

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

Heron Investments Limited

Submission #31014

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

Executive Summary

This evidence addresses the content of Heron Investments Limited submission seeking the adoption of a Rural Visitor Zone over their property at Camp Hill Road, Maungawera Valley, Wanaka.

In Part 2 of this evidence I outline the planning history in relation to Heron Investments land.

In Part 3 of my evidence I detail the Specific Changes to integrate the Maungawera Rural Visitor Zone into the PDP.

In Part 4 of my evidence I address the issues raised in Ms Grace's section 42A report. Those issue primarily relate to natural hazards and landscape sensitivity mapping. I rely on the opinions of Mr Meldrum and Dr Forrest with respect to natural hazards, and Ms McKenzie's expert evidence with respect to landscape sensitivity mapping.

In part 5 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 Heron Investments land.

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. Submission
3. Specific Changes to the PDP
4. The Section 42A report and recommendation
5. Mandatory Assessment Criteria
6. Section 32AA evaluation
7. Part II of the RMA.
8. Conclusion

2. Submission

2.1 Heron Investments Limited (HIL) have made a comprehensive submission on Stage 3 of the PDP seeking a Rural Visitor Zoning over their 110-hectare property at Camp Hill Road, Maungawera Valley, Wanaka. HIL is owned by Rik and Juliet Deaton who, with their sons, operate LandEscape Wanaka from the property.

2.2 The Deaton's have owned the property for close to 30 years. The site has flat land adjacent Camp Hill Road, which slopes up to a plateau of undulating topography. A farm building is located adjacent to the northern boundary and an old shearers quarters/crib is located to the south of the barn. Approximately half of the southern terrace face is planted in pine trees. The site enjoys good water resources in that it has shares in the Hawea Irrigation Company which entitles it to a significant irrigation water allocation on the lower terrace adjacent to Camp Hill Road and it also has a high-volume spring that supplies the potable water system.

2.3 The property is not economically productive land and has been run at a loss for many years. Several years ago, the Deaton's decided, instead of subdividing the block into smaller rural-residential lots as has happened on all sides of them, to develop tourism activities on the property

based around regenerative agriculture techniques (i.e. agricultural tourism).

- 2.4 To do this they planned to diversify activities on the property from solely agriculture, to a mixture of agriculture and tourism activities (including commercial, commercial recreation activities and visitor accommodation). The idea is simple, attract visitors to the property (the commercial and recreational activities) to teach them about regenerative agriculture (farming).
- 2.5 To date HIL have obtained two resource consents authorising a total of 14 hot tubs and small associated buildings on the property as follows:
- RM181691 - Certificate of Compliance approved for a Commercial Recreation Activity (CRA) consisting of six hot tubs (maximum of 5 people).
 - RM190148 - Land-use resource consent for a CRA consisting of 6 hot tubs (maximum of 12 people).
 - RM190925 - Land-use resource consent for CRA including 8 additional hot tubs and associated change room buildings.
 - RM191393 - Variation application to change the size of the change room buildings approved under RM190913.
- 2.6 HIL have also recently applied for (RM200188) e-bike hire and use within the property, commercial and staff accommodation buildings in the centre of the property (including a café/restaurant), plus a further 10 hot tubs ancillary to motor home over-night accommodation. That application is currently on hold pending a further information request which we have been working through.
- 2.7 RM200188 seeks consent to develop commercial e-Biking activities on the property. The use of the eBikes is proposed to complement the hot tub activities (by providing a transport option to the hot tubs for clients) as well as be a standalone recreation activity option (farm-tour) and an off-road Electric Vehicle powered / Active Transport option between Wanaka and the subject site. The application includes the construction of a “farm-tour” eBike trail network within the property which utilises existing and new trails.
- 2.8 The purpose of the on-site trail network is twofold:

- (1) It is an attraction in itself, in that it has been designed to provide a “farm tour” of the property, where visitors can see and experience farming activities, including stock and management techniques and regenerative soil building techniques to be practiced as part of a transition of the property to a “Carbon Farming” management regime also known as Regenerative Agriculture; and
- (2) It also provides riders a safe, uncluttered, traffic free and easy practice terrain where they can receive with basic instruction from staff for riding the eBikes. Once they are confident enough the visitors will be able to the hire eBikes and take them onto the wider Upper Clutha Trail network. The applicant maintains that e-bikes are the short to medium distance component of the electric vehicle revolution and that they are bringing people around the world to cycling - or back to cycling - in astonishing numbers. Often these are older people who may have their first e-bike experience at LandEscape Farm and will greatly benefit from this purpose-built practice terrain.

2.9 The trail network has been designed to offer a number of trail types and levels of difficulty. The trails will be a minimum of 1.2m and a maximum of 2m wide, depending on the contour in which they are to be constructed. This will also be a range of surface types, including grass, dirt and gravel. The applicant intends to experiment with the best trail surface type and hopes to maintain a mostly grass surface. Experience with rider traffic, rabbit damage, summer heat and dryness, wintertime usage etc. will determine whether some or all of the trail system will ultimately need to be graveled in the manner of the rest of the local trail network. Certain areas of the trail network will also be traversed by the all-electric shuttle vehicles described later in this document so that older people, young children and people with disabilities can also participate in the experience. The vehicles (which are already on site) have been specifically chosen for their narrow track and compact but robust design.

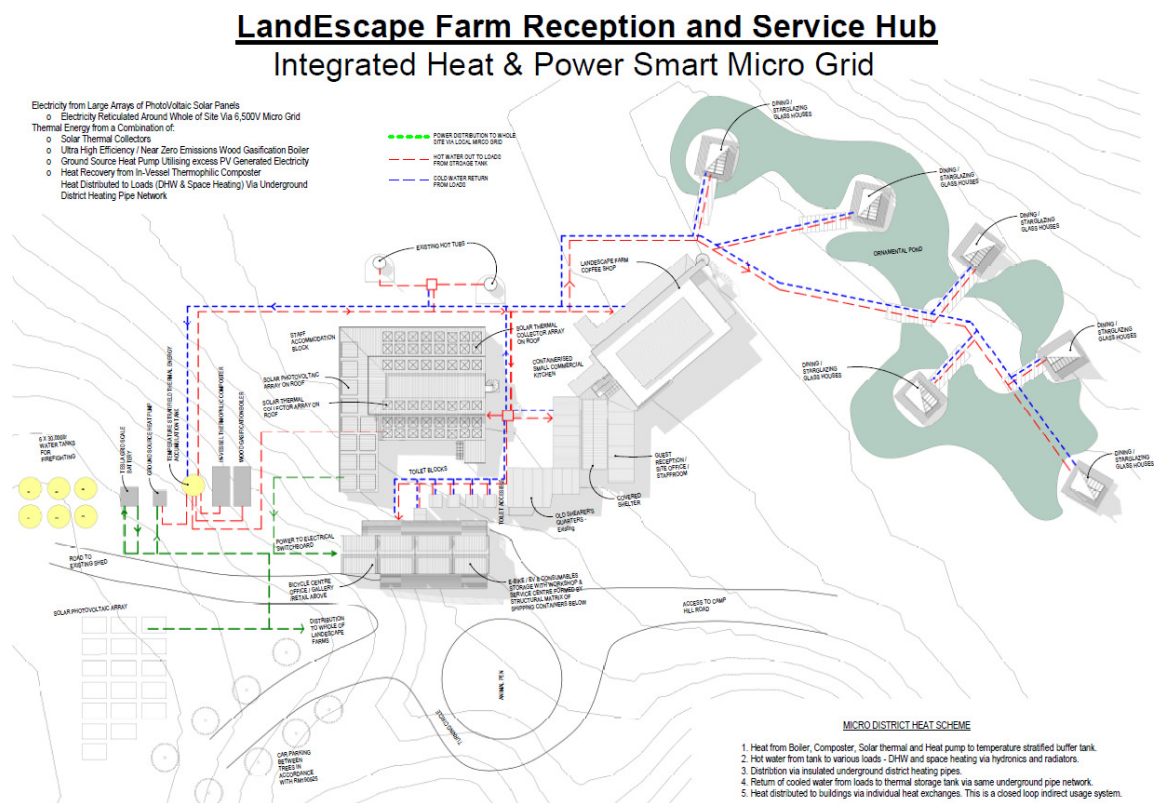
2.10 The eBikes proposed to be used on, and hired from, the property are not technically mountain bikes. The eBike selected is a premium grade Swiss made machine called YouMo, which stands for “Your Mobility”. The YouMo is a capable all-rounder eBike chosen for its comfort, utility and its upright and view encompassing seating position. One advantage of the YouMo, over more traditional eBikes, is they can carry two batteries meaning users will be unlikely to run out of power out on the trails. The applicant has also purchased a large stock of spare batteries (at \$1,000 each) for this purpose and to allow for battery swaps at set locations around the district. Insofar as the applicant is aware this is a unique feature of this operation which the applicant avers demonstrates their

seriousness in attempting to give guests a viable alternative to on-road ICE vehicle journeys.

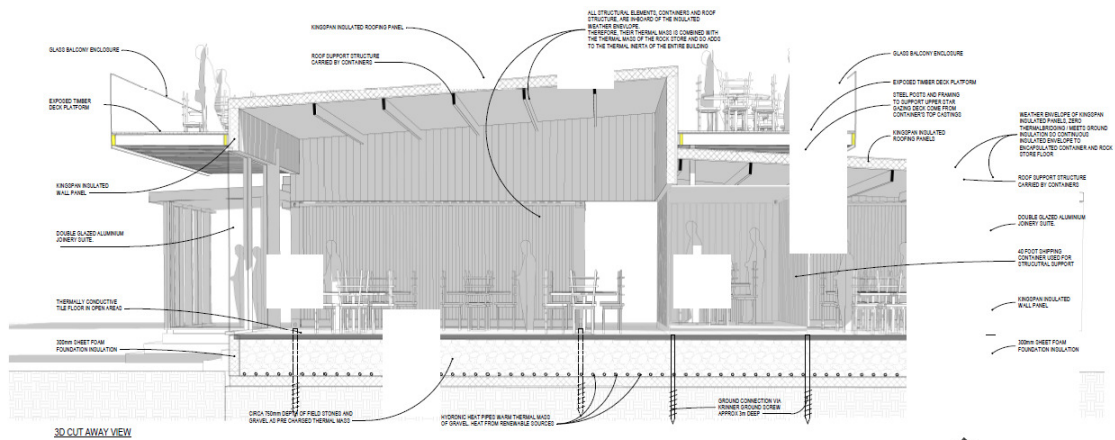
- 2.11 Whilst it is possible that the Deaton's may wish to add/change to other eBike types as the business grows, the YouMo E-Cruiser is the base eBike offering. The Deaton's currently have a stock of eighty YouMo E-Cruiser bikes stored on the property.
- 2.12 Riders have the option of riding the trails within the property and/or riding the Upper Clutha network of trails. For rides that go off the property, the Deaton's intend to offer a support service that will include transportation and general technical support. The Deaton's may also (on request) customise the type and duration of the ride and also offer lunch, and morning and afternoon tea. The Deaton's also propose to have a on trail puncture and mechanical repair service and delivery/pick-up of the eBikes and customers to and from various locations at the beginning and end of their client's ride.
- 2.13 The eBike activities on the property will occur from early morning into the night. This is particularly so for hot tub visitors who choose to ride an eBike to their hot tub (instead of being driven in an electric vehicle). The YouMo bikes have lights that operate from the battery pack.
- 2.14 It is intended that the eBikes can be rented for a variety of times. For example, it could be for an hour cruise around the property, or for five days while staying in Wanaka. The Deaton's propose a point-to-point hire, rather than the e-bikes having to be delivered back to the property. This enables riders to explore Wanaka surrounds at their own pace and take the e-bikes back to where they are staying and then SMS the applicant for pick up (or alternatively delivery of charged batteries for the next day or an overnight hire can include a battery charger).
- 2.15 RM200188 also seeks to develop a Service Centre for the commercial recreation and visitor accommodation activities on the property. This Service Centre has been designed to facilitate all of the commercial recreation activities occurring on site (i.e. the hot tubs and the eBikes). The Service Centre includes:
- (a) Utilising the "Old Shearers Quarters" on the property as a staff-room and offices; until new facility to serve that purpose built adjacent and then transition the OSQ to an amenity to allow an overnight staff presence when guests remain on site overnight.
 - (b) Construct a staff accommodation block for staff accommodation;

- (c) Construct a guest reception/waiting area and café (including the sale of liquor);
- (d) Construction of a large site shed and workshop based on 40-foot and 20-foot shipping containers embedded into a hillside;
- (e) Construct five small toilet blocks with Bambooloo's (two existing - one a double cubicle and the other a single accessible toilet);
- (f) Installation of an in- vessel thermophilic composter;
- (g) Installation of a wood gasification boiler (for heating water for the facility, including hot water supply, hydronic space heating of buildings and heating for some hot tubs);
- (h) Installation of six 30,000L water tanks for potable and fire-fighting water supply;
- (i) Installation of a large "Temperature Stratified Thermal Energy Accumulation Tank" to store thermal energy generated from various sources (possibly including a solar thermal array, the wood gasification boiler, air or ground source heat pump powered by photovoltaic solar panels, heat recovery from composter);
- (j) Construct an ornamental pond (1.2m deep) with six suspended above the ground glass houses for guest waiting/shelter and possible night-sky gazing.

2.16 The design of the Service Centre is illustrated in the following diagram:



The Restaurant at LandEscape Farm

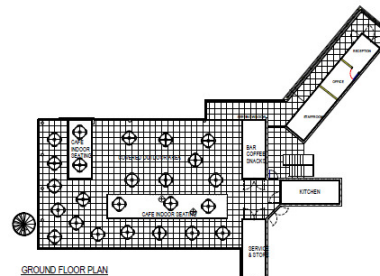


RESTAURANT BUILDING HEATED BY THERMAL COMPONENT ACTIVATION

HOW IT WORKS

Shipping containers are to be used as the basic structural framework of the building and they will be ground connected with large seismic resistant ground screws. The containers sit atop a substantial thermally activated rock store that is gently warmed by hydronic pipes under the thermal mass of the rocks and gravel of the store and above the sub-surface thermal insulation layer. This rock store, covered with thermally conductive ceramic tiles or pavers, makes up the floor of the building and it is the thermally activated component that heats the building. It need only be heated to 3°C above the targeted night time internal air temperature so overheating during the day is not an issue. During a warm summer day the perimeter glazed walls can be opened up completely for comfortable flow through ventilation and an outdoor feel.

When the sun sets and the 10°C Otago evening temperature drop hits we can simply close up the building and radiant heat from the pre-warmed floor will immediately warm the building to 22.5°C and directly heat the occupants without the need for further energy inputs or heating systems. The thermal energy to be put through the hydronic floor heating will be sourced from a combination of Solar Thermal Collectors, a Wood Gasification Boiler and/or a Ground Source Heat Pump running on Photo-Voltaic sourced Electricity - 100% renewably heated and powered. The large amount of thermal energy contained in the rock store will carry the building through several days of low insulation. The upper slanting balconies will be steel structures cantilevered from the corner castings of the shipping containers in the manner of containers stacked twelve high on a ship at sea.



2.17 Clients will be driven to the Service Centre by minivan (after being picked up from Wanaka) or will arrive by bicycle, in their own vehicles or as pre-arranged tour groups. The Deaton's very much hopes and expects that the local community will see this as an attractive family destination for a bicycle mounted outing and so there is likely to be significant local traffic arriving by bicycle or by car as the Hawea Flats and Lake Hawea communities see LandEscape farm as a suitable destination in lieu of dealing with Wanaka traffic.

2.18 Clients who wish to bathe in one of the hot-tubs have the option of e-Biking to their hot tub or being shuttled to their hot tub in an e-Jeepney vehicle or tuk-tuk. These vehicles are electric powered and very quiet.

2.19 RM200188 also applies for ten self-contained motorhome sites on the property. On arrival, the motorhome visitors will be led by staff to their respective space. It is intended that each motorhome space has the use of eBikes for riding around the property (or the wider Upper Clutha basin, including the towns) and exclusive use of a hot tub. The applicant wishes the motorhome spaces

to have a rural feel, with stock free to wonder around the motorhomes.

2.20 Future plans to attract visitors to the property include:

- Ten headland hot-tubs for short-duration activities;
- Eight ridgeline accommodation and hot tub units for over night activities;
- Seven modular accommodation and hot tub units;
- Sustainable energy demonstration and education centre;
- 'Tiny home' staff accommodation;
- Garden market, including a vertical produce garden and fruit and nut orchard.

2.21 HIL's vision for the property is guided by three principles – sustainable energy, passivehaus design and regenerative agriculture.

2.22 With respect to sustainable energy systems, the focus to date has been on the hot tub offering. At present the hot tubs are all wood fired. However, these will soon be converted from on-board fire boxes to a sophisticated underground integrated heating district heat and power microgrid energized by photovoltaics, solar thermal, heat recovery from an in-vessel thermophilic composter, a good gasification boiler (fueled by wilding conifer sourced woodchips) and the efficient storage, use and re-use of energy and heat.

2.23 The passivehaus design principles include:

- Thermal insulation – all opaque building components of the exterior envelope of buildings must be well insulated;
- Passive House windows – the window frames must be well insulated and fitted with low-e glazing filled with argon or krypton to prevent heat transfer;
- Ventilation Heat Recovery – efficient heat recovery ventilation is key, allowing for good indoor air quality and saving energy;
- Airtightness of buildings – uncontrolled leakage through gaps must be smaller than 0.6 of the total house volume per hour during a pressure test at 50 pascals (both pressurized and depressurized).
- Absence of thermal bridges – all edges, corners, connections and penetrations must be

planned and executed with great care, so all thermal bridges can be avoided.

- 2.24 Essentially, all buildings will be constructed to, or close to, Passiv Haus energy efficiency standards that will render them PlusEnergy buildings. Flushing toilets will be illuminated and water will be used mindfully and reused in irrigation.
- 2.25 Regenerative Agriculture is a conservation and rehabilitation approach to food and farming systems. It focuses on topsoil regeneration, increasing biodiversity, improving the water cycle, enhancing ecosystem services, supporting bio sequestration, increasing resilience to climate change, and strengthening the health and vitality of farm soil. Practices include recycling as much farm waste as possible and adding composted material from sources outside the farm. Regenerative agriculture on small farms and gardens is often based on philosophies like permaculture, agroecology, agroforestry, restoration ecology, key line design, and holistic management.
- 2.26 On a regenerative farm, yield should increase over time. As the topsoil deepens, production may increase and fewer external compost inputs are required. Actual output is dependent on the nutritional value of the composting materials and the structure and content of the soil.
- 2.27 It is likely, at some point in the near future, that the Deaton's will have to sell their Wanaka residential property to fund the development of the zone. At this stage they will want to live on the property. While they could do this under the guide of "staff accommodation", ultimately it will also be their family home. The Deaton's do not have any desire for further residential accommodation on the property (with the exception of staff accommodation).
- 2.28 HIL plans for the property are not your typical Rural use. They are very much centered attracting visitors to the site to experience the rural environment. The Rural zone allows this to occur at a very low scale (5 people in any one group under the ODP) which has created a number of frustrations for HIL developing their plans.

3. Specific Changes Sought

3.1 The remainder of my evidence focusses on how the Maungawera Rural Visitor Zone can be integrated into the Rural Visitor Zone provisions of PDP. Appended as **Attachment A** 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 purple underline and strikeout, amendments to those provisions in order to integrate the Maungawera Rural Visitor Zone into the PDP.

3.2 My recommended changes to incorporate the Maungawera Rural visitor Zone into the PDP relate to residential dwellings, informal airports, building coverage, visitor accommodation, subdivision and mapping. Each of these topics will be discussed in turn.

(i) Residential Dwellings

3.3 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. In my evidence for Mr Veint, I considered that sentence is factually incorrect (as most Rural Visitor Zones contain some degree of residential activity) 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.”](#)

3.4 This is equally applicable to the proposed Maungawera Rural Visitor Zone, which has had an old shearers quarters on the property for many decades. It makes little sense to me to discourage residential dwellings from the Rural Visitor Zone, when such activity is necessary for the continued farming activity, on which the visitor and tourism activities rely upon.

3.5 Accordingly, I recommend Policy 46.2.17 is amended as follows in order to exclude a single residential dwelling at proposed Maungawera Rural Visitor Zone:

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.](#)

3.6 I also propose that Rule 46.4.13 is amended as follows to enable the development of a single residential dwelling within the requested Maungawera Rural Visitor Zone:

46.4.13	<p>Residential activity except:</p> <p>(a) As provided for in Rules 46.4.2 and 46.4.3; and</p> <p>(b) a total of 11 residential dwellings within the RES 1A and 1B Activity Areas at the Arcadia Rural Visitor Zone; and</p> <p>(c) a total of 12 residential dwellings within the RES 2A, 2B and 2C Activity Areas at the Arcadia Rural Visitor Zone; and</p> <p>(d) one residential dwelling located within the Maungawera Rural Visitor Zone; and</p> <p>(e) one residential dwelling located within the Loch Linnhe Station (Wye Creek) Rural Visitor Zone.</p>	NC
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3.7 All other residential activities within the Maungawera Rural Visitor Zone will retain Non-Complying Activity status. The building structure itself, within the requested Maungawera Rural Visitor Zone, would still be governed by the landscape sensitivity rules for the zone.

(ii) Building Coverage

3.8 I recommend a new Rules46.5.2A in relation to Building Coverage within the Maungawera Rural Visitor Zones be inserted into Table 46.5 as follows:

46.5.2A	<p>Building Coverage</p> <p>46.5.2A.1 The total building coverage shall not exceed the following within the Arcadia Rural Visitor Zone:</p> <p>(a) VA1 - 500m² (excluding the existing homestead);</p> <p>(b) VA2A – 1,000m²;</p> <p>(c) VA2B – 1,500m²;</p> <p>(d) VA3A - 1,500m²;</p> <p>(e) VA3B – 1,000m²;</p> <p>(f) COM – 350m²;</p> <p>(g) Lakeside Recreation – 80m².</p> <p>46.5.2A.2 The total building coverage, excluding farm buildings, shall not exceed 6,000m² within the Maungawera Rural Visitor Zone.</p>	NC
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	<u>46.5.2A.3 The total building coverage shall not exceed 4,700m² within the Loch Linnhe (Homestead) Rural Visitor Zone.</u>	
	<u>46.5.2A.4 The total building coverage shall not exceed 1,800m² within the Loch Linnhe (Wye Creek) Rural Visitor Zone.</u>	

3.9 The purpose of this standard is to limit the built form to be used for farming, accommodation, commercial and tourism activities within the Maungawera Rural Visitor Zone. 6,000 m² of building coverage represents a building coverage of 0.005% of the requested Maungawera Rural Visitor Zone.

3.10 I note that the above building coverage rule is suggested instead of Ms Grace 's recommended Rule 46.5.2.1.

(iii) Visitor Accommodation

3.11 I recommend a new Rules 46.5.9 in relation to Visitor Accommodation within the Maungawera Rural Visitor Zones be inserted into Table 46.5 as follows:

<u>46.5.9</u>	<u>Visitor Accommodation</u> <u>The maximum number of overnight visitors shall not exceed the following:</u> (a) <u>In the Maungawera Rural Visitor Zone – 75 overnight visitors</u> (b) <u>In the Wye Creek (Homestead) Rural Visitor Zone – 30 overnight visitors</u> (c) <u>In the Wye Creek (Wye Creek) Rural Visitor Zone – 10 overnight visitors</u>	<u>D</u>
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3.12 The purpose of this recommended rule is to set an upper maximum on the number of overnight visitors enabled within the Maungawera Rural Visitor Zone. Non-compliance with this standard would make visitor accommodation activities above 50 overnight guests a discretionary activity.

(iv) Access

3.13 The property has legal access onto both Camp Hill Road and State Highway (Hawea- Albert town Road). None of the commercial recreation activities authorised on the site are permitted to access off the State Highway. Accordingly, I recommend a standard as follows ensuring that all rural visitor activities access the site from Camp Hill Road. I have excluded farming activities from this, as they are authorised to access the site from the State Highway which may be better access for large vehicles (that driving up the gully road).

46.1.1	<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>
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(v) Subdivision

3.14 Finally, I recommend Rule 27.5.11 is amended and a new rule 27.5.xx is adopted as follows:

27.5.11	All subdivision activities in the <u>Rural Visitor Zone (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>

3.15 The purpose of this recommendation is to change the status of subdivision in the Maungawera Rural Visitor Zone from a discretionary activity to a non-complying activity. This is especially relevant since part of Heron Investments Limited request is to relax the residential dwellings rules to enable a residential dwelling to be established on the property in the future. Non-complying activity status ensures that subdivision of any residential dwelling from the balance of the visitor activities station is difficult.

(v) Mapping

3.16 Ms McKenzie has provided landscape sensitivity mapping for the requested Maungawera Rural Visitor Zone. I rely on Ms McKenzie’s findings in respect of those maps.

3.17 I also consider the landscape sensitivity mapping should be inserted in the Chapter 46 as a Structure Plan, not the District Plan Maps.

3.18 I refer to the above recommended rules and landscape sensitivity mapping hereon as the “**amended proposal**”.

4. Section 42A report

- 4.1 Ms Grace considers HIL submission in Part 10 of her section 42A report. Two issues have been raised, natural hazards and landscape sensitivity mapping.

Natural Hazards

- 4.2 With respect to natural hazards, Ms Grace states at paragraphs 10.3 and 10.4:

- “10.3 Council’s Natural Hazards Database shows two of the three sites have hazard annotations. The Camphill Road site is identified as having a concealed active fault (Nevis-Cardrona Fault System) running generally south-west to north-east through the site. The south-western corner of the site has a flood-water dominated active alluvial fan annotation over it. The lower elevation parts of the Blennerhassett site (generally western and southern areas of the site) are shown as being part of the Waterfall Creek alluvial fan, which was the subject of a high hazard investigation by Otago Regional Council in 2011.
- 10.4 Mr Bond’s evidence is that building should be avoided over the fault trace through the Camphill Road site, and he has identified areas either side of the fault trace where he does not oppose re-zoning.”

- 4.3 Mr Bond addresses HIL submission in paragraphs 7.1 to 7.7 of his evidence. He states:

- “7.1 The submitter has sought a rezoning of the site located at 93 Camp Hill Road from Rural Zone to RVZ.
- 7.2 Based on my assessment of reviewed information I am of the opinion that the site is affected by one natural hazard feature that must be considered as part of the rezoning request.
- 7.3 The available information indicates that the site is crossed by the fault trace of the Cardrona Fault (GNS active fault reference #8968).
- 7.4 The fault is considered by GNS to be active with a low slip rate and a recurrence interval of 5-10,000 years.
- 7.5 The fault trace is however covered by surficial deposits and is therefore at depth below the site. However, during a large seismic shaking event the possibility of ground rupture associated with this fault cannot be overlooked.
- 7.6 The site is not considered to be at risk from any other natural hazard.
- 7.7 On this basis I have identified an area of the site that I would not oppose rezoning to RVZ when considering natural hazards (identified on the enclosed plan presented in Appendix 1). I otherwise oppose the rezoning request.”

- 4.4 Mr Bond’s Appendix 1 is as follows:



Figure 1 – Mr Bond's Appendix 1.

- 4.5 In 2011 HIL applied for a resource to construct a barn building on their property (RM110197). The proposed building was located in the area of the Service Centre described above (RM200188) and is located near the old shearer's quarters which the top arrow points to in Figure xx above (Mr Bond's Appendix 1).
- 4.6 As part of that resource consent process, the Council requested a geotechnical assessment of the building's location. A copy of that assessment, prepared by Mr Grant Meldrum of GDM Consultants, is annexed as **Appendix B** to my evidence. That report concluded that due to the uncertainty of the location of the Nevis-Cardrona fault through this area and the long return period for fault rupture that there are no restrictions to placing a building platform on the site.
- 4.7 Following on from this, I contacted Mr Meldrum and asked for confirmation that his opinion has not changed. Mr Meldrum provided as further letter which I have annexed to my evidence as **Appendix C**. Mr Meldrum concludes in this letter that given the more recent information on the faults in the Queenstown Lakes District that he believes that it is not appropriate to identify an area where development be prohibited on the site. Mr Meldrum further notes that MfE guidance considers that any building class can be constructed within the fault hazard avoidance area. Significantly, Mr Meldrum found that:

“The now identified fault potentially underlying the property has a very low recurrence interval that would create a low probability of a seismic event, the slip rates across the fault are also very low and the location of the fault is not defined and may not be over the property at all.”

4.8 Mr Meldrum concludes that, based on the above, it is his opinion that the natural hazard posed by the Cardrona – Hawea fault should not be a reason to oppose development of the site.

4.9 For the purpose of peer review, I also contacted Dr Forrest for comment. Dr Forrest's opinion is appended to my evidence as **Attachment D**. Dr Forrest finds:

“1. The GDM report presents an appropriate seismic assessment of the site, albeit based on outdated (and more onerous) data. Its applicability and conclusions remain valid as an assessment of the project site and that site development with buildings of Importance Level 1, 2a and 2b should be unrestricted.

2. The evidence of Mr Bond is considered to be conservative and is not cognisant of the changes in the classification and character of the Cardona-Hawea Fault as a result of the recent GNS data. It should be noted that the GNS data predates the evidence presented by Mr Bond and should have been relied on. In addition, the evidence has not considered the MfE risk based approach for determining development suitability and allowable building types most likely associate with an RVZ.

3. The reclassification and categorization of the Cardona-Hawea Fault known to be present below the project site has the positive effect of reducing the likelihood of fault rupture and therefore the risk to the proposed RVZ as a consequence of a significant seismic event.

4. Application of the MfE's risk based approach to understanding what are considered allowable buildings within the proposed RVZ indicates that Building Importance category 1, 2a, 2b, 3 and 4 are all permissible.

5. It should be stated that the development of any structure within the RVZ should be subject to appropriate and targeted geotechnical investigation and assessment to ensure suitability of foundations and seismic design.

6. Based on the review of the available information, GCL is of the opinion that the project site is not at risk from any natural hazard to the extent that it should preclude the rezoning of the site to RVZ in whole or in part.”

4.10 I rely on both Mr Meldrum's and Dr Forrest's expert opinions in support of the Maungawera Rural Visitor Zone. I note that while neither Mr Meldrum or Dr Forrest have provided evidence, they are available to answer any questions with respect to their respective opinions should the Commission have any.

4.11 Accordingly, I see no reason for Mr Bond's recommended exclusion zone at the Maungawera Rural Visitor Zone.

Landscape Sensitivity Mapping

4.12 With respect to landscape issues, Ms Grace states at paragraph 10.6:

10.6 The Camphill Road submission was not accompanied by a landscape assessment. Mr Jones has undertaken a high-level landscape review of the site and is of the opinion that it is likely to have the potential to absorb the type of development provided for by the RVZ, subject to a detailed landscape assessment and the outcomes of that assessment. Mr Jones recommends a detailed landscape assessment be undertaken to assist in

determining whether the site is appropriate as RVZ. However, in the absence of a detailed landscape assessment, Mr Jones opposes the re-zoning request.

- 4.13 Ms McKenzie has now undertaken a detailed landscape assessment and has concludes that the subject site is appropriate with respect to landscape character and visual effects. Ms McKenzie considers her landscape sensitivity mapping ensures any future rural visitor development is located in discrete parts of the site, has a high capacity to absorb change due to visual containment and contain the existing consented commercial recreation activity. Ms McKenzie also considers the landscape sensitivity map and controls proposed in the PDP, which the HIL support, will help further protect the site from inappropriate development that would compromise the character or visual amenity of the site. I agree with, and rely on Ms McKenzie's findings.

Commercial Recreation Activities

- 4.14 With respect to the Camphill Road specific requests, Ms Grace states at Paragraph 10.8 the following:

“10.8 The request in the Camphill Road submission for an exception to the 30-person limit for groups for commercial recreational activities in Rule 46.5.6 is not accompanied by any assessment of the appropriateness of allowing larger groups. I consider that larger groups could potentially generate effects related to traffic, parking, noise, and amenity to a greater extent than anticipated by the notified RVZ provisions. I note that exceeding the 30person limit triggers a restricted discretionary consent with matters of discretion related to the types of effects I have identified. Given the lack of assessment in the submission, I consider a restricted discretionary consent in accordance with notified Rule 46.5.6 to be the most appropriate way to address potential effects from groups with more than 30 people. As such, I recommend this submission point be rejected.”

- 4.15 As detailed previously in my evidence, most of the development in the property to date has been under the Commercial Recreation Activity rules under the ODP (as the equivalent PDP rule is not yet operative). Both the wording of the Rural Zone Commercial Recreation Activity rules under the ODP and PDP refers to a number of people in “any one group”. It is not known exactly what is meant by the term in “any one group”. For example, does 5 people riding eBikes and 5 people in a hot tub constitute one or two groups on the property? Or does five people in a hot tub, 20 meters apart, consistent one or two groups?

- 4.16 This issue was subject to debate in RM191691 where HIL applied for certificate of compliance for 6 hot tubs to be established on the property, each hot tub enabling 5 people in “any one group”. The Council issued a certificate for the six hot tubs, but restricted usage to a maximum of five people at any one time (inclusive of any staff associated with the activity). The decision stated:

“Whilst no definition of “group” is provided within either the ODP and PDP Council’s interpretation is no more than one group can be at the site of the activity at any one time.”

- 4.17 Applying that same interpretation to Rule 46.5.6 could mean that a Rural Visitor Zone, designed to encourage visitor use, could be restricted to thirty people at any one time for commercial recreation activities. In HIL's case the amount of investment to develop the Maungawera Rural Visitor Zone is not likely to yield a return to justify that investment if commercial recreation activities are restricted to 30 people on the property at any one time.
- 4.18 In my opinion, proposed Rule 46.5.6 is counterproductive to the purpose of the Rural Visitor Zone. This is particularly so for the Maungawera Rural Visitor Zone which has the primary purpose of attracting visitors to the property for commercial recreation and farming experiences (not unlikely Walter Peak which is excluded from this rule). For that reason, I recommend that the Maungawera Rural Visitor Zone be excluded from Rule 46.5.6 and instead a new Commercial Recreation Activity standard be inserted restricting the number of Commercial Recreation participants to 150 people within the Maungawera Rural Visitor Zone at any one time.

Conclusion

- 4.19 Ms Grace concludes at paragraph 10.12 – 10.14:

- “10.12 I consider that the Camphill Road, Corbridge and Blennerhassett sites do not have all of the key characteristics for RVZ areas, including those set out in the new policy I recommend in this evidence. Mr Jones describes how the Corbridge and Blennerhassett sites are not particularly remote, and how both can be viewed from public places. By comparison, Mr Jones advises that the upper terrace of the Camphill Road site does have a degree of remoteness, and the upper terrace is reasonably difficult to see from public places. However, it is not clear at this stage that the three areas are largely comprised of areas of lower landscape sensitivity (which should be the case for a RVZ) and the areas for re-zoning are large. In addition, I consider the request for residential development on the Corbridge and Blennerhassett sites is in conflict with the policies of the RVZ. There is also outstanding information relating to risk from natural hazards for the Blennerhassett sites. Zoning these three sites RVZ would provide access to areas of RCL and generate economic and social benefits, but I consider similar benefits would more appropriately be achieved through either a discretionary resource consent application, or in the case of the Corbridge site, a different type of zone, such as a resort zone.
- 10.13 Overall, when considering the costs and benefits of the economic, social, cultural, and environmental effects of the implementation of the RVZ on the Upper Clutha Basin submission sites, and the risk of acting, it is my opinion that this would not be an efficient or effective way to achieve the Objectives of Chapters 3. I consider the Rural Zone to be the most appropriate one for the sites at this point in time. I recommend that the submission points for these submissions be rejected.
- 10.14 For completeness, if the Camphill Road site was to be re-zoned RVZ (contrary to my current recommendation), I consider it essential that a 'no build' area across the fault trace is identified. This could be achieved by excluding the fault trace area from the RVZ (identified in Mr Bond's evidence as not low risk), or by inserting a Building Restriction

Area over the fault trace area with a corresponding prohibited activity rule.”

- 4.20 Ms McKenzie’s and this evidence have addressed all of the matters that were of concern to Ms Grace. As such, there does not appear to be any reason in the section 42A report to reject HIL submission seeking the adoption of the Maungawera Rural Visitor Zone.

5. Mandatory Assessment Criteria

- 5.1 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)).

- 5.2 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.

- 5.3 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 the Maungawera Rural Visitor Zone, with some site-specific rules and landscape sensitivity mapping. The Rural visitor Zone includes objectives, policies and rules which assist Council’s 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).

- 5.4 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
- 5.5 I understand that work has been undertaken on a proposed NPS for Indigenous Biodiversity but this is not yet complete.
- 5.6 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

- 5.7 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>
- 5.8 The chapters of the ORPS most relevant to the amended proposal is Chapter 5 (Land).
- 5.9 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. The subject site is not identified in any Regional Policy Statement of District Plan as being part of an Outstanding Natural Landscape. Development and use of the subject site for rural visitor activities is therefore not consider inappropriate under Objective 5.4.3. No subdivision is encouraged under the proposed Maungawera Rural Visitor Zone provisions.

(ii) Proposed Otago Regional Policy Statement (PORPS)

- 5.10 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.
- 5.11 The following Chapters of the PORPS are relevant to the amended proposal:
- Chapter 2 Kai Tahu Values and Interests
 - Chapter 3 Otago has high quality natural resources and ecosystems
 - Chapter 4 Communities in Otago are resilient, safe and healthy
 - Chapter 5 People are able to use and enjoy Otago's natural and built environment

5.12 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.

5.13 Chapter 3 of the PRPS is titled “Otago has high quality natural resources and ecosystems” and relates to natural resources, including outstanding natural landscapes.

5.14 Policy 3.2.4 relates to managing ONLs, stating

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.*

5.15 The subject site is not identified in any Regional Policy Statement or a District Plan as being part of an Outstanding Natural Landscape. Policy 3.2.4 is therefore not relevant to the consideration of the proposed Maungawera Rural Visitor Zone.

5.16 Policy 3.26 seeks to protect or enhance highly valued natural landscapes by all of the following:

- 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.*

5.17 The subject site has already, which in terms of amenity and character, are valued when viewed from outside the site. There areas are identified in Ms McKenzie’s evidence as parts of the site which are moderately or highly sensitive. However, a significant proportion of the site does not fall within this category, which makes the subject site particularly suitable to Rural Visitor zoning.

5.18 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:

- 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.*

5.19 The natural hazard issues have previously been discussed. I note that 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 this policy.

5.20 Policy 4.1.5 is to manage natural hazard risk to people and communities, with particular regard to all of the following:

- 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*

5.21 The natural hazard risk has been considered by Mr Meldrum and Dr Forrest (refer **Attachment's C and D**) and both conclude that there is no impediment to approving the requested Maungawera Rural Visitor Zoning over the entirety of the site.

5.22 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.

5.23 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. As Dr Forrest concludes, the reclassification and categorization of the Cardrona-Hawea Fault known to be present below the subject site has a positive effect of reducing the likelihood of fault rupture and therefore the risk to the proposed Rural Visitor Zone as a consequence of a significant seismic event.

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

(iii) Regional Plan: Air and Water

- 5.25 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.

- 5.26 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.

- 5.27 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.

- 5.28 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.

- 5.29 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 WÄHI TAPU

10.3.1 Wähi Tapu in the Clutha/Mata-au Catchments

There are a range of wähi tapu of particular significance within the Clutha/Mata-au Catchments. Urupā are the best modern day example of wähi 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 Wähi Tapu Policies in the Clutha/Mata-au Catchment

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

5.30 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.

5.31 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.

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

6. Section 32AA evaluation

6.1 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.

6.2 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.

6.3 I conclude from this evaluation that the amended proposal is the most appropriate zoning for the subject site.

7. Part II of the RMA

Section 7

7.1 The following other matters to which particular regard must be given are relevant to the consideration of HIL'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.

7.2 The incorporation of the requested Maungawera Rural Visitor Zone will, in my opinion, lead to efficient use and development of natural and physical resources of the Deaton's property. Concentrating tourism development into areas of low visual vulnerability ensures rural character is maintain and, where necessary, enhanced. There are also significant efficiencies with respect to the resource consenting processes in terms of their future aspirations for the property.

Section 6

7.3 The following matters of national importance shall be recognised and provided for as a matter of national importance:

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

7.4 The subject site does not form part of an Outstanding Natural Landscape. As such, section 6(b) is not relevant.

Section 5

7.5 In my opinion, the amended proposal achieves sustainable management of natural and physical resources. In particular the amended proposal 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 through the supply of rural land zoned for visitor use.

Attachment A – 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^[EG1]

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**^[EG2] – 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^[EG3] ~~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~~.^[EG4]

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.^[EG5]

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.^[EG6]

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**^[EG7] – Buildings and development that have a visitor industry related use are enabled ~~where within the Rural Visitor Zone in areas of lower landscape sensitivity and where necessary are restricted or avoided to:~~

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

Policies

46.2.2.1 Protect the landscape values of the Zone and the surrounding ~~rural landscapes Rural Zone Outstanding Natural Landscapes~~ ^{by}^[EG8]:

- 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~~ ^{by}^[EG9]:

- 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}^[EG10].

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~~^{EG11} 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 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, <u>except Loch Linnhe Station (Wye Creek) Rural Visitor Zone</u>	P

<p>46.4.6</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> <ol style="list-style-type: none"> a. The compatibility of the building <u>density</u>^[EG12], design <u>and location</u> ^[EG13] with landscape, cultural and heritage, and visual amenity values; b. Landform modification, landscaping and planting; c. Lighting; d. Servicing including water supply, fire-fighting, stormwater and wastewater; e. Natural Hazards; and f. Design and location of related carparking. x. <u>Where</u>^[EG14] <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> 	<p>C</p>
<p>46.4.7</p>	<p>Farm building</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. The relationship of the proposed farm building to farming activity; b. Landform modification, landscaping and planting; c. Lighting; d. Servicing including water supply, fire-fighting, stormwater and wastewater; and e. Natural Hazards. x. <u>Where</u>^[EG15] <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> 	<p>RD</p>
<p>46.4.8</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> <ol style="list-style-type: none"> a. Effects on natural character; b. Effects on landscape values and amenity values; c. Lighting; d. Effects on public access to and along the lake margin; and e. External appearance, colour and materials. 	<p>RD</p>
<p>46.4.8A</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) Location of the building(s) within the Activity Area, including setbacks from Diamond Lake;</p> <p>(b) Visual effect of built form from outside of the zone;</p> <p>(c) Landform modification, mitigation landscaping and planting;</p> <p>(d) Lighting;</p> <p>(e) Servicing including water supply, fire-fighting, stormwater and wastewater;</p> <p>(f) Natural Hazards; and</p> <p>(g) Design and location of related carparking.</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) As provided for in Rules 46.4.2 and 46.4.3; and</p> <p>(b) a total of 11 residential dwellings within the RES 1A and 1B Activity Areas at the Arcadia Rural Visitor Zone; and</p> <p>(c) a total of 12 residential dwellings within the RES 2A, 2B and 2C Activity Areas at the Arcadia Rural Visitor Zone; and</p> <p>(d) one residential dwelling located within the Maungawera Rural Visitor Zone; and</p> <p>(e) one residential dwelling located within the Loch Linnhe Station (Wye Creek) Rural Visitor Zone.</p>	NC
46.4.14	Commercial, retail or service activities except as provided for in Rules 46.4.2 and 46.4.3 and 46.4.1.8A (in respect of the COM Activity Area of the Arcadia Rural Visitor Zone only).	NC
46.4.15	Mining	NC
46.4.15A	Informal airports at the Loch Linnhe Station (Wye Creek) Rural Visitor Zone.	NC
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, except as provided below.</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>46.5.1.3: Within the Arcadia Rural Visitor Zone the maximum height of buildings shall be:</p> <p>(a) RES1A and 2A and VA 2B – 8m; (b) RES1B and VA3B – 8m; (c) RES2A and COM – 6.5m; (d) RES2B – 7.25m; (e) VA1 – 8m, except up to 100m² of new development 12m; (f) VA2A and 3A – 8m; (g) Lakeside Recreation – 4.5m.</p>	<p>NC</p> <p>NC</p>
46.5.2	<p>Building Size^[EG16]</p> <p>46.5.2.1 The maximum ground floor area of any building shall be 500m².</p> <p>46.5.2.1 In the <x, y and z Rural Visitor Zones> the total maximum ground floor area across the zoned area, excluding any areas identified as Moderate – High and High Landscape Sensitivity, shall be 500m².</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. density of development.</p>
46.5.2A	<p>Building Coverage</p> <p>46.5.2A.1 The total building coverage shall not exceed the following within the Arcadia Rural Visitor Zone:</p> <p>(a) VA1 - 500m² (excluding the existing homestead); (b) VA2A – 1,000m²; (c) VA2B – 1,500m²; (d) VA3A - 1,500m²; (e) VA3B – 1,000m²; (f) COM – 350m²; (g) Lakeside Recreation – 80m².</p> <p>46.5.2A.2 The total building coverage, excluding farm buildings, shall not exceed 6,000m² within the Maungawera Rural Visitor Zone.</p>	<p>NC</p>

	Table 46.5 – Standards	Non-compliance status
	<p><u>46.5.2A.3 The total building coverage shall not exceed 4,700m² within the Loch Linnhe (Homestead) Rural Visitor Zone.</u></p> <p><u>46.5.2A.4 The total building coverage shall not exceed 1,800m² 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>	
46.5.3	<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
46.5.4	<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"> a. Indigenous biodiversity values; b. Visual amenity values; c. landscape; d. open space and the interaction of the development with the water body; e. environmental protection measures (including landscaping and stormwater management); f. natural hazards; and g. Effects on cultural values of manawhenua.

	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"> a. Nature and scale; a. Reverse Sensitivity effects; and b. Functional need for buildings to be located within the setback.
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"> a. Nature and scale including cumulative adverse effects; b. Hours of operation; c. The extent and location of signage; d. Transport and access; and e. Noise.
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
<p>46.5.8B</p>	<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"> i. <u>Roofs shall be of slate tiles, natural cedar shakes, or iron (corrugated or tray steel);</u> ii. <u>All roofs shall be dark grey or dark green in colour;</u> iii. <u>All roofs shall have a minimum pitch of 30 degrees and shall be gable and ridge form;</u> iv. <u>Flat roofs are permitted, but only as joins between gable elements, and may not exceed 20% of the total roof area.</u> <p>(b) <u>In RES 2A, B and C Activity Areas:</u></p> <ul style="list-style-type: none"> i. <u>Roofs shall be of slate tiles, natural cedar shakes, or iron (corrugated or tray steel);</u> ii. <u>All roofs shall be dark grey or dark green in colour;</u> iii. <u>Where flat roofs occur all “butynol” or similar products used shall be in a black finish.</u> <p>(c) <u>In VA1 Activity Area:</u></p> <ul style="list-style-type: none"> i. <u>Roofs shall be of slate tiles, natural cedar shakes, or iron (corrugated or tray steel);</u> ii. <u>All roofs shall be dark grey or dark green in colour;</u> iii. <u>All roofs shall have a minimum pitch of 30 degrees and shall be gable and ridge form.</u> 	<p><u>NC</u></p>
<p>46.5.9</p>	<p><u>Visitor Accommodation</u></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>	<p><u>D</u></p>

	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><u>Open Space (OS Activity Area) Arcadia Rural Visitor Zone</u></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"> i. <u>The provision of access from Glenorchy-Paradise Road to the RES 2A Activity Area;</u> ii. <u>From the western boundary of the zone to the RES1A, 1B and VA2A Activity Areas;</u> 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> 	

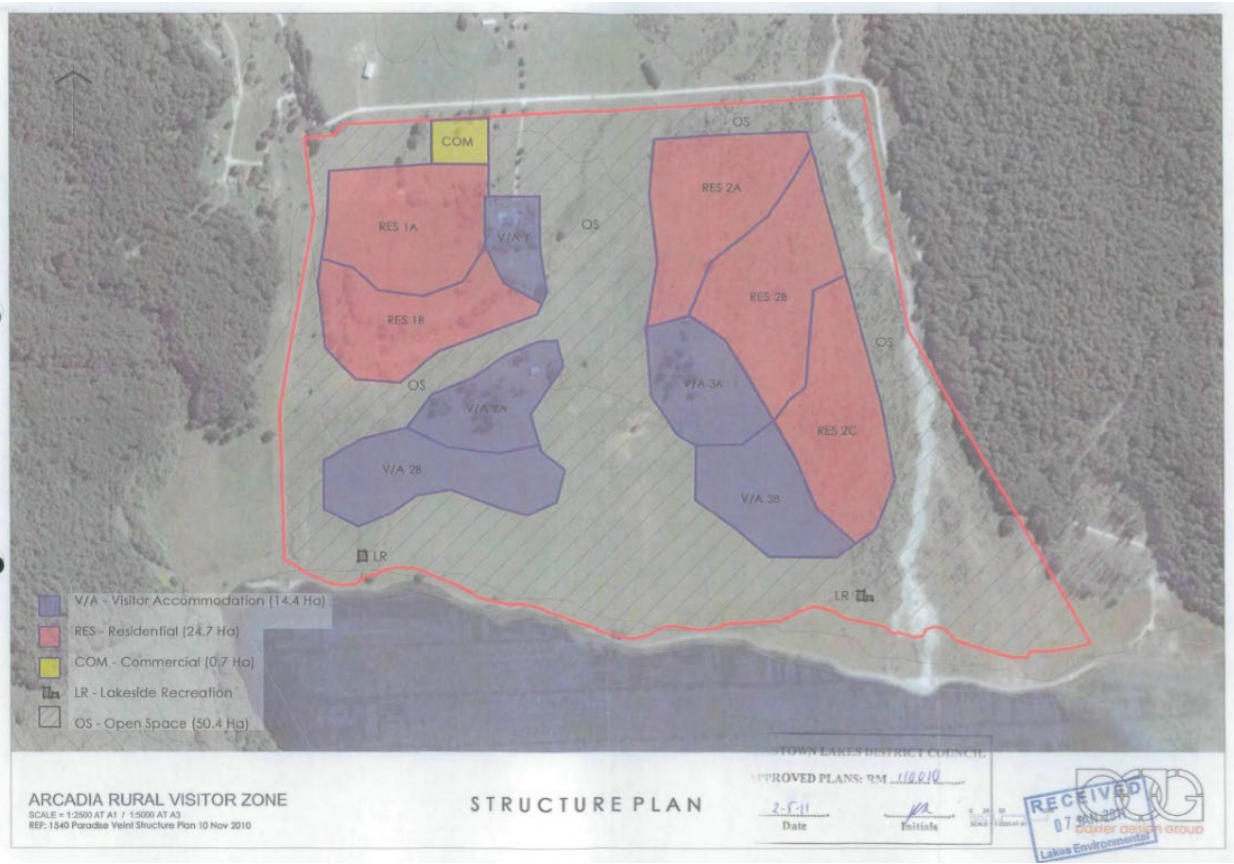
46.6 Non-Notification of Applications

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:

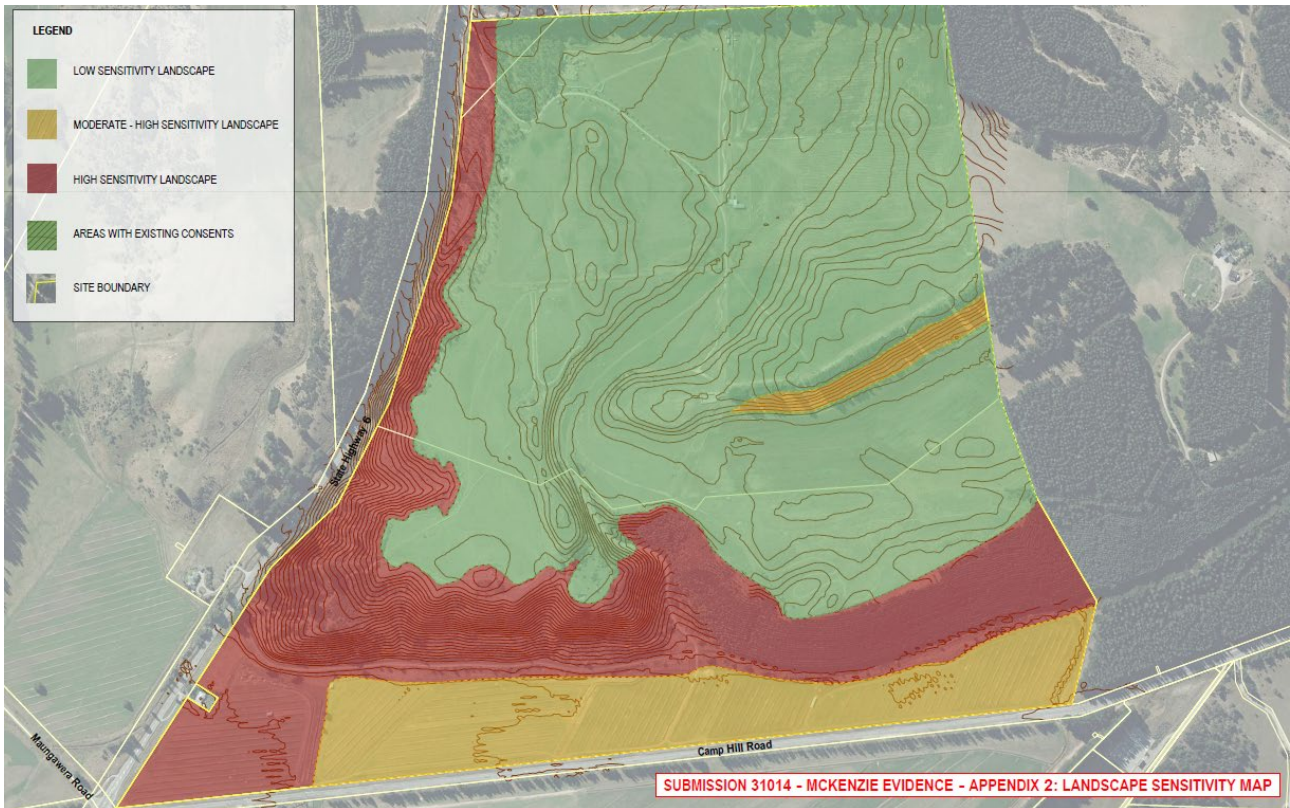
- a. Rule 46.4.8 Water Transport Infrastructure at Walter Peak.
- b. Rule 46.5.4 setback of buildings from waterbodies.
- c. Rule 46.5.5 setback of buildings from the Zone boundary.
- d. Rule 46.5.6 commercial recreational activities.
- x. Rule^[EG17] 46.4.6 The construction, relocation or exterior alteration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

46.6.x For^[EG19] 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.

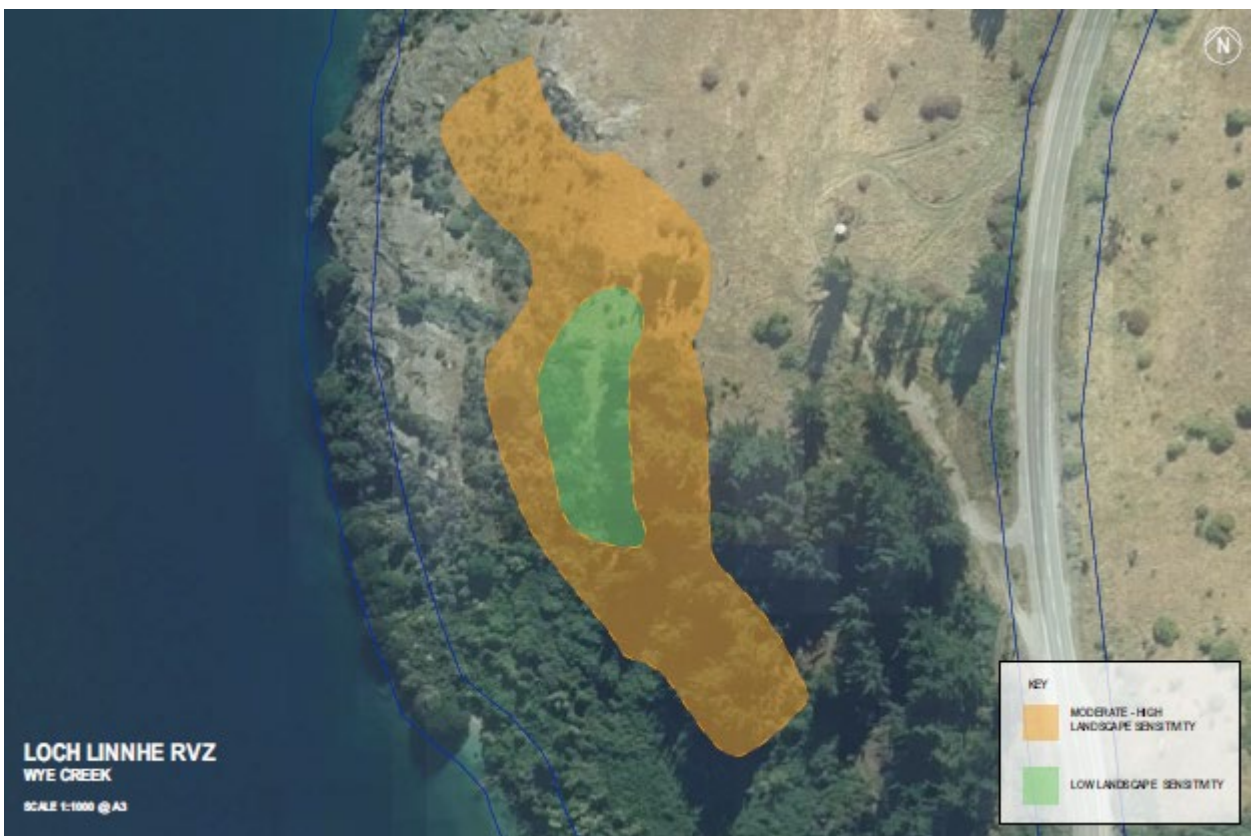
46.7 Structure Plan – Arcadia Rural Visitor Zone



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)

25.5.5	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 ³
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Variation to Subdivision and Development Chapter 27:

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

Amend Chapter 27 by amending Rule 27.5.9 as follows:

27.5.11	All subdivision activities in the 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	<u>Rural Visitor Zone</u>
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 _{Aeq} (15 min)	NC
			2000h to 0800h	40 dB L _{Aeq} (15 min)	NC

Attachment B – Mr Meldrum’s Report dated 19 May 2011

19 May 2011

Heron Investments Ltd
c/- Lakes Consulting Group
PO Box 2559
Queenstown 9348

Attention: Dave Bolger

Dear Dave,



Seismic Risk Assessment, Lot 1 DP21025 – Albert Town Lake Hawea Road

GDM Consultants have been asked to provide comment on the hazard identified on Heron Investments property, Lot 1 DP21025, with regard to the Nevis Cardrona Fault identified by the QLDC hazard register as traversing the site. This report has been prepared following a desktop exercise of reviewing available literature on the fault. No site investigations have been undertaken nor are they considered warranted given the "concealed" nature of the fault in this area.

A risk based approach has been applied to provision of a building platform and recommendations have been made regarding design of any structure to be built on the proposed platform.

Background

Heron Investments have applied for resource consent to establish a building platform on their property adjacent to the Albert Town Lake Hawea Road (SH6). Lakes Environmental have issued a Request for Further Information as follows:

Comment from a suitably qualified geotechnical engineer in regards to the Nevis-Cardrona fault line, this shall include any possible effect on future dwellings and any mitigation measures necessary.

The site is 58.7 ha in area bounded on the west by SH6 and other rural properties to all other boundaries. QLDC's hazard register shows the Nevis-Cardrona fault traversing the site from near the southwest corner to near the north east corner (see attached copy of printout from QLDC GIS).

Nevis Cardrona Fault System

The Nevis Cardrona Fault system is identified on the "New Zealand Active Faults Database" maintained by GNS and is also identified in the GNS 1:250,000 Geological Map 18 "Geology of the Wakatipu Area". This latter reference shows the fault in the area of the subject site to

be “concealed” and has only been accurately mapped in parts of the Cardrona Valley and parts of the Nevis Valley. It is likely that the QLDC Hazard Register information has been taken from the GNS Geological Map 18 and therefore cannot be relied on to give an accurate location. The fault could lie kilometers either side of the location shown in the Hazard Register.

The active fault database indicates that the fault is a “reverse sense” fault with a recurrence interval of 5000 to 10,000 years, a “low” slip rate and a “moderate” single event displacement. Van Dissen et al (1) in “An interim classification of New Zealand's active faults for the mitigation of surface rupture hazard” also classify the fault system as having a return period of 5000 to 10,000 years with a “medium” level of confidence of classification.

Also of note is that the NZ Standard 1170.5:2004 “ Structural Design Actions – Part 5: Earthquake Actions – New Zealand” lists the major seismic faults that need to be given “near-fault factors” to increase the loads to be designed for. The Nevis-Cardrona fault system is not included in this list as it's return period is too far beyond the return period normally designed for (500 years).

We know that there is an active fault with a long recurrence interval somewhere near or under the site in question. The question is whether this is a hazard that needs to be avoided, ignored or mitigated.

Planning Environment

The identification of hazards and determining appropriate planning instruments to deal with them is the role of the district and regional councils. In this case both district and region have noted the presence of the fault by including it on the QLDC Hazards Register. There does not appear to be much further that either council has done to develop policies or rules regarding development near or on active faults.

Queenstown Lakes District Council

The QLDC District Plan Section 4 discusses natural hazards and has as its objective 1 to “*avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District from natural hazards*”. Of the policies in this section of the Plan the most relevant is policy 1.5 “*To ensure that within the consent process any proposed developments have an adequate assessment completed to identify any natural hazards and the methods used to avoid or mitigate a hazard risk*”. The plan goes on further to state under implementation methods that QLDC will meet objective 1 by “*(b) The provision of rules to ensure all new buildings for residential, recreation or visitor accommodation activities are assessed in terms of damage or danger from natural hazards, particularly slope stability and earthquake*”.

Section 7 of the District Plan “Residential Areas” does not mention “earthquakes” nor “seismic” and is therefore silent on policies or rules with regard to residential development on or near active faults.

Otago Regional Council

The ORC's Regional Policy Statement for Otago does not give any specific guidance for how to deal with the potential hazard from The Nevis-Cardrona fault system it does however give generalised guidance regarding identifying hazards and determining the risks from those hazards.

Ministry for the Environment

In 2003 the Ministry for the Environment published a guideline for planners titled "Planning for Development of Land on or Close to Active Faults – a guideline to assist resource management planners in New Zealand". This document recommends four principles for planning as follows:

1. Gather accurate active fault hazard information
2. Plan to avoid fault rupture hazard before development and subdivision
3. Take a risk-based approach in areas already developed or subdivided
4. Communicate risk in built up areas subject to fault rupture.

As stated in the preceding sections the exact location of the Nevis-Cardrona fault system within the Albert Town to Hawea area is not known. For this reason avoidance of the fault rupture hazard is not appropriate – providing an exclusion zone of 20m either side of the mapped fault would be applying too great a reliance on the assumed fault location shown in the hazard maps (It should be noted that no "fault avoidance zones" are defined in the QLDC District Plan nor in ORC's various plans). It is therefore recommended that a risk based approach be taken.

The risk based approach relies on assessment of fault recurrence interval, fault complexity and building importance category. The MoE Guideline gives a matrix of acceptability dependent on these three parameters.

In a paper presented to the 2003 Pacific Conference on Earthquake Engineering, King et. al. (the writers of the MoE guidelines) gave a background to the development of the risk based approach in the Guidelines. Which gives the following guideline principles:

- *The guidelines apply to developments within the earthquake fault control zone (assumed to be within 20m of the fault zone..) when the Recurrence Interval Class of the fault is within the range of significance for the development type and the Building Importance Category which will be permitted.*
- *The presence of all active faults within the developments is to be registered in the Land Information Memorandum (LIM) in sufficient detail to enable the Fault Recurrence Class interval and its complexity classification to be established if such detail exists.*
- *Mitigation measures are only required when the Recurrence Interval Class of the fault present at the site is within the range of significance for buildings within the Building Importance Category for which the development application is being sought.*
- *The mitigation measures appropriate for a specific site is also influenced by the complexity of the fault's surface expression, with well defined faults likely to be subjected to greater controls (since their location is well established and avoidance*

through alternative site layout a realistic option), while expressions which are ill defined or uncertain do not present such an opportunity.

- *Mitigation measures include regulatory planning methods, non-regulatory methods or enhanced technical means which can accommodate imposed deformations.*

Assessment of Seismic Risk

For this fault the Recurrence interval class is IV (5000 to 10,000 years). In this case the complexity must be categorised as “uncertain” as the fault trace is not visible in the area. The building importance category is either 2a or 2b as it is expected that construction will be of a residential nature or for associated farm buildings the category would be 1. Table 9.2 from the MoE document gives recommendations for the building categories that are acceptable in greenfield sites for the various recurrence interval class. This indicates that for Class IV recurrence interval building importance category types 1, 2a and 2b are acceptable on or near the fault. Table 11.1 of this document reinforces this finding and suggests that Building Importance categories 1, 2a and 2b should be “permitted activities” for this recurrence interval class.

The two major factors that influence the risk at this site are the long return period of the fault and the uncertain location of the fault. If the fault had a clearly defined location then it would be a simple matter of avoiding buildings directly on the rupture surface. In this case the location could be several kilometers from where it is mapped. Avoidance is therefore not an available mechanism.

The accepted probability of risk in the structural design loadings codes (NZS1170.0) for a residential building is 10% possibility of exceedance in a 50 year period (1 in 500 year return period). The Cardrona fault in this location has a return period of between 5000 and 10,000 years which gives a probability of risk of 0.5 to 1% in 50 years or one tenth to one twentieth that of the “accepted risk” under design codes.

Recommendation

It is my recommendation that due to the uncertainty of the location of the Nevis-Cardrona fault through this area and the long return period for fault rupture that there are no restrictions to placing a building platform on the site provided that any building is either a farm building or a residential building (Importance Level 1 and 2 as defined in NZS1170.0).

Should you have any questions please give me a call.

This report has been prepared solely for the benefit of Heron Investments Ltd. No liability is accepted by this company or any employee or sub-consultant of this company with respect to its use by any other person.

This disclaimer shall apply notwithstanding that the report may be made available to other persons for an application for permission or approval or to fulfil a legal requirement.

Yours sincerely


Grant Meldrum
gdm consultants

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QLDC GIS Database – Hazards Layers

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Standards New Zealand, NZS1170.5:2004, *New Zealand Standard, Structural Design Actions, Part 5: Earthquake Actions – New Zealand*

Standards New Zealand, NZS1170.0:2002, *Australia/New Zealand Standard, Structural Design Actions, Part 0: General Principles*

QLDC – Queenstown Lakes Partially Operative District Plan

ORC – Regional Policy Statement for Otago, Section 11, Natural Hazards

Kerr, J., Nathan, S., Van Dissen, R., Webb, P., Drunsdon, D., King, A., Planning For Development of Land on or Close to Active Faults, *Ministry for the Environment, Manatu Mo Te Taiao*, Wellington, New Zealand, 2003.

King, A., Brunson, D., Shephard, B., Kerr, J., Van Dissen, 2003, Building Adjacent to active faults: a risk-based approach. *In proceedings, Pacific Conference on Earthquake Engineering*, Christchurch, New Zealand, February, 2003, Paper No.155.

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- 2 JUN 2011
Wanaka
Lakes Environmental

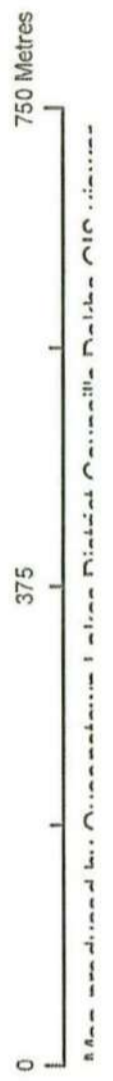
Lot 1 DP21025



Legend

- Dangerous Goods Licence
 - ⬮ LPG CYLINDER
 - * POTENTIALLY CONTAMINATED SITE
- Flood Return period
 - 150 Year
 - 100 Year
 - 75 Year
 - 50 Year
- Faults
 - Active
 - Inactive
- Potentially Contaminated Sites
 - Potentially Contaminated Sites
 - Contaminated Sites
 - Dangerous Goods Licence
 - Landfill
- Landslide Areas
 - Active Pre existing Schist Debris Landslides
 - Pre-existing Schist Debris Landslides
 - Dormant Pre-existing Schist Debris Landslides
 - Slope Failure Hazard in Superficial Deposits
 - Shallow Slips and Debris Flows in Colluvium
 - Debris Flow Hazards
 - Rockfall
 - Landslide Areas (Outside priority areas)
 - Flooding - rainfall
 - Flooding - damburst
- Erosion Areas
 - Erosion Areas
 - Alluvial Fan - ORC
 - fna - fan active bed
 - fna - fan recently active
 - fna - fan less recently active
- Liquefaction Areas
 - Susceptible
 - Possibly susceptible
- Avalanche Areas
 - Avalanche Areas

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QUEENSTOWN LAKES DISTRICT COUNCIL
 Scale @A4 paper size - 1:8,000

Map date:
 16/03/2011





New Zealand Active Faults Database

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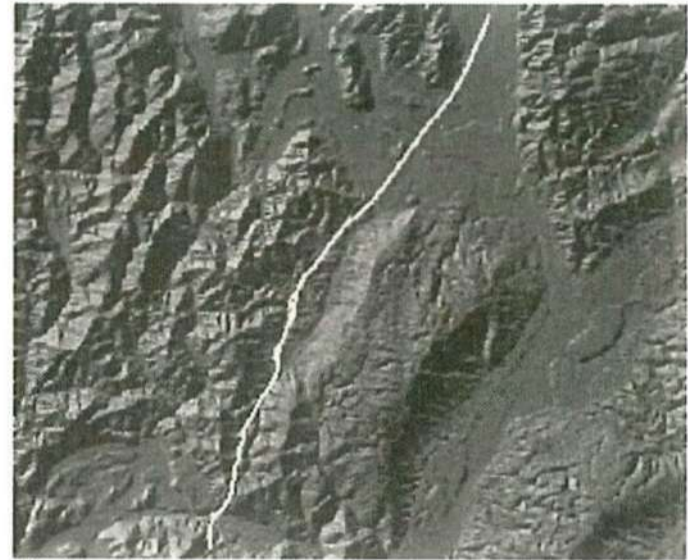
Data Entry

Interactive Map

Login

NW Cardrona Fault

Fault Sense	reverse
Recurrence Interval	5000-10000
Last Event	not established
Slip Rate	Low
Single Event Displacement	Moderate



Click on the image above to open an interactive map

Selected References

Beanland, S.; Barrow-Hurlbert, S.A. 1988 The Nevis-Cardrona Fault System, Central Otago, New Zealand: late Quaternary tectonics and structural development. *New Zealand journal of geology and geophysics*, 31(3): 337-352

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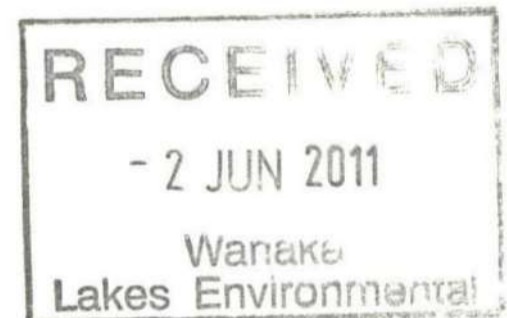
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Attachment C – Mr Meldrum’s letter dated 21 May 2020

21 May 2020

Heron Investments
C/- Vivian + Espie
Via email

Attention: Carey Vivian

Dear Carey,

Earthquake Hazard at 93 Camp Hill Road – Supplementary report

GDM Consultants previously prepared a report (dated 19 May 2011) on the hazard risk posed by the NW Cardona Fault that is mapped over the property at 93 Camp Hill Road (Lot 1 DP21025) – identified as Albert Town – Hawea Road in that previous report. This current report is to discuss my latest views on the hazard based on more recent research available and in response to the second statement of evidence of Robert Bond on behalf of the Queenstown Lakes District Council for submission to the hearings panel for the proposed Queenstown Lakes district plan.

Introduction

I am a Chartered Member of EngNZ (formerly the IPENZ) and have worked in both New Zealand and Australia for the past 37 years. The last 23 years I have been based in the Queenstown area and also Christchurch since the Canterbury Earthquake Sequence. My most recent 8 years have been specifically working within the Canterbury Earthquake Sequence recovery space. My training includes geotechnical and geologic fields and I have been involved with geotechnical reporting for projects within the Queenstown Lakes District and beyond.

While not specifically required I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I acknowledge that I have a sound understanding of the hazards posed by earthquakes but have relied on the published data and opinions of others in formulating my views. This published data is cited and referenced at the end of this report.

Previous Report dated 19 May 2011

In the report I identified concerns regarding the use of the location data on Queenstown Lakes District Council's (QLDC's) hazards register. This is further discussed below.

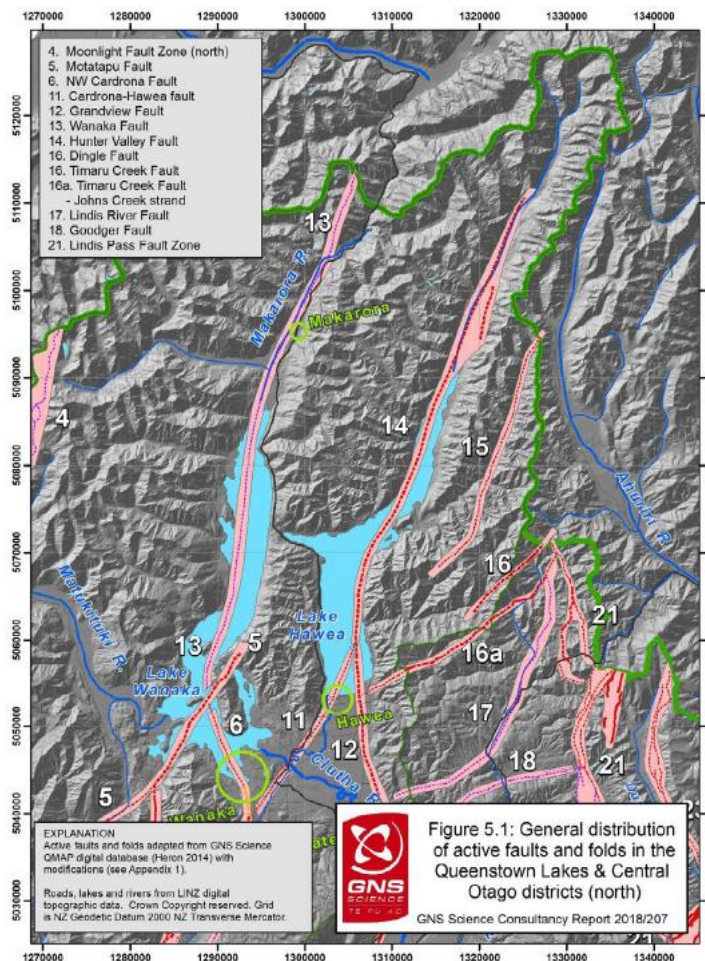
Also discussed was the risk associated with the fault and its effect on any proposed development of the site. This discussion considered the assessed recurrence interval for the fault, the applicable design requirements under the Building Act for structures on the site which require buildings to be designed for seismic events that are assessed to have an annual probability of 0.2% (1 in 500 years). The recurrence interval for this fault was categorized at the time as being 1 in 5000 years to 1 in 10,000 years. The Ministry for the Environment 2003 guideline "Planning for Development of Land on or Close to Active Faults – a guide to assist

resource management planners in New Zealand” was also used to assess the potential risk from the fault zone.

My recommendations were that development of the site should be allowed without restriction for Levels 1 and 2 buildings as defined in AS/NZS1170.0.

Updated information for the potential hazard

A recently published report by GNS (Barrell DJA., 2019) provides new information regarding the NW Cardrona Fault. The fault is now identified as running through Wanaka itself then to the south of the Peninsula (between the main lake and Stevenson’s Arm) to join at the intersections of the Motatapu Fault and the Wanaka Fault near Mou Tapu. The extracted map from the report showing fault traces is presented below. Clearly this is a much greater hazard to Wanaka itself rather than 93 Camp Hill Rd.



The GNS report does indicate that there is likely to be a fault that runs through the subject area and has designated this the Cardrona– Hawea Fault. The table below gives characteristics of the two faults taken from the GNS report. The Cardrona – Hawea fault has a much longer recurrence interval at 30,000 years compared to the 5500 years of the NW Cardona Fault and “slip rates” are very low (0.05 mm/yr compared to 0.38 mm/yr). The slip rates imply that an event on the Cardrona – Hawea Fault would result in displacement of 1.5m and on the NW Cardrona Fault of 2.1m. This means that the NW Cardrona Fault will release more energy but

not significantly more however this will happen 6 times for every event on the Cardrona – Hawea Fault.

Name	Observed characteristics	References	Deformation estimates				
			Basis of estimates	Classification	Assigned net slip rate (mm/yr)	Calculated recurrence interval (RI) - years	Indicated RI Class (following Kerr et al. 2003)
<i>Representative name for feature (number in Figures 5.1–5.3)</i>	<i>Description of feature(s)</i>	<i>Main source(s) of information on character or activity of feature</i>					
NW Cardrona Fault (6)	Fault zone(s) in bedrock, with deformed geologically young sediments and landforms	Beanland & Barrow-Hurlbert (1988); Turnbull (2000). Litchfield et al. (2013); this report	Air photo interpretation; regional geologic mapping; lidar data; field inspection & surveying; trenching & dating; geomorphologic interpretation	Definite, likely and possible active fault and fold strands	0.38	5500	Class IV (>5,000 to ≤10,000 years)
Cardrona-Hawea fault (11) *	Fault zone(s) in bedrock, with offset of peneplain	Turnbull (2000); this report	Regional geologic mapping; lidar data; geomorphologic interpretation	Possible active fault	0.05	30,000	Class VI (>20,000 years)

Location information for the Cardrona – Hawea Fault indicates that it is poorly defined. The description of the fault (appended to this report) states that it “lies somewhere between the basement rock massif of Mt Iron, and steeply-dipping Cenozoic-age sedimentary strata exposed in the banks of the Clutha and Hawea rivers near Albert Town”. Based on this, a simple line through the property at 93 Camp Hill Rd does not define the location at all. The fault may be in this location, but it is more likely that it is somewhere else - between Mt Iron and the Hawea River.

Given the uncertainty regarding location and the now recognized longer interval between seismic events it would not be appropriate to place a building restriction in a particular location over the property.

Ministry for the Environment guidelines

The Ministry for the Environment Guidelines (MfE, 2003) for land development on or near to active faults is relevant to the planning decisions made by local and regional authorities. It gives warnings around interpretation of active fault location from geological maps produced at high scales (1:250,000 in this case) and recommends that “for planning purposes, faults should be mapped and classified at a minimum scale of 1:10,000. At present, few local authorities have mapped active faults to this scale, instead relying on existing fault maps for indicative purposes. This can create severe limitations for land use planning”

For the Cardrona – Hawea Fault the location has been extracted from the QMap data set. This is at a scale of 1:250,000 and therefore clearly not sufficiently small to be used for property scale definition of fault location. Further the fault is only inferred as there are no surface

traces to give more accurate identification and this is supported by the recent GNS report (Barrell DJA., 2019).

The guideline (MfE, 2003) goes on to discuss the types of buildings that should be allowed under various recurrence intervals. The recurrence interval for the Cardrona – Hawea Fault is estimated at 30,000 years which classifies the fault as a Class VI fault. MfE recommend that for this class any type of building is permitted on both previously subdivided/developed sites or on “green fields” sites.

Using the guidance recommendations for a risk-based approach to hazard management Table 11.1 states that for Class VI faults all building importance category buildings should be permitted activities **within** a fault hazard avoidance area. The fault hazard avoidance area is an area 20m either side of an appropriately defined fault trace.

Statement of Evidence of Robert Bond on behalf of Queenstown Lakes District Council

In Mr Bond’s statement of evidence it appears that no consideration has been given to the accuracy of location of the natural hazard nor was the more recent information provided in the Barrell GNS report (Barrell DJA., 2019) considered. The recommendation was that the proposed plan change not be opposed outside an exclusion zone either side of the fault location from the District Hazard maps but that it was opposed within that exclusion zone.

The statement does not appear to take a risk-based approach to recommendations for development. Rather, it appears that the rationale is that because an earthquake fault has been inferred to be located over the property that no development should be undertaken. This is contrary to the approach recommended in the MfE guidelines (2003). There did not appear to be any other justification for the opposition of development.

Conclusion

Given the more recent information on the faults in the Queenstown Lakes District I believe that it is not appropriate to identify an area where development be prohibited on the site. Further the MfE guidance considers that any building class can be constructed within the fault hazard avoidance area.

The now identified fault potentially underlying the property has a very low recurrence interval that would create a low probability of a seismic event, the slip rates across the fault are also very low and the location of the fault is not defined and may not be over the property at all.

Based on the above it is my opinion that the natural hazard posed by the Cardrona – Hawea fault should not be a reason to oppose development of the site.

Yours sincerely



Grant Meldrum
BE(Civil), CMEngNZ
gdm consultants

References

- Barrell DJA. (2019). *General distribution and characteristics of active faults and folds in the Queenstown Lakes and Central Otago districts*. Lower Hutt (NZ): GNS Science.
- MfE. (2003). *Planning for Development of Land on or Close to Active Faults*. Wellington: Ministry for the Environment, Manatu Mo Te Taiao.

Extract 1 from Barrell (2019)

5.4.2 Wanaka and Hawea Area

The major change for the Wanaka area is the recognition, due to the availability of detailed topographic information from lidar, that the most recent surface ruptures of the NW Cardrona Fault appear to have extended north from the Cardrona valley, near the foot of the Mt Alpha range, through part of Wanaka township (Figures 5.5, 5.6). Previously, the NW Cardrona Fault was thought to extend northeast to Lake Hawea, passing beneath Albert Town and part of Lake Hawea township. The interpreted surface deformation through the Wanaka area is in the form of a monoclinial fold, that is most clearly expressed across old lake-beach landforms of an assessed age of no older than 18,000 years. The fold affects a ~100 to ~200 m wide zone of ground that has been up-warped to the west by ~4 or 5 m. The effect has been to impart a gentle easterly tilt to the ground across that zone. This interpretation is currently classed as 'likely', pending more detailed investigation and assessment. Preliminary assessment of lidar data suggests that younger lake-beach landforms show lesser amounts of deformation, indicating that the ~4 to 5 m high warp on older landforms is the result of at least two movement events. This new interpretation, while still requiring a more detailed assessment for confirmation, may explain a long-standing geological puzzle. Relatively young landforms have been offset by ruptures of the NW Cardrona Fault in the Cardrona valley, but there is no indication of fault offset of the somewhat older glacial landforms between Albert Town and Lake Hawea. There is undoubtedly a fault in bedrock extending through that area, but in the present dataset that fault is renamed the Cardrona-Hawea fault and is assessed as having a much lesser level of activity (calculated recurrence interval 30,000 years) compared to the NW Cardrona Fault (calculated recurrence interval 5,500 years).

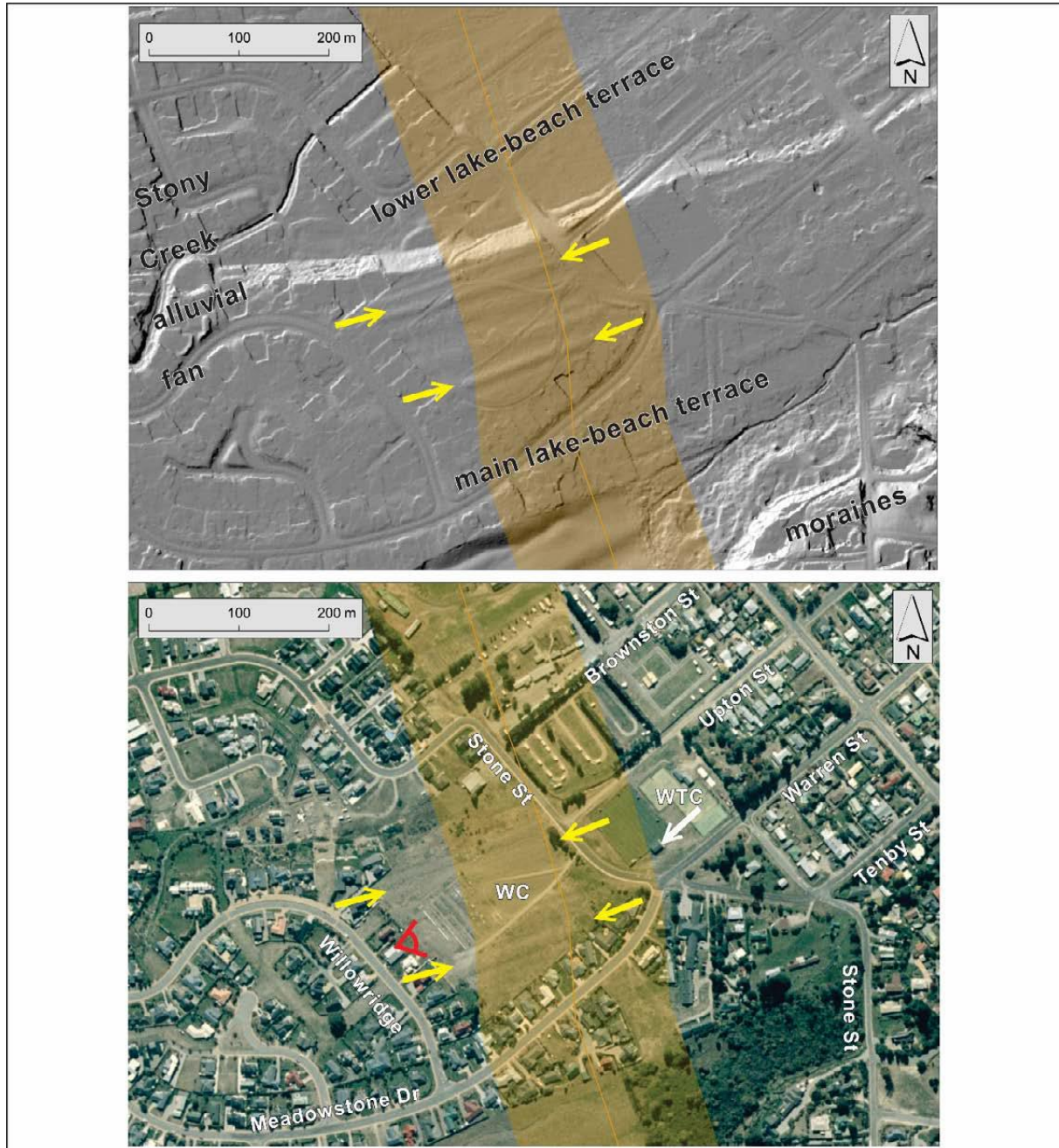


Figure 5.5 Map views highlighting the location of a suspected monocline fold through Wanaka township, close to Wanaka Cemetery (WC). **Upper panel:** A high-resolution topographic relief model generated from lidar, with the main landform features annotated. The thin orange line marks the centreline of the monocline fold, as positioned in the GIS dataset described in this report. The certainty that this feature is an active fold is classified as ‘likely’. The orange colour band illustrates, schematically, the approximate width of the tilted ground across the fold. West and east of the colour band, the lakebeach terrace landform is approximately flat, but across the colour band, the ground has a gentle eastward tilt. Yellow arrows highlight two beach ridges, created by wave action at former shorelines of a much larger Lake Wanaka, that are well-resolved in the lidar model. **Lower panel:** Same map area, with a high-resolution aerial photo background (Otago 0.75m Rural Aerial Photos (2004–2011); Terralink and Otago Regional Council). The yellow arrows are in the same position as in the upper panel and illustrate that the beach ridges are evident in aerial photos as well as in the lidar model. The red symbol indicates the vantage point and field of view of the Figure 5.6 photo; the white arrow indicates a building at Wanaka Tennis Club (WTC) that is also arrowed in Figure 5.6).

Extract 2 from Barrel (2019)

A2.6 Cardrona-Hawea fault (feature 11; Figures 5.1–5.2)

Geological relationships indicate the presence of a substantial northeast-striking fault, upthrown on its north-western side, extending from near the Cardrona/Clutha river confluence towards Lake Hawea. The fault lies somewhere between the basement rock massif of Mt Iron, and steeply-dipping Cenozoic-age sedimentary strata exposed in the banks of the Clutha and Hawea rivers near Albert Town. The fault is further extrapolated northeast between Mt Maude, composed of basement rock standing 1 km above the Wanaka/Hawea basin, and Camp Hill, on whose northwest side is an exposure of gently-dipping Cenozoic strata resting on bedrock.

New information that has led to the NW Cardrona Fault being repositioned northwards near Wanaka, at least in regard to its most recent ruptures, necessitates a status change for the northeast-striking fault that extends northeast between Wanaka and the Hawea area. It is not known whether it was formerly part of the NW Cardrona Fault, or is simply a similar, but separate, fault. In this dataset, this fault is renamed the Cardrona-Hawea fault, to avoid any confusion in regard to recent (post-glacial) activity of the NW Cardrona Fault.

Lidar confirms previous visual assessments that the surfaces of glacial outwash plains, assessed as being 18,000 years old, are not deformed across the line of the Cardrona-Hawea fault, indicating that this fault has not experienced surface rupture in at least in the past ~18,000 years. Due to indications of geologically young activity on the faults against which it terminates, it is classified here as a 'possible' active fault. It is characterised as a 60° northwest dipping fault, with a nominal slip rate of 0.05 mm/year, and length of 23 km, extending from the NW Cardrona Fault in the southwest, northeast beneath Lake Hawea township to a presumed three-way intersection with the Grandview Fault and Hunter River faults (see separate sections). Using 2010 NSHM methodology, a recurrence interval of ~30,000 years is calculated.

Attachment D – Dr Forrest’s letter dated 12 May 2020

12 May 2020

Heron Investments Ltd

PO Box 40
Albert Town 9344

c/o Vivien & Espie

Ref: L6217-1A

By Email

Dear Carey

RE: GEOTECHNICAL CONSIDERATION AND INFLUENCE OF AN ACTIVE FAULT TRACE ON THE PROPOSED MAUNGAWERA RURAL VISITOR ZONE

Introduction

Heron Investments has sought a rezoning of Lot 1 DP21025 at 93 Camp Hill Road, situated to the east of SH6 Albert Town - Lake Hawea Road (the site). The proposed rezoning is to form the Maungawera Rural Visitor Zone (RVZ).

GCL has been asked to review the current geotechnical information available for the site, including previous reporting and the recent evidence supporting Queenstown Lakes District Council (QLDC) Section 42 report. The purpose of the review is to determine the level of risk associated with fault rupture and to what extent it may influence the proposed rezoning, if any.

As part of this exercise, GCL has reviewed and or relied on the following documents relevant to the site:

- GDM Consultants Seismic Risk Assessment for Lot 1 DP21025 dated 19 May 2011
- Evidence of Mr Robert Bond submitted to support QLDC's Section 42 reporting, dated March 2020
- GNS Active Fault Database
- GNS General Distribution and Characteristics of Active Faults and Folds in the Queenstown Lakes and Central Otago Districts, dated March 2019
- MfE & GNS Planning for Development of Land On or Close to Active Faults, dated May 2003.

The following presents a summary of each after which GCL presents conclusions and recommendations with respect to the seismic risk associated with fault rupture within the proposed RVZ.

GDM Consultants Seismic Risk Assessment

The above report is a well presented and clear assessment of the seismic risk posed to the current project site from the hazard associated with the Nevis-Cardrona Fault. The report was designed to identify and propose mitigation for future residential dwellings on the site.

The report describes the fault system as a reverse sense fault with a low slip rate, moderate single event displacement and a recurrence level of some 5000 to 10,000 years. It recognises that the fault trace is somewhere within the vicinity of the project site, but because of its lack of topographic expression, the actual physical location cannot be confirmed with any level of confidence.

GDM also recognise that the recurrence level of the fault is out with the usual design criteria of NZS1170 relating to 'near fault factors' for seismic loading due to the recurrence level of the fault being far greater than the 1 in 500 years recognised by the Standard.

The report also discusses the planning environment with recourse to QLDC and Otago Regional Councils' policies and objectives around natural hazards indicating that sufficient assessment should be undertaken to avoid or mitigate the loss of life, damage to assets or infrastructure or disruption to the community from a natural hazard.

Of most pertinence is the reference made within the report to the MfE and GNS guidelines on the development of land on or near active faults. This planning document clearly identifies a risk based approach to assessing the impact of fault rupture on any piece of land by considering the

- Fault Recurrence Level (RI);
- Fault Complexity; and
- Building Importance Category

From these three criteria, the MfE has developed a matrix of acceptability for developing any piece of land affected by an active fault.

GDM continue with the risk assessment as set out in the MfE guidelines and conclude that any development of residential or farm buildings (i.e. importance level 1, 2a and 2b) should be a permitted activity based on the fact that the Nevis Cardrona Fault is of low recurrence level, low complexity and of uncertain location, making it unreasonable to restrict any such development.

Evidence of Mr Robert Bond

QLDC recently released their Section 42A report, part of which was the geotechnical assessment of the site undertaken by Robert Bond on 18 March 2020.

Mr Bond's assessment identified that the site in question has no geotechnical constraints other than a single natural hazard identified as the NW Cardrona Fault (GNS reference #8968, previously referred to by GNS as the Nevis Cardrona Fault) that runs diagonally through the site from the south west corner to the north east corner.

Based on the GNS active fault database, Mr Bond has stated that the NW Cardrona Fault has a Recurrence Interval (RI) of 5000 to 10,000yrs with a low slip rate and that it is recognised as having no discernible topographic expression, as the fault is covered by a thick mantle of superficial deposits.

However, Mr Bond has indicated that the possibility of ground rupture associated with the NW Cardrona Fault during a significant seismic event cannot be discounted. As such, Mr Bond identified a

wide corridor through the site, aligned centrally with the fault trace, to be excluded from the proposed rezoning, due to his interpreted level of risk associated with the natural hazard.

GNS Active Faults Characteristics (March 2019)

This comprehensive report published in March 2019 has re-examined the distribution and nature of the faults within the Lakes and Central Districts of Otago. This has been facilitated through the technological improvement of remote sensor mapping, increased field studies and improved interpretation of field data.

As a consequence, the report has identified that the NZ Cardrona Fault, subject of both GDM and Mr Bond’s reporting, is proven to pass through Wanaka township and not to continue on its north east trajectory through the project site as previously interpreted.

However, the report accepts that a fault trace is still present on the same alignment and trajectory as the NW Cardona Fault through the area from Albert Town to Lake Hawea (and hence the site). The fault has been renamed and categorised as the Cardrona – Hawea Fault. Table 5.2 of the document provides the following characteristics of the Cardrona-Hawea Fault:

- A fault zone situated within bedrock
- Is possibly an active fault
- Has an assigned net slip rate of 0.05mm/yr.
- Has a calculated recurrence level of 30,000 yrs.
- Has no discernible evidence for geologically young fault movement
- Is classified with an RI of VI – the lowest category for active faults.

The consequences of the change in category and characteristics is positive for the project site. The Cardona-Hawea Fault is considered to be of considerably less risk to the proposed rezoning due to its long return period, low slip rate and lack of recent geological evidence to suggest movement and impact at the surface.

Application of the MfE Risk Based Approach

With reference to Table 9.2 of the MfE guidelines and application of the newly assigned characteristics of the Cardrona-Hawea Fault (as shown highlighted below), GCL assesses that the construction of any structure does not have to be restricted to any Importance Level.

Table 9.2: Relationship between fault recurrence interval and Building Importance Category

Recurrence interval class	Fault recurrence interval	Building importance category (BIC) limitations* (allowable buildings)	
		Previously subdivided or developed sites	"Greenfield" sites
I	≤2000 years	BIC 1	BIC 1
II	>2000 years to ≤3500 years	BIC 1 and 2a	
III	>3500 years to ≤5000 years	BIC 1, 2a and 2b	BIC 1 and 2a
IV	>5000 years to ≤10,000 years	BIC 1, 2a, 2b and 3	BIC 1, 2a, and 2b
V	>10,000 years to ≤20,000 years		BIC 1, 2a, 2b and 3
VI	>20,000 years to ≤125,000 years	BI Category 1, 2a, 2b, 3 and 4	

Note: Faults with average recurrence intervals >125,000 years are not considered active.

Conclusions

Based on the review of the available information, GCL draw the following conclusions:

1. The GDM report presents an appropriate seismic assessment of the site, albeit based on outdated (and more onerous) data. Its applicability and conclusions remain valid as an assessment of the project site and that site development with buildings of Importance Level 1, 2a and 2b should be unrestricted.
2. The evidence of Mr Bond is considered to be conservative and is not cognisant of the changes in the classification and character of the Cardona-Hawea Fault as a result of the recent GNS data. It should be noted that the GNS data predates the evidence presented by Mr Bond and should have been relied on. In addition, the evidence has not considered the MfE risk based approach for determining development suitability and allowable building types most likely associate with an RVZ.
3. The reclassification and categorization of the Cardona-Hawea Fault known to be present below the project site has the positive effect of reducing the likelihood of fault rupture and therefore the risk to the proposed RVZ as a consequence of a significant seismic event.
4. Application of the MfE's risk based approach to understanding what are considered allowable buildings within the proposed RVZ indicates that Building Importance category 1, 2a, 2b, 3 and 4 are all permissible.
5. It should be stated that the development of any structure within the RVZ should be subject to appropriate and targeted geotechnical investigation and assessment to ensure suitability of foundations and seismic design.
6. Based on the review of the available information, GCL is of the opinion that the project site is not at risk from any natural hazard to the extent that it should preclude the rezoning of the site to RVZ in whole or in part.

We trust that the above is in order, but should you require any further information, please do not hesitate to contact us

Regards,



Peter Forrest

Principal Engineering Geologist BSc PhD FGS CGeol (UK)

Attachment E - 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.

Chapter 3 – Strategic Direction

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

<p>3.2.1 The development of a prosperous, resilient and equitable economy in the District (addresses Issue 1)</p> <p>3.2.1.1 The significant socioeconomic benefits of well designed and appropriately located visitor industry <u>places</u>, facilities and services are realised across the District.</p> <p>3.2.17 Agricultural land uses are enabled provided those uses are consistent with:</p> <p style="margin-left: 20px;">a. the protection of the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;</p> <p style="margin-left: 20px;">b. the maintenance of the landscape character of Rural Character Landscapes and the maintenance or enhancement of their visual amenity values; and</p> <p style="margin-left: 20px;">c. The maintenance of significant nature conservation values.</p> <p>3.2.18 Diversification of land use in rural areas beyond traditional activities, including farming is enabled provided that:</p> <p style="margin-left: 20px;">a. the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected;</p> <p style="margin-left: 20px;">b. the landscape character of Rural Character Landscapes is maintained and their visual amenity values are maintained or enhanced; and</p> <p style="margin-left: 20px;">c. significant nature conservation values and Ngai Tahu values, interests and customary resources, are maintained.</p> <p>[Updated to take account of Env Court interim decisions – Topic 1 & 2]</p>			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
<p>The amended proposal facilitates rural visitor activities that occur on the subject property now and will develop further over time.</p>	<p>The amended proposal ensures rural visitor activities are encouraged in appropriately located areas of the rural environment.</p> <p>The amended proposal is still highly regulated.</p>	<p>Nil.</p>	<p>Risk of not acting likely to increase uncertainty and potential time delays with the resource consent processes.</p>
<p>3.2.4 The distinctive natural environments and ecosystems of the District are protected. (addresses Issue 4)</p> <p>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.</p> <p>3.2.4.2 The spread of wilding exotic vegetation is avoided.</p> <p>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.</p> <p>3.2.4.4 The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.</p> <p>3.2.4.5 Public access to the natural environment is maintained or enhanced.</p> <p>3.2.4.6 The values of significant indigenous vegetation and significant habitats of indigenous fauna are protected.</p>			

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 & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The amended proposal enables farming activities to continue.	The amended proposal continues to enable the Deaton's to practice regenerative agriculture.	Nil.	Uncertainty with respect to the future development of this strategically located piece of land if retained in the Rural zone.

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 & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The subject site is not within a ONL.	No ONL's will be affected by the amended proposal.	Nil.	There is no uncertain or insufficient information as about the subject matter of the provisions.

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 & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The amended proposal provides for the Deaton's and visitors social and economic well		Nil.	There is no uncertain or insufficient information as about the subject matter of the provisions.

being through the offering of activities and education in close proximity to Wanaka.			
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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 & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
No significant indigenous vegetation has been identified on the subject site.	Grey shrubland species identified on the terrace riser will be protected by the high landscape sensitivity rating.	The grey shrubland species could be removed from the terrace rise as of right under the Rural zone provisions.	There is no uncertain or insufficient information as about the subject matter of the provisions.

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 & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)

The amended proposal does not affect any ONL's, maintains rural character through the landscape sensitivity mapping and discourages rural residential living.	Farming is enabled to be continued along side rural visitor activities.	Nil	There is no uncertain or insufficient information as about the subject matter of the provisions.
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<p>Landscapes</p> <p>3.3.29 Identify the District's Outstanding Natural <u>Features</u> Landscapes and Outstanding Natural <u>Landscapes</u> Features on the District Plan maps. (relevant to S.O.3.2.5.1)</p> <p>3.3.30x <u>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.</u></p> <p>[Updated to take account of Env Court interim decisions – Topic 1]</p>			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The subject site is not within a ONL.	No ONL's will be affected by the amended proposal.	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.

5.4.1 Objective - Consultation with tangata whenua occurs through the implementation of the Queenstown Lakes District Plan Policies			
<p>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.</p> <p>5.3.1.2 Actively foster effective partnerships and relationships between the Queenstown Lakes District Council and Ngāi Tahu Papatipu Rūnanga.</p> <p>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.</p> <p>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</p>			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
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.

5.4.5 Objective - Wāhi tūpuna and all their components are appropriately managed and protected.			
<p>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.</p> <p>5.4.5.2 Identify threats to wāhi tūpuna and their components in this District Plan.</p> <p>5.4.5.3 Enable Ngai Tahu to provide for its contemporary uses and associations with wāhi tūpuna.</p>			

5.4.5.4 Avoid where practicable, adverse effects on the relationship between Ngāi Tahu and the wāhi tūpuna.			
<i>Efficiency & Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
No wāhi tūpuna have been identified in on the subject site.	Wāhi tūpuna can be identified and protected through the resource consent process.	Nil.	There is no uncertain or insufficient information about the subject matter of the provisions.

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 & Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
The subject site is not within a ONL.	No ONL's will be affected by the amended proposal.	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 & Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
The subject site is not within a ONL.	No ONL's will be affected by the amended proposal.	Nil.	There is no uncertain or insufficient information about the subject matter of the provisions.

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 & Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
The subject site is not within a ONL.	No ONL's will be affected by the amended proposal.	Nil.	There is no uncertain or insufficient information about the subject matter of the provisions.

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.			
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.			
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.			
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.			
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.			
Efficiency & Effectiveness ^(a)	Benefits ^(b)	Costs ^(b)	Risk Acting/Not Acting ^(c)
The amended proposal discourages all subdivision.	Any subdivision will be processed as a non-complying activity.	Nil.	There is no uncertain or insufficient information about the subject matter of the provisions.

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.			
Efficiency & Effectiveness ^(a)	Benefits ^(b)	Costs ^(b)	Risk Acting/Not Acting ^(c)
Ms Grace has recommended this objective, and associated policies, be amended to include areas other than ONL’s. I support Ms Grace’s recommendation to provide for Rural Visitor Zone throughout the rural area, but in remote locations. The requested Maungawera Rural Visitor Zone is considered an appropriate location to	The landscape sensitivity mapping undertaken by Ms McKenzie ensures that the more sensitive parts of the property will remain free from development. This includes the terrace riser, which includes grey shrubland species, and the flat land around the Camp Hill Road and SH intersection.	Nil.	There is no uncertain or insufficient information about the subject matter of the provisions.

<p>undertake rural visitor activities. The Deaton's have already started developing their property for rural visitor use and the Maungawera Rural Visitor Zone will facilitate the properties future development more so that Rural zoning.</p> <p>The Maungawera Rural Visitor Zone will be a very efficient and effective zoning for the continued delivery of rural visitor activities on the Deaton's property.</p>	<p>The requested Maungawera Rural Visitor Zone provisions will enable the rural visitor activities to continue to prosper and grow on the property.</p>		
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<p>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.</p>
<p>46.2.2.1 Protect the landscape values of the Zone and the surrounding Rural Zone Outstanding Natural Landscapes by:</p> <ol style="list-style-type: none"> 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. <p>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:</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>46.2.2.6 Ensure development can be appropriately serviced through:</p>

<p>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.</p>			
<i>Efficiency & Effectiveness ^(a)</i>	<i>Benefits ^(b)</i>	<i>Costs ^(b)</i>	<i>Risk Acting/Not Acting ^(c)</i>
As per Objective 46.2.1 above.	<p>As per Objective 46.2.1 above.</p> <p>The requested Maungawera Rural Visitor Zone has good water availability (potable spring water and irrigation quota).</p> <p>The property is sufficiently large enough to dispose waste on site.</p>	<i>Nil.</i>	There is no uncertain or insufficient information about the subject matter of the provisions.