required in the future.

**(d) Whether the proposal has had regard to any relevant management plans or strategies under other acts.**

- 4.23 In my opinion there are no other management plans or strategies prepared under other acts relevant to the consideration of the amended proposal.

**(e) Takes into account any relevant planning document recognised by an iwi authority.**

- 4.24 The Kai Tahu ki Otago Resource Management Plan was prepared in 2005 and is the principal planning document for Kāi Tahu ki Otago. It was developed over a 2-year period through extensive consultation with the four Papatipu Rūnaka of Otago as well as consultation with, and input from, the Otago whānau and rōpū groups and Southland and South Canterbury Rūnaka.

- 4.25 At Section 2.5.6 the Plan states that ‘Kāi Tahu ki Otago values have been incorporated, to varying extents, in the following Regional and District Plans and Policy Statements’. Key issues identified in the Plan relate to wai maori, wahi tapu, mahika kai and biodiversity, cultural landscapes, air and atmosphere, coastal environment.

- 4.26 The Whakatipu Basin is located within the Clutha-Mata-au Catchment, and this is described at Section 10.1 as:

*“The Clutha/Mata-au Catchment centres on the Clutha/Mata-au River and includes all sub-catchments within this main Catchment.*

**10.2.2 Wai Maori Issues in the Clutha/Mata-au Catchment:**

...

**Land Use:**

- Lack of reticulated community sewerage schemes.
- Existing sewage schemes are not effectively treating the waste and do not have the capacity to cope with the expanding population.
- Land use intensification, for example dairying in the Poumahaka Catchment.
- Increase in the lifestyle farm units is increasing the demand for water.
- Sedimentation of waterways from urban development.

...

**10.2.3 Wai Maori Policies in the Clutha/Mata-au Catchment:**

...

**Land use:**

9. To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.

10. To promote sustainable land use in the Clutha/Mata-au Catchment.

11. To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.

12. To require reticulated community sewerage schemes that have the capacity to accommodate future population growth

...

**10.3 WĀHI TAPU**

**10.3.1 Wāhi Tapu in the Clutha/Mata-au Catchments**

*There are a range of wāhi tapu of particular significance within the Clutha/Mata-au Catchments. Urupā*

*are the best modern day example of wāhi tapu, but physical resources such as mountaintops, springs and vegetation remnants are other examples. Urupā and some significant sites of conflict are located all along the Clutha/Mata-au River.*

...

**10.3.3 Wāhi Tapu Policies in the Clutha/Mata-au Catchment**

1. *To require that wāhi tapu sites are protected from further loss or destruction.*
2. *To require accidental discovery protocols for any earth disturbance activities.”*

4.27 With respect to 10.2 the development enabled by the amended proposal is likely to be in accordance with sound environmental management and promote sustainable land use practices.

4.28 With respect to 10.3 there is no known waahi tapu associated with the site. The Accidental Discovery Protocol can be imposed by consent conditions on any future resource consents if deemed necessary.

**(f) Does not have regard to trade competition.**

4.29 There are no trade competition issues relevant to the consideration of this submission.

## 5. Section 32AA evaluation

5.1 Section 32AA of the RMA aims to ensure that any changes to plan provisions during the hearing process are subject to a similarly high level of analytical rigour and transparency as the original evaluation. A further evaluation under section 32AA must include all the matters in section 32, but only in relation to the changes that have been made to the proposal since the evaluation report for which it was completed.

5.2 A further evaluation is for the changes sought (the amended proposal) is attached to my evidence as **Attachment E**. This further evaluation examines the extent to which the proposed objectives and policies of the plan are, or are not, the most appropriate way to achieve the purpose of the RMA.

5.3 I conclude from this evaluation that the amended proposal is the most appropriate zoning for Arcadia Station.

## 6. Part II of the RMA

### **Section 7**

6.1 The following other matters to which particular regard must be given are relevant to the consideration of Mr Veint's submission:

- (b) the efficient use and development of natural and physical resources;
- (c) The maintenance and enhancement of amenity values;
- (f) the maintenance and enhancement of the quality of the environment.

6.2 The incorporation of the approved Arcadia Structure Plan and Design Guidelines into the PDP will, in my opinion, lead to efficient use and development of natural and physical resources of the Arcadia Rural Visitor Zone. The approved Arcadia Structure Plan and Design Guidelines have been through a robust consent process and will ensure the amenity values of the site, and surrounding environment, are maintained and enhanced. The incorporation of the approved Arcadia Structure Plan and Design Guidelines would also assist in maintaining and enhancing the quality of this environment by ensuring development does not adversely affect the wider ONL.

### **Section 6**

6.3 The following matters of national importance shall be recognised and provide for as a matter of national importance:

- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

6.4 The approved Arcadia Structure Plan was approved on the basis that the adverse effects on the landscape were considered no more than minor and the densities provided were appropriate within the surrounding landscape (see my paragraph 2.32). In particular, the OS Activity Area will integrate with the wider ONL and the more visually sensitive parts of the site will be retained as open space. In my opinion, section 6(b) has been fully met by the incorporation of the approved Arcadia Structure Plan and Design Guidelines into the PDP as I have recommended in this evidence.

### **Section 5**

6.5 In my opinion the incorporation of the approved Arcadia Structure Plan and Design Guidelines into the PDP as I have recommended in this evidence achieves sustainable management of natural and physical resources. In particular the incorporation of the approved Arcadia Structure Plan and Design Guidelines into the PDP manages the use, development and protection of this land resource in a way that enables people and communities to provide for their social, economic and cultural well-being.

## Attachment A – Copy of RM110010

**DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	J Veint
<b>RM reference:</b>	RM110010
<b>Location:</b>	Glenorchy-Paradise Road, Glenorchy Rural
<b>Proposal:</b>	An application to establish a Structure Plan for Arcadia Station.
<b>Type of Consent:</b>	Land Use
<b>Legal Description:</b>	Lot 2 Deposited Plan 409271 and Lot 11 Deposited Plan 25326 held in Computer Freehold Register 434244 Otago; Lot 1 Deposited Plan 409271 held in Computer Freehold Register 434245 Otago; Lot 13 Deposited 25326 held in Computer Freehold Register OT17B/743 Otago; and Section 1-2 Block II Dart Survey District held in Computer Freehold Register OT7D/1300 Otago.
<b>Valuation Number:</b>	2911132002
<b>Zoning:</b>	Rural Visitor
<b>Activity Status:</b>	<b>Controlled Activity</b>
<b>Notification:</b>	Non-notified
<b>Commissioner:</b>	Commissioner Sinclair
<b>Date Issued:</b>	11 May 2011
<b>Decision:</b>	<b>Granted with conditions</b>

This is an application for resource consent under Section 88 of the Resource Management Act 1991 to establish a Structure Plan for Arcadia Station. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 10 May 2011. This decision was made and its issue authorised by Jane Sinclair, Independent Commissioner, as delegate for the Council.

Under the District Plan the site is zoned Rural Visitor and the proposed activity requires:

- A **controlled** activity resource consent pursuant to Rule 12.4.3.2(i) Structure Plan whereby each structure plan within the Rural Visitor Zone must show the locations where activities are to be undertaken, landscaping, open space and details of density of development.

Overall, the application is considered to be a **controlled** activity.

#### **Notification Determination**

The application was considered on a non-notified basis in terms of Section 95A and 95B whereby the consent authority was satisfied that the adverse effects of the activity on the environment are not likely to be more than minor and whereby no persons or order holders were, in the opinion of the consent authority, considered to be adversely affected by the activity.

#### **Decision**

Consent is GRANTED pursuant to Section 104 of the Act, subject to the following conditions imposed pursuant to Section 108 of the Act:

#### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans drawn by Baxter Design Group – Arcadia Rural Visitor Zone Structure Plan, Ref: 1540 Paradise Veint Structure Plan 10 Nov 2010 (**as approved 2 May 2011**) the Structure Plan Design Guidelines received 29 March 2011 and the application as submitted, with the exception of the amendments required by the following conditions of consent.
2. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100.
3. At the time this consent is given effect to the consent holder shall register a covenant on the Computer Freehold Register requiring future development to be undertaken in accordance with the Structure Plan, the Structure Plan Design Guidelines and the resource consent granted referenced RM110010 received 29 March 2011 and submitted with resource consent RM110010.

#### **Reasons for the Decision**

#### Proposal

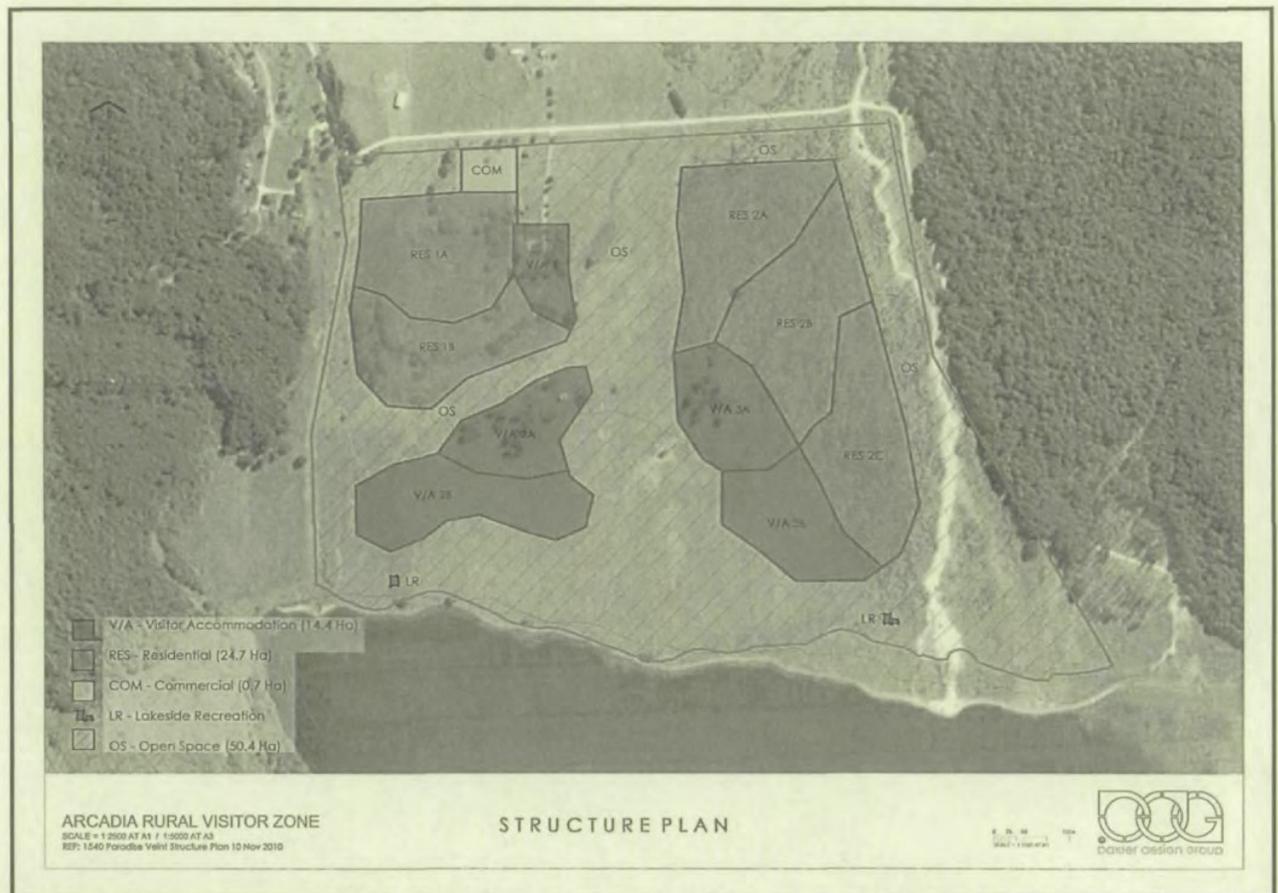
The applicant seeks to establish a Structure Plan for Arcadia Station. It is intended that the Structure Plan will provide a framework to guide future land use development by defining future development areas, landscaping restrictions, density of development and open space, while protecting and enhancing key features of the site.

The Structure Plan encompasses 11 development areas as follows:

- Residential 1A (Res 1A);
- Residential 1B (Res 1B);
- Residential 2 (Res 2A, B and C);
- Visitor Accommodation Area 1 (Arcadia Homestead);
- Visitor Accommodation Area 2A (V/A2A);

- Visitor Accommodation Area 2B (V/A2B);
- Visitor Accommodation Area 3A (V/A3A);
- Visitor Accommodation Area 3B (V/A3B);
- Commercial Area (COM);
- Open Space (OS); and
- Lakeside Recreation (LR).

These development areas are illustrated on the Structure Plan below.



**Figure 1 Structure Plan**

The Structure Plan will be accompanied by a number of design guidelines determining density, wall colour, materials, claddings, building height, roof pitch and cladding, roading, fencing, vegetation, and curtilage areas

Finally the applicant has volunteered that the resource consent decision includes a condition that will tie future land use development to the Structure Plan and supporting Design Guidelines document.

It is noted that while the Rural Visitor Zone contains a controlled activity rule for a structure plan, it does not contain a corresponding standard or rule requiring that a structure plan must be approved prior to development.

#### Site and Locality Description

The site is located to the south and west of the Glenorchy-Paradise Road at the base of the Diamond Lake /Paradise Valley, north of Diamond Lake and south-west of Turret Head. The site encompasses the Arcadia Station and Homestead.

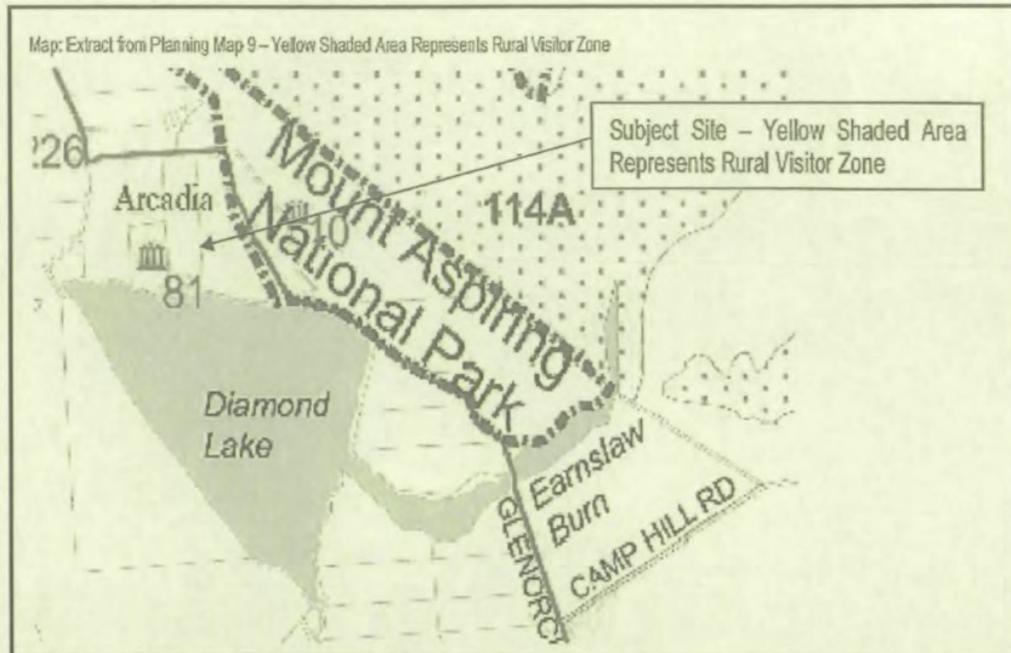


Figure 2: Location of Subject Site.

Arcadia Homestead is listed as a protected feature under the District Plan. There are a number of implement sheds associated with the homestead, as well as another dwelling owned by the Applicant. The land containing the Arcadia Homestead and bounded by Diamond Lake and the Paradise Road is zoned "Rural Visitor". This is an area of approximately 89 hectares.

#### Site History

Arcadia House was designed and built in 1883 by William Mason who proposed to use the surrounding 128 hectares as a retirement farm. The property was later sold and used as a guest house for over 50 years. In 1943 the property was sold to the Veint family who continued to operate the property as a guest house until 1949 when it was purchased by the Miller family with whom it remained until 1998. The property is now overseen by the applicant. The remainder of the property is grazed and used as farmland.

#### Effects on the Environment

The District Plan does not specify any relevant Assessment Matters but it focuses on the criteria that must be met for each Structure Plan. This will form the basis of the following assessment.

It is of relevance that the Structure Plan does not provide any certainty with regards to the granting of further consents. All buildings and visitor accommodation require controlled activity consents, commercial and retail activities require discretionary resource consents. Equally, as identified above, the District Plan does not contain any provisions requiring an approved Structure Plan to be complied with although the applicant is volunteering this as a condition of consent.

#### Baseline

The site is located in the Rural Visitor Zone. This zoning is significant in understanding the environment.

The purpose of this zone *"is to complement the existing range of visitor accommodation opportunities in the District and provide for increased opportunity for people to experience the rural character, heritage and amenity of the rural area"*. In association with this zoning the District Plan anticipates -

- Buildings;
- Residential Activity;
- Visitor Accommodation; and
- Commercial Recreation Activities.

Upon a review of the provisions of Section 12.3 Rural Visitor Zones of the District Plan, it is noted that the site is zoned as an area with higher potential to absorb change, and the zone allows for dense built form of up to four stories in height, although that development would have to meet the objectives and policies of the zone in respect of the mitigation of adverse effects on landscape and natural values.

#### *Location of Proposed Activity Areas*

There are three distinct clusters of activity/development proposed for the site. The proposed activities are predominantly residential and visitor accommodation with a small area of commercial activity located adjacent to the Glenorchy-Paradise Road. The location of each activity area is considered to be logical and sympathetic to the topography of the site and surrounding landscape. The large areas of open space will retain the rural integrity of the surrounding landscape, the view-shafts from the Glenorchy-Paradise Road down to the lake, as well as the heritage values and architecture of Arcadia Homestead. The large clusters of residential activity are located closest to public roads and adjoining sites where farming and residential activity is already established. The proposed visitor accommodation activity is largely contained on the lake side of the site and away from adjoining properties. The commercial area proposed is small relative to the size of the site and will ensure an acceptable level of rural amenity within the rural visitor area is retained. The small Lakeside Recreation Areas are located on the flat, pastoral land adjacent to the lake but will not compromise the openness of this part of the site.

Lakes Environmental's Landscape Architect (Helen Mellsop) has considered the potential effects on visual amenity as a result of the location of the activity areas. Ms Mellsop notes that when viewed from the Glenorchy-Paradise Road south of the Earnslaw Burn, and from the foreshore of the lake, future development would appear clustered against a backdrop of dark exotic and indigenous vegetation and against the higher terraces of the site. Further, that the proposed level of development that is encouraged by the Structure Plan could be absorbed without significant landscape effects, as long as buildings were appropriately designed and landscaped. The proposed density provisions and further restrictions on development will help to limit the extent of these effects.

Overall, the location of the proposed activity areas will ensure development is managed and appropriately contained to protect surrounding scenic resources.

#### *Landscaping*

##### *Vegetation/Landscape Planting:*

Ms Mellsop considers that additional indigenous vegetation, particularly along the foreshore of the lake and around any lakeside structures, adjacent to grey shrubland areas and along the small watercourse located on the western boundary would enhance the natural character and ecological values of the site. As volunteered by the applicant, the Open Space areas will be maintained in pasture and managed to ensure no weed species such as broom, gorse or sweet briar are allowed to establish. The planting of native species is also encouraged in the area east and south east of the Residential 2A, B and C areas. It is considered this will increase the visual amenity of the site, serve to extend the existing vegetation and increase the potential for development to be absorbed along that edge of these activity areas.

As stated in the proposed guidelines, where possible, in each of the residential activity areas, the mature exotic vegetation will be retained and incorporated into the landscape treatment to be approved at the time of building establishment. The Structure Plan guidelines also stipulate that if trees are to be planted then the species shall be Mountain Beech and/or similar species that currently exist within each of the activity areas. Further limitations are placed on the Residential 2A, B and C activity areas in respect of the planting of exotic species (specifically height and area of species) and this will ensure an acceptable degree of rural character is retained. Exotic tree planting is also restricted in each of the Visitor Accommodation Areas.

Ms Mellsop has not raised any concerns regarding the proposed vegetation management for the property. This opinion is adopted and therefore it is considered that the effects in regard to landscape planting will be less than minor.

#### Fencing:

The applicant proposes to restrict fences to post and wire with a maximum height of 1 to 1.2 metres and courtyard walls to 1.8 metres in height and within 4 metres of the building. These restrictions on materials and height for fencing and courtyard walls will ensure that the rural character of the Rural Visitor Zone is retained. Post and wire fencing is typically rural and in keeping with the existing character, while courtyard walls are to be contained within 4 metres of buildings for visitor accommodation, no more than 1.8 metres in height and shall be built to match the building materials. The containment of the courtyard walls will ensure the domesticating elements of the development to not creep into the Open Space areas designated around the site. Ms Mellsop does not raise any landscape issues with regard to the proposed restrictions on fencing.

#### Curtilage:

Curtilage areas are proposed for Residential Areas 1A and 1B. Only 60% of each individual allotment within these activity areas may be used as curtilage and areas outside of the curtilage areas must be maintained in pastoral grass. The Residential 2A, B and C areas will have Homestead Areas which require the dwelling, landscaped areas, ancillary structures and garaging to be established within the designated area. These areas shall be 50% of any allotment. It is considered that the restriction on the size of the curtilage and Homestead areas will adequately contain visual effects and domestication.

Ms Mellsop has not raised any issues in regard to the proposed curtilage and Homestead areas.

#### Roadways/Access:

The Structure Plan has been designed to anticipate two entrances to the site, one from the Paradise-Glenorchy Road and one to the Arcadia Homestead. A secondary road is anticipated from an unformed legal road on the western boundary to the VA2 Area. This will be linked to the open space area between VA2 and VA3 activity areas.

The applicant proposes that walkways will be an integral part of access development on the site and Baxter Design Group has recommended a circular network of walkway between residential and visitor accommodation areas, with access to the lake edge and LR facilities.

The proposed roading materials in the Lakeside Recreation area will be maintained in gravel only with swale edging and built to a maximum width of 2.5 metres. This will limit potential effects on the natural character of the lakeshore area. All other roadways within the site shall be surfaced with either gravel or chip seal and this will also help to retain elements of rural character within the site.

#### *Open Space*

Between the three main clusters of activity areas the applicant has proposed Open Space areas to allow for view shafts of the lake and of the Arcadia Homestead and to provide visual relief and contrast within the landscape. Ms Mellsop considers that a greater setback of built development from the lakeshore is important in maintaining the landscape values of the area, however while a larger area of open space/greater setback from the lake would be preferable, the District Plan stipulates a

setback of 10 metres for buildings for Residential Accommodation and a setback of 20 metres for Visitor Accommodation. The Council retains control over the location of activities through the Structure Plan process, however there is little guidance as to what this means. In this case the proposed setbacks for the activity areas along the lake front will be greater than that required by the District Plan. Further, a number of design controls have been offered by the applicant to ensure development does not compromise the openness of the lake and acceptable level of rural amenity is retained. Ms Mellsop states that:

*Potential development in line with the proposed structure plan could appear as a small resort nestled by the lake. Dense built form up to four stories in height would be apparent from public roads and from the lake shore, but intervening areas of open pastoral land would be retained. Of particular benefit would be the maintenance of open vistas from the Glenorchy-Paradise Road to Diamond Lake and to the main facade of the homestead, and retention of the natural character of the River of Jordan and its surrounds.*

On balance, while it is recognised that greater setbacks are preferable, the District Plan anticipates a high level of development in this location. On balance, the Structure Plan results in positive effects.

No other concerns have been raised in regard to the proposed Open Space areas.

The landscape architects report is adopted and relied upon with regards to other landscaping effects. The adverse effects on landscape are therefore considered no more than minor.

#### *Density of Development*

Section 12 of the District Plan – Rural Visitor Zone – does not specify what the anticipated densities for development might be for that zone. The applicant has specified proposed densities for each of the eleven activity areas within the Structure Plan. The provision of the proposed densities provides greater certainty about the outcome of future development on the site. Ms Mellsop has advised that the densities proposed within each activity area could be absorbed within the property without having significant adverse effects on the landscape values of the surrounding area. Overall, it is considered that the proposed densities provided for by the Structure Plan are appropriate for the zone and within the surrounding landscape.

#### *Conclusion*

The District Plan does not provide any relevant Assessment Matters to guide assessment. However the Environmental Results Anticipated (Section 12.3.5) focus on the retention of predominant rural character while providing the potential for consolidated areas to be utilised for visitor facilities, the provision of a range of accommodation and recreation buildings while ensuring the quality of the local environment is maintained, and the exclusion of activities which cause adverse environmental effects and the protection of traffic safety on local roads and State Highways. Each of the proposed activity types is considered to be appropriate and aligned with the District Plan requirements for the Rural Visitor Zone and each Activity Area is appropriately located and will be adequately managed in the future in respect of the density of development, landscaping and the retaining of rural amenity values within the zone and surrounding landscape. The proposed Structure Plan is in effect providing a mechanism to limit the possible outcomes of future development within the site, without determining them. In this regard it is a positive proposal.

#### Effects on Persons

The purpose of a Structure Plan is to determine the potential and appropriate areas for future development. In this instance a controlled activity resource consent is required to establish Structure Plan for the subject site. This type of activity is a paper exercise and generally anticipated within the Rural Visitor Zone. The types of activities proposed are anticipated in the Zone with the possible exception of the commercial area for which a discretionary resource consent will be required. Ms Mellsop has advised that the integrity of the zone and surrounding landscape will be retained as a result of this proposal. For these reasons no persons are considered to be adversely affected.

#### Objectives and Policies

The relevant objectives and policies are contained in Section 12 .3 Rural Visitor Zone of the District Plan.

The objectives under 12.3.4 encourage the provision for the ongoing operation of the existing visitor areas recognising their operational needs and avoiding, remedying or mitigating adverse effects on landscape, water quality and natural values, and the scope for extension of activities in the Rural Visitor Zones. The relevant policies seek to ensure that new development has regard to the landscape values which surround rural visitor areas, to ensure the expansion of activities occur at a scale, or at a rate, consistent with maintaining the surrounding rural resources and amenities and to recognise the rural values of the Rural Visitor Zone and in particular buildings at Arcadia Station.

Ms Mellsoop has advised that the proposed location, scale and density that will result from the proposed Structure Plan will be appropriately absorbed within the landscape and the historical and rural integrity of Arcadia Homestead will be retained. The provision for services such as water supply, sewage treatment and disposal, electricity and telecommunication services will be assessed at the time resource consent is applied for to development future buildings.

The Structure Plan enables activities anticipated by the Rural Visitor Zone while having regard to the surrounding landscape values.

Overall the proposal is consistent with the above objectives and policies.

#### **Other Matters**

##### *Local Government Act 2002: Development Contributions*

In granting this resource consent reference was made to Part 8 Subpart 5 Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004).

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

For the forgoing reasons a Development Contribution is not required.

#### **Administrative Matters**

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the Resource Management Act 1991 no later than 15 working days from the date this decision is received.

You are responsible for ensuring compliance with the conditions of this resource consent. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

If you have any enquiries please contact Pip Riddell on phone (03) 450 0353 or email philipa.riddell@lakesenv.co.nz.

Prepared by  
**LAKES ENVIRONMENTAL LTD**

Reviewed by  
**LAKES ENVIRONMENTAL LTD**

*P Riddell*

*wendy baker*

Pip Riddell  
**PLANNER**

Wendy Baker  
**PLANNING TEAM LEADER**



- V/A - Visitor Accommodation (14.4 Ha)
- RES - Residential (24.7 Ha)
- COM - Commercial (0.7 Ha)
- LR - Lakeside Recreation
- OS - Open Space (50.4 Ha)

**ARCADIA RURAL VISITOR ZONE**  
 SCALE = 1:2500 AT A1 / 1:5000 AT A3  
 REF: 1540 Paradise Veint Structure Plan 10 Nov 2010

**STRUCTURE PLAN**

STANTON LAKES DISTRICT COUNCIL  
 APPROVED PLANS: RM 110010  
 Date 2-5-11  
 Initials [Signature]



# Attachment B – QLDC Urban Design Panel Report

## QUEENSTOWN URBAN DESIGN PANEL REPORT

## PARADISE VEINT

12 August 2010

**Panel members present:** Lou Alfeld (Chair)  
Henry Crawford  
Mary Jowett  
Maurice Orr  
Duane Te Paa  
Luke Porter

**QLDC staff:** Nick Karlovsky  
Daniel Wells

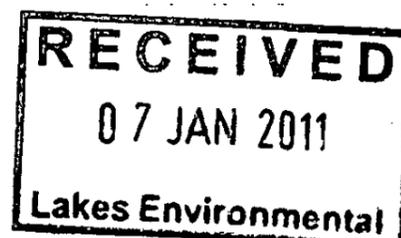
**In attendance:** Jim Veint (Arcadia Station)  
Paddy Baxter (Baxter Design Group)  
Cary Vivian (VivianEspie)  
Dan Curley (VivianEspie)

**Status:** This proposal presents a first concept to develop the Arcadia Rural Visitor Zone in Paradise. The property, approximately 90ha, is located along the northern edge of Diamond Lake and extends back from the lake to the road that fronts the Arcadia homestead. The entire site is a discrete *Rural Visitor Zone* within a wider outstanding natural landscape setting.

**Findings:** The Panel appreciated the opportunity to become involved in this project at such an early stage and so considered this proposal an invitation to identify and discuss the conceptual issues involved in developing a workable Structure Plan for this magnificent site. Within the scope of the New Zealand Urban Design Protocol as applied to the Queenstown Lakes District, the Panel notes the following items:

A. Context

1. *Location.* This site embodies all of the characteristics that one associates with the adjective "iconic." Surrounded by towering mountains, flanked by forested hillsides and fronting on the lake, one would be hard pressed to find another site within the District that combines such splendid pristine isolation with unconstrained development rights.



Issue: How to introduce development without compromising the outstanding visual amenity and sense of raw isolation of the site and its setting.

2. *Site.* The large area of the site includes three distinct landforms, each with its own characteristic vegetation that, broadly speaking, seem to define three different areas running north-south across the site.

Issue: How to preserve the existing landscape elements by tucking different development densities and different architectural solutions into an overall theme appropriate for this special rural countryside.

3. *Visibility.* From the road one experiences three different views into the site: the first a distant view from across the lake; the second into the coarse Matagouri along the eastern boundary; the third across the open pasture to the lake and toward the trees that frame the existing residence.

Issue: How to use these approaching views to build a sense of anticipation without detracting from the natural elements of the landscape.

#### B. Character

4. *Development Zones.* The three prominent landscape character areas (aside from the lakefront) identify zones with different development potentials.

Issue: How to determine the best use of each zone, recognising that clusters of different developmental densities nestled into the landscape may each cater to a different user experience.

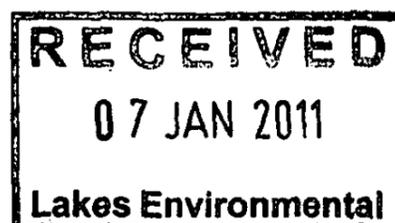
5. *Parking and Vehicle Movement.* The concept should locate unobtrusive roadways, parking and pathways that follow and are concealed by the contours of natural landforms and vegetation insofar as possible.

Issue: Where to locate the best entry point(s) to the site and how the entry and circulation patterns relate to the existing residence and the proposed roadside cafe.

6. *Staging.* The development is likely to be staged over time.

Issue: How to ensure that the development offers a sense of completeness at every stage and that future expansion not unduly disrupts the ongoing operation of the enterprise.

7. *Building Heights.* Although the District Plan allows building heights to 8-12 metres, tall buildings would appear inappropriate in most areas of the site.



Issue: How to gain sufficient developmental density and provide superior views from accommodations while fitting the buildings into the landscape so as to maintain a sense of isolation and natural wonder both within and outside the site.

8. *Image.* A common architectural theme will help the buildings and associated elements sit easily within the wider landscape.

Issue: How to introduce sufficient architectural variety to avoid repetition yet maintain an overall character unique to the development.

C. Choice

9. *Sustainability.* Every effort should be made to minimise the development's footprint upon the site's ecology.

D. Connections

10. *Linkages.* Visual and physical linkages, both within the site and to external points, will form an important part of the structure plan. If helicopter access is anticipated, it will be important to locate the landing pad well away from outdoor activities.

E. Creativity

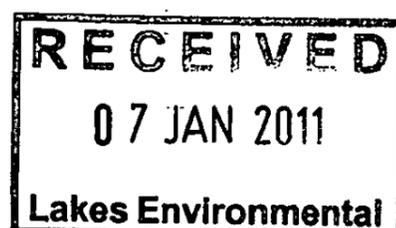
11. *Concept Development.* Creating an inspirational concept is fundamental to this project's eventual success. All elements of the concept should work together to reinforce the desired outcome at each stage of the development.

F. Custodianship

12. *Lighting.* Very subtle and unobtrusive lighting will be of extreme importance to preserve night time ambience and dark skies.

G. Collaboration

13. *Urban and Landscape Planning.* The project already seeks a collaborative process.



## Summary

### Key Issues Raised:

- Capacity of the environment to absorb development,
- Differentiation of development across the site,
- Vehicle access and movement,
- Staging,
- Building heights, and
- Appropriate architectural imagery.

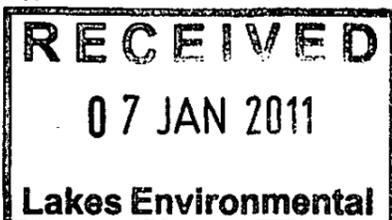
### Desired Outcomes:

The Panel encourages the Applicant to consider the issues raised in this report and invites the Applicant to return to the Panel for further discussions.

Checked and approved by:

Lou Alfeld  
Chair: Queenstown Urban Design Panel

*The findings of the Panel are advisory and sit outside the statutory and regulatory functions of Council. The report will however be given regard to during Council's statutory and regulatory processes for matters relating to urban design.*



## Attachment C – Report by Ms Mellsop on RM110010



**REPORT TO:** Philippa Riddell  
**FROM:** Helen Mellsop (Landscape Architect)  
**REFERENCE:** RM110010 – J Veint – Paradise  
**SUBJECT:** Landscape Assessment  
**DATE:** Thursday, 28 January 2011

---

## **INTRODUCTION**

1. An application has been received for resource consent approval of a structure plan for the Rural Visitor Zone at Arcadia Station, Paradise. The site is comprised of six legal titles with a combined area of 89.4 hectares. Following advice from Lakes Environmental's planner I understand that the application is a controlled activity pursuant to Rule 12.4.3.2 of the District Plan.

## **PROPOSAL**

2. The proposal is to establish a structure plan for the Arcadia Station rural visitor zone that would guide future development on the site. This would be ensured through conditions of consent or possibly through a covenant registered on the land, in favour of Queenstown Lakes District Council.
3. The structure plan designates various areas of the site for residential (14.4ha), visitor accommodation (24.7ha), commercial (0.7ha), lakeside recreation or open space (50.4ha) use and includes design guidelines and controls for each area.

## **SITE DESCRIPTION**

4. The application site is located between Glenorchy-Paradise Road and the northern shore of Diamond Lake, and is approximately 13 kilometres north of Glenorchy township. The land slopes south and west from the road to the lake shore and comprises glacial till and alluvial fan material. The River of Jordan flows on the eastern side of the property and there is a smaller water course near the western boundary. As stated in the Design Statement accompanying the application, the site can be divided into several areas with distinct characteristics: a series of terraces in the north-west corner; the lumpy matagouri-covered slope in the eastern third of the site; and the generally open pasture land in the centre and lakeside areas. There are two groups of mature beech trees within this open area. The historic Arcadia homestead, surrounded by mature exotic trees, is an important feature of the site - it is a Category 3 protected building under the District Plan.
5. The site is currently used for pastoral farming.

## **LANDSCAPE CLASSIFICATION**

6. Classification of the landscape surrounding and including the site is not required for assessment of a controlled activity application in the Rural Visitor Zone. However in this particular situation it is relevant to consider the landscape context of the site. It is located in a

remote, predominantly unmodified landscape, surrounded by dramatic mountain ranges, indigenous forest and shrubland, and a remnant glacial lake. Mt Aspiring National Park adjoins the eastern site boundary and extends to the north adjoining the Dart River. In my opinion, the significant aesthetic and natural values of the area mean it is appropriately classified as an outstanding natural landscape.

## ASSESSMENT

7. Section 12.4.3.2 (i) of the District Plan specifies that a controlled-activity structure plan for a Rural Visitor Zone should show the locations where activities are to be undertaken, landscaping, open space and details of the density of development. There are no criteria specified for assessing any structure plan. In undertaking this landscape assessment, I have therefore considered the purpose of the zone, the zone objectives and policies and the district-wide objectives and policies, where these are relevant to landscape matters.

8. The purpose of the zone is to *'complement the existing range of visitor accommodation opportunities in the District and provide for increased opportunity for people to experience the rural character, heritage and amenity of the rural area.'*

9. The objectives and policies include the following:

### *12.3.4 Objectives*

*Provision for the ongoing operation of the existing visitor areas recognising their operational needs and avoiding remedying or mitigating adverse effects on landscape, water quality and natural values. Scope for extension of activities in the Rural Visitor Zones.*

### *Policies . . .*

*2. To ensure development, existing and new, has regard to the landscape values which surround all the rural visitor areas*

*3. To ensure expansion of activities occur at a scale, or at a rate consistent with maintaining the surrounding rural resources and amenities.*

*4. To recognise the heritage values of the Rural Visitor Zones and in particular the buildings at Walter Peak, Cardrona and Arcadia Station.'*

## REQUIREMENTS FOR THE STRUCTURE PLAN

10. The proposed structure plan largely fulfils the requirements laid out in the District Plan, in that it shows the locations of proposed activities and open space, and includes details of the general types of proposed landscaping and the potential extent of matagouri removal in the eastern grey shrubland area. The structure plan does not however specify the density of development for the proposed Residential 1 areas, and it is consequently difficult to assess the landscape effects of potential development in these areas. I understand that this approach was agreed with the Urban Design Panel on their visit to the site but I consider that it creates some potential issues in terms of effects on the landscape. Although I consider that Residential 1B and those parts of Residential 1A that are largely screened from the road could absorb a reasonably high density of development, other areas are more sensitive to development. These are discussed in more detail in subsequent sections of this report.

## EFFECTS ON LANDSCAPE AND NATURAL VALUES

11. The Glenorchy-Paradise area has significant landscape values - it is recognised as one of New Zealand's iconic natural landscapes. The dramatic mountain ranges and braided river systems dominate the landscape and indigenous ecological systems are relatively intact. In the vicinity of the application site, pastoral farming is confined to the valley floor and there is only sparse built development. The landscape has a high level of natural character and residents and visitors experience a sense of rural remoteness and isolation. The juxtaposition of historic buildings and open farmland with the lake, beech-covered mountain slopes and distant snow covered peaks forms a memorable scene of significant aesthetic value. The site

and its immediate vicinity have heritage significance in terms of 19<sup>th</sup> and early 20<sup>th</sup> century tourism and pastoral farming and both the Arcadia and Paradise homesteads are protected heritage buildings under the District Plan. I understand there is also a history of Maori use of the area.

12. The Rural Visitor zoning anticipates visitor accommodation development on the application site - the zone rules could theoretically allow dense built form of up to four stories in height. Any development on the site should however meet the objectives and policies of the zone, in terms of mitigating adverse effects on landscape and natural values.
13. Potential development in line with the proposed structure plan could appear as small resort nestled by the lake. Dense built form up to four stories in height would be apparent from public roads and from the lake shore, but intervening areas of open pastoral land would be retained. Of particular benefit would be the maintenance of open vistas from the Glenorchy Paradise Road to Diamond Lake and to the main facade of the homestead, and retention of the natural character of the River of Jordan and its surrounds.
14. The proposed limitation of development in the eastern area of grey shrubland would also mitigate potential adverse effects on the aesthetic and ecological values of this part of the site. A maximum of 12 residential sites is proposed in this area, giving an average lot size of just over one hectare. Existing matagouri is proposed to be retained in 60% of the area, allowing future houses to be integrated within the vegetation and minimising adverse effects on the habitat values of the shrubland. Exclusion of continuous grazing could also enable natural regeneration of indigenous species if a suitable management regime was introduced to reduce rank grass growth.
15. The proposed Residential 1 area in the north-western area of the site spans several terraces and escarpments, and also extends onto the lower fan that slopes down to the lakeshore. Exotic vegetation on the escarpments, predominantly mature rowan and cherry trees, could allow future development to be integrated into this part of the site, although I note that there are no controls proposed to prevent removal of existing vegetation. I recommend that such controls be included in the design guidelines.
16. Development on the lower terrace in the north-western corner of the site (see photograph below) could be visually prominent from the Glenorchy-Paradise Road and from the unformed legal road on the western boundary, detracting from the natural character and rural amenity of the landscape. Without knowing the proposed density of development in this area, it is difficult to assess the magnitude of adverse effects and I recommend that a maximum density be proposed as part of the structure plan or that this lower terrace be excluded from the Residential 1 area. The landscape values of the area would be best protected by maintaining the lower terrace as open pasture. However it is possible that a single dwelling could be absorbed if it was sited against the escarpment at least 150 metres from the road and was effectively screened from the road by planting. I will comment on potential residential development adjacent to the commercial area in the subsequent section on heritage values.



**View to north-western corner of site from Glenorchy Paradise Road.**

17. If sensitively designed and developed, commercial development adjacent to the road could have relatively few adverse effects on the landscape and natural values of the area. However in my opinion this activity would be better sited in the Visitor Accommodation (VA) 1 area around Arcadia homestead or in the VA 2 area, thus preserving the pastoral setting of the homestead and maintaining the rural amenity of the road. If sited in the VA2 area, panoramic views of the lake and mountains would be available from any cafe or store.
18. I consider that the VA 1, 2A and 3A areas are appropriately located and controlled to mitigate adverse effects on the landscape values of the area. When viewed from the Glenorchy-Paradise Road south of Earnslaw Burn and from the lake shore, future buildings would appear clustered against a background of dark exotic and indigenous vegetation and against the higher terraces on the site. Existing mature beech trees in these areas, although probably nearing the end of their lives, would provide a context and scale for taller buildings. The design guidelines provide for replacement of these trees if they die or become diseased, but I recommend that replacement planting in the vicinity of the trees be undertaken at the time of any built development, in anticipation of future loss of the mature beech.
19. With regard to the VA 2B and 3B areas of the structure plan, it is my recommendation that these be reduced in size to minimise the spread of development across the open lower flanks of the alluvial fan towards the lake. The open legible fan forms an important element of the landscape vista from the lake and from more distant viewpoints to the south, such as Mount Albert and the public road (see Photograph below). Significant built development within 150 metres of the lake shore esplanade could also detract from the naturalness of the lake itself and the recreational experience of members of the public using the lake. The proposed design controls allow only 6000m<sup>2</sup> of built coverage in VA 2B and 3300m<sup>2</sup> in VA 3B, but these areas cover about 40,000m<sup>2</sup> and 35,000m<sup>2</sup>, respectively. The structure plan could therefore result in dispersed development across the fan, detracting from its open character and legibility. Relocation and/or reduction in the size of these areas to concentrate development closer to VA 2A and 3A would increase the setback from the lake and from the unformed legal road and reduce adverse effects on the landscape character. Alternatively a smaller area for built development could be defined within each VA area.



**View towards Diamond Lake and Arcadia Rural Visitor Zone from Glenorchy-Paradise Road south of Earnslaw Burn**

20. Any Lakeside Recreation buildings would be of small scale and recessive appearance and would not in my opinion significantly detract from the natural character of the landscape or the recreational amenity of the lake shore.

#### HERITAGE LANDSCAPE VALUES

21. The structure plan limits the extent and location of new development adjacent to the protected Arcadia homestead, and also preserves views of the ornate east facade from Glenorchy-Paradise Road. However the plan does not appear to provide any protection for the mature exotic trees that are an important part of the building's setting and of its heritage values. Trees may need to be removed for future development within the VA area but I recommend that selected specimen trees in the homestead grounds be identified in the design guidelines for retention.
22. The pastoral context of the homestead, with open paddocks between the house and road, also contributes to its heritage significance and values. In my opinion residential development in the 1A area that extends north of the northern boundary of the proposed VA 1 (and north of the line of trees in this location, see Photograph below) could significantly detract from the heritage values of the landscape, especially when combined with any commercial development at the road side. The magnitude of these adverse effects is dependent on the density of residential development in this area.



**View to Arcadia Homestead from Glenorchy-Paradise Road across proposed commercial & residential areas**

#### DISTRICT WIDE OBJECTIVES AND POLICIES

23. The district wide objectives and policies for outstanding natural landscapes (district-wide/greater Wakatipu) include the following:

*Objective:*

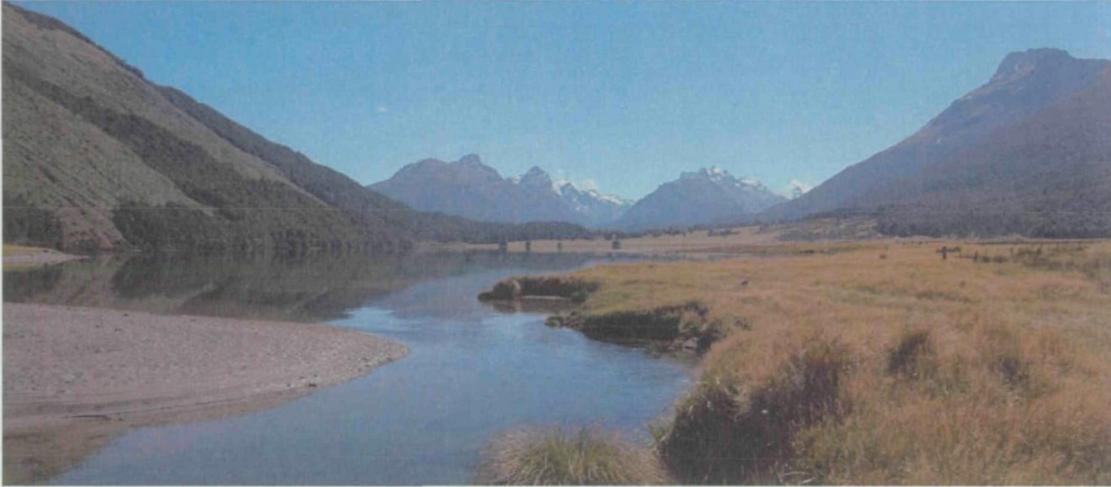
*Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.*

...

*2 Outstanding Natural Landscapes (District Wide/Greater Wakatipu)*

- (a) To maintain the openness of those outstanding natural landscape and features which have an open character at present.*
  - (b) To avoid subdivision and development in those parts of the outstanding natural landscape with little or no capacity to absorb change.*
  - (c) To allow limited subdivision and development in those areas with higher potential to absorb change.*
  - (d) To recognise and provide for the importance of protecting the naturalness and enhancing amenity values of views from public roads.*
24. While recognising that the application site has been zoned as an area with higher potential to absorb change, I consider that potential development in line with the structure plan could significantly detract from the naturalness and amenity values of views from public roads. As discussed previously, residential development in the north-western lower terrace could be visually prominent from the road and could significantly detract from the natural character and rural amenity of views from the road. The magnitude of effects would depend on the density of dwellings in this area. In my assessment only a single appropriately sited dwelling could be absorbed without significant adverse landscape effects.
25. In addition, the potential spread of built development across the open lower fan in the VA 2B and 3B areas could have marked adverse effects on the amenity of views from Glenorchy-

Paradise Road and from Diamond Lake itself. These are iconic views in the district, as evidenced by the use of a view from the lakeshore as the header for Volume 1 of the online District Plan (see below). The open area visible on the far side of the lake is the site in question. While I consider that development on the upper parts of the fan and clustered in close proximity to the beech tree groves could be absorbed without significant adverse effects on the amenity of the view, I recommend that a greater part of the lower fan be retained as open space.



Banner photograph from Volume 1 of the online District Plan

#### DESIGN GUIDELINES

26. Each structure plan area has an accompanying set of design objectives and guidelines. I have assessed the proposed design guidelines in relation to the zone objectives and policies and have also considered whether the proposed design guidelines would achieve the stated objectives. I have the following comments to make.

27. The objectives for the Residential 1 areas include the following:

- (a) *To create a unified rural amenity architectural pattern with a restricted palette of colours and materials in order to blend dwellings in with the landform, to avoid an urban response and to preserve and enhance the existing tree patterns and rural amenity on site.*
- (b) *To ensure that development of the Residential 1 (A and B) shall impart a contiguous character, similar in appearance to a collection of rural 'homestead' dwellings under single ownership.*

I consider these are appropriate objectives that would avoid and mitigate adverse effects on the landscape values and natural character of the area. However the design guidelines submitted would not necessarily achieve these outcomes. The lack of a maximum density for dwellings means that an intensive urban response could easily occur within the Residential 1 area. There are also no mechanisms for encouraging clustering of buildings in a manner that would achieve Objective (b), and no proposed method for preserving and enhancing existing tree patterns. The feasibility and effectiveness of the curtilage control, which specifies that at least 40% of each lot should be maintained in pastoral grass (by either grazing and/or mowing) depends very much on the density of residential development.

28. I recommend that a maximum average density be defined for Residential 1 areas and that controls be added to ensure the objectives are achieved. I also note that in order to achieve a consistent recessive colour regime, controls specifying a range of colours would need to be

applied as a consent notice to each lot of any future subdivision. This comment also applies to the Residential 2 areas.

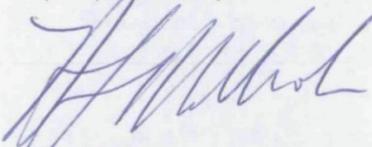
29. I note that any planting in the Open Space area is prohibited by the guidelines. I consider that additional planting or natural regeneration of grey shrubland species would be appropriate and beneficial in this area as long as it does not obscure the vista from Glenorchy – Paradise Road to Diamond Lake. Additional indigenous vegetation, particularly along the foreshore, around any lakeside recreation structures, adjacent to existing grey shrubland areas and along the small water course on the western boundary would enhance the natural character and ecological values of the site and surrounding landscape. I recommend that a control be added allowing planting of indigenous shrubs in all open space areas except the central vista.
30. In relation to the Lakeside Recreation areas, I consider that maintenance roading has the potential to significantly detract from the landscape character of the foreshore area. While acknowledging that occasional maintenance access could be necessary for any facilities, I consider this could be achieved by gravel tracks that are then re-grassed to largely blend with surrounding pasture. Chip seal paved roads would, in my assessment, be inappropriate in these locations.

### CONCLUSION

31. The structure plan is based on an analysis of the landscape character of the application site and is successful in maintaining open vistas to/from Diamond Lake and Arcadia homestead and in mitigating potential adverse effects on the ecological values of the grey shrubland on the property. The Residential 1B, and the Visitor Accommodation 1, 2A and 3B areas are also appropriately located where existing vegetation and landform could absorb more intensive bulky built development (see attached annotated plan).
32. Development in parts of the Residential 1A area could significantly detract from the natural character and amenity values of views from the public road and from the heritage significance of the homestead. Similarly, visitor accommodation development in VA 2B and 3B areas on the lower alluvial fan has the potential to significantly detract from the natural character and landscape values of Diamond Lake and the surrounding outstanding natural landscape.
33. The proposed design controls would not necessarily achieve the stated objectives for each area and I recommend that they be amended as discussed above.

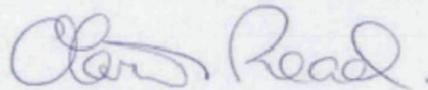
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Report prepared by

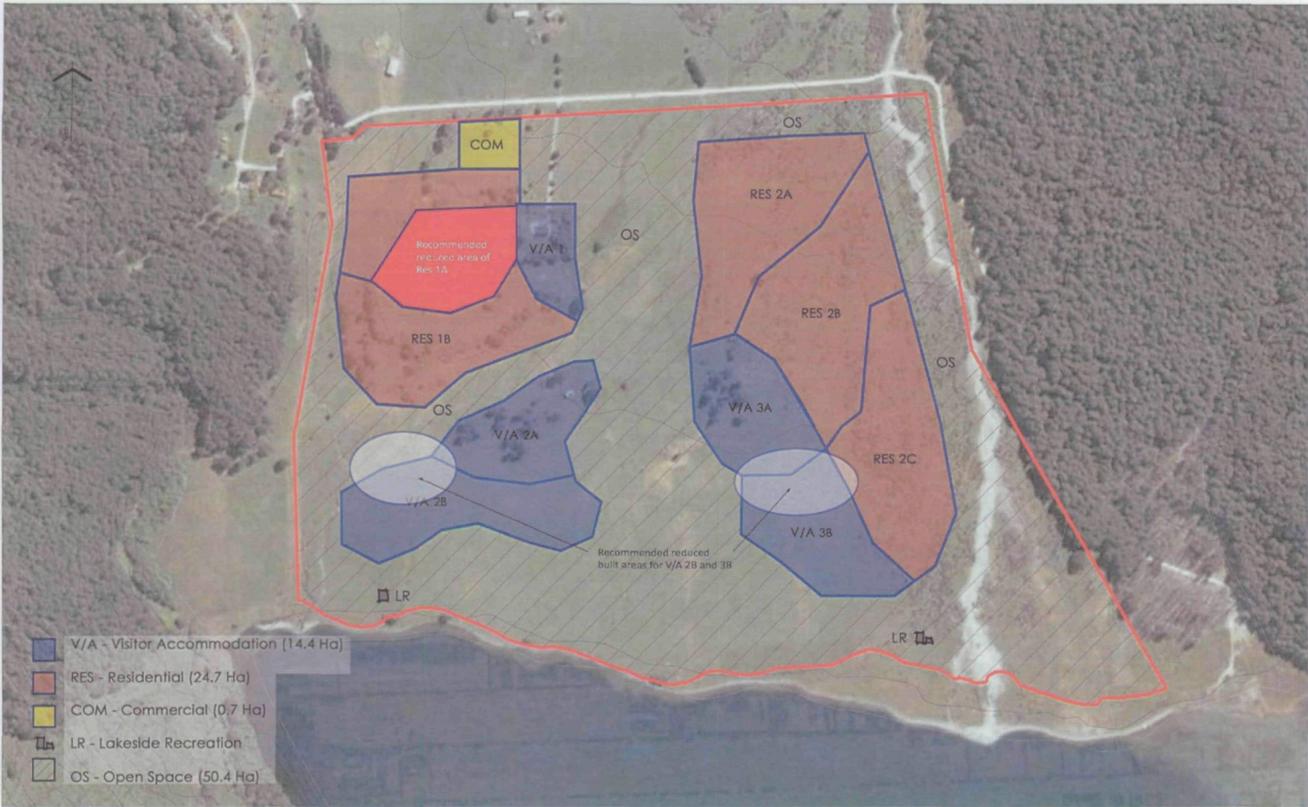


Helen Mellsop  
**LANDSCAPE ARCHITECT**

Report reviewed by



Marion Read  
**PRINCIPAL : LANDSCAPE ARCHITECTURE**



Suggested potential amendments to structure plan areas

# Attachment D – Addendum Memo by Ms Mellsop on RM110010

## OFFICE MEMO

**FILE REF:** RM110010 – J Veint  
**TO:** Philippa Riddell (Planner)  
**FROM:** Helen Mellsop (Landscape Architect)  
**DATE:** 31 March 2011  
**SUBJECT:** LANDSCAPE ASSESSMENT ADDENDUM

---

1. Subsequent to my landscape assessment report dated 28 January 2011, further information has been received for this resource consent application. The proposed Structure Plan Design Guidelines have been amended in the following ways:
  - The maximum density of residential/visitor accommodation development has been defined as 1 per 8000m<sup>2</sup> for Residential 1A and 1 per 4000m<sup>2</sup> for Residential 1B.
  - A clause has been added to the guidelines for Residential 1A/1B and Visitor Accommodation 1 Areas to encourage retention of existing vegetation – *'Where possible, existing mature exotic vegetation shall be retained and incorporated into the landscape treatment approved at the time of building establishment.'*
  - Roading materials in the Lakeside Recreation area have been amended from gravel or chip seal to gravel only.
  - Vegetation guidelines for the Open Space area have been amended to allow planting of native species east and south-east of the Residential 2A, 2B, and 2C areas.
  - The controls for each development area have been modified to state that the maximum height of any building must comply with the height rules of the District Plan, as well as the height restrictions outlined in the Structure Plan Design Guidelines.
2. The provision of maximum density guidelines for the Residential 1 area provides greater certainty about the potential outcome of future development on the site. It also means that the structure plan complies with the requirements laid out in Section 12.4.3.2 (i) of the District Plan. In my opinion the densities proposed could be absorbed within the Residential 1 area of the site without significant adverse effects on the landscape values of the surrounding area.
3. I consider that an increased set back from the Glenorchy-Paradise Road would provide more certainty that development would not compromise the landscape setting of the Arcadia Homestead or the amenity values of views from the road. However if the density provisions for Residential 1A are applied only one dwelling at most is likely to be visible from the road on the lower north-west terrace, with another potentially visible on the upper terrace south of the Commercial area. In my opinion this level of visible development could be absorbed without significant adverse landscape effects, as long as the dwellings were appropriately designed and landscaped.
4. The change to the proposed roading materials in the Lakeside Recreation area will limit adverse effects on the natural character of the lakeshore area. These roads are only to be used for maintenance access, and grass is therefore likely to grow over most of the gravel surface further integrating them into the surrounding open space pasture areas.

5. The amended vegetation controls for the Open Space area mean that revegetation planting could be undertaken around the River of Jordan if desired. The controls previously limited planting to pasture grasses only.
6. For the reasons set out in my original landscape assessment, I am still of the opinion that a greater set-back of built development from the lakeshore is important in maintaining the landscape values of the area.

Memo prepared by  
**LAKES ENVIRONMENTAL LIMITED**



Helen Mellsop  
**LANDSCAPE ARCHITECT**

Reviewed by



Marion Read  
**PRINCIPAL : LANDSCAPE ARCHITECTURE**

# Attachment E – Section 95 Report on RM110010



**REFERENCE:** RM110010

**APPLICANT:** J Veint

**ACTIVITY:** Notification recommendation for an application to establish a Structure Plan for Arcadia Station.

**LOCATION:** Glenorchy-Paradise Road, Glenorchy

**ZONING:** Rural Visitor (District Plan)

**DESIGNATION/LIMITATIONS:** Protected Feature #81 Arcadia, Paradise, Glenorchy QLDC Category III

**LEGAL DESCRIPTION:** Lot 2 Deposited Plan 409271 and Lot 11 Deposited Plan 25326 held in Computer Freehold Register 434244 Otago; Lot 1 Deposited Plan 409271 held in Computer Freehold Register 434245 Otago; Lot 13 Deposited 25326 held in Computer Freehold Register OT17B/743 Otago; and Section 1-2 Block II Dart Survey District held in Computer Freehold Register OT7D/1300 Otago.

**SITE AREA:** Lot 2 and 11: 22.2080ha more or less  
Lot 1: 9.9870ha more or less  
Lot 13: 10.9850ha more or less  
Section 1-2: 46.1342ha more or less.

**STATUS:** **Controlled Activity**

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## **1.0 PROPOSAL & SITE DESCRIPTION**

### **1.1 PROPOSAL**

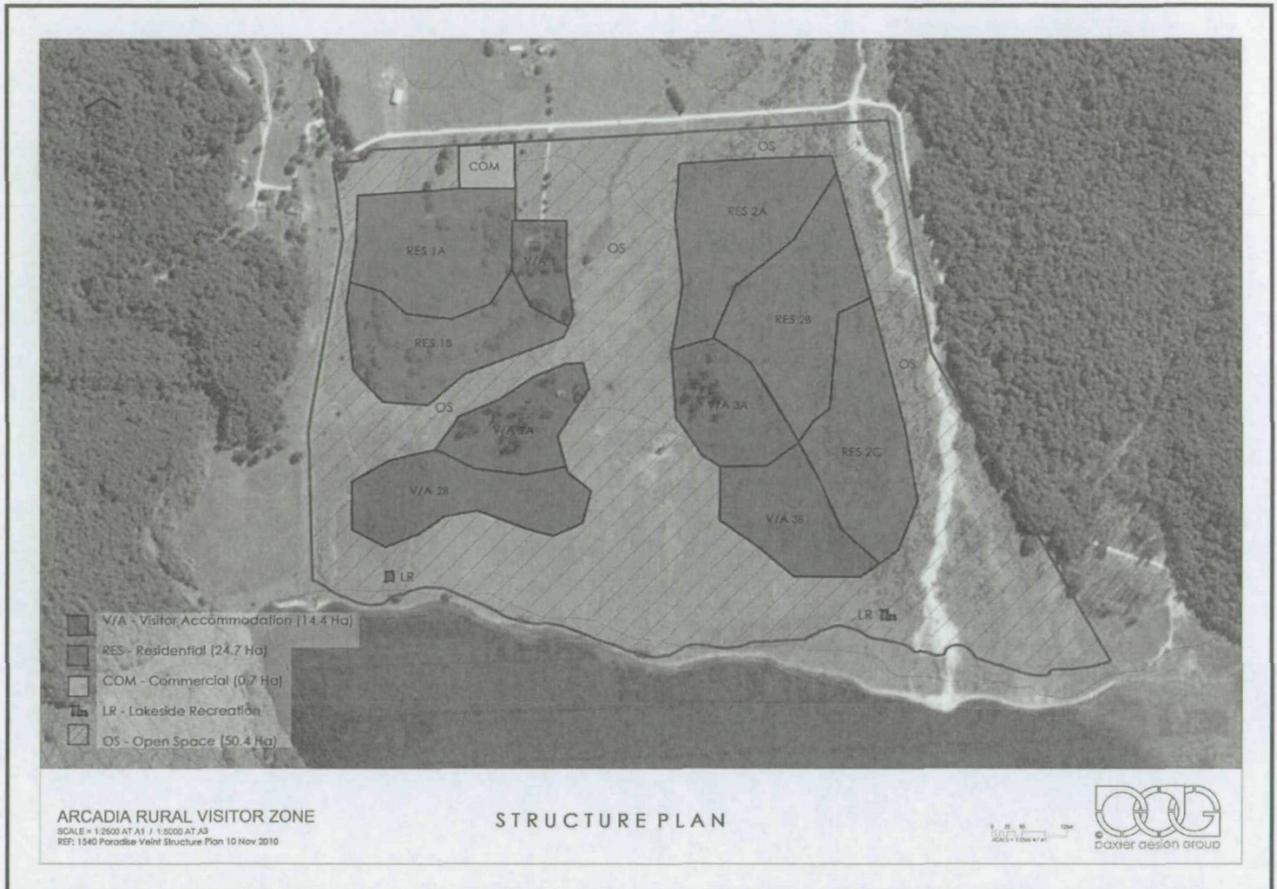
The applicant seeks to establish a Structure Plan for Arcadia Station. It is intended that the Structure Plan will provide a framework to guide future land use development by defining future development areas, landscaping restrictions, density of development and open space, while protecting and enhancing key features of the site.

The Structure Plan encompasses 11 development areas as follows:

- Residential 1A (Res 1A);
- Residential 1B (Res 1B);
- Residential 2 (Res 2A, B and C);
- Visitor Accommodation Area 1 (Arcadia Homestead);
- Visitor Accommodation Area 2A(V/A2A);
- Visitor Accommodation Area 2B (V/A 2B);
- Visitor Accommodation Area 3A (V/A3A);
- Visitor Accommodation Area 3B (V/A3B);

- Commercial Area (COM);
- Open Space (OS); and
- Lakeside Recreation (LR).

These development areas are illustrated on the Structure Plan below.



**Figure 1 Structure Plan**

The Structure Plan will be accompanied by a number of design guidelines determining density, wall colour, materials, claddings, building height, roof pitch and cladding, roading, fencing, vegetation, and curtilage areas

Finally the applicant has volunteered that the resource consent decision includes a condition that will tie future land use development to the Structure Plan and supporting Design Guidelines document.

It is noted that while the Rural Visitor Zone contains a controlled activity rule for a structure plan, it does not contain a corresponding standard or rule requiring that a structure plan must be approved prior to development.

## 1.2 SITE AND LOCALITY DESCRIPTION

The site is located to the south and west of the Glenorchy-Paradise Road at the base of the Diamond Lake/Paradise Valley, north of Diamond Lake and south-west of Turret Head. The site encompasses the Arcadia Station and Homestead.

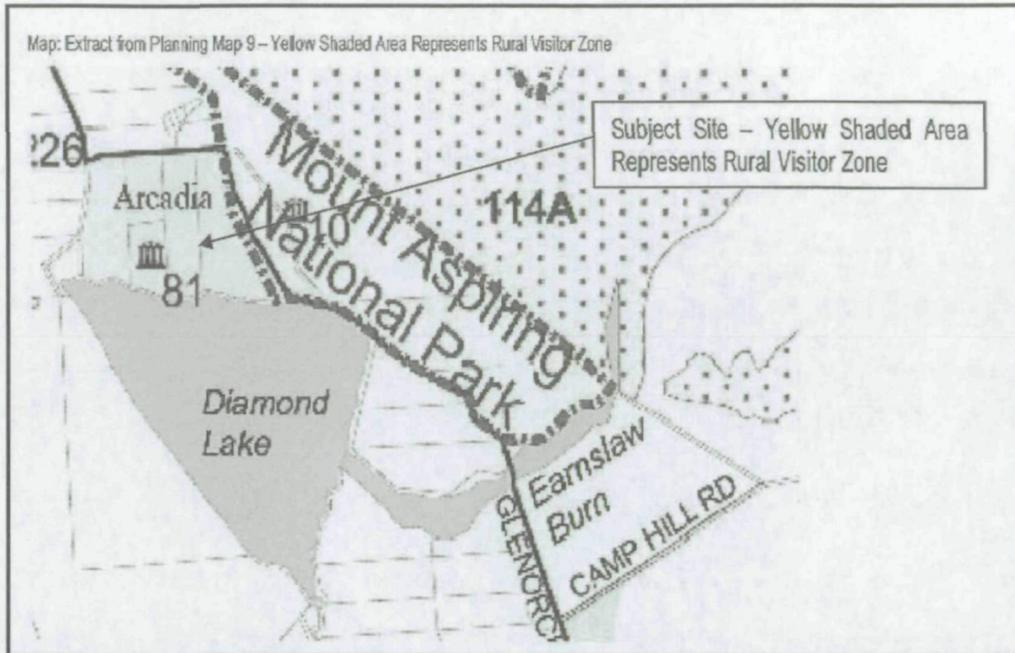


Figure 2: Location of Subject Site.

Arcadia Homestead is listed as a protected feature under the District Plan. There are a number of implement sheds associated with the homestead, as well as another dwelling owned by the Applicant. The land containing the Arcadia Homestead and bounded by Diamond Lake and the Paradise Road is zoned "Rural Visitor". This is an area of approximately 89 hectares.

### 1.3 SITE HISTORY

Arcadia House was designed and built in 1883 by William Mason who proposed to use the surrounding 128 hectares as a retirement farm. The property was later sold and used as a guest house for over 50 years. In 1943 the property was sold to the Veint family who continued to operate the property as a guest house until 1949 when it was purchased by the Miller family with whom it remained until 1998. The property is now overseen by the applicant. The remainder of the property is grazed and used as farmland.

## 2.0 ZONING PROVISIONS

### 2.1 THE DISTRICT PLAN

The subject site is zoned Rural Visitor and requires resource consent for the following reasons:

- A **controlled** activity resource consent pursuant to Rule 12.4.3.2(i) Structure Plan whereby each structure plan within the Rural Visitor Zone must show the locations where activities are to be undertaken, landscaping, open space and details of density of development. Council's control is limited to these matters.

Overall, the application is considered to be a **controlled** activity.

## 3.0 EFFECTS ASSESSMENT

The definition of effects in the Resource Management Act 1991 and the applicant's assessment of effects have been considered when determining the adverse effects of the activity on the environment.

The following sections summarise an analysis of the application and its related effects on the environment and persons.

### 3.1 EFFECTS ON THE ENVIRONMENT<sup>1</sup>

Section 95A of the Resource Management Act requires an assessment of effects on the wider environment. Section 95D requires that when making that assessment the consent authority must decide whether the activity will have or is likely to have adverse effects on the environment that are more than minor.

The District Plan does not specify any relevant Assessment Matters but it focuses on the criteria that must be met for each Structure Plan. This will form the basis of the following assessment.

It is of relevance that the Structure Plan does not provide any certainty with regards to the granting of further consents. All buildings and visitor accommodation require controlled activity consents, and commercial and retail activities require discretionary resource consents. Equally, as identified above the District Plan does not contain any provisions requiring an approved Structure Plan to be complied with although the applicant is volunteering this as a condition of consent.

#### Baseline

The site is located in the Rural Visitor Zone. This zoning is significant in understanding the environment.

The purpose of this zone *“is to complement the existing range of visitor accommodation opportunities in the District and provide for increased opportunity for people to experience the rural character, heritage and amenity of the rural area”*. In association with this zoning the District Plan anticipates -

- Buildings;
- Residential Activity;
- Visitor Accommodation; and
- Commercial Recreation Activities.

Upon a review of the provisions of Section 12.3 Rural Visitor Zones of the District Plan, it is noted that the site is zoned as an area with higher potential to absorb change, and the zone allows for dense built form of up to four stories in height, although that development would have to meet the objectives and policies of the zone in respect of the mitigation of adverse effects on landscape and natural values.

People and Built Form:

<b>Adverse Effect</b>	<b>Effects on the Environment</b>	<b>Other Comments</b>
Character	Nil	See below
Building Coverage/Density	Nil	
Amenity	Nil	
Views and Outlook	Nil	
Streetscape	Nil	

#### *Location of Proposed Activity Areas*

There are three distinct clusters of activity/development proposed for the site. The proposed activities are predominantly residential and visitor accommodation with a small area of commercial activity located adjacent to the Glenorchy-Paradise Road. The location of each activity area is considered to

<sup>1</sup> Excluding any effects on the owners or occupiers of land on which the activity will occur, adjacent land, and on those who have provided their written approval – Section 95A and 95D

be logical and sympathetic to the topography of the site and surrounding landscape. The large areas of open space will retain the rural integrity of the surrounding landscape, the view-shafts from the Glenorchy-Paradise Road down to the lake, as well as the heritage values and architecture of Arcadia Homestead. The large clusters of residential activity are located closest to public roads and adjoining sites where farming and residential activity is already established. The proposed visitor accommodation activity is largely contained on the lake side of the site and away from adjoining properties. The commercial area proposed is small relative to the size of the site and will ensure an acceptable level of rural amenity within the rural visitor area is retained. The small Lakeside Recreation Areas are located on the flat, pastoral land adjacent to the lake but will not compromise the openness of this part of the site.

Lakes Environmental's Landscape Architect (Helen Mellsop) has considered the potential effects on visual amenity as a result of the location of the activity areas. Ms Mellsop notes that when viewed from the Glenorchy-Paradise Road south of the Earnslaw Burn, and from the foreshore of the lake, future development would appear clustered against a backdrop of dark exotic and indigenous vegetation and against the higher terraces of the site. Further, that the proposed level of development that is encouraged by the Structure Plan could be absorbed without significant landscape effects, as long as buildings were appropriately designed and landscaped. The proposed density provisions and further restrictions on development will help to limit the extent of these effects.

Overall, the location of the proposed activity areas will ensure development is managed and appropriately contained to protect surrounding scenic resources.

#### *Landscaping*

##### Vegetation/Landscape Planting:

Ms Mellsop considers that additional indigenous vegetation, particularly along the foreshore of the lake and around any lakeside structures, adjacent to grey shrubland areas and along the small watercourse located on the western boundary would enhance the natural character and ecological values of the site. As volunteered by the applicant, the Open Space areas will be maintained in pasture and managed to ensure no weed species such as broom, gorse or sweet briar are allowed to establish. The planting of native species is also encouraged in the area east and south east of the Residential 2A, B and C areas. It is considered this will increase the visual amenity of the site, serve to extend the existing vegetation and increase the potential for development to be absorbed along that edge of these activity areas.

As stated in the proposed guidelines, where possible, in each of the residential activity areas, the mature exotic vegetation will be retained and incorporated into the landscape treatment to be approved at the time of building establishment. The Structure Plan guidelines also stipulate that if trees are to be planted then the species shall be Mountain Beech and/or similar species that currently exist within each of the activity areas. Further limitations are placed on the Residential 2A, B and C activity areas in respect of the planting of exotic species (specifically height and area of species) and this will ensure an acceptable degree of rural character is retained. Exotic tree planting is also restricted in each of the Visitor Accommodation Areas.

Ms Mellsop has not raised any concerns regarding the proposed vegetation management for the property. This opinion is adopted and therefore it is considered that the effects in regard to landscape planting will be less than minor.

##### Fencing:

The applicant proposes to restrict fences to post and wire with a maximum height of 1 to 1.2 metres and courtyard walls to 1.8 metres in height and within 4 metres of the building. These restrictions on materials and height for fencing and courtyard walls will ensure that the rural character of the Rural Visitor Zone is retained. Post and wire fencing is typically rural and in keeping with the existing character, while courtyard walls are to be contained within 4 metres of buildings for visitor accommodation, no more than 1.8 metres in height and shall be built to match the building materials. The containment of the courtyard walls will ensure the domesticating elements of the development to

not creep into the Open Space areas designated around the site. Ms Mellsoop does not raise any landscape issues with regard to the proposed restrictions on fencing.

#### Curtilage:

Curtilage areas are proposed for Residential Areas 1A and 1B. Only 60% of each individual allotment within these activity areas may be used as curtilage and areas outside of the curtilage areas must be maintained in pastoral grass. The Residential 2A, B and C areas will have Homestead Areas which require the dwelling, landscaped areas, ancillary structures and garaging to be established within the designated area. These areas shall be 50% of any allotment. It is considered that the restriction on the size of the curtilage and Homestead areas will adequately contain visual effects and domestication.

Ms Mellsoop has not raised any issues in regard to the proposed curtilage and Homestead areas.

#### Roadways/Access:

The Structure Plan has been designed to anticipate two entrances to the site, one from the Paradise-Glenorchy Road and one to the Arcadia Homestead. A secondary road is anticipated from an unformed legal road on the western boundary to the VA2 Area. This will be linked to the open space area between VA2 and VA3 activity areas.

The applicant proposes that walkways will be an integral part of access development on the site and Baxter Design Group has recommended a circular network of walkway between residential and visitor accommodation areas, with access to the lake edge and LR facilities.

The proposed roading materials in the Lakeside Recreation area will be maintained in gravel only with swale edging and built to a maximum width of 2.5 metres. This will limit potential effects on the natural character of the lakeshore area. All other roadways within the site shall be surfaced with either gravel or chip seal and this will also help to retain elements of rural character within the site.

#### Open Space

Between the three main clusters of activity areas the applicant has proposed Open Space areas to allow for view shafts of the lake and of the Arcadia Homestead and to provide visual relief and contrast within the landscape. Ms Mellsoop considers that a greater setback of built development from the lakeshore is important in maintaining the landscape values of the area, however while a larger area of open space/greater setback from the lake would be preferable, the District Plan stipulates a setback of 10 metres for buildings for Residential Accommodation and a setback of 20 metres for Visitor Accommodation. The Council retains control over the location of activities through the Structure Plan process, however there is little guidance as to what this means. In this case the proposed setbacks for the activity areas along the lake front will be greater than that required by the District Plan. Further, a number of design controls have been offered by the applicant to ensure development does not compromise the openness of the lake and acceptable level of rural amenity is retained. Ms Mellsoop states that:

*Potential development in line with the proposed structure plan could appear as a small resort nestled by the lake. Dense built form up to four stories in height would be apparent from public roads and from the lake shore, but intervening areas of open pastoral land would be retained. Of particular benefit would be the maintenance of open vistas from the Glenorchy-Paradise Road to Diamond Lake and to the main facade of the homestead, and retention of the natural character of the River of Jordan and its surrounds.*

On balance, while it is recognised that greater setbacks area preferable, the District Plan anticipates a high level of development in this location. On balance, the Structure Plan results in positive effects.

No other concerns have been raised in regard to the proposed Open Space areas.

The landscape architects report is adopted and relied upon with regards to other landscaping effects. The adverse effects on landscape are therefore considered no more than minor.

### Density of Development

Section 12 of the District Plan – Rural Visitor Zone – does not specify what the anticipated densities for development might be for that zone. The applicant has specified proposed densities for each of the eleven activity areas within the Structure Plan. The provision of the proposed densities provides greater certainty about the outcome of future development on the site. Ms Mellsoy has advised that the densities proposed within each activity area could be absorbed within the property without having significant adverse effects on the landscape values of the surrounding area. Overall, it is considered that the proposed densities provided for by the Structure Plan are appropriate for the zone and within the surrounding landscape.

### Conclusion

The District Plan does not provide any relevant Assessment Matters to guide assessment. However the Environmental Results Anticipated (Section 12.3.5) focus on the retention of predominant rural character while providing the potential for consolidated areas to be utilised for visitor facilities, the provision of a range of accommodation and recreation buildings while ensuring the quality of the local environment is maintained, and the exclusion of activities which cause adverse environmental effects and the protection of traffic safety on local roads and State Highways. Each of the proposed activity types is considered to be appropriate and aligned with the District Plan requirements for the Rural Visitor Zone and each Activity Area is appropriately located and will be adequately managed in the future in respect of the density of development, landscaping and the retaining of rural amenity values within the zone and surrounding landscape. The proposed Structure Plan is in effect providing a mechanism to limit the possible outcomes of future development within the site, without determining them. In this regard it is a positive proposal.

#### 3.1.1 Summary of Effects on the Environment

Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor.

### 3.2 EFFECTS ON PERSONS – SECTION 95B AND 95E

Section 95B of the Resource Management Act requires that, should the consent authority determine that public notification is not needed, it must decide whether there are any affected persons in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor) and affected party approval has not been provided.

#### People and Built Form:

Adverse Effect	Effects on Persons	Other Comments
Dominance	Nil	See below
Privacy	Nil	
Building Coverage/Density	Nil	
Amenity	Nil	
Views and Outlook	Nil	
Streetscape	Nil	

The purpose of a Structure Plan is to determine the potential and appropriate areas for future development. In this instance a controlled activity resource consent is required to establish a Structure Plan for the subject site. This type of activity is a paper exercise and generally anticipated within the Rural Visitor Zone. The types of activities proposed are anticipated in the Zone with the possible exception of the commercial area for which a discretionary resource consent will be required. Ms Mellsoy has advised that the integrity of the zone and surrounding landscape will be retained as a result of this proposal. For these reasons no persons are considered to be adversely affected.

#### 3.2.1 Summary of Effects on Persons

In terms of Section 95B of the Act, no person is considered to be adversely affected.

#### 4.0 SECTION 95 RECOMMENDATION

- (1) That pursuant to Section 95A of the Resource Management Act 1991, this application shall be processed without public notice because:
- The proposed activity is not likely to have adverse effects on the environment that are more than minor.
  - There are no special circumstances that warrant notification.
- (2) Pursuant to Section 95B of the Resource Management Act 1991, this application shall be processed on a non-notified basis as:
- The activity will not have adverse effects that are minor or more than minor on any person.

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**Report prepared by**

**Report reviewed by**

Pip Riddell  
**PLANNER**

Wendy Rolls  
**PLANNING TEAM LEADER**

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#### **PLANNER'S RECOMMENDATION**

*For the reasons set out in the above assessment, this application for resource consent shall be processed on a non-notified basis.*

**Attachments:** Appendix 1 Landscape Architect's Report

**Report Dated:** 28 April 2011

## Attachment F – Copy of RM130799



**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	J Veint
<b>RM reference:</b>	RM130799.357
<b>Location:</b>	1733 Glenorchy-Paradise Road, Glenorchy Rural
<b>Proposal:</b>	Objection under s.357A to Conditions on Consent RM130799 granted on 10 February 2014
<b>Legal Description:</b>	Lots 1 and 2 Deposited Plan 409271 held in Computer Freehold Register OT/434245; and Lot 11 Deposited Plan 25326 held in Computer Freehold Register OT/434244
<b>Valuation Number:</b>	2911132002
<b>Zoning:</b>	Rural Visitor
<b>Commissioner:</b>	Commissioner T D Nugent
<b>Date Issued:</b>	30 April 2014
<b>Decision:</b>	<b>Objection upheld in part.</b>

IN THE MATTER of the Resource  
Management Act 1991

AND

IN THE MATTER OF an Objection by J Veint  
under s.357A against  
conditions imposed on  
Consent RM130799

## DECISION OF COMMISSIONER DENIS NUGENT

### Introduction

1. On 10 February 2014 the Council granted consent (RM130799) to an application by J Veint to subdivide Lots 1 & 2 DP 409271 held in Computer Freehold Register OT/434245 and Lot 11 DP 25326 held in Computer Freehold Register OT/434244. This consent was granted under delegated authority by Ms P Costello, Senior Planner, without notification. The consent was subject to 14 conditions. It is relevant that Condition 14 was incorrectly numbered as Condition 11.
2. By way of a letter from Vivian and Espie Limited dated 19 February 2014 the consent holder objected to the following conditions:
  - (a) Conditions 4(c) and 12(b);
  - (b) Footnote to Condition 4;
  - (c) Condition 13(o); and
  - (d) Condition 14(n) (incorrectly shown as 11(n) in the consent).
3. The combination of s.357A(1)(g) and s.357A(2) provides for a right of objection against the conditions attached to a consent granted without notice.

### Hearing

4. A hearing was held in Queenstown on 14 April 2014. The applicant was present and represented by Mr C Vivian. The Council was represented by Mr N Keenan.

### Issues

5. Prior to the hearing Messrs Vivian and Keenan had reached agreement as to the wording of (b) – (d) in paragraph 2 above (inclusive). I accept the wording agreed and my determination will reflect that agreement.

6. The only issue in contention at the hearing was the requirement for the imposition of a right-of-way easement between Lots 8 and 9.

### **Evidence**

7. Mr Vivian provided a succinct statement of evidence which, in essence, suggested that the condition was not for a resource management purpose and consequently failed to meet the test for a valid condition. He considered the roading layout proposed provided adequate access within the subdivision and was adequate for future connections.
8. Mr Keenan re-iterated his view, as expressed in his s.42A Report, that the subdivision would be better served by pedestrian linkages from within the site to enable future linkages to Diamond Lake that avoided the public road.

### **Discussion**

9. I raised with Mr Vivian and Mr Veint that the subdivision contained a central common lot (Lot 101) which is to be owned in equal 1/11<sup>th</sup> share by Lots 1 to 11, and that all lots except Lots 6 and 7 have close or adjacent access to Lot 101. I raised whether an easement in favour of Lots 6 and 7 should be provided between Lots 8 and 9 (with an extension over Lot 7 to Lot 6) would provide better access to the common lot for those two sites. While Messrs Vivian and Vient could see value in such a linkage, Mr Keenan did not see that as providing a wider long term benefit.
10. Mr Veint noted that the topography of the site was such that a natural gully between Lots 9 and 10 would provide a better pedestrian route to Lot 103 with the potential for a future link on the subdivision of Lot 103 through to Diamond Lake. After discussion between the parties it was agreed that revising conditions 4(c) and 12(b) to refer to an easement between Lots 9 and 10 in favour of Lots 1-11 from Lot 101 to Lot 103 would provide a satisfactory solution to the objection.
11. I adjourned the hearing to enable Mr Vivian to respond with a suitable condition. On 30 April 2014 I received from the Council revised plans showing an easement over Lot 10 in favour of Lot 101 and a connecting easement over Lot 103 in favour of Lot 7. Mr Vivian suggested in his correspondence that Conditions 4(c) and 12(b) could be deleted and Condition 1 be updated to reflect the revised plans.
12. I agree that such a course would achieve the access easement which would provide the potential for further pedestrian linkages over Lot 103.
13. In revising Condition 1 I discovered some text that is unrelated to the plans listed that has inadvertently become inserted in the list of bullet points. In revising the condition to take account of the revised plans I will delete that unnecessary text.

## Decision

14. That the objection to Conditions 4(c) and 12 (b) of resource consent RM130799 be upheld pursuant to Section 357D of the Resource Management Act 1991 by deleting Conditions 4(c) and 12(b) and amending Condition 1 to read:

*That the development must be undertaken/carried out in accordance with the plans:*

- *'Proposed Subdivision Earthworks & Roding Arcadia Station Paradise by Aurum Survey 3533.3R1D'*
- *'Proposed Subdivision Earthworks Depths Arcadia Station Paradise by Aurum Survey Dwg 3533.3R.5C'*
- *'Site Management Plan Arcadia Station Subdivision, Glenorchy dated December 2013'*
- *'Longsection Arcadia Station Paradise by Aurum Survey Dwg 3533.3R.2A'*
- *'Longsection Arcadia Station Paradise by Aurum Survey Dwg 3533.3R.3A'*
- *'Longsection Arcadia Station Paradise by Aurum Survey Dwg 3533.3R.4B'*
- *'Arcadia Station Structural Landscape Layout Plan'*

**stamped as approved on 5 February 2014**

*and the plans:*

- *'Lots 1 to 13, 100 to 103, 200 and 202 Being a proposed subdivision of Lots 1 & 2 DP409271 and Lot 11 DP25326 by Aurum Survey Dwg 3533.4R.2B'*
- *'Lots 1 to 13, 100 to 103, 200 and 202 Being a proposed subdivision of Lots 1 & 2 DP409271 and Lot 11 DP25326 by Aurum Survey Dwg 3533.4R.1E'*
- *'Proposed Subdivision Arcadia Station Paradise by Aurum Survey Dwg 3533.2R.1G'*

**Stamped as approved on 30 April 2014**

*and the application as submitted, with the exception of the amendments required by the following conditions of consent.*

15. The objection to Condition 4 footnote of resource consent RM130799 is upheld pursuant to Section 357D of the Resource Management Act 1991 and the footnote is deleted.
16. The objection to Condition 13(o) of resource consent RM130799 is upheld in part pursuant to Section 357D of the Resource Management Act 1991 by amending the condition to read:

*A covenant shall be registered on the Computer Freehold Register of Lots 1-12, Lot 100 and Lot 101 requiring future development to be undertaken in accordance with the Structure Plan, the Structure Plan*

*Design Guidelines and the resource consent granted referenced RM110010 received 29 March 2011 and submitted with resource consent RM110010 with the exception of the roading and landscaping approved by RM130799*

17. The objection to Condition 11(n) of resource consent RM130799 is upheld in part pursuant to Section 357D of the Resource Management Act 1991 by amending the condition to read:

*Areas identified as open space within Lot 100, 4, 5, 6 and 7 shall be maintained in pastoral grass, by either grazing and/or mowing*

18. The second Condition 11 was follows Condition 13 is renumbered Condition 14 to correct the numbering error.
19. Appendix 1 contains the revised conditions as a result of this decision on the objection.

A handwritten signature in blue ink, appearing to read 'Nugent', is positioned above the typed name and title.

Denis Nugent  
Hearing Commissioner  
30 April 2014

## **APPENDIX 1 – CONSENT CONDITIONS**

Deletions are marked by ~~Strikethrough~~, additions with Underlining

### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:

- ~~‘Lots 1 to 13, 100 to 103, 200 and 202 Being a proposed subdivision of Lots 1 & 2 DP409271 and Lot 11 DP25326 by Aurum Survey Dwg 3533.4R.2A’~~
- ~~‘Lots 1 to 13, 100 to 103, 200 and 202 Being a proposed subdivision of Lots 1 & 2 DP409271 and Lot 11 DP25326 by Aurum Survey Dwg 3533.4R.1D’~~
- ‘Proposed Subdivision Earthworks & Roding Arcadia Station Paradise by Aurum Survey 3533.3R1D’.
- ‘Proposed Subdivision Earthworks Depths Arcadia Station Paradise by Aurum Survey Dwg 3533.3R.5C’
- ~~‘Proposed Subdivision Arcadia Station Paradise by Aurum Survey Dwg 3533.2R.1F’~~
- ‘Site Management Plan Arcadia Station Subdivision, Glenorchy dated December 2013’
- ~~plan description and reference’~~
- ‘Longsection Arcadia Station Paradise by Aurum Survey Dwg 3533.3R.2A’
- ‘Longsection Arcadia Station Paradise by Aurum Survey Dwg 3533.3R.3A’
- ‘Longsection Arcadia Station Paradise by Aurum Survey Dwg 3533.3R.4B’
- ‘Arcadia Station Structural Landscape Layout Plan’

**stamped as approved on 5 February 2014**

and the plans:

- ‘Lots 1 to 13, 100 to 103, 200 and 202 Being a proposed subdivision of Lots 1 & 2 DP409271 and Lot 11 DP25326 by Aurum Survey Dwg 3533.4R.2B’
- ‘Lots 1 to 13, 100 to 103, 200 and 202 Being a proposed subdivision of Lots 1 & 2 DP409271 and Lot 11 DP25326 by Aurum Survey Dwg 3533.4R.1E’
- ‘Proposed Subdivision Arcadia Station Paradise by Aurum Survey Dwg 3533.2R.1G’

**Stamped as approved on 30 April 2014**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council’s policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

**To be completed prior to the commencement of any works on-site**

4. Prior to the commencement of works on site, the proposed Structural Landscape Layout Plan is to be amended and resubmitted to Council for certification. This plan is to incorporate the following changes;

- a) Tree species are to be specified and are to utilise mountain beech and smaller exotic species more in keeping with the existing vegetation on site.
- b) All existing vegetation to be retained is to be clearly identified on the plan and this is to form the majority of the tree and shrub vegetation on site.
- ~~c) A pedestrian walkway shall be shown between Lots 8 and 9 linking the central park area to the visitor accommodation activity area to the south.~~
- d) Amenity trees located in proposed Lots 4, 5, 6 and 100 shall largely be relocated outside of open space.
- e) All feature trees and formal park trees are to be removed

~~Once certified the plan shall be implemented within the next available planting season and the planting maintained as necessary. Should any plant die or become diseased it shall be replaced within the next available planting season.~~

- 5. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the infrastructure engineering works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under NZS4404:2004 "Land Development and Subdivision Engineering".
- 6. At least 5 working days prior to commencing work on site the consent holder shall advise the Principal Resource Management Engineer at Council of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Condition (9) below shall be demonstrated.
- 7. Prior to commencing works on site, the consent holder shall obtain and implement an approved traffic management plan from Council if any parking or traffic will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed.
- 8. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.4 of NZS 4404:2004 who is familiar with the Hadley Consultants Ltd report (dated November 2013) and who shall supervise the earthworks to raise the building platform on Lot 4 and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.
- 9. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
  - a) Provision of a minimum supply of 2,100 litres per day of potable water to the building platforms on Lots 1-12 that complies with/can be treated to comply with the New Zealand Drinking Water Standard.
  - b) The provision of secondary flow paths to contain overland flows in a 1 in 100 year event so that there is no inundation of any buildable areas on Lots 1-12, and no increase in run-off onto land beyond the site from the pre-development situation.
  - c) The formation of all roads within Lots 200 and 202, and right of ways in accordance with Council's standards. This shall include the provision for stormwater disposal.

- d) The formation of an intersection with Glenorchy-Paradise Road, in accordance with Diagram 3 of Appendix 7 of the QLDC District Plan, or as agreed at the time of engineering design review.
- e) The provision of Design Certificates for all engineering works associated with this subdivision/development submitted by a suitably qualified design professional (for clarification this shall include all Roads and Water). The certificates shall be in the format of the NZS4404 Schedule 1A Certificate.

***To be completed prior to the commencement of earthworks***

- 10. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and in accordance with the site management plan submitted with the consent application. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
- 11. If the consent holder:
  - a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
    - (i) notify Council, Tangata whenua and New Zealand Historic Places Trust and in the case of skeletal remains, the New Zealand Police.
    - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the New Zealand Historic Places Trust and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, the New Zealand Historic Places Trust, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
  - (i) stop work within the immediate vicinity of the discovery or disturbance and;
  - (ii) advise Council, the New Zealand Historic Places Trust and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the Historic Places Act 1993 and;
  - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

***To be completed before Council approval of the Survey Plan***

- 12. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:

- a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.
- ~~b) A pedestrian easement shall be shown between Lot 8 and 9 extending from Lot 101 to Right of Way E~~
- c) Covenant areas relating to specific foundation design areas for Lots 8-11 shall be shown on the approved survey plan as per the Aurum Survey 'Lots 1 to 13, 100 to 103, 200 and 202 Being A Proposed Subdivision of Lots 1 & 2 DP 409271 and Lot 11 DP 25326' dwg 3533.4R.1D dated 9 October 2013.
- d) Covenant areas relating to the Building Platforms areas shall be shown on the approved survey plan as per the Aurum Survey 'Lots 1 to 13, 100 to 103, 200 and 202 Being A Proposed Subdivision of Lots 1 & 2 DP 409271 and Lot 11 DP 25326' dwg 3533.4R.1D dated 9 October 2013.
- e) That the Title Plan shall show Lot 11 hereon and Lot 2 Deposited Plan 409271 are to be held in the same Computer Freehold Register (CSN request number to be confirmed)
- f) That the Title Plan shall show Lot 100 and Lot 13 hereon are to be held in the same Computer Freehold Register (CSN number to be confirmed).
- g) The names of all roads, private roads & private ways which require naming in accordance with Council's road naming policy shall be shown on the survey plan.

[Note: the road naming application should be submitted to the Technical Officer: Infrastructure and Assets and should be lodged prior to the application for the section 223 certificate]

***To be completed before issue of the s224(c) certificate***

- 13. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
  - a) The consent holder shall provide "as-built" plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development to the Principal Resource Management Engineer at Council. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots) and Water reticulation (including private laterals and toby positions).
  - b) A digital plan showing the location of all building platforms as shown on the survey plan shall be submitted to the Principal Resource Management Engineer at Council. This plan shall be in terms of New Zealand Transverse Mercator 2000 coordinate system (NZTM2000), NZGDM 2000 datum.
  - c) The completion and implementation of all certified works detailed in Condition (9) above.
  - d) The existing level of the building platform on Lot 4 is to be raised by 1m from existing ground level. The consent holder shall provide certification to the Principal Resource Management Engineer at Council, in accordance with NZS 4431:1989, for all areas of fill within the building platform on Lot 4. Note this will require

supervision of the fill compaction by an inspecting engineer (as named in condition (8)) as defined in section 3.1 NZS4431:1989 (amendment 1 July 1992).

- e) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the building platform on Lots 1-11 and boundary of Lot 12 and that all the network supplier's requirements for making such means of supply available have been met.
  - f) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the building platform on Lots 1-11 and boundary of Lot 12 and that all the network supplier's requirements for making such means of supply available have been met.
  - g) The consent holder shall establish a suitable management organisation which shall be responsible for implementing and maintaining the on-going maintenance of the water supply scheme and facilities associated with the development (i.e. flood protection bunds, stormwater channels and communal recreation areas).
  - h) The submission of Completion Certificates from the Contractor and the Engineer advised in Condition (5) for all engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads and Water. The certificates shall be in the format of a Producer Statement, or the NZS4404 Schedule 1B and 1C Certificate.
  - i) All signage shall be installed in accordance with Council's signage specifications and all necessary road markings completed on all public or private roads (if any), created by this subdivision.
  - j) Road naming shall be carried out, and signs installed, in accordance with Council's road naming policy.
  - k) All exposed earthworked areas shall be top-soiled and revegetated.
  - l) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
  - m) All planting identified on the certified Structural Landscape Layout Plan is to be completed.
  - n) The Site Management Plan prepared by Glenn Davis Consulting regarding the management of access to current and historic offal pits and farm landfills shall be implemented.
  - o) A covenant shall be registered on the Computer Freehold Register of Lots 1-12, Lot 100 and Lot 101 requiring future development to be undertaken in accordance with the Structure Plan, the Structure Plan Design Guidelines and the resource consent granted referenced RM110010 received 29 March 2011 and submitted with resource consent RM110010 with the exception of the roading and landscaping approved by RM130799
14. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to s.221 of the Act.

- a) All lot owners are required to be part of the management entity as required by Condition (13g) of RM130799. This management entity shall be established and maintained at all times and ensure maintenance of all water infrastructure and facilities associated with the development.
- b) In the absence of a management company, or in the event that the management entity established is unable to undertake, or fails to undertake, its obligations and responsibilities stated above, then the lot owners shall be responsible for establishing a replacement management entity and, in the interim, the lot owners shall be responsible for undertaking all necessary functions.
- c) All future buildings shall be contained within the Building Platform shown as Area X on Deposited Plan XXXXX.
- d) The maximum height for all buildings contained within residential building platforms shall be 6 metres above existing ground level.
- e) All future structures located within Area X 'specific design area' located on Lots 8-11 as shown on Deposited Plan XXXXX shall be subject to specific foundation design by a Chartered Professional Engineer.
- f) The building platform on Lot 4 has been raised above surrounding ground to reduce flood risk. The finished level of this platform shall not be lowered.
- g) The building platforms on Lots 1-12 are located on loess soils. Investigations have revealed that these soils do not meet the requirements to be defined as 'good ground' in terms of NZS3604 (New Zealand Building Code) due to the ultimate bearing pressure being less than 300 kPa. The foundations of all buildings on each building platform, shall be designed, supervised during construction and certified by a suitably qualified and experienced engineer.
- h) At the time a dwelling/building is constructed on Lots 1 – 12 the lot owner shall an access complies with the guidelines provided for in Council's development standard NZS 4404:2004 with amendments as adopted by the Council in October 2005. The access shall have a minimum formation standard of 150mm compacted AP40 with a 3.5m minimum carriageway width. Provision shall be made for stormwater disposal from the carriageway.
- i) At the time a dwelling/commercial building is erected on Lot 1-12, the owner for the time being shall engage a suitably experienced person as defined in sections 3.3 & 3.4 of AS/NZS 1547:2012 to design an on-site effluent disposal system in compliance with AS/NZS 1547:2012. The design shall be a secondary system and shall take into account the site and soils investigation report and recommendations by Hadley Consultants Ltd, dated 26/09/2013. The proposed wastewater system shall be subject to the review of the Principal Resource Management Engineer at Council prior to implementation and shall be installed prior to occupation of the dwelling/building.
- j) At the time that a dwelling/commercial building is erected on Lots 1-12, the owner for the time being is to treat the domestic water supply by filtration and disinfection so that it complies with the Drinking Water Standards for New Zealand 2005.
- k) At the time a commercial building is erected on Lot 12, the lot owner shall provide Fire Fighting Assessment undertaken by a suitably qualified Fire Engineer to determine the volume of water to be maintained at all times as a static fire fighting reserve necessary for the commercial building. The assessment shall be provided

to the Principal Resource Consent Engineer at Council for review prior to the commercial building being constructed.

- l) At the time a residential dwelling is erected on Lots 1-12, domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. Alternatively, a 7,000 litre fire fighting reserve is to be provided for each dwelling in association with a domestic sprinkler system installed to an approved standard. A fire fighting connection in accordance with Appendix B - SNZ PAS 4509:2008 (or superseding standard) is to be located no further than 90 metres, but no closer than 6 metres, from any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa (a suction source - see Appendix B, SNZ PAS 4509:2008 section B2), a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa (a flooded source - see Appendix B, SNZ PAS 4509:2008 section B3), a 70mm Instantaneous Coupling (Female) complying with NZS 4505, is to be provided. Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The reserve capacities and flow rates stipulated above are relevant only for single family dwellings. In the event that the proposed dwellings provide for more than single family occupation then the consent holder should consult with the NZFS as larger capacities and flow rates may be required.

The Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire.

The connection point/coupling shall have a hardstand area adjacent to it (within 5m) that is suitable for parking a fire service appliance. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Pavements or roadways providing access to the hardstand area must have a minimum formed width as required by QLDC's standards for rural roads (as per NZS 4404:2004 with amendments adopted by QLDC in 2005). The roadway shall be trafficable in all weathers and be capable of withstanding an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. Access shall be maintained at all times to the hardstand area.

Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a fire service appliance to park on it and access to the hardstand area must be provided as above.

The Fire Service connection point/coupling/fire hydrant/tank must be located so that it is clearly visible and/or provided with appropriate signage to enable connection of a fire appliance.

Fire fighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service Central North Otago Area Manager is obtained for the proposed method.

The fire fighting water supply water supply tank and/or the sprinkler system shall be installed prior to the occupation of the building.

**Advice Note:** The New Zealand Fire Service considers that often the best method to achieve compliance with SNZ PAS 4509:2008 is through the installation of a home sprinkler system in accordance with Fire Systems for Houses SNZ

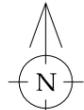
4517:2010, in each new dwelling. Given that the proposed dwelling is approximately 25km from the nearest New Zealand Fire Service Fire Station the response times of the New Zealand **Volunteer** Fire Service in an emergency situation may be constrained. It is strongly encouraged that a home sprinkler system be installed in a new dwelling.

- m) All planting on the approved Structural Landscape Plan shall be maintained. Should any plant die or become diseased it shall be replaced in the next available planting season.
- n) Areas identified as open space within Lot 100, 4, 5, 6 and 7 shall be maintained in pastoral grass, by either grazing and/or mowing
- o) The fencing around the offal pits and farm landfills as detailed in the Site Management Plan prepared by Glenn Davis shall be maintained in perpetuity.

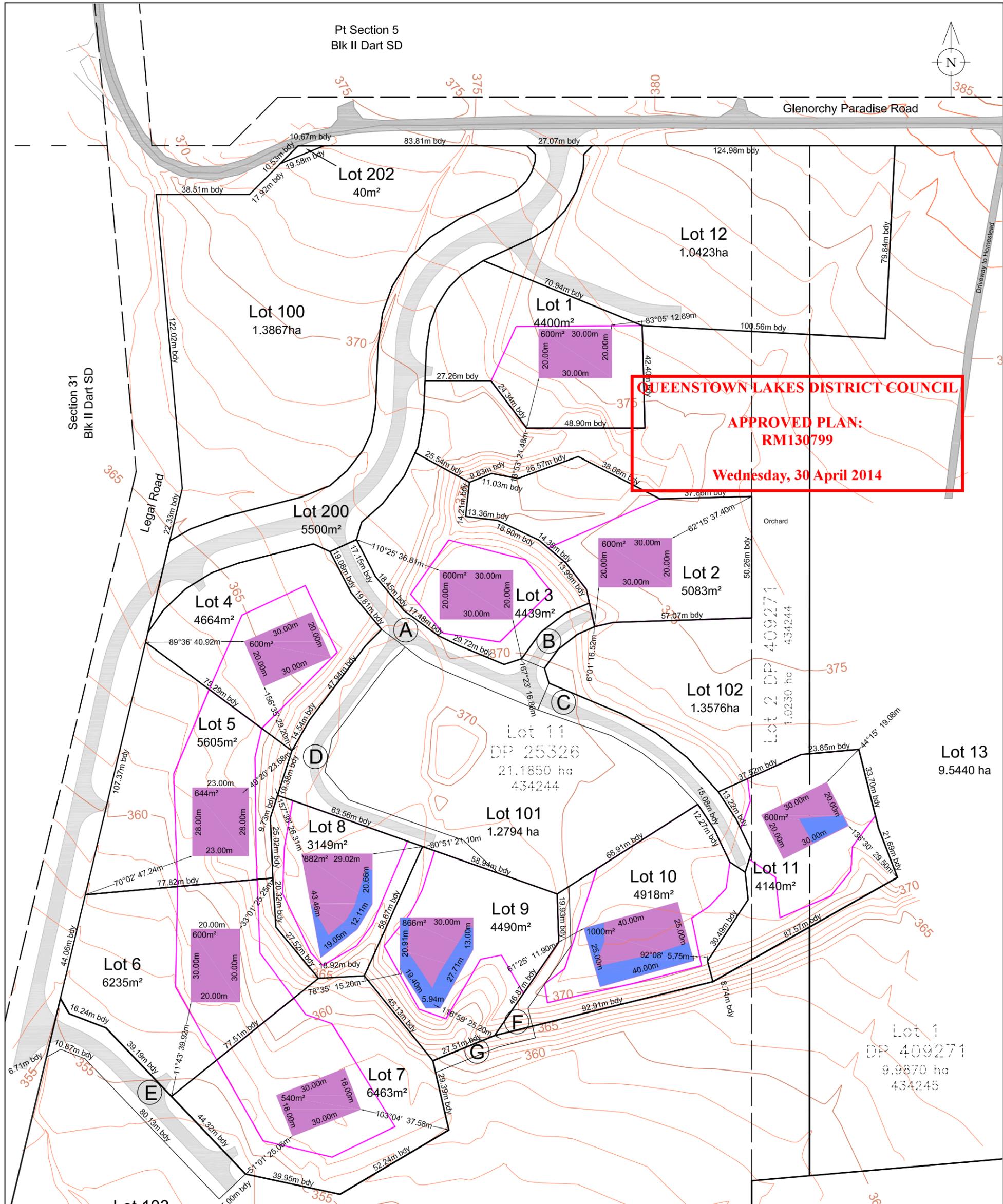
**Advice Note:**

This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at Council.

Pt Section 5  
Blk II Dart SD



Glenorchy Paradise Road



**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM130799**  
**Wednesday, 30 April 2014**

Section 31  
Blk II Dart SD

Legal Road

Lot 13  
9.5440 ha

- CURTILAGE AREA BOUNDARY
- PROPOSED BUILDING PLATFORMS
- SPECIFIC DESIGN AREA (buildings within this area require engineered foundations)

Notes:  
- Areas and dimensions subject to final legal survey  
- Further easements will be required for services  
- Lot 101 is to be held in 1/11th shares by Lots 1 to 11 hereon  
- Lots 200 & 202 are to be vested as Legal Road to QLDC  
- Lots 100, 102 & 103 are to be held in the same Computer Freehold Register by an amalgamation condition

PROPOSED EASEMENTS			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way	A	Lot 101 hereon	Lots 2, 3, 8, 9, 10 & 11 hereon
	B		Lots 2 & 3 hereon
	C		Lots 10 & 11 hereon
	D		Lots 8 & 9 hereon
Right of Way	E	Lot 102 hereon	Lots 6 & 7 hereon
Right of Way (Pedestrian Only)	F	Lot 10 hereon	Lot 101 hereon
	G	Lot 103 hereon	Lot 7 hereon

**DATA QUALITY STATEMENTS**  
**PROPERTY DATA**  
The property data has been sourced from land information New Zealand (LINZ) and is current as at March 2013. The boundary data has been compiled from various existing surveys of different ages. Boundary lengths shown as calculated may vary from those shown on the Certificate of Title, and are subject to a legal redefinition survey. The accuracy of the boundary data is estimated to be within 50mm.

**SURVEY DATA**  
Surveyed data has been captured using survey equipment, to a relative accuracy within approximately 50mm (horizontal and vertical).  
**SURVEY DATUMS**  
Horizontal coordinates are in terms of NZ Geodetic Datum 1949, Mount Nicholas 1949 Circuit. The origin of coordinates is OIT II DP 25326, 745241.38 mN 297498.46mE. Elevations are in terms of an assumed datum. The site datum is OIT II DP 25326, RL 380.00.  
Contour Interval is 1.0m  
Contours are pre-development

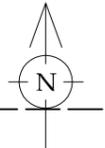
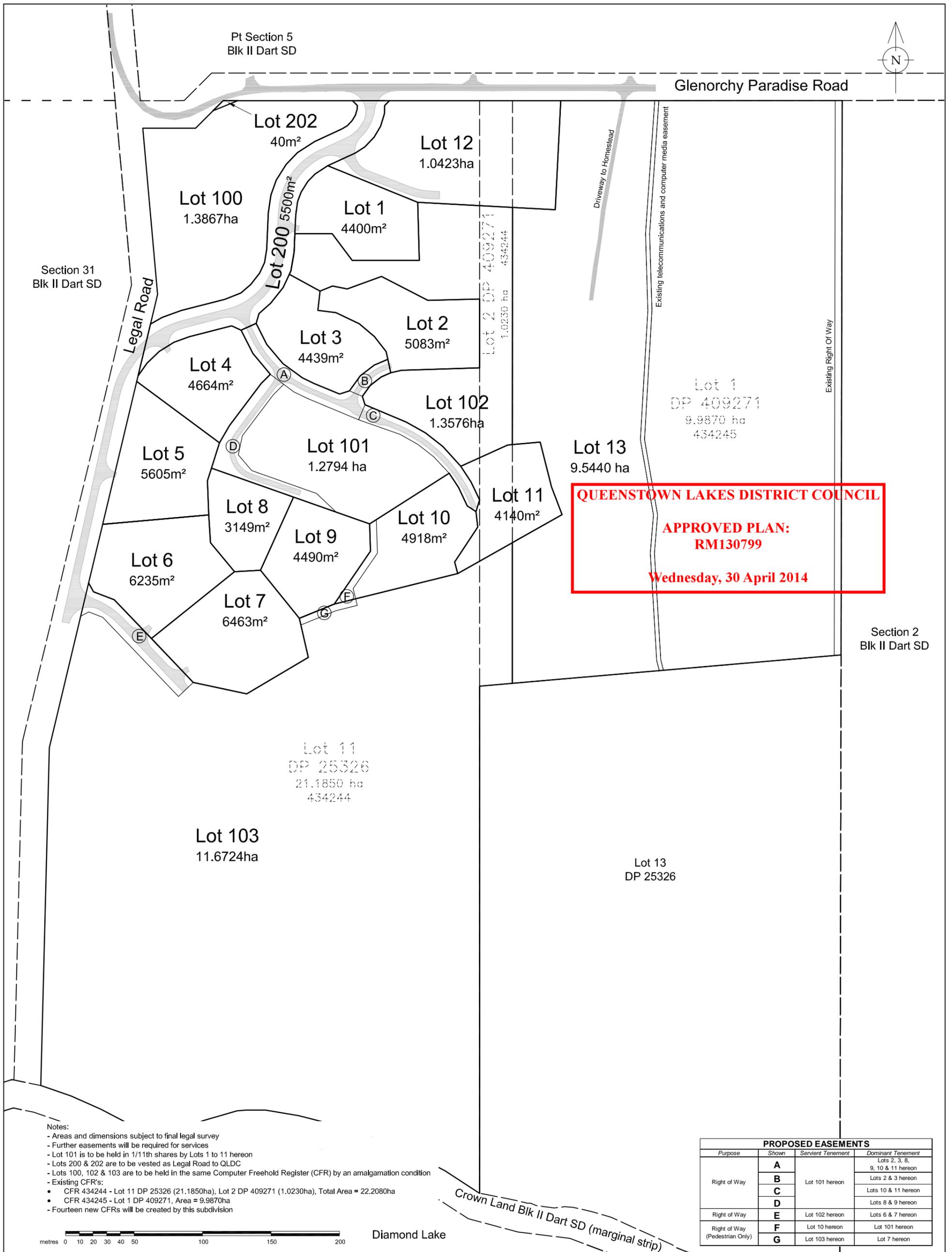
**TITLE:**  
**LOTS 1 to 13, 100 to 103, 200 and 202 BEING A PROPOSED SUBDIVISION OF LOTS 1 & 2 DP 409271 and LOT 11 DP 25326**

DATE: 09 Oct 2013  
Scale 1:1500  
Original Plan A3  
DRAWING & ISSUE No. 3533.4R.1E

**AURUM SURVEY**

PO Box 2493  
Wakatipu 9349  
Ph 03 442 3466  
Fax 03 442 3469  
Email admin@ascl.co.nz





**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM130799**  
**Wednesday, 30 April 2014**

- Notes:**
- Areas and dimensions subject to final legal survey
  - Further easements will be required for services
  - Lot 101 is to be held in 1/11th shares by Lots 1 to 11 hereon
  - Lots 200 & 202 are to be vested as Legal Road to QLDC
  - Lots 100, 102 & 103 are to be held in the same Computer Freehold Register (CFR) by an amalgamation condition
  - Existing CFR's:
    - CFR 434244 - Lot 11 DP 25326 (21.1850ha), Lot 2 DP 409271 (1.0230ha), Total Area = 22.2080ha
    - CFR 434245 - Lot 1 DP 409271, Area = 9.9870ha
  - Fourteen new CFRs will be created by this subdivision



PROPOSED EASEMENTS			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way	<b>A</b>		Lots 2, 3, 8, 9, 10 & 11 hereon
	<b>B</b>	Lot 101 hereon	Lots 2 & 3 hereon
	<b>C</b>		Lots 10 & 11 hereon
	<b>D</b>		Lots 8 & 9 hereon
Right of Way	<b>E</b>	Lot 102 hereon	Lots 6 & 7 hereon
Right of Way (Pedestrian Only)	<b>F</b>	Lot 10 hereon	Lot 101 hereon
	<b>G</b>	Lot 103 hereon	Lot 7 hereon

**DATA QUALITY STATEMENTS**

**PROPERTY DATA**  
The property data has been sourced from land information New Zealand (LINZ) and is current as at March 2013. The boundary data has been compiled from various existing surveys of different ages. Boundary lengths shown as calculated may vary from those shown on the Certificate of Title, and are subject to a legal redefinition survey. The accuracy of the boundary data is estimated to be within 50mm.

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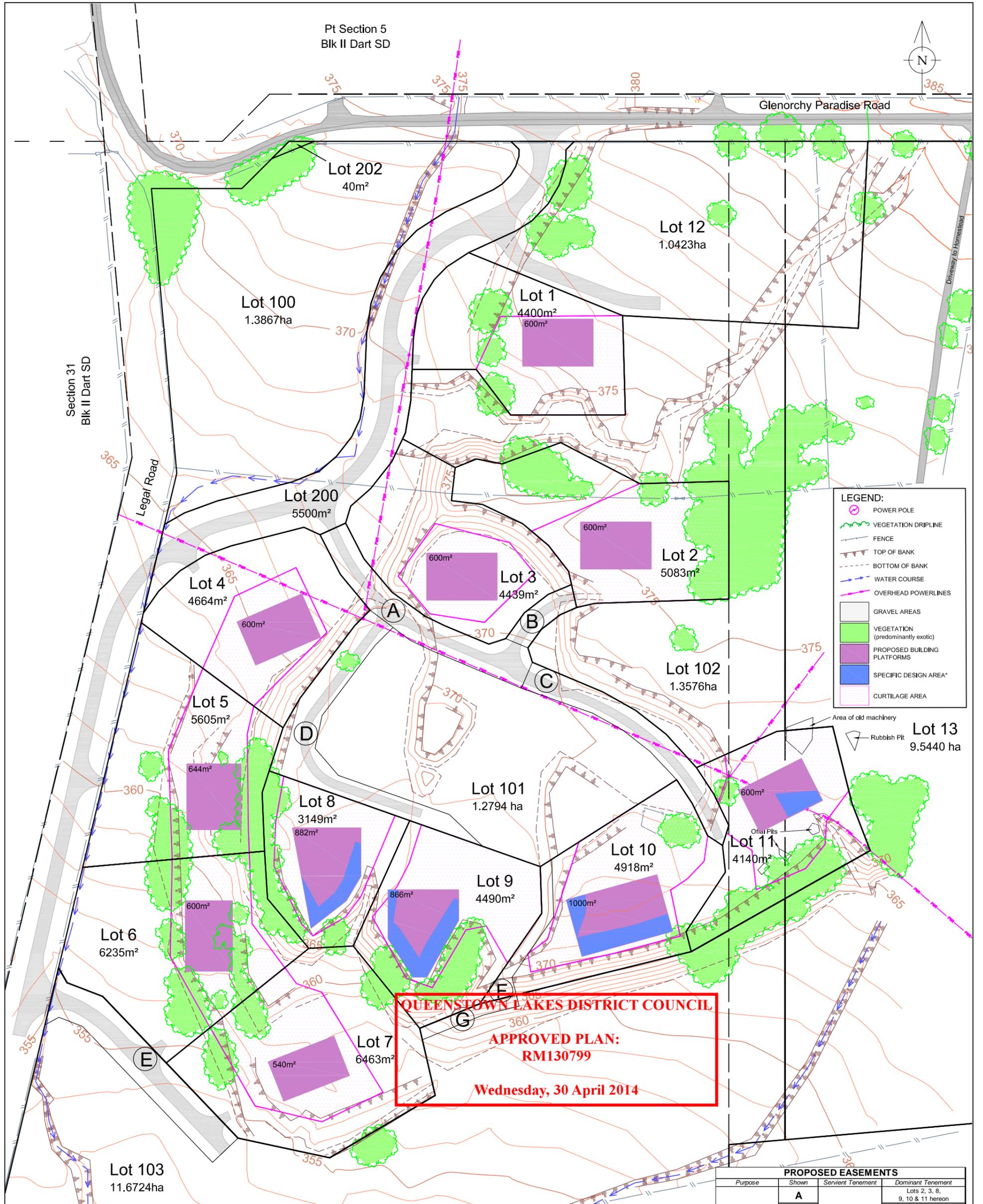
**TITLE:**

**LOTS 1 to 13, 100 to 103, 200 and 202  
BEING A PROPOSED SUBDIVISION OF  
LOTS 1 & 2 DP 409271 and  
LOT 11 DP 25326**

DATE: 09 Oct 2013  
 Sam Lynds  
 Scale 1:2500  
 Original Plan A3  
 DRAWING & ISSUE No.  
**3533.4R.2B**

**AURUM**  
  
**SURVEY**

PO Box 2493  
 Wakatipu 9349  
 Ph 03 442 3466  
 Fax 03 442 3469  
 Email admin@ascl.co.nz



**LEGEND:**

- POWER POLE
- VEGETATION DRIPLINE
- FENCE
- TOP OF BANK
- BOTTOM OF BANK
- WATER COURSE
- OVERHEAD POWERLINES
- GRAVEL AREAS
- VEGETATION (predominantly exotic)
- PROPOSED BUILDING PLATFORMS
- SPECIFIC DESIGN AREA\*
- CURTILAGE AREA

**Note:**  
 - Areas and dimensions subject to final legal survey  
 - Further easements will be required for services  
 - \*Buildings within "Specific Design area" require engineered foundations



**PROPOSED EASEMENTS**

Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way	A	Lot 101 hereon	Lots 2, 3, 8, 9, 10 & 11 hereon
	B		Lots 2 & 3 hereon
	C		Lots 10 & 11 hereon
	D		Lots 8 & 9 hereon
Right of Way	E	Lot 102 hereon	Lots 6 & 7 hereon
Right of Way (Pedestrian Only)	F	Lot 10 hereon	Lot 101 hereon
	G	Lot 103 hereon	Lot 7 hereon

**DATA QUALITY STATEMENTS**

**PROPERTY DATA**  
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 Contour Interval is 1.0m  
 Contours are pre-development

**TITLE:**

# PROPOSED SUBDIVISION ARCADIA STATION PARADISE

DATE: 09 Oct 2013  
 Sam Lynds

Scale 1:1500  
 Original Plan A3

DRAWING & ISSUE No.  
**3533.2R.1G**

**AURUM SURVEY**

PO Box 2493  
 Wakatipu 9349  
 Ph 03 442 3466  
 Fax 03 442 3469  
 Email admin@ascl.co.nz

# Attachment G – Amended Rural Visitor Zone provisions

## 46 Rural Visitor Zone

### KEY

Red underline and ~~strike through~~ text are recommended amendments made in the section 42A report, 18/03/02

Blue underline and ~~strike through~~ text are recommended amendments Carey Vivian – Veint submission

Purple underline and ~~strike through~~ text are recommended amendments Carey Vivian – Heron Investments submission

Green underline and ~~strike through~~ text are recommended amendments Carey Vivian – Loch Linnhe submission

### 46.1

#### **Purpose**<sup>[EG1]</sup>

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.~~ Whilst many of the zones contain existing or consented residential activity, new residential activity (other than staff accommodation ancillary to farming, commercial recreation and visitor accommodation activities due to the zones remoteness) is generally discouraged.

The Arcadia Rural Visitor Zone is the only Rural Visitor Zone with an approved Structure Plan. The purpose of this Structure Plan is to guide future land use development by defining future development areas and open space, while at the same time protecting and enhancing key features on the site, which draw people to the area. The approved Arcadia Structure Plan is contained provision 46.7 of the Plan. Specific objectives, policies and rules to the Arcadia Rural Visitor Zone relevant to the structure Plan are contained in this section of the plan.

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**<sup>[EG2]</sup> – 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.

### Policies

46.2.1.a<sup>[EG3]</sup> Areas identified as a Rural Visitor Zone shall be generally remote in location, reasonably 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~~<sup>[EG4]</sup>.

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.<sup>[EG5]</sup>

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.<sup>[EG6]</sup>

46.2.1.7 Avoid residential activity within the Rural Visitor Zone with the exception of:

- (a) enabling onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities; and
- (b) residential activities in accordance with the Arcadia Rural Visitor Zone Structure Plan;
- (c) a single owner's residence at Maungawera and Loch Linnhe (Wye Creek) Rural Visitor Zones.

**46.2.2** **Objective**<sup>[EG7]</sup> – 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~~ <sup>by</sup><sup>[EG8]</sup>:

- 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 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~~ <sup>by</sup><sup>[EG9]</sup>:

- 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 <sup>present</sup><sup>[EG10]</sup>.

**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.

46.2.3 **Adopt a Structure Plan for Arcadia Rural Visitor Zone (refer to provision 46.7) which guides future land use development by defining Activity Areas for residential, commercial, visitor accommodation and open space activities, while at the same time protecting and enhancing key features on the site, which draw people to the area.**

46.2.3.1 Within the RES 1A Activity Area:

- (a) to create a unified architectural pattern with a restricted palette of colours and materials in order to blend dwellings in with the landform, to avoid an urban response and to preserve and enhance the existing tree patterns and rural amenity on the site; and
- (b) To ensure that development shall impart a contiguous character, similar in appearance to a collection of rural “homestead” dwellings under single ownership.

46.2.3.2 Within the RES 1B Activity Area:

- (a) to create a unified architectural pattern with a restricted palette of colours and materials in order to blend dwellings in with the landform, to avoid an urban response and to preserve and enhance the existing tree patterns and rural amenity on the site; and
- (b) to ensure development/dwellings shall impart a continuous character, particularly when viewed from distance and shall be similar in appearance to a collection of rural “homestead” dwellings under single ownership.

46.2.3.3 Within the RES 2A, B and C Activity Areas:

- (a) to create a unified architectural pattern with a restricted palette of colours and materials in order to blend dwellings in with the landform and grey shrubland and to avoid an urban response; and
- (b) to ensure development/dwellings shall impart a continuous character, ensuring that the existing matagouri shrublands remains as the major determinant of landscape character and that development of the site remains subservient to the grey shrubland pattern; and
- (c) To minimize the development footprint, through the creation of common areas in order to maintain the grey shrubland.

46.2.3.4 Within the VA1 Activity Area, to maintain and preserve the architectural uniqueness of the Arcadia homestead, and to ensure that any other structures within this area do not comprise that uniqueness.

46.2.3.5 Within the VA2A - C and VA3A - B Activity Areas:

- a. to create a unified architectural pattern with a restricted palette of colours and materials in order to blend dwellings in with the landform and grey shrubland and to avoid an urban response; and

- b. [to ensure that development is designed comprehensively in order to impart an contiguous character, ensuring that open space surrounding the Activity Area is not compromised and that development within this area is sensitive to the surrounding land-uses.](#)

[46.2.3.6 Within the COM Activity Area, allow for limited commercial development to occur adjoining the Glenorchy-Paradise Road.](#)

[46.2.3.7 Within the OS Activity Area:](#)

- (a) [to maintain openness and pastoral quality of open space that surrounds the residential, visitor accommodation and commercial Activity Areas.](#)
- (b) [to maintain views from the Glenorchy-Paradise Road to Diamond Lake and beyond through the OS Activity Area.](#)

[46.2.3.8 Within the LR Activity Area, provide for the establishment of structures for the purpose of storage of recreational craft, such as kayaks, and for communal facilities.](#)

## 46.3 Other Provisions and Rules

### 46.3.1 District Wide

Attention is drawn to the following District Wide chapters.

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	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~~<sup>EG11</sup> 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.

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, <a href="#">except Loch Linnhe Station (Wye Creek) Rural Visitor Zone</a>	P

<p><b>46.4.6</b></p>	<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> <ul style="list-style-type: none"> <li>a. The compatibility of the building <u>density</u><sup>[EG12]</sup>, design <u>and location</u> <sup>[EG13]</sup> with landscape, cultural and heritage, and visual amenity values;</li> <li>b. Landform modification, landscaping and planting;</li> <li>c. Lighting;</li> <li>d. Servicing including water supply, fire-fighting, stormwater and wastewater;</li> <li>e. Natural Hazards; and</li> <li>f. Design and location of related carparking.</li> <li>x. <u>Where</u><sup>[EG14]</sup> <u>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> </ul>	<p>C</p>
<p><b>46.4.7</b></p>	<p>Farm building</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. The relationship of the proposed farm building to farming activity;</li> <li>b. Landform modification, landscaping and planting;</li> <li>c. Lighting;</li> <li>d. Servicing including water supply, fire-fighting, stormwater and wastewater; and</li> <li>e. Natural Hazards.</li> <li>x. <u>Where</u><sup>[EG15]</sup> <u>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> </ul>	<p>RD</p>
<p><b>46.4.8</b></p>	<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> <ul style="list-style-type: none"> <li>a. Effects on natural character;</li> <li>b. Effects on landscape values and amenity values;</li> <li>c. Lighting;</li> <li>d. Effects on public access to and along the lake margin; and</li> <li>e. External appearance, colour and materials.</li> </ul>	<p>RD</p>
<p><b>46.4.8A</b></p>	<p><u>The construction, relocation or exterior alteration of buildings within the COM, VA1, VA2A, VA2B, VA3A, VA3B, RES2A, RES2B and RES2C Activity Areas of the Arcadia Rural Visitor Zone with Discretion is restricted to:</u></p>	<p><u>RD</u></p>

	<p><a href="#">(a) Location of the building(s) within the Activity Area, including setbacks from Diamond Lake;</a></p> <p><a href="#">(b) Visual effect of built form from outside of the zone;</a></p> <p><a href="#">(c) Landform modification, mitigation landscaping and planting;</a></p> <p><a href="#">(d) Lighting;</a></p> <p><a href="#">(e) Servicing including water supply, fire-fighting, stormwater and wastewater;</a></p> <p><a href="#">(f) Natural Hazards; and</a></p> <p><a href="#">(g) Design and location of related carparking.</a></p>	
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: <p><a href="#">(a) As provided for in Rules 46.4.2 and 46.4.3; and</a></p> <p><a href="#">(b) a total of 11 residential dwellings within the RES 1A and 1B Activity Areas at the Arcadia Rural Visitor Zone; and</a></p> <p><a href="#">(c) a total of 12 residential dwellings within the RES 2A, 2B and 2C Activity Areas at the Arcadia Rural Visitor Zone; and</a></p> <p><a href="#">(d) one residential dwelling located within the Maungawera Rural Visitor Zone; and</a></p> <p><a href="#">(e) one residential dwelling located within the Loch Linnhe Station (Wye Creek) Rural Visitor Zone.</a></p>	NC
46.4.14	Commercial, retail or service activities except as provided for in Rules 46.4.2 and 46.4.3 <a href="#">and 46.4.1.8A (in respect of the COM Activity Area of the Arcadia Rural Visitor Zone only).</a>	NC
46.4.15	Mining	NC
46.4.15A	<a href="#">Informal airports at the Loch Linnhe Station (Wye Creek) Rural Visitor Zone.</a>	<a href="#">NC</a>
46.4.16	Any other activity not listed in Table 46.4	NC

## 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, <a href="#">except as provided below.</a></p> <p>46.5.1.2: Within the Water Transport Infrastructure overlay identified on the District Plan maps the maximum height of buildings shall be 4m.</p> <p><a href="#">46.5.1.3: Within the Arcadia Rural Visitor Zone the maximum height of buildings shall be:</a></p> <p>(a) <a href="#">RES1A and 2A and VA 2B – 8m;</a>            (b) <a href="#">RES1B and VA3B – 8m;</a>            (c) <a href="#">RES2A and COM – 6.5m;</a>            (d) <a href="#">RES2B – 7.25m;</a>            (e) <a href="#">VA1 – 8m, except up to 100m<sup>2</sup> of new development 12m;</a>            (f) <a href="#">VA2A and 3A – 8m;</a>            (g) <a href="#">Lakeside Recreation – 4.5m.</a></p>	<p>NC</p> <p>NC</p>
46.5.2	<p><b>Building Size</b><sup>[EG16]</sup></p> <p><a href="#">46.5.2.1</a> The maximum ground floor area of any building shall be 500m<sup>2</sup>.</p> <p><a href="#">46.5.2.1</a> 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>.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. landscape;            b. Visual amenity values;            and            c. Nature, scale and external appearance;            d. <a href="#">density of development.</a></p>
<a href="#">46.5.2A</a>	<p><b><a href="#">Building Coverage</a></b></p> <p><a href="#">46.5.2A.1</a> <a href="#">The total building coverage shall not exceed the following within the Arcadia Rural Visitor Zone:</a></p> <p>(a) <a href="#">VA1 - 500m<sup>2</sup> (excluding the existing homestead);</a>            (b) <a href="#">VA2A – 1,000m<sup>2</sup>;</a>            (c) <a href="#">VA2B – 1,500m<sup>2</sup>;</a>            (d) <a href="#">VA3A - 1,500m<sup>2</sup>;</a>            (e) <a href="#">VA3B – 1,000m<sup>2</sup>;</a>            (f) <a href="#">COM – 350m<sup>2</sup>;</a>            (g) <a href="#">Lakeside Recreation – 80m<sup>2</sup>.</a></p> <p><a href="#">46.5.2A.2</a> <a href="#">The total building coverage, excluding farm buildings, shall not exceed 6,000m<sup>2</sup> within the Maungawera Rural Visitor Zone.</a></p>	<p><a href="#">NC</a></p>

	Table 46.5 – Standards	Non-compliance status
	<p><u>46.5.2A.3 The total building coverage shall not exceed 4,700m<sup>2</sup> within the Loch Linnhe (Homestead) Rural Visitor Zone.</u></p> <p><u>46.5.2A.4 The total building coverage shall not exceed 1,800m<sup>2</sup> within the Loch Linnhe (Wye Creek) Rural Visitor Zone. No building in the Moderate-High Landscape Sensitivity Area shall be visible from the State Highway 6.</u></p>	
<b>46.5.3</b>	<p>Glare</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
<b>46.5.4</b>	<p>Setback of buildings from waterbodies</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 development with the water body;</li> <li>e. environmental protection measures (including landscaping and stormwater management);</li> <li>f. natural hazards; and</li> <li>g. Effects on cultural values of manawhenua.</li> </ul>

	Table 46.5 – Standards	Non-compliance status
46.5.5	<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> <ul style="list-style-type: none"> <li>a. Nature and scale;</li> <li>a. Reverse Sensitivity effects; and</li> <li>b. Functional need for buildings to be located within the setback.</li> </ul>
46.5.6	<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><u>46.5.6.2: Commercial recreational activities at the Maungawera Rural Visitor Zone shall not exceed 200 people at any time.</u></p> <p>46.5.6.3: Rule 46.5.6.1 shall not apply at Walter Peak <u>or Maungawera Rural Visitor Zones.</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Nature and scale including cumulative adverse effects;</li> <li>b. Hours of operation;</li> <li>c. The extent and location of signage;</li> <li>d. Transport and access; and</li> <li>e. Noise.</li> </ul>
46.5.7	<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>

	Table 46.5 – Standards	Non-compliance status
46.5.8	<p><u>Building Material and Colours (except for VA1 Activity Area of the Arcadia Rural Visitor Zone)</u></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><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Landscape;</u></p> <p>b. <u>Visual amenity values; and</u></p> <p>c. <u>External appearance.</u></p>
<u>46.5.8A</u>	<p><u>Building Materials and Colours within the VA1 Activity Area Arcadia Rural Visitor Zone</u></p> <p>(a) <u>Colours shall reflect the historic homestead qualities of this area. Walls shall be clad in timber, preferably in weatherboard. Timber may be left to weather or be stained/painted.</u></p>	<u>NC</u>

	Table 46.5 – Standards	Non-compliance status
46.5.8B	<p><b><u>Roofs within the Arcadia Rural Visitor Zone</u></b></p> <p>(a) <u>In RES 1A and 1B, VA 2A, 3A, 3B and COM Activity Areas:</u></p> <ul style="list-style-type: none"> <li>i. <u>Roofs shall be of slate tiles, natural cedar shakes, or iron (corrugated or tray steel);</u></li> <li>ii. <u>All roofs shall be dark grey or dark green in colour;</u></li> <li>iii. <u>All roofs shall have a minimum pitch of 30 degrees and shall be gable and ridge form;</u></li> <li>iv. <u>Flat roofs are permitted, but only as joins between gable elements, and may not exceed 20% of the total roof area.</u></li> </ul> <p>(b) <u>In RES 2A, B and C Activity Areas:</u></p> <ul style="list-style-type: none"> <li>i. <u>Roofs shall be of slate tiles, natural cedar shakes, or iron (corrugated or tray steel);</u></li> <li>ii. <u>All roofs shall be dark grey or dark green in colour;</u></li> <li>iii. <u>Where flat roofs occur all “butynol” or similar products used shall be in a black finish.</u></li> </ul> <p>(c) <u>In VA1 Activity Area:</u></p> <ul style="list-style-type: none"> <li>i. <u>Roofs shall be of slate tiles, natural cedar shakes, or iron (corrugated or tray steel);</u></li> <li>ii. <u>All roofs shall be dark grey or dark green in colour;</u></li> <li>iii. <u>All roofs shall have a minimum pitch of 30 degrees and shall be gable and ridge form.</u></li> </ul>	<u>NC</u>
46.5.9	<p><b><u>Visitor Accommodation</u></b></p> <p><u>The maximum number of overnight visitors shall not exceed the following:</u></p> <p>(a) <u>In the Maungawera Rural Visitor Zone – 75 overnight visitors</u></p> <p>(b) <u>In the Wye Creek (Homestead) Rural Visitor Zone – 30 overnight visitors</u></p> <p>(c) <u>In the Wye Creek (Wye Creek) Rural Visitor Zone – 10 overnight visitors</u></p>	<u>D</u>

	Table 46.5 – Standards	Non-compliance status
46.5.10	<p><u>Access</u></p> <p><u>No activities, with the exception of farming activities, within the Maungawera Rural Visitor Zone shall be accessed directly from the State Highway.</u></p>	<u>D</u>
46.5.11	<p><u>Roading within the Arcadia Rural Visitor Zone</u></p> <p>(a) <u>All roading and car parking shall be gravel or chip seal with swale edging.</u></p> <p>(b) <u>Kerb and channel is not permitted;</u></p> <p>(c) <u>Roading and driveways shall be shared where possible to order to limit the extent of roading required;</u></p> <p>(d) <u>Carriageway width shall be kept to a minimum Council standard in order to retain rural amenity.</u></p>	<u>NC</u>
46.5.12	<p><u>Fencing within the Arcadia Rural Visitor Zone (except OS Activity Area):</u></p> <p>(a) <u>All boundary fencing, if required, shall be standard post and wire.</u></p> <p>(b) <u>Courtyard walls to 1.8 metres in height are permitted but must be to match the VA building(s) materials.</u></p> <p>(c) <u>Fencing in timber post and rail is permitted , but shall not exceed 1m in height.</u></p>	<u>NC</u>
46.5.13	<p><b><u>Open Space (OS Activity Area) Arcadia Rural Visitor Zone</u></b></p> <p><u>The OS Activity Area of the Arcadia Rural Visitor Zone shall be managed as follows:</u></p> <p>(a) <u>Buildings are prohibited;</u></p> <p>(b) <u>Fencing, other than post and wire and not exceeding 1.2m above ground level (or higher only in the case of deer fencing) shall be prohibited;</u></p> <p>(c) <u>Any planting, with the exception of pastoral grasses for grazing or grass production or native planting to the west of RES2A, 2B and 2C, is prohibited;</u></p>	<u>PR</u>

	Table 46.5 – Standards	Non-compliance status
	<p>(d) <u>Roading, except for:</u></p> <ul style="list-style-type: none"> <li>i. <u>The provision of access from Glenorchy-Paradise Road to the RES 2A Activity Area;</u></li> <li>ii. <u>From the western boundary of the zone to the RES1A, 1B and VA2A Activity Areas;</u></li> <li>iii. <u>For the provision of a road that will link the western RES and VA Activity Areas with the Eastern RES and VA Activity Areas. This road shall be set back at least 250 metres from the northern boundary of the zone and 250m from the southern boundary of the zone. The road must be placed within a contour in order to minimise visibility from the Glenorchy-Paradise Road and Diamond Lake. All roading within the OS Activity Area shall be gravel or chip seal with swale edging. Kerb and channel is prohibited.</u></li> </ul>	

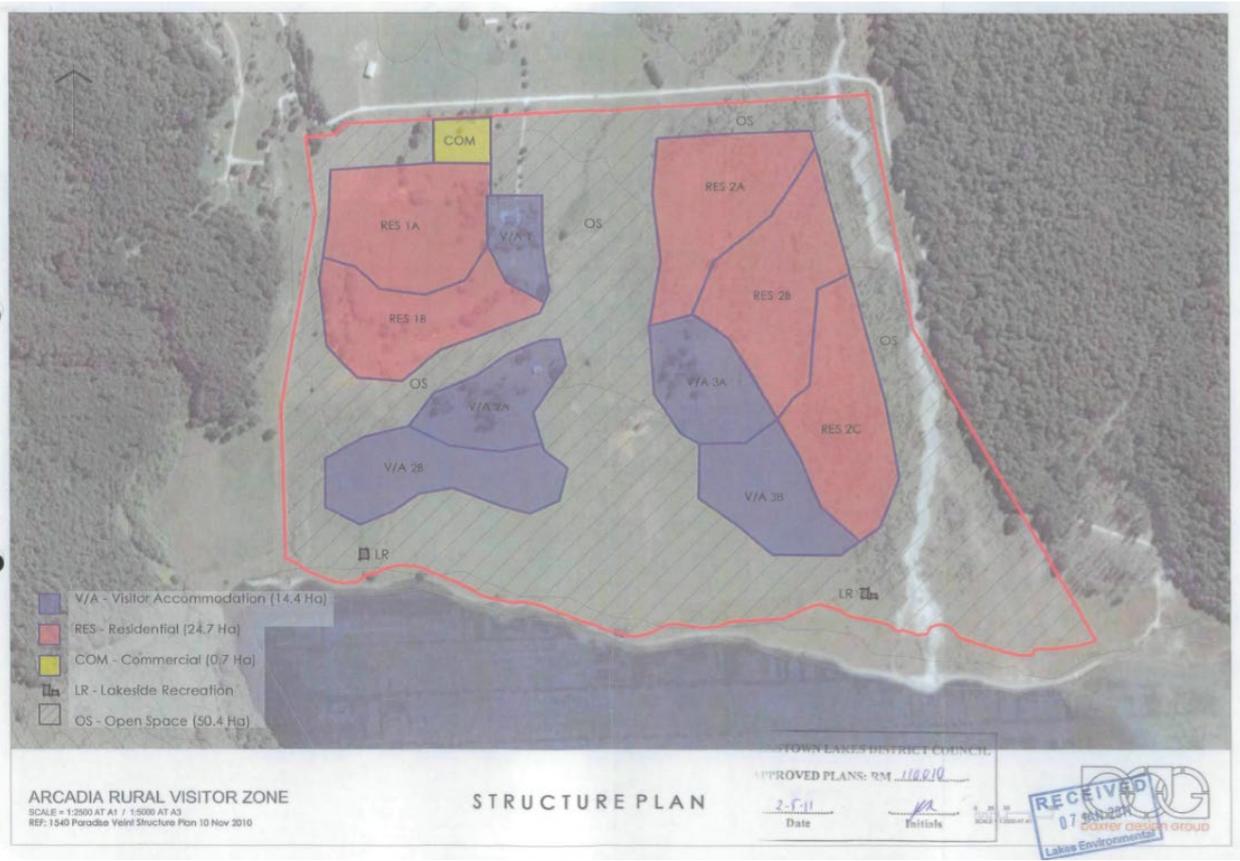
## 46.6 Non-Notification of Applications

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:

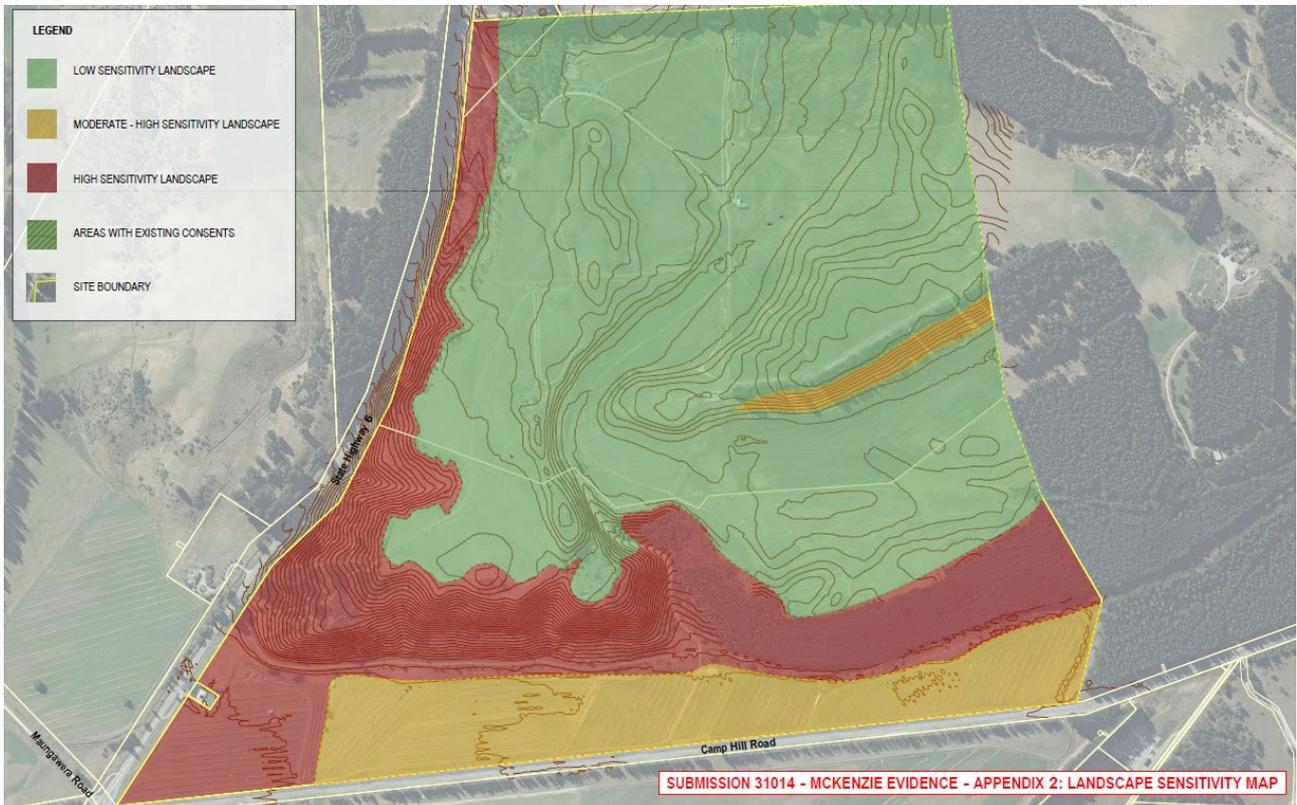
- a. Rule 46.4.8 Water Transport Infrastructure at Walter Peak.
- b. Rule 46.5.4 setback of buildings from waterbodies.
- c. Rule 46.5.5 setback of buildings from the Zone boundary.
- d. Rule 46.5.6 commercial recreational activities.
- x. Rule<sup>[EG17]</sup> 46.4.6 The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.7 to 46.4.11)
- x. Rule<sup>[EG18]</sup> 46.4.7 Farm Building

46.6.x For<sup>[EG19]</sup> 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.

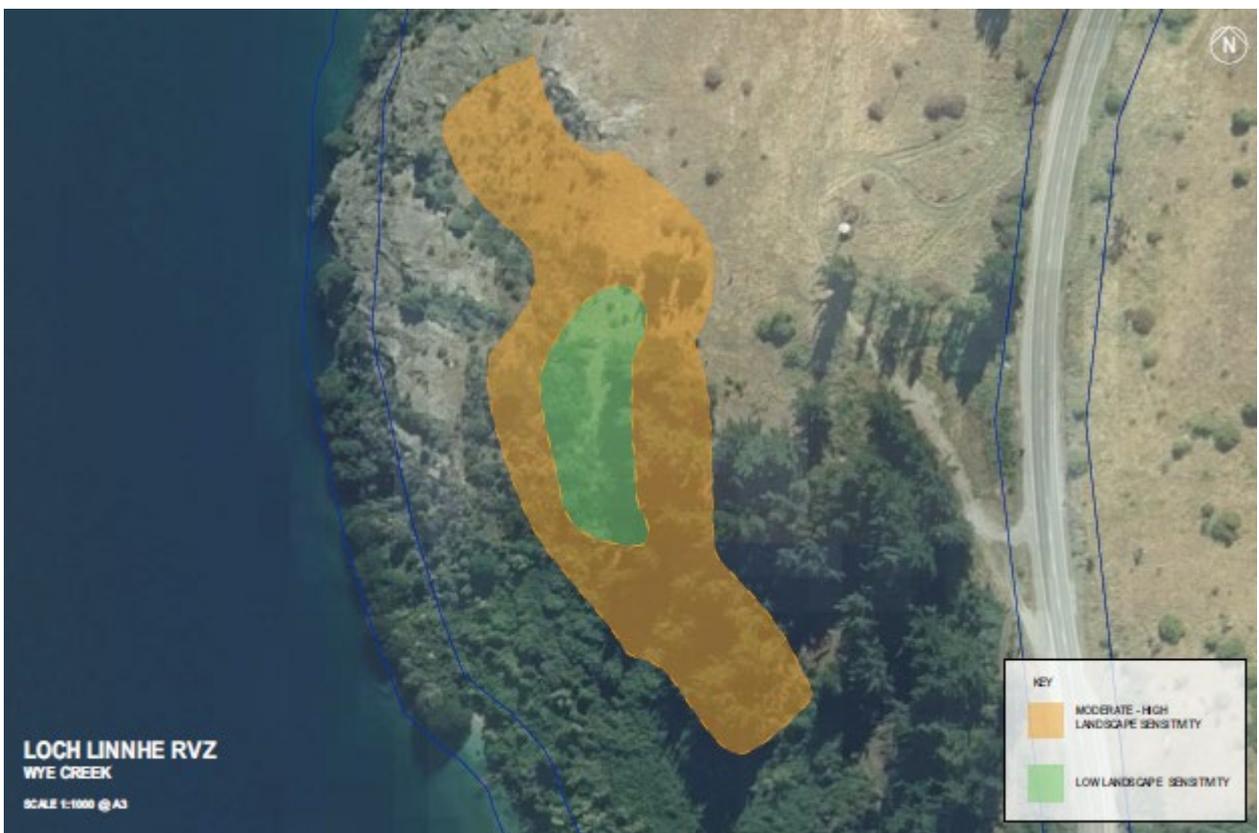
### 46.7 Structure Plan – Arcadia Rural Visitor Zone



46.8 Visibility Mapping Plan – Maungawera Rural Visitor Zone



46.9 Visibility Mapping Plan – Loch Linnhe Station Rural Visitor Zones (Homestead and Wye Creek)



**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)

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

<b>27.5.11</b>	All subdivision activities in the Rural Visitor Zone <u>(excluding Maungawera and Loch Linnhe (Homestead and Wye Creek) Rural Visitor Zones)</u> , Rural and Gibbston Character Zones and Airport Zone - Wanaka, unless otherwise provided for.	D
<u>27.5.xx</u>	<u>All subdivision activities at the Maungawera and Loch Linnhe (Homestead and Wye Creek) Rural Visitor Zones.</u>	<u>NC</u>

**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>

**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.

Table 31.14 – Activity Status of signs in Special Zones		Jacks Point Zone outside of Village Activity Areas and residential Activity Areas	Waterfall Park Zone	Millbrook Resort Zone	Rural Visitor Zone
31.14.1	Signs for commercial activities and community activities  Control is reserved to the matters set out in Rule 31.17.	C	C	C	C
31.14.2	Identification of a signage platform for a commercial activity or community activity  Control is reserved to the matters set out in Rule 31.17.	C	C	C	C
31.14.3	Signs for visitor accommodation	D	D	C	C

	Control is reserved to the matters set out in Rule 31.17.			
31.14.4	Signs not associated with commercial activities, community activities or visitor accommodation	P	P	P
31.14.5	Any sign activity which is not listed in Table 31.4 or Rules 31.14.1 to 31.14.4 inclusive	D	D	D

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

## Attachment H - Section 32AA Evaluation

Section 32AA of the RMA aims to ensure that any changes to plan provisions during the hearing process are subject to a similarly high level of analytical rigour and transparency as the original evaluation. A further evaluation under section 32AA must include all the matters in section 32, but only in relation to the changes that have been made to the proposal since the evaluation report for which it was completed.

The changes I have assessed below are detailed in Part 3 of my evidence.

The relevant objectives can be found in following chapters of the PDP:

- Chapter 3 – Strategic Directions
- Chapter 4 – Urban development
- Chapter 5 – Tangata Whenua
- Chapter 6 – Landscapes
- Chapter 29 – Subdivision and Development
- Chapter 46 – Rural Visitor Zone

### **Chapter 3 – Strategic Direction (updated to take account of Env Court interim decisions)**

The purpose of the strategic directions chapter of the PDP is to set out 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:

- a. distinctive lakes, rivers 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.

The following Objectives are relevant to the submissions and are addressed in the following table:

3.2.1	The development of a prosperous, resilient and equitable economy in the District (addresses Issue 1)
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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.

3.2.17 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;
- b. the maintenance of the landscape character of Rural Character Landscapes and the maintenance or enhancement of their visual amenity values; and
- c. The maintenance of significant nature conservation values.

3.2.18 Diversification of land use in rural areas beyond traditional activities, including farming is enabled provided that:

- a. the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected;
- b. the landscape character of Rural Character Landscapes is maintained and their visual amenity values are maintained or enhanced; and
- c. significant nature conservation values and Ngai Tahu values, interests and customary resources, are maintained.

**[Updated to take account of Env Court interim decisions – Topic 1 & 2]**

<i>Efficiency &amp; Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
<p>The amended proposal facilitates development that was assessed and previously approved for the site.</p> <p>The amended design acknowledges the well designed and located development pattern at Arcadia Station.</p>	<p>The amended proposal ensures rural visitor activities are encouraged in appropriately located areas of the rural environment.</p> <p>The amended proposal enables residential development approved for the site.</p> <p>The amended proposal is still highly regulated.</p> <p>The amended proposal provides for less development rights than the approved Structure Plan and Design Guidelines.</p>	<p>Nil.</p>	<p>There is no uncertain or insufficient information about the subject matter of the provisions.</p>

3.2.4 The distinctive natural environments and ecosystems of the District are protected. (addresses Issue 4)

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.

3.2.4.2 The spread of wilding exotic vegetation is avoided.

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.

3.2.4.4 The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.

3.2.4.5 Public access to the natural environment is maintained or enhanced.

3.2.4.6 The values of significant indigenous vegetation and significant habitats of indigenous fauna are protected.

3.2.4.7 The survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities are maintained or enhanced.

**[Not subject to the Env Court interim decisions – Topic 4]**

<i>Efficiency &amp; Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
<p>The amended proposal facilitates development that was assessed and previously approved for the site.</p> <p>The amended design acknowledges the well designed and located development pattern at Arcadia Station.</p> <p>The amended proposal ensures development is well set back from Diamond Lake.</p> <p>Public access to and along Diamond Lake is not affected by the proposal.</p> <p>Indigenous vegetation maintained through incorporation of the Design Guidelines in the zone provisions.</p>	<p>Indigenous vegetation maintained through incorporation of the Design Guidelines in the zone.</p> <p>Open space values of the site are maintained and enhanced through the inclusion of the approved Structure Plan into the zone provisions.</p>	<p>Nil.</p>	<p>There is no uncertain or insufficient information about the subject matter of the provisions.</p>

3.2.5 The retention of the District's distinctive landscapes. (addresses Issues 2 and 4)

3.2.5.x The District's Outstanding Natural Features and Outstanding Natural Landscapes and their landscape values and landscape capacity are identified.

3.2.5.xx Within the Rural Zone, new subdivision, use and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless:

- a. where the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are specified in Schedule 21.22, those values are protected;
- 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 [x.x.x.y] [the intended new SP on assessment methodology] are protected.

3.2.5.xxx 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.

3.2.5.1 The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.

3.2.5.1A In each Exception Zone located 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;
- b. on the basis that any additional subdivision, use and development not provided for by that Exception Zone protects landscape values.

**[Updated to take account of Env Court interim decisions – Topic 1 & 2]**

<i>Efficiency &amp; Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
<p>The subject site is located within the wider ONL.</p> <p>The integration of the approved Structure Plan and Design Controls will ensure development maintains positive effects, has adverse effects on the landscape which are no more than minor and provides for densities appropriate for the surrounding environment – consistent with the Structure Plan approval.</p> <p>The Arcadia Rural Visitor Zone will be an exception zone with respect to any resource consent applications.</p>	<p>The amended proposal protects the most sensitive parts of the site.</p> <p>The amended proposal limits possible outcomes for future development within the zone.</p> <p>The amended proposal acknowledges previous consents which went through rigorous assessment.</p>	<p>Nil.</p>	<p>There is no uncertain or insufficient information about the subject matter of the provisions.</p>

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)

**[Updated to take account of Env Court interim decisions – Topic 1]**

<i>Efficiency &amp; Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
<p>The amended proposal provides for the Mr Veint's and visitors social and economic wellbeing through the offering of rural visitor activities at the Head of the Lake.</p>	<p>The amended proposal acknowledges previous consents which went through rigorous assessment.</p>	<p>Nil.</p>	<p>There is no uncertain or insufficient information about the subject matter of the provisions.</p>

**Natural Environment**

3.3.17 Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, referred to as Significant Natural Areas (SNAs). (relevant to S.O. 3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.4.3 and 3.2.4.4)

3.3.18 Protect SNAs and encourage enhanced indigenous biodiversity outcomes. (relevant to S.O. 3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.1.2, 3.2.4.3 and 3.2.4.4)

3.3.19 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 S.O. 3.2.1.8, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 and 3.2.5.2)

**[Not subject to the Env Court interim decisions – Topic 4]**

<i>Efficiency &amp; Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
<p>No significant indigenous vegetation has been identified on the subject site. However, the</p>	<p>Native vegetation enhancement is encouraged through the zone provisions.</p>	<p>Possible removal of matagouri species.</p>	<p>There is no uncertain or insufficient information about the subject matter of the provisions.</p>

incorporation of the Design Controls into Arcadia Rural Visitor Zone ensure indigenous vegetation is protected (as much as possible).			
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**Rural Activities**

3.3.20 Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with\_ significant nature conservation values or degrade the existing character of rural landscapes. (relevant to S.O. 3.2.1.7, 3.2.5.1 and 3.2.5.2)

a. protection of the landscape values of Outstanding Natural Features or Outstanding Natural Landscapes;  
b. maintenance of the landscape character and maintenance or enhancement of the visual amenity values of Rural Character Landscape; or  
c. maintenance of significant conservation values or Ngai Tahu values, interests or customary resources.

3.3.24 Ensure that the effects 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;  
b. the maintenance of the landscape character of Rural Character Landscapes; and  
c. the maintenance or enhancement of the visual amenity values of Rural Character Landscapes.

3.3.26 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 S.O. 3.2.1.8, 3.2.4.1 and 3.2.4.3)

**[Updated to take account of Env Court interim decisions – Topic 1]**

<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
The integration of the approved Structure Plan and Design Controls will ensure development maintains positive effects, has adverse effects on the landscape which are no more than minor and provides for densities appropriate for the surrounding environment – consistent with the Structure Plan approval.	Farming is enabled to be continued along side rural visitor activities.	Nil	There is no uncertain or insufficient information about the subject matter of the provisions.

**Landscapes**

3.3.29 Identify the District’s Outstanding Natural Features Landscapes and Outstanding Natural Landscapes Features on the District Plan maps. (relevant to S.O.3.2.5.1)

3.3.30x 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.

<b>[Updated to take account of Env Court interim decisions – Topic 1]</b>			
<i>Efficiency &amp; Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
The integration of the approved Structure Plan and Design Controls will ensure development maintains positive effects, has adverse effects on the landscape which are no more than minor and provides for densities appropriate for the surrounding environment – consistent with the Structure Plan approval.	The subject site has long been recognised as a site that can absorb increased rural visitor and residential activity.	Nil.	There is no uncertain or insufficient information about the subject matter of the provisions.

### **Chapter 5 – Tangata Whenua**

Queenstown Lakes District Council will recognise and provide for Ngāi Tahu as a partner in the management of the District's natural and physical resources through the implementation of this District Plan. The Council will actively foster this partnership through meaningful collaboration, seeking formal and informal advice, providing for Ngāi Tahu's role as kaitiaki, and protecting its values, interests and customary resources. Ngāi Tahu's values, interests and customary resources in this context do not extend to the commercial interests of companies owned or controlled by Ngāi Tahu.

<b>5.4.1 Objective - Consultation with tangata whenua occurs through the implementation of the Queenstown Lakes District Plan Policies</b>			
5.3.1.1 Ensure that Ngāi Tahu Papatipu Rūnanga are engaged in resource management decisionmaking and implementation on matters that affect Ngāi Tahu values, rights and interests, in accordance with the principles of the Treaty of Waitangi.			
5.3.1.2 Actively foster effective partnerships and relationships between the Queenstown Lakes District Council and Ngāi Tahu Papatipu Rūnanga.			
5.3.1.3 When making resource management decisions, ensure that functions and powers are exercised in a manner that takes into account 5 iwi management plans.			
5.3.1.4 recognise that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water sites, wāhi tapu, tōpuni and			
<i>Efficiency &amp; Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
The relevant iwi management plans have been considered above. Further consultation with iwi may occur through the development of the zone.	Nil.	Nil.	There is no uncertain or insufficient information about the subject matter of the provisions.

<b>5.4.5 Objective - Wāhi tūpuna and all their components are appropriately managed and protected.</b>			
5.4.5.1 Identify wāhi tūpuna and all their components on the District Plan maps and protect them from the adverse effects of subdivision, use and development.			
5.4.5.2 Identify threats to wāhi tūpuna and their components in this District Plan.			
5.4.5.3 Enable Ngai Tahu to provide for its contemporary uses and associations with wāhi tūpuna.			
5.4.5.4 Avoid where practicable, adverse effects on the relationship between Ngāi Tahu and the wāhi tūpuna.			
<i>Efficiency &amp; Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
A wahi tupuna overlay has been identified over the subject site, which is being challenged by the submitter. If this overlay is to remain, then	Nil.	Nil.	There is no uncertain or insufficient information about the subject matter of the provisions.

it is likely further development of the zone will require additional consultation with relevant parties.			
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**Chapter 6 – Landscapes**

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 objectives in Chapter 3, which identify the outcomes the policies in this chapter are seeking to achieve.

The relevant Chapter 3 objectives and policies are identified in brackets following each policy. 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.

6.3.3.1 Recognise that subdivision and development is inappropriate on Outstanding Natural Features and in Outstanding Natural Landscapes unless: a. landscape values are protected; and b. in the case of any subsequent subdivision or development, all buildings and other structures and all changes to landform or other physical changes to the appearance of land will be reasonably difficult to see from beyond the boundary of the site in question.			
<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
The subject site falls within a wider ONL.  The integration of the approved Structure Plan and Design Controls will ensure development maintains positive effects, has adverse effects on the landscape which are no more than minor and provides for densities appropriate for the surrounding environment – consistent with the Structure Plan approval.	As per efficiency and effectiveness.	Nil.	There is no uncertain or insufficient information about the subject matter of the provisions.

6.3.3.3 For working farms within Outstanding Natural Features and Outstanding Natural Landscapes: a. recognise that viable farming involves activities that may modify the landscape; and b. enable those activities in a way that is consistent with protecting the values of Outstanding Natural Features and Outstanding Natural Landscapes.			
<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>

<p>The subject site falls within a wider ONL.</p> <p>The integration of the approved Structure Plan and Design Controls will ensure development maintains positive effects, has adverse effects on the landscape which are no more than minor and provides for densities appropriate for the surrounding environment – consistent with the Structure Plan approval.</p>	<p>As per efficiency and effectiveness.</p>	<p>Nil.</p>	<p>There is no uncertain or insufficient information about the subject matter of the provisions.</p>
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6.3.3.5 Maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present.			
<i>Efficiency &amp; Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
<p>The integration of the approved Structure Plan and Design Controls, particularly the OS Activity Area, will ensure development maintains positive effects, has adverse effects on the landscape which are no more than minor and provides for densities appropriate for the surrounding environment – consistent with the Structure Plan approval.</p>	<p>As per efficiency and effectiveness.</p>	<p>Nil.</p>	<p>There is no uncertain or insufficient information about the subject matter of the provisions.</p>

**Chapter 27 Subdivision and Development**

Objective - Subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play.			
<p>27.2.1.2 Require subdivision infrastructure to be constructed and designed so that it is fit for purpose, while recognising opportunities for innovative design.</p> <p>27.2.1.3 Enable urban subdivision that is consistent with the QLDC Subdivision Design Guidelines 2015, recognising that good subdivision design responds to the neighbourhood context and the opportunities and constraints of the application site.</p> <p>27.2.1.3 Require that allotments are a suitable size and shape, and are able to be serviced and developed for the anticipated land use under the applicable zone provisions.</p> <p>27.2.1.5 Recognise that there is an expectation by future landowners that the key effects of and resources required by anticipated land uses will have been resolved through the subdivision approval process.</p>			
<i>Efficiency &amp; Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>

The integration of the approved Structure Plan and Design Controls ensure any future subdivision enable quality living environments.	The integration of the approved Structure Plan and Design Controls, including provision for limited residential activities, also acknowledges historic development / subdivision rights applicable to the subject site.	Nil.	There is no uncertain or insufficient information about the subject matter of the provisions.
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**Chapter 46 – Rural visitor Zone**

46.2.1 Objective – Visitor accommodation, commercial recreation and ancillary commercial activities within appropriate locations that maintain or enhance the values of Outstanding Natural Landscapes.			
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 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 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 or 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.			
<i>Efficiency &amp; Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
The integration of the approved Structure Plan and Design Controls will ensure development maintains positive effects, has adverse effects on the landscape which are no more than minor and provides for densities appropriate for the surrounding environment – consistent with the Structure Plan approval.  The integration of the approved Structure Plan and Design Controls, including provision for limited residential activities, also acknowledges historic development rights applicable to the subject site.	The amended proposal ensures development ensures that consented development within the Arcadia Rural Visitor Zone is not inconsistent with the above objective and policies.	Nil, as the amended proposal has already been rigorously assessed through the resource consent processes.	There is no uncertain or insufficient information about the subject matter of the provisions.

46.2.2 Objective – Buildings and development that have a visitor industry related use are enabled where landscape character and visual amenity values are maintained or enhanced.			
46.2.2.1 Protect the landscape values of the Zone and the surrounding Rural Zone Outstanding Natural Landscapes by:			

- a. providing for 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 buildings within areas identified on the District Plan maps as Moderate – High Landscape Sensitivity are located and designed and adverse effects are mitigated, to ensure landscape values 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 maintain or enhance the landscape character and visual amenity values of the Rural Visitor Zone and surrounding 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.

<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
As per Objective 46.2.1 above.	As per Objective 46.2.1 above.	As per Objective 46.2.1 above.	There is no uncertain or insufficient information about the subject matter of the provisions.