

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS PANEL**

**UNDER**

the Resource Management Act 1991

**IN THE MATTER**

of the review of parts of the Queenstown Lakes District Council's District Plan under the First Schedule of the Act

**AND**

**IN THE MATTER**

of submissions and further submissions by  
**REMARKABLES PARK LIMITED AND QUEENSTOWN  
PARK LIMITED**

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**STATEMENT OF EVIDENCE OF DAVID FREDERICK SERJEANT ON BEHALF OF  
REMARKABLES PARK LIMITED AND QUEENSTOWN PARK LIMITED**

**PLANNING**

**STREAM 13 REZONING HEARINGS**

**9 JUNE 2016**

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**ANNEXURE A: QPSZ PROVISIONS AND ASSOCIATED PLANS**

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**ANNEXURE C: DISTRICT WIDE OBJECTIVES AND POLICIES**

## 1. QUALIFICATIONS AND EXPERIENCE

1.1 My name is David Frederick Serjeant.

1.2 I am a Town Planner and Director of Merestone Limited, an independent planning and resource management consultancy. I have the following qualifications and experience relevant to provide expert evidence in all areas of planning:

- (a) I hold the qualifications of Bachelor of Town Planning from Auckland University (1979) and Master in Business Studies (Economics) from Massey University (1985). I am a full member of the New Zealand Planning Institute;
- (b) I have 37 years' professional experience in planning and resource management. My experience has included being both a regulator and consultant adviser to parties on resource consents and policy matters. The subject matter of my experience has include:
  - (i) Advising clients on many urban, infrastructure, and natural resource development matters including structure plans and new suburban development, retail developments, energy, water and wastewater treatment, hazardous materials management, solid waste management, mining, dairying, forestry, coastal and marina developments in relation to both resource consents and policy submission matters; and
  - (ii) Acting as reporting officer for both territorial authorities and regional councils on resource consent applications and plan preparation matters.
- (c) In relation to these submissions most relevantly and recently I have the following experience:
  - (i) Preparation of zoning provisions and presentation of expert evidence for Southern Gateway Consortium involving 150ha of business land off the eastern end of Auckland International Airport;
  - (ii) Preparation of zoning provisions and masterplan consent for developer of Peacockes Structure Plan south of Hamilton providing for an initial 1000 homes and all ancillary urban development;
  - (iii) Presentation of expert planning evidence to the Environment Court in relation to Plan Change 45 (Northlake) in Wanaka; and

- (iv) Provision of expert planning evidence to the Environment Court on Plan Change 19 for the Frankton Flats Special (B) zone.

## **2. CODE OF CONDUCT**

- 2.1 I have read with the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2014. I agree to comply with the Code and confirm that my evidence has been prepared in accordance with it.
- 2.2 The matters which I give expert opinion evidence are within my area of expertise and on which I am qualified to express an opinion. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

## **3. MY INVOLVEMENT AND SCOPE OF THE SUBMISSIONS**

- 3.1 Queenstown Park Limited (**QPL**) lodged submissions to the Queenstown Lakes District Council's Proposed District Plan (**PDP**).
- 3.2 The QPL submissions included provision in the PDP for tourism and rural residential activities within an area to be zoned Queenstown Park Special Zone (**QPSZ**), being 2000 ha of land lying between the Kawerau River and The Remarkables, or for their provision by way of other amendments.
- 3.3 I was not involved in formulating these provisions however I was approached by QPL at the end of February 2017 with a request to review their submission and provide expert planning evidence. In May 2015 I undertook an extensive tour of the site. To the extent expressed in the conclusions to this evidence I support their submission.
- 3.4 The original submission provided a set of zone provisions including zone purpose, objectives and policies, an activity table and development standards.
- 3.5 By letter dated 24 March 2017, QPL provided additional information which refined the location and type of development sought by the zone. Similar to the other Special zones which have now been the subject of hearings before the Panel, the QPSZ contains a bespoke set of provisions for the sustainable management of the natural and physical resources for which they provide.
- 3.6 In summary, four types of development are identified:
  - (a) The gondola corridor;

- (b) QPSZ Rural Residential Activity Areas (or pods);
  - (c) QPSZ Rural Visitor Activity Areas (or pods); and
  - (d) The balance of QPSZ (approximately 1900ha or 95%).
- 3.7 The Rural Residential Activity Areas would have similar zone provisions to the PDP Rural Residential zone, which provide for visitor accommodation as a controlled activity. The Rural Visitor Activity Areas would have similar zone provisions to the Rural Visitor Special Zone in the Queenstown Lakes Operative District Plan (**ODP**), with more enabling provisions for commercial and retail activity that is complementary to the visitor and tourism experience.
- 3.8 The balance of the land remains in farming activity, but with the recognition that the proposed future gondola, and the land's proximity to the existing ski area sub-zone, will create opportunities to use the land for commercial recreation activities and trails. These activities could include 'glamping' in a remote location.
- 3.9 Attached and marked **Annexure "A"** is the most recent QPSZ provisions and an associated diagram for Rural Visitor Activity Area 3.

#### 4. SUMMARY OF EVIDENCE

- 4.1 My evidence is divided into two overall parts, adopting the requirements of section 32 of the Resource Management Act 1991 (**RMA**):
- (a) addressing the central issue of the expansion of tourism activities in Queenstown and where and how this can be undertaken in a sustainable manner as required by the relevant District Plan strategic and district wide provisions; and
  - (b) testing the provisions of the QPSZ and the alternative Rural Zone provisions in terms of their effectiveness and efficiency in achieving the objectives.
- 4.2 My evidence adopts the framework for assessing the preparation of a district plan or plan change as summarised in **Colonial Vineyard Ltd v Marlborough District Council**.<sup>1</sup> As set out in the Council's section 32 analysis and the Council's section 42A report, the proposed QPSZ provisions must be considered against the matters in section 74 and 75 of the Act in relation to the preparation of district plans, and be subject to an evaluation as required by section 32.

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<sup>1</sup> [2014] NZEnvc 55 at [17].

## 5. QUEENSTOWN PARK SPECIAL ZONE

### National and Regional Policy Statements

- 5.1 I agree with the position of the Strategic Overview section 42A report<sup>2</sup> that the National Policy Statements (**NPS**) on Urban Development Capacity, Freshwater Management, Renewable Electricity Generation, Electricity Transmission must be given effect to.
- 5.2 Ms Dewes' evidence indicates that the QPSZ delivers good outcomes in relation to water quality thereby giving effect to National Policy Statement for Freshwater Management (Objective A1 and A2). These comments are equally relevant to the Regional Plan: Water.
- 5.3 The report also refers to the proposed NPS on Indigenous Biodiversity. Of all the NPSs, I suggest that it is this last one that has the most relevance to the submissions. I note that the report indicates that further consideration will be given to the NPSs in relation to the site specific submissions, however the section 42A report Group 2 Rural makes no mention of the NPS on Indigenous Biodiversity. Nevertheless, it is my view that the QPSZ provisions, supported as they are by the specific assessment of indigenous biodiversity by Mr Beale, emphasis avoidance of Significant Natural Areas and the enhancement of biodiversity, give effect to the NPS, even though it is only proposed.
- 5.4 In the absence of any national policy statement, the superior documents to refer to on role of tourism in the region are therefore the Regional Policy Statement for Otago 1998 (**Operative RPS**) and the Otago Regional Policy Statement: Decisions Version (**Proposed RPS**).
- 5.5 The most relevant provisions of the Operative RPS are found in Chapter 5 on Land, which are attached and marked **Annexure "B"**. A fair summary of these provisions is that the focus for the land resource is on maintaining and enhancing the primary productive capacity of high class soil resources, minimising adverse effects on the quality and quantity of water resources, protecting Outstanding Natural Features (**ONF**) and landscapes, and promoting public access to natural and physical land features. These provisions are in the context of recognising the demands placed on the land resource by human activity, with tourism and recreation being noted as "major areas of economic activity".<sup>3</sup>

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<sup>2</sup> Section 42a report / Statement of evidence of Kimberley Banks on behalf of Queenstown Lakes District Council Strategic Overview and Common Themes 25 May 2017 para [9.9].

<sup>3</sup> Operative RPS Chapter 5.1 para [2].

5.6 The Proposed RPS is a more sophisticated document than the Operative RPS, which is understandable given the 20 years of experience in administering the RMA, both regionally and nationally. However the focus on soils, water resources and landscapes in Chapter 3 is the same. Biodiversity receives similar priority. There is also a focus on giving the greatest protection to the most valuable or outstanding resources. At the same time Chapter 1 of the Proposed RPS provides explicitly for economic and social wellbeing by enabling the use and development of natural and physical resources. Tourism is recognised as providing for more than 25% of the Otago region's Gross Domestic Product, and amongst other industries is recognised as relying strongly "*on the quantity and quality of natural resources and the ecosystem services they provide*". Chapter 5 states that:

People are able to use and enjoy Otago's natural and built environment", Policy 5.3.1 Rural Activities seeks to:

Manage activities in rural areas, to support the region's economy and communities, by all of the following:

[...]

e) Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature and scale compatible with rural activities.

5.7 The Proposed RPS is currently subject to a number of appeals, some seeking to maintain or increase protection given to the most valuable and outstanding resources, while others seek the ability to utilise these resources in some circumstances, or that not all such resources should receive the highest levels of protection. Several submitter's seek to have additional specific mention made of tourism's reliance on the region's natural and physical resources.

5.8 Until the appeals are settled, I would give the most weight to Objective 5.4.3 of the Operative RPS which simply states:

5.4.3 To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.

5.9 The related policies identify the characteristics of ONFs and landscapes, but do not identify what is inappropriate. Consequently, that guidance must be sought in the Council's statutory planning documents.

5.10 In summary, as a framework for the consideration of the QPSZ, and the activities therein, we have a regional directive redolent of Part 2 of the RMA that the protection of ONFs and landscapes from inappropriate subdivision, use and development must be given effect to, and developing policy in the PRPS, responding to national level

government and market expectations that Queenstown must continue to provide for tourism growth. However, how these high level 'goals' are to be catered for is left for local policy and provisions.

## 6. RESOURCE MANAGEMENT ISSUE

- 6.1 I acknowledge that it is not mandatory for a district plan to identify resource management issues (section 75(2) of the RMA). However, in this section of my evidence I briefly examine the resource management issue that is being addressed by the QPSZ proposal, as I consider that accurately framing the resource management issue, or 'problem', is important to the prescribed solution that follows.
- 6.2 Identification of the issue is a useful basis for the why, what and how questions that necessarily arise in considering the appropriateness of rezoning and the specific provisions of the zone. The QPSZ proposes the introduction of two new activities to this land. Firstly, there is the gondola and related rural visitor activity. Secondly, there is the rural residential activity. The latter activity is likely to have a strong visitor or recreational element to it, and for both activities the main relationship with the natural environment is with the landscape.
- 6.3 In my experience the identification of the resource management issue or issues needing to be addressed in the rezoning of land often suffers from 'mis-specification', in that the focus is 'internal' and framed by questions relating only to the suitability of the land for the intended purpose and whether any adverse effects can be avoided, remedied or mitigated.
- 6.4 When considering the proposal for the QPSZ, the issue must be framed much more broadly than that in terms of the Queenstown economy, the pressures of tourism activity on infrastructure, and the potential for adverse effects on the natural environment upon which that activity is based. Such an approach is particularly important when addressing the sustainable management of Outstanding Natural Landscapes (**ONL**), especially one such as that along the Kawarau River and the northern face of The Remarkables.
- 6.5 There are several evidential sources relevant to tourism growth expectations in Queenstown, some of which have already been received by the Panel.
- 6.6 The Council's evidence in Stream 2 Rural on the pressures of tourism on rural resources is very relevant. Mr Osborne details the importance of tourism to the District, and specifically focuses on the tension that exists between the use of rural land for traditional



productive purposes and pressure on these same resources for alternative visitor related activity.<sup>4</sup>

- 6.7 Professor Tim Hazeldine’s economic brief, also in Stream 2 Rural identifies the specific pressures of the tourism industry on Queenstown’s tourism infrastructure.<sup>5</sup> He states:

It’s not all bad that prices have gone up – it’s good for the vendors, it chokes off some of the demand, it rations supply efficiently to those who value it most, and it sends a signal to increase supply in the future. But what are bad for everyone are the consequences of excess demand that can’t easily be mediated through price increases – in particular, the discomfort and disutility of added congestion on roads; crowding of the airport; queues at popular restaurants and cafes; possibly longer line- ups and less choice for various visitor amenities.

- 6.8 Professor Simon Milne provided evidence in Stream 2 Rural focussing on the benefits of the gondola to Queenstown. Professor Milne, in connecting the gondola to the tourism experience stated:

The proposed Remarkables Gondola experience will fit well with the deeper experiential deminsions needed to enhance yield from existing and new markets; adding value to the ski field visitor by cutting travel times challenges related to road transport while also deepening the range of all-season travel experiences for non-snow sport visitors

[...]

There is considerable interest among travellers in soft environmental and adventure experiences and the proposed mix of walks, agri-tourism, moutain biking and cultural/nature experiences fits well with this market profile.

- 6.9 Professor Milne quantified the post-construction increase in local household income at \$1.25 million, with every 10,000 new snow sport visitors attracted to Queenstown by the presence of the gondola generating approximately \$7.5 million in local income. Mr Milne identified a small diversion or reallocation of spending by some visitors from one local experience to another (the gondola), and environmental effects as being costs or downsides of the proposal.
- 6.10 Mr Greenaway’s evidence identifies the wide range of tourism activity which is engaged in, with a specific focus on the Kawarau river valley. He lists the types of tourism activity which are sought after, and promoted in the **Council’s 2015 Economic Development Strategy**, include those which are based on the District’s natural amenities. The Strategy also focuses on diversifying the tourism offering and reducing seasonality in visitor expenditure. Another important aspect of the strategy is future proofing the infrastructure upon which tourism relies. Mr Greenaway explains that the QPSZ responds directly to these priorities in the following ways:

<sup>4</sup> Statement of evidence of Philip Osborne on behalf of Queenstown Lakes District Council Economics 6 April 2016.

<sup>5</sup> Statement of evidence of Tim Hazeldine on behalf of Queenstown Park Limited Economics Chapter 21 etc. 21 April 2016.

- (a) The activities that it offers are complementary to and will extend existing activities in the Kawarau River valley, in particular the Queenstown Trails;
- (a) It has a very limited demand on existing infrastructure, particularly roading.
- 6.11 Mr Hamilton in his evidence on the QPSZ provides detailed data on Queenstown tourism growth projections and the supply constraints that exist.
- 6.12 It can be inferred from such evidence that the supply-side of tourism activity needs to be increased so as to ensure that the value of Queenstown as a visitor destination is maintained. I am not aware of any real competition to The Remarkables gondola proposal, and in many respects the gondola opportunity connecting Remarkables Park, a growing tourist hub close to Queenstown Airport, with the Remarkable Ski Field is unique.
- 6.13 With reference to the above evidence, it is evident that Queenstown has an excess demand for visitor activities based on the rural and open space resources of the district. The issue I identify for Queenstown and to be tested on the objectives for the QPSZ is therefore: Where is this demand to be met, and how can supply of the product be increased so as to ensure the quality of the resources on which it is based are sustainably managed?
- 6.14 The objectives for the proposed zone are:
- 44.2.1A The integrated development of Queenstown Park to achieve important linkages between the valley floor and the recreational opportunities on the mountains, and enable tourist, commercial, education, entertainment, recreation, visitor accommodation, conservation, and residential opportunities in locations where their effects on the environment are managed sustainably.
- 44.2.1B Development of discrete residential and visitor focussed activity areas within the lowland terraces south of the Kawarau River in a manner that has regard for the landscape values of the ONL.
- 44.2.2. The establishment of a zone that is supported by water, gondola and trail linkages.
- 44.2.3 The maintenance and enhancement of ecological values.
- 6.15 When taken collectively these objectives address the issue statement above and enable visitor and rural residential activity, including the gondola, trail and river transport networks and systems, while protecting the outstanding landscapes and maintaining and enhancing ecological values. It is these objectives that must be tested in terms of section 74(1) and section 32(1(a) of the RMA. Unless the finding is that the objectives are found to meet the purpose of the RMA, there seems little point in moving on to compare, at a

more detailed level, whether the proposed activities are better provided for by the Rural Zone (as a reasonable alternative) or by the QPSZ.

- 6.16 In paragraph 4.7 above it was concluded that the purpose of the RMA for the sustainable management of natural and physical resources in Queenstown, in particular outstanding natural landscapes, is most relevantly and precisely expressed in the District Plan. This approach is consistent with the Supreme Court’s decision in the **King Salmon**<sup>6</sup> case.

## 7. DISTRICT-WIDE PLANNING PROVISIONS

- 7.1 The Panel has already considered a number of topics relating to this submission in the context of Chapter 3 Strategic Direction, Chapter 6 Landscape and Chapter 21 Rural Zone. In my opinion, these provisions have given effect to the Operative RPS and would appear to have regard to the direction in which the Proposed RPS is heading.

- 7.2 The objectives and policies in Chapter 4 Urban Development relate to urban growth and are not relevant as the QPSZ provides for rural visitor and rural residential activity and will not contain urban development as defined in the PDP as follows:<sup>7</sup>

Development that by its scale, intensity, visual character, trip generation and/or design and appearance of structures, is of an urban character typically associated with urban areas. Development in particular Special Zones (namely Millbrook and Waterfall Park) is excluded from the definition.

- 7.3 The proposal to exclude Millbrook and Waterfall Park from the definition of urban development,<sup>8</sup> because these special zones were “not considered to demonstrate characteristics fully typical of urban development” also applies to QPSZ.
- 7.4 The relevant provisions in Chapter 21 Rural Zone provide an alternative framework for the gondola, rural visitor and rural residential activities to be provided for by the zone, and will be considered again later in this evidence.
- 7.5 At the district-wide level in the PDP I refer to the provisions in Chapters 3 and 6 are attached and marked **Annexure “C”** which collectively address the following matters.<sup>9</sup>

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<sup>6</sup> **Environmental Defence Society v New Zealand King Salmon Company** [2014] NZSC 38.

<sup>7</sup> I note however that legal submissions for QPL indicate that there is scope to exclude the QPSZ from the definition of urban development if that is considered appropriate.

<sup>8</sup> QLDC-T01B-Right-of-Reply-Schedule-2-Matthew-Paetz-27598014-v-1 paras 6.15 – 6.18.

<sup>9</sup> References to the PDP in this evidence are to the Council’s Right of Reply wording in previous streams, acknowledging that the Panel has yet to make a decision on these provisions.

## Landscape

7.6 The large majority of relevant provisions are on landscape matters, giving effect to the RPS provisions and providing more detail on what constitutes “inappropriate” development. Noting that Objective 3.2.5.1 simply repeats the Operative RPS objective above, this detail is provided in the following provisions in particular:

3.2.5.1 **Objective** – Protection of the Outstanding Natural Features and Landscapes from inappropriate subdivision, use and development.

6.3.1 **Objective** - Landscapes are managed and protected from the adverse effects of subdivision, use and development.

6.3.1.2 **Policy** - That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations within the Wakatipu Basin, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes.

6.3.1.5 **Policy** - Encourage Rural Lifestyle and Rural Residential Zone plan changes in preference to ad-hoc subdivision and development and ensure these occur in areas where the landscape can accommodate change.

6.3.1.9 **Policy** - Recognise that low-intensity pastoral farming on large landholdings contributes to the District’s landscape character.

6.3.1.10 **Policy** - Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.

6.3.2 **Objective** Landscapes are protected from the adverse cumulative effects of subdivision, use and development.

6.3.2.4 **Policy** - Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads.

6.3.2.5 **Policy** - Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with mitigation of the visual effects of proposed development such as screening planting, mounding and earthworks.

6.3.3 **Objective** – The protection, maintenance or enhancement of the District’s Outstanding Natural Features and Landscapes (ONF/ONL) from the adverse effects of inappropriate development.

6.3.3.3 **Policy** - Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.

6.3.3.5 **Policy** - Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.

21.2.9.8 **Policy** - Ensure that rural living is located where rural character, amenity and landscape values can be managed to ensure that over domestication of the rural landscape is avoided.

[Emphasis added]

## Analysis

- 7.7 I have underlined the phrases which I consider provide the most guidance on the inappropriateness/appropriateness of development. I first note that there is a difference, and potentially a conflict, in the key objectives in Chapters 3 and 6. Whereas Chapter 3, Objective 3.2.5.1 refers to 'protection' alone, Chapter 6 refers to 'protection, maintenance or enhancement' and focuses not on the development itself, but the effects of it. The reference to 'effects of inappropriate development' has been interpreted by some practitioners as presenting a lesser test, but in my view this difference is a semantic one. If we are not talking about 'effects, then what are we talking about. The options of 'protection, maintenance or enhancement' are, however, a much wider menu for management.
- 7.8 Policy 6.3.1.2 introduces a very limiting effect on the extent of development in the Wakatipu Basin ONL's<sup>10</sup> by stating that it is inappropriate in almost all locations. Reference is to be made to the provisions in Chapter 21 which provide guidance on the form and location of development and the methods by which the proposed development is able to mitigate its adverse effects.
- 7.9 A number of the provisions point to the preference for comprehensive consideration of a proposal by way of plan change, compared with ad-hoc resource consent applications. As noted above, the proposed zone change applies to 2000ha of land, the whole of the former Remarkables Station. Consequently, resource management provisions are proposed to be put in place for a very large area of land at once. This virtually eliminates the potential for cumulative adverse effects on this landscape, and ensures that the positive landscape effects of approximately 95% of the land remaining in low intensity pastoral use continues. It also ensures that any development can be located in areas with the greatest capacity to absorb change.
- 7.10 The remaining provisions target locational factors for appropriate development. Policies 6.3.1.10 and 6.3.3.5 suggest that development location is invisible, or at least discrete, when viewed from public places, and that the number of such places is limited. Policy 6.3.2.4 relates to the traveller's experience of having appreciation of the landscape's character and amenity constantly interrupted by development in proximity to the road. I would suggest this latter policy is not so relevant to the zone, as the destination of the traveller's concern would be the development itself.

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<sup>10</sup> The Queenstown Park Special zone is within the Wakatipu Basin ONL.

- 7.11 Policies 6.3.2.5 and 21.2.9.8 address potential adverse effects at the site and design level, suggesting that reliance on visual mitigation through screening needs careful consideration, and can degrade the landscape as much as the development itself, and that buildings, other structures and vegetation associated with the development should avoid urban characteristics. Again, these policies address the appropriateness of development.
- 7.12 Stephen Brown's evidence provides an analysis of the landscape and the development enable by the QPSZ provisions which addresses the above policies in a detailed way. The starting point is that the QPSZ is within the Wakatipu Basin ONL. However, even within an ONL the landscape values are not even or ubiquitous, there are variations. Mr Brown draws a key distinction between the iconic western face of The Remarkables and the more varied northern face where QPSZ is situated.
- 7.13 Focusing down on the specific areas where development is proposed Mr Brown has addressed the most directive elements of the policies I have identified above to conclude that the QPSZ development is within a part of the Wakatipu Basin where subdivision and development is appropriate. The most sensitive parts of the landscape are protected and where development is proposed the adverse effects are managed. The Rural Residential development is not ad hoc, as it might be with a Rural zoning, but targeted in locations within the overall landholding that have the capacity to absorb change, and that respond to the policy directives of being difficult to see from most public places. Similarly, the comprehensive approach and caps on development avoids cumulative effects such as over-domestication. Further, low intensity pastoral farming over the balance QPSZ area is supported by the development.

### **Natural character and indigenous biodiversity**

- 7.14 Closely related to the landscape provisions are those on natural character and indigenous biodiversity. These include:

3.2.4.1 **Objective** - Ensure development and activities maintain indigenous biodiversity, and sustain or enhance the life-supporting capacity of air, water, soil and ecosystems.

3.2.4.2 **Objective** – Protection of areas with significant Nature Conservation Values.

3.2.4.2.1 **Policy** - Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, referred to as Significant Natural Areas on the District Plan maps and ensure their protection.

3.2.4.5 **Objective** - Preserve or enhance the natural character of the beds and margins of the District's lakes, rivers and wetlands.

3.2.4.5.1 **Policy** - That subdivision and / or development which may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins be carefully managed so that life-supporting capacity and natural character is maintained or enhanced.

### Analysis

- 7.15 Mr Beale has reviewed the existing ecological environment of the QPSZ including its historic uses and current state. He identifies the four Significant Natural Areas (SNA) located within the steeper terrain of the QPSZ and the threatened environment classification that applies to terraces and fans of the lower hillslopes.
- 7.16 Mr Beale supports the QPSZ proposal as both the gondola and the Activity Areas avoid the SNAs, cattle is no longer permitted to graze SNAs as they are within the Rural Zone, and the Comprehensive Development Plan approach will involve a range of ecological maintenance and enhancement measures within the Activity Areas and across the balance of the Site including the gondola corridor, such as control of invasive plant/weed species and extensive indigenous plantings.
- 7.17 The QPSZ objectives framework on biodiversity matters is consistent with and will achieve the outcomes in the district wide provisions I have identified above.

### **Rural productivity, tourism and public access**

- 7.18 Having regard to Proposed RPS Policy 5.3.1 Rural Activities, the PDP contains the following provisions. I have grouped rural productivity, with tourism because that is the formulation of the RPS policy, and because Council witnesses in Stream 2 Rural focussed on the threat that tourism activities in the Rural Zone posed to rural resources:

3.2.1.6 **Objective** – Diversification of land use in rural areas providing adverse effects on rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests are avoided, remedied or mitigated.

3.2.4.7 **Objective** - Facilitate public access to the natural environment.

3.2.4.7.1 **Policy** - Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.

3.2.5.5 **Objective** -The character of the district's landscapes is maintained by ongoing agricultural land use and land management.

3.2.5.5.1 **Policy** - Enable farming activity in rural areas except where it conflicts with significant nature conservation values.

6.3.7 **Objective** - The use and enjoyment of the District's landscapes for recreation and tourism.

6.3.7.1 **Policy** - Acknowledge the contribution tourism infrastructure makes to the economic and recreational values of the District.

6.3.7.2 **Policy** - Recognise that commercial recreation and tourism related activities locating within the rural zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.

21.2.6.4 **Policy** - Provide for appropriate alternative (non-road) means of transport to and within Ski Area Sub Zones, by way of passenger lift systems and ancillary structures and facilities.

21.2.9 **Objective** - A range of activities are undertaken that rely on a rural location on the basis they do not degrade landscape values, rural amenity, or impinge on permitted and established activities.

21.2.9.7 **Policy** - Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks network on the basis landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.

21.2.10.1 **Policy** - Encourage revenue producing activities that can support the long term sustainability of farming and rural areas of the district.

21.2.10.3 **Policy** - Have regard to the establishment of activities such as tourism, commercial recreation or visitor accommodation located within farms where these enable landscape values and indigenous biodiversity to be sustained in the longer term.

## Analysis

- 7.19 The economic evidence provided by Philip Osborne as Council's witness in Stream 2 usefully characterises the functions of the rural activity. Mr Osborne's evidence went beyond the direct contribution of rural activity to the District's economy to the 'safeguarding' and 'management' functions that rural activity has in terms of natural environment. Mr Osborne states that the "aggregated value of the Rural Zone for the District far exceeds the private productivity value achieved at an individual level", drawing attention to the fact that it is the rural areas other functions that create a 'value discrepancy' and pressure for alternative uses of rural land and resources. Mr Osborne concludes his analysis with reference to Rural Zone Objective 21.2.9 (quoted above), which balances the competing interests for rural resources and which seek to maximise the long term, and sustainable economic value of the District's rural areas.
- 7.20 This objective reflects the worldwide observation and experience that excessive tourism use of a specific resource can undermine the very values that generate tourism in the first place. The interrelationship between tourism and natural resources needs to be sustainably managed, just like every other natural resource-based industry.
- 7.21 Mr Greenaway refers to the **QLDC Economic Development Strategy (February 2015)** conclusion that the region is highly dependent on tourism and that gaining more cash per head from the visitor industry is a core priority, with a focus on leveraging the District's rural and natural amenities. (Another priority is the funding of adequate



investment in infrastructure in order to address congestion points of various kinds, which is addressed in the next section).

- 7.22 The sustainable management of rural resources and the pursuit of the **QLDC Economic Development Strategy** have an inherent conflict which can only be resolved by careful selection of areas to be developed and then sensitive development of those areas, and measures to maintain where possible traditional rural land use. I have already demonstrated that the QPSZ achieves this in relation to landscape and biodiversity matters above.
- 7.23 Ms Dewes in her evidence for QPL on farm productivity identifies that Queenstown Park as a farming entity is not currently economic. She concludes that the intensification needed to make it economic would result in “extreme negative effects” on the environment. These effects include the effects of increased stock numbers on indigenous vegetation, erosion and soil loss from animal activity, and diffuse contaminant discharge to the streams and Kawarau River from both extensive farming and irrigated river terrace areas. It is acknowledged that these effects could be mitigated by stock exclusion from vegetated and riparian areas, however the cost of implementing exclusion across the whole property is prohibitive.
- 7.24 Instead of farm intensification she supports the alternative uses of the QPSZ which would subsidise a continued modest but more environmentally sustainable farming operation.
- 7.25 Returning to Mr Osborne’s evidence, in my view the QPSZ enables the ‘value discrepancy’ to be reduced for Queenstown Park with the introduction of tourism activities (thereby more explicitly recognising the value of the resource) and also enables ongoing agricultural land use and land management while reducing conflicts with significant nature conservation values.
- 7.26 Consequently, my conclusion is that the QPSZ proposal is consistent with the above objectives and policies.

### **Traffic and Infrastructure**

- 7.27 The PDP provides as follows:

3.2.8.1 **Objective** - Maintain and promote the efficient and effective operation, maintenance, development and upgrading of the District’s existing infrastructure and the provision of new infrastructure to provide for community wellbeing.

3.2.8.1.1 **Policy** - Ensure that the efficient and effective operation of infrastructure is safeguarded and not compromised by incompatible development.

21.2.9 **Objective** - A range of activities are undertaken that rely on a rural location on the basis they do not degrade landscape values, rural amenity, or impinge on permitted and established activities.

21.2.9.6 **Policy** - Ensure traffic from commercial activities does not diminish rural amenity or affect the safe and efficient operation of the roading and trail network, or access to public places.

### Analysis

- 7.28 The concept of new infrastructure that does not place a burden on rates or other public funding, and which has the effect of reducing congestion for existing infrastructure is quite novel. So it is unsurprising that the PDP does not have any provisions which are 'on point' in this regard. Nevertheless, Objective 3.2.8.1 above does embody the principles of efficiency and effectiveness, and community wellbeing. The development enabled by QPSZ supports tourism growth without further pressure on public infrastructure and so is consistent with this objective.
- 7.29 On a more localised level, Mr Penny's evidence demonstrates that, as a result of the emphasis on gondola, trail and to some extent water-borne travel, the traffic from commercial activities, and rural residential activities will not diminish rural amenity. He does express a minor concern about effects on the Boyd's Road/State Highway 6 intersection, but this is able to assessed and mitigated.

### **Hazards**

- 7.30 The district-wide Chapter 28 has the following objectives and policies on hazards:

28.3.1 **Objective** – the risk posed by natural hazards to the community and the built environment is avoided or managed to tolerable levels.

28.3.1.1 **Policy** – Ensure assets or infrastructure are constructed and located so as to avoid or mitigate:

- a. potential risk from natural hazards to human life;

[...]

28.3.1.2 **Policy** – Restrict the establishment of activities which significantly increase natural hazard risk, including where they will have an intolerable impact upon the community and built environment.

28.3.2 **Objective** – Development on land subject to natural hazards only occurs where the risks to the community and the built environment are avoided or appropriately managed.

### Analysis

- 7.31 The selection of the Activity Areas incorporated natural hazard analysis as part of its matrix. Mr Bond concludes that there are no natural hazards identified that are of a significant concern and that, in terms of natural hazard risk, the proposed zones are

considered suitable for development and that where present, identified hazards can be appropriately managed.

- 7.32 I consider that the QPSZ development proposals address the PDP natural hazard provisions.

### **Overall Conclusion on Objectives**

- 7.33 The above section and analyses test the QPSZ against what I have established as the relevant criteria for sustainable management of the natural and physical resources of the land in question, and in particular the outstanding natural landscape. The question or issue I posed earlier in relation to how the growing demand for tourism activity was to be met in the Queenstown area was: “Where is this demand to be met, and how can supply of the product be increased so as to ensure the quality of the resources on which it is based are sustainably managed?”
- 7.34 The QPSZ objectives and the development they enable respond consistently well to the relevant strategic, rural and district wide criteria, particularly so the critical analysis of the effect on the Wakatipu Basin ONL.

## **8. QUEENSTOWN PARK SPECIAL ZONE OR RURAL GENERAL ZONE?**

- 8.1 Having reached the conclusion that the Queenstown Park land should be utilised for rural visitor and rural residential purposes the question is how best to provide for these activities. The Queenstown Park land is zoned Rural General (Chapter 21) in the notified Proposed District Plan. Some rural visitor and rural residential activities are already provided for in the Rural Zone, so the Rural Zone is “a reasonably practicable option for achieving the objectives”.<sup>11</sup>
- 8.2 A summary of the activities of the QPSZ has been provided in Section 2 above. The features of the Rural Zone will be well known to the Panel, however a brief comparative summary of the Rural Zone, in terms of the sustainable management of the Queenstown Park land is as follows:
- (a) The primary focus of the Rural Zone is on farming activities and “protecting, maintaining and enhancing landscape values, nature conservation values, the soil and water resources and rural amenity”;
  - (b) Farming is a permitted activity;

<sup>11</sup> Section 32(1)(b)(i) of the RMA.

- (c) Other productive activities, including tourism and rural living are also recognised, where these activities rely on the rural resources listed above;
- (d) Residential activities, visitor accommodation activities, cafes and restaurants (in a vineyard), and commercial activities are all discretionary activities;
- (e) Ski Area Activities within a Ski Area Sub Zone are permitted activities, with Passenger Lift Systems outside the zone proposed to be provided for by way of a restricted discretionary activity. I note here that key discretions are the route that the lift system will take and effects on ecological values;
- (f) As noted previously, Section 21.7 provides specific criteria for assessing the appropriateness of subdivision and development within ONLs; and
- (g) Subdivision in the Rural is a discretionary activity zone, but has no minimum lot size.

### Analysis

- 8.3 A comparison of the Rural Zone against the bespoke provisions of the QPSZ is to some extent an 'unfair' comparison, in that the former is a general zone covering a diverse range of environmental settings within the rural area, whereas the latter is based on a specific, in-depth analysis of the environmental attributes of the zone. Within a 2000 ha zone, it is always going to be the case that such an analysis will identify the variable nature of the environmental attributes, whether this be for farm productivity values (evidence of Ms Dewes) ecological values (evidence of Mr Beale), natural hazards (evidence of Mr Bond) or landscape values (evidence of Mr Brown). The analysis has been used to determine the location and extent of development, and so pre-empts many of the concerns in the objectives and policies and the assessment criteria of the Rural Zone. In a sense, the analysis has taken us 'beyond' where the Rural Zone scenario lies, to a set of resource management provisions which provide for development, while more explicitly protecting values in areas that are the most important, and requiring the enhancement of values which have been degraded.
- 8.4 This is nowhere more crucial than in the landscape analysis, where in the PDP the Wakatipu Basin ONL is given the same elevated status, irrespective of the variable attributes it contains. Mr Brown's analysis has provided reassurance that development within discrete areas was appropriate.

8.5 Nevertheless, I consider that the consequences of attempting to achieve the objectives set out in paragraph 5.14 above under the Rural Zone provisions are as follows:

- (a) The Rural Zone provides for the passenger lift system (not the stations) as restricted discretionary activity. While the assessment criteria focus on the route alignment, there is no certainty as to where the route would go, unlike the QPSZ that specifies a gondola corridor, and also fixes the station positions, which, based on the landscape analysis, are the more important elements for potential landscape effects.
- (b) Albeit that subdivision is a discretionary activity, within a large land area (2000 ha), subdivision and multiple owners all making decisions about what is best for their property is inevitable. In my experience, individual decisions like this do not allow for the land use activity and locational selection that a comprehensive zone does.
- (c) Residential activities, visitor accommodation activities, and commercial activities are an example of the above point. These activities are all discretionary activities, where applications would have the broadest of assessments against the District Plan provisions. The individual decision making involved can not produce the integrated outcome that a comprehensive zones does. Every facet from the extent of development, to locational selection, to building design would be planned in silos, with the best outcomes constrained by the property boundaries.
- (d) Some commitment to ecological enhancement may result from subdivision (there is criteria on this in Section 21.7) but this would not be as comprehensive or property-wide as in the QPSZ proposal.
- (e) Grazing of the SNAs by cattle could continue as a permitted activity.
- (f) Subdivision would result in the provision of a 20m esplanade, but not the trail development that is part of the QPSZ proposal. More broadly, the Rural Zone provision would not enable public access and the ability to rest and recreate within a large rural property or reasonable certainty of realising the development potential needed to support the gondola investment.

## Summary

8.6 As I indicated above, it is unlikely to be the case that the general provisions of the Rural Zone are going to better address the QPSZ objectives than the tailor-made policies and rules.

## 9. EFFICIENCY AND EFFECTIVENESS OF THE PROVISIONS

9.1 Section 32(1)(b) of the RMA requires that the evaluation report for the zone proposal include an assessment of efficiency and effectiveness of the provisions in achieving the objectives set out in paragraph 5.14. Section 32(2) requires that assessment to identify and assess costs, benefits and effects (environmental, economic, social and cultural) including economic growth and employment, and if practicable such costs and benefits are to be quantified.

9.2 As a point of clarification, I note that the assessment of efficiency and effectiveness is of the *provisions*, not the *objectives* for the zone. Consequently, section 32(2) envisages that the assessment undertaken is on the basis that the objectives in paragraph 5.14 represent sustainable management of the zone in terms of the strategic and district-wide provisions of the PDP, and the achievement of the purpose of the RMA. However, as I have already concluded that the tailor-made rules of the QPSZ are well-aligned and able to achieve the zone objectives, I consider that the analysis of effects I have undertaken and conclusions drawn in Section 6 above in relation to the objectives stand. To those conclusions I would add the following observations on the provisions themselves which serve to avoid or mitigate environmental effects:

- (a) Apart from the gondola, development within the zone is confined to discrete areas close to the river. I note that since the original formulation of Activity Areas, this development is now more focussed on a 4km stretch along the river;
- (b) The development of Rural Visitor Activity Area 3 for other than the activities provided for within a Rural Residential Activity Area is non-complying until the gondola is built;
- (c) The development of the trail to the main Rural Visitor Activity Area is also a requirement of the gondola, with development in the more eastern Activity Areas being limited before an extension of the trail further along the river is in place;

- (d) Activity Areas require Comprehensive Development Plans for their development, introducing requirements for overall planning of the specific Activity Area and indigenous planting.
  - (e) Both the Comprehensive Development Plans and specific resource consents for buildings include consideration of appropriate building and public space design parameters, as confirmed by Ms Skidmore.
  - (f) A limitation on stocking rates above 600 masl between SNA F32B and F32A3.
- 9.3 Overall, I consider that the proposed rule set for the QPSZ represents an efficient and effective means of providing certainty as to the extent of development and an appropriate measure of assessment, control and discretion, as the case may be, for the Council.
- 9.4 Mr Ballingall has estimated the economic benefits of the gondola proposal both directly and in terms of the additional spending by tourists in the region. He estimates the benefits of both the construction phase and operational phase of the gondola. Key summary data are as follows:
- (a) The construction of the gondola expands the capital stock of the Queenstown economy, lifting its real GDP by \$29.9 million, and adding 148 jobs;
  - (b) During a single representative year (2026), the additional tourism revenue that is generated by the gondola's presence in the Queenstown economy, along with additional visitor accommodation construction, boosts Queenstown's real GDP by \$20.4 million (1%), and household spending by \$16.9 million (1.6%). This creates an additional 177 jobs (0.8%); and
  - (c) These benefits are well-spread around the local economy in non-residential construction, construction services, rental and hiring businesses, metal manufacturing, non-metallic mineral manufacturing, fuel and transport support services during the construction phase, and accommodation, sport and recreation services, travel agency and tour arrangement services, heritage and artistic activities, retailing; gambling activities and food and beverage services during the operational phase.
- 9.5 Although Mr Ballingall does not estimate economic costs per se, I understand that his Computer General Equilibrium model accounts for changes in consumer spending

between different goods and services as a result of a new entrant to the market, and is therefore a 'net' approach.

- 9.6 I am not aware of any 'cultural' implications of the QPSZ, however subdivision and development would be subject to the usual accidental discovery protocols.

## 10. CONCLUSIONS

- 10.1 I have applied the required RMA tests to the QPSZ proposal. Most of my evidence is addressed to the 'big picture' consideration of whether or not any development should be situated within the Wakatipu Basin ONL. The legislative basis for this consideration in Part 2 of the RMA is properly addressed (in a **King Salmon** sense) within the provisions of the operative and proposed Otago RPSs. Notwithstanding that we are awaiting the final version of the Proposed RPS, it appears likely that tourism within rural areas will be given some recognition as being appropriate, given the strong connection between tourism activities and the great outdoors in the region. Despite this regional policy setting, it is at the district level that more specific guidance on where development is appropriate is found. Consequently, it is on the strategic and district-wide provisions of the PDP that I have based my evaluation required by section 32(1)(a).
- 10.2 The key matter to be evaluated is of course landscape and Mr Brown's fine-grained analysis of the Wakatipu Basin ONL as it is found within the QPSZ confirms that very limited development is possible, while maintaining the overall integrity of the ONL. His conclusions respond to the strategic direction's recognition that tourism and recreation activities can be appropriate in the rural areas, and even within ONLs.
- 10.3 On other matters, the proximity of QPSZ to the urban area enables tourism benefits and existing infrastructure efficiencies to be maximised. There are also biodiversity benefits, which is another key matter in the strategic direction. These benefits, and the reduced impact of the existing farming activity on water quality, might not otherwise be achieved with the general Rural zoning.
- 10.4 Beneath the 'big picture' is the choice of provisions that will deliver on the QPSZ objectives. Given the tailor-made approach to these provisions I have concluded that there is really no argument that the QPSZ provisions are better than the Rural Zone and are more effective and efficient at delivering on the the outcome sought by the zone objectives.



10.5 I support the QPSZ for inclusion in the Proposed District Plan as it achieves sustainable management not just for the land within the zone, but for tourism growth in Queenstown.

Dave Serjeant

9 June 2017

**ANNEXURE A: QPSZ PROVISIONS AND ASSOCIATED PLANS**

# “A”

## **44.1 Zone Purpose**

Queenstown Park has 14.3km of river frontage along the Kawarau River, and extends to an altitude of approximately 1000masl on the northern face of The Remarkables Mountains, wrapping around to the western face. It encompasses 2000ha of land, and has historically been farmed extensively on the upper slopes, with more intensive grazing on the river terraces that extend down to the river edge.

The purpose of the Queenstown Park Special Zone is to provide a comprehensive multi use zone that achieves ongoing sustainable management of Queenstown Park and the wider Queenstown Lakes District. Queenstown Park provides for tourist, education, entertainment, residential, visitor accommodation, recreation, conservation, cultural activities and farming all within close proximity to Queenstown airport, the Remarkables Ski Area, Remarkables Park and the Wakatipu basin. A high level of connectivity is achieved by provision of cycle and walking access, gondola access along the Kawarau River, and between the valley floor and the Remarkables Ski Area

Queenstown Park provides for both visitors and residents to connect to the high country environment, and the zone enables public access by providing recreational and entertainment opportunities. Queenstown Park is a destination in its own right, and one that is complementary to, supports and grows the Queenstown's tourism industry.

The following activities are envisaged for in the zone, and as provided for by the Structure Plan. The rules enable development via a Comprehensive Development Plan for Rural Residential Activity Area 3 and Rural Visitor Activity Areas so that specific areas are designed in an integrated manner.

### **Visitor accommodation and commercial activities**

Provide for activities with close linkage to future trails and gondola access, and tourist activities including accommodation, environmental education and related commercial activities within Rural Visitor Activity Areas.

### **Living**

Provides an opportunity for a range of residential and visitor accommodation options within the Rural Residential and Rural Visitor Activity Areas in a form that integrate well with the landscape and the other activities provided for by the zone. Buildings can be provided as groups of buildings or as standalone residences. Use of renewable energy resources for power is encouraged. Landscaping will reflect the native vegetation of the site, but will also build on the historic plantings, using poplars and other deciduous vegetation to reflect the historic pastoral land uses on the site. Areas of matagouri are retained and the regeneration of native vegetation is respected and encouraged.

### **High Country**

The upper hill upper slopes of Queenstown Park, provide opportunities for ecological management, hiking trails and low impact commercial recreation activities including hiking, biking and retreat accommodation, in addition to mountain bike trails. Queenstown Park will continue to graze stock, however the zone provides the opportunity to restrict grazing in those areas of greatest ecological value, and to support ongoing weed and wilding control. Ecological enhancement is encouraged.

**Pastoral/recreation/trails**

Provide for farming, commercial recreation, recreational activities and trails. Built form is limited to appropriately scaled buildings that support farming, recreational activities and the trail. This area retains open space and recreational values, while enabling recreational activities that benefit from the public access along the river front and tourism potential of the wider zone.

**Gondola Access Corridor**

Provide for a gondola linking Remarkables Park, Queenstown Park and the Remarkables Ski Area. The gondola access corridor has been carefully located in order to maximise safety, minimise effects on landscape and ecological values, minimise wind effects, enhance the Queenstown tourism experience and provide a commuter option between the residential communities of Lake Hayes Estate, Shotover Country and Bridesdale and the Remarkables Park zone.

**Retreat**

Enable low impact tourist accommodation. Any buildings would be small scale and self sufficient, and likely accessed via helicopter and/or trail.

**Walkways, Jetties**

Queenstown Park offers the potential for public access links. There are a number of locations for the provision of bridges across the Kawarau River, providing linkage between Queenstown Park and the trails on the northern side of the river. This contributes to Queenstown's trail network, and assists in enabling commuting between the adjacent community of Lake Hayes Estate, Shotover Country, Bridesdale and Remarkables Park.

Locations for jet ferry linkage are to be identified where they can be absorbed from a visual effects perspective, and where they provide positive linkage between river access and proposed activities within Queenstown Park.

**44.2 Objectives and Policies**

**44.2.1A Objective** The integrated development of Queenstown Park to achieve important linkages between the valley floor and the recreational opportunities on the mountains, and to enable tourist, commercial, education, entertainment, recreation, visitor accommodation, farming, conservation, and residential opportunities in locations where their effects on the environment are managed sustainably.

**44.2.1B Objective** Development of discrete residential and visitor focussed activity areas within the lowland terraces south of the Kawarau River in a manner that has regard for the landscape values of the ONL.

**Policies**

**44.2.1.1** To achieve a coordinated activity mix and built environment that responds to the underlying landscape patterns.

**44.2.1.2** Development within each Rural Residential and Rural Visitor Activity Area is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.

- 44.2.1.3** To manage the location of buildings and integration of buildings with roads, trails, the gondola, river connections and open space to achieve an outcome that reflects the differing landscape values and opportunities within Queenstown Park through the use of Comprehensive Development Plans.
- 44.2.1.4** To enable a range of commercial and visitor accommodation activities that support users of the river trail, gondola and river access, while ensuring that the design and scale of built form has regard for the surrounding rural landscape.
- 44.2.1.5** To enable residential and visitor accommodation within Rural Residential and Rural Visitor Activity Areas in a manner that respects the existing natural landform and vegetation.
- 44.2.1.6** To manage the visual effects of buildings through careful attention to the location, scale and form of buildings together with the selection of external materials, colours and use of associated planting.
- 44.2.1.7** To co-ordinate landscape and building design to achieve a village or rural character for each activity area.
- 44.2.1.8** To provide retreat opportunities within remote locations on Queenstown Park.

**44.2.2. Objective** The establishment of a zone that is primarily accessed by water, gondola and trail linkages.

#### **Policies**

- 44.2.2.1** To enable a gondola that provides access between the Remarkables Park Zone, the true south bank of the Kawarau River below Lakes Hayes Estate, Queenstown Park, and the Remarkables Ski Field, while balancing the importance of the landscape values associated with The Remarkables with the importance of providing a connection between the valley floor and the ski field.
- 44.2.2.2** Maintain and enhance the integrated trail network that travels along and provides linkage across the Kawarau River.
- 44.2.2.3** Provide for water based public transport, by enabling ferry operations and associated infrastructure along the Kawarau River.

**44.2.3 Objective** The maintenance and enhancement of ecological values.

#### **Policies**

- 44.2.3.1** Recognise the ecological values within the Rastus Burn and Owens Burn catchments, and provide for their maintenance and enhancement through avoiding clearance and encouraging pest management.

## 44.3 Other Provisions and Rules

### 44.3.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative District Plan (**ODP**).

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
Signs (18 ODP)	Earthworks (22 ODP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	Transport (14 ODP)
30 Energy and Utilities	Hazardous Substances (16 ODP)	32 Protected Trees
33 Indigenous Vegetation and Biodiversity	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

### 41.3.2 Clarification

**41.3.2.1** References to the Structure Plan and to Activity Areas are references to the Queenstown Park Zone Structure Plan and the Activity Areas identified on that Structure Plan.

**41.3.2.2** Earthworks undertaken for the development of land associated with any subdivision shall be governed by Chapter 27: Subdivision and Development.

**41.3.2.3** A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.

**41.3.2.4** Where an activity does not comply with a rule or standard 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.

**41.3.2.5** The following abbreviations are used within this Chapter.

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

<b>TABLE 1</b>	<b>Activities Located within Queenstown Park Special Zone</b>	<b>Activity Status</b>
<b>44.4.1</b>	Activities that are not listed in this table	D
<b>44.4.2</b>	Farming Activity	P
<b>44.4.3</b>	Commercial Recreation Activity excluding buildings	P
<b>44.4.4</b>	Back country toliets	P
<b>44.4.5</b>	Residential and Visitor Accommodation Activity within the Rural Residential Activity Areas	P
<b>44.4.6</b>	Earthworks associated with the maintenance of farm track access, fencing, firebreaks and recreational tracks no wider	P

	than 2m.	
<b>44.4.7</b>	<p>The development of a Trail Plan:</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• Details of the formation of a cycle/walking trail from Boyd Road to the proposed pedestrian bridge at Rural Visitor Activity Area 3 which demonstrate:</li> <li>• Whether public access on the proposed public trail is secured in perpetuity via an appropriate legal mechanism;</li> <li>• The degree to which the applicant provides for the construction of the trail to the standard of comparable trails;</li> <li>• The timing for the formation of the trail which shall ensure it is completed no later than 12 months after the gondola is operational or 6 new rural residential dwellings are completed (not including housing for staff).</li> </ul>	RD
<b>44.4.8</b>	Any Development within the QPSZ which is undertaken in the absence of a resource consent having been granted under Rule 44.4.7 or which is not in accordance with a Trail Plan approved as part of a resource consent under Rule 44.4.7.	NC
<b>44.4.9</b>	<p><b>Rural Visitor Activity Areas</b></p> <p>44.4.9.1 Buildings</p> <p>The addition, external alteration or construction of buildings. Control is reserved to the following:</p> <ul style="list-style-type: none"> <li>• The bulk, location and external appearance of buildings.</li> <li>• Creation of active frontages adjacent to streets and public spaces.</li> <li>• External Lighting.</li> <li>• Intergation with surrounding buildings.</li> <li>• Infrastructure and servicing.</li> <li>• Earthworks and vegetation clearance.</li> <li>• Location and design of car parking.</li> <li>• The adequate provision of storage and loading/ servicing areas.</li> <li>• Landscape Design.</li> </ul>	C
	<p>44.4.9.2 Comprehensive Development Plan</p> <p>Any commercial, community, residential or visitor accommodation activity (excluding buildings) within the Rural Visitor Activity Areas, provided the application is accompanied by a Comprehensive Development Plan or is in accordance with an approved Comprehensive Development Plan, which</p>	RD

	<p>applies to the whole of the relevant Rural Visitor Activity Area and is sufficiently detailed to enable the matters of control listed below to be fully considered.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• The layout of open spaces, street pattern, car parking, and pedestrian and cycle access.</li> <li>• The location of any proposed commercial and community activity.</li> <li>• Streetscape design.</li> </ul> <p>Distribution of additional height.</p> <ul style="list-style-type: none"> <li>• Infrastructure and servicing,</li> <li>• Exterior lighting of streets and public spaces</li> <li>• Measures to address natural hazards</li> <li>• Earthworks and vegetation clearance.</li> <li>• The extent to which development and land modification minimises effects on escarpments and stream and river banks, apart from necessary vehicle, ferry/boating facilities and pedestrian access, and gondola access within Rural Visitor Activity Area 3, and mitigates any such effects through the use of indigenous planting.</li> <li>• Landscaping and planting strategies for amenity purposes to provide structure and ‘breaks’ in the proposed development in Activity Areas using both the indigenous plant communities of the zone and range of exotic deciduous planting</li> </ul>	
	44.4.9.3 Any commercial, community, visitor accommodation or residential activity within the Rural Visitor Activity Areas, including the addition, alteration or construction of associated buildings, which is undertaken in the absence of a resource consent having been granted under Rule 44.4.9.2 or which is not in accordance with a Comprehensive Development Plan approved as part of a resource consent under Rule 44.4.9.2.	D
<b>44.4.10</b>	<b>Rural Residential Activity Areas</b>	
	<p>44.4.10.1 Buildings</p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> <li>• Locations</li> <li>• Materials, colour and reflectivity</li> <li>• Landscaping</li> <li>• Servicing</li> </ul>	C
	44.4.10.2 Visitor Accommodation Activity/Buildings greater than 400m <sup>2</sup>	D
	44.4.10.3 Any residential or visitor accommodation activity (excluding buildings) within Rural Residential Activity Area 3, provided the application is accompanied by a Comprehensive Development Plan or is in accordance with an approved Comprehensive Development Plan, which applies to the whole	RD



	<p>of the Activity Area and is sufficiently detailed to enable the matters of control listed below to be fully considered. Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>- Building platform locations and the extent that they respond to the topography of the activity area</li> <li>- Roading alignments</li> <li>- Earthworks</li> <li>- Access</li> <li>- Landscaping</li> </ul>	
	<p>44.4.10.4 Any residential or visitor accommodation activity within the Rural Residential Activity Area 3, including the addition, alteration or construction of associated buildings, which is undertaken in the absence of a resource consent having been granted under Rule 44.4.10.3 or which is not in accordance with a Comprehensive Development Plan approved as part of a resource consent under Rule 44.4.10.3.</p>	D
<b>44.4.11</b>	<p><b>Farm buildings located below 400masl</b></p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> <li>• Location</li> <li>• Materials, colour and reflectivity</li> <li>• Contribution to rural character</li> </ul>	C
<b>44.4.12</b>	<p><b>Gondola Passenger Lift Systems within the Gondola Corridor</b></p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> <li>• Whether the colours to be used are compatible with the rural landscape of which the Passenger Lift System will form a part.</li> <li>• Balancing environmental considerations with operational requirements.</li> <li>• Lighting.</li> <li>• The ecological values of the land affected by structures and activities and any proposed ecological mitigation works.</li> <li>• Effects on existing recreation and tourism activities on and beside the Kawarau River.</li> </ul>	C
<b>44.4.13</b>	<p><b>Gondola Base Station or Terminal Buildings</b></p> <p><b>Construction, relocation, addition to or alteration of a base or terminal building at the following locations:</b></p> <ul style="list-style-type: none"> <li>- <b>Commuter Station</b></li> <li>- <b>QP Bend Station</b></li> <li>- <b>QP Village Stations</b></li> <li>- <b>QP Upper Station</b></li> </ul> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> <li>• Location, external appearance and size, colour, visual dominance.</li> <li>• Associated earthworks, access and landscaping.</li> </ul>	C

	<ul style="list-style-type: none"> <li>• Provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary).</li> <li>• Lighting.</li> <li>• Location and design of any associated car parking</li> </ul>	
<b>44.4.14</b>	<p><b>Premises licensed for the sale of liquor</b></p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• Location</li> <li>• Scale of the activity</li> <li>• Residential amenity values</li> <li>• Noise</li> <li>• Hours of operation</li> <li>• Car parking and vehicle generation, where the premises are not adequately served by gondola, trails or jet boats.</li> </ul>	RD
<b>44.4.15</b>	<p><b>Glamping</b></p> <p>Visitor accommodation activity outside of the Rural Visitor and Rural Residential Activity Areas accommodating less than 20 people per glamping site and provided there are no more than 6 glamping sites at any one time within the QPSZ.</p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> <li>- Location of buildings to minimise visibility from any public places</li> <li>- The external appearance and material finish</li> </ul>	C
<b>44.4.16</b>	<p><b>Commercial Recreation Activity Buildings</b></p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• The external appearance of buildings with respect to the effect on visual and landscape values of the area.</li> <li>• Infrastructure and servicing.</li> <li>• Associated earthworks and landscaping.</li> </ul>	RD
<b>44.4.17</b>	<p><b>Jetties or wharves at those locations identified on the structure plan</b></p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• Effects on natural character</li> <li>• Effects on landscape and amenity values</li> <li>• Effects on public access to and along the river and existing recreation activities</li> <li>• External appearance, colours and materials</li> </ul>	RD
<b>44.4.18</b>	<p><b>Mining Activity</b></p> <p>The mining of rock and aggregate for use within Queenstown</p>	RD

	<p>Park</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• Effects on landscape and amenity values</li> <li>• Dust</li> <li>• Noise</li> <li>• Hours of operation</li> <li>• Traffic</li> </ul>	
<b>44.4.19</b>	<b>Forestry Activity</b>	NC
<b>44.4.20</b>	<b>Factory Farming</b>	NC
<b>44.4.21</b>	<b>Industrial Activity</b>	NC
<b>44.4.22</b>	<p><b>Informal Airports</b></p> <p>44.4.22.1 Informal Airports limited to the use of helicopters</p> <p>44.4.22.2 The establishment and operation of all other Airport Activity or Aerodrome, including Informal Airports used by fixed wing aircraft.</p>	<p>D</p> <p>NC</p>

#### 44.5 Rules- Standards

<b>Table 2</b>	<b>Standards for activities located in Queenstown Park Special Zone</b>	<b>Non-compliance status</b>
<b>44.5.1</b>	Any commercial or community activity within Rural Visitor Activity Area 3 prior to the gondola becoming operational.	NC
<b>44.5.2</b>	Any residential or visitor accommodation within the Rural Visitor or Rural Residential Activity areas prior to the upgrade of the Boyd Road/State Highway intersection.	NC
<b>44.5.3</b>	<p><b>Total residential units in RV3 (prior to the gondola becoming operational) and all Rural Residential Activity Areas :</b></p> <p>90</p> <p><b>Total residential units in Rural Residential Activity Area 3:</b></p> <p>16</p> <p><b>Total residential units in Rural Residential Activity Areas 3, 4, 5 and 6:</b></p> <p>A total of six (6) residential units unless the public trail has been extended from the pedestrian bridge at Rural Visitor Activity Area 3 and Rural Visitor Activity Area 4.</p>	NC
<b>44.5.4</b>	<p><b>Building coverage</b></p> <p>Rural Visitor Activity Area 3</p> <p>Lower Terrace – 30%</p> <p>Upper Terrace – 20%</p> <p>Terrace Face – 0% except for vehicle access, pedestrian and cycle trails, buildings associated with the gondola corridor.</p> <p>Other Rural Visitor Activity Areas – 30% or as defined in Comprehensive Development Plan</p> <p>Rural Residential Activity Areas – 15%</p> <p>Discretion is restricted to the following:</p>	RD

	<ul style="list-style-type: none"> <li>• The effect on open space, character and amenity</li> </ul>	
<b>44.5.5</b>	<p><b>Building height</b></p> <p>44.5.5.1 Gondola Corridor - greater than 23m</p> <p>44.5.5.2 Buildings excluding RVAA 3 – greater than 8m or two storeys, whichever is lower.</p> <p>44.5.5.3 Buildings for commercial, community, visitor accommodation and residential activities within Rural Visitor Activity Area 3, Lower Terrace - between 12m – 16m. Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• The extent to which the buildings which will accommodate this height have been considered as part of Rule 44.4.9.2 above (The CDP Rule)</li> <li>• Contribution to varied rooflines and identification of landmark buildings.</li> </ul> <p>44.5.5.4 Buildings for commercial, community and visitor accommodation activities within the Rural Visitor Activity Areas, Lower Terrace - above 16m.</p> <p>44.5.5.5 Buildings for commercial, community, visitor accommodation and residential activities within Rural Visitor Activity Area 3, Upper Terrace - between 8m – 12m. Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• The extent to which the buildings which will accommodate this height have been considered as part of Rule 44.4.9.2 above (The CDP Rule)</li> <li>• Contribution to varied rooflines and identification of landmark buildings.</li> </ul> <p>44.5.5.6 Buildings for commercial, community, visitor accommodation and residential activities within Rural Visitor Activity Area 3, Upper Terrace - above 12m.</p>	<p>NC</p> <p>NC</p> <p>RD</p> <p>NC</p> <p>RD</p> <p>NC</p>
<b>44.5.6</b>	<p><b>Earthworks</b> (excluding earthworks associated with a subdivision and Earthworks associated with the maintenance of farm track access, fencing, firebreaks and recreational tracks no wider than 2m).</p> <p>44.5.6.1 Volume of Earthworks:</p> <p>Rural Residential Activity Areas 500m<sup>3</sup></p>	RD

	<p>All other areas 1000m<sup>3</sup></p> <p>44.5.6.2 Height of cut and fill and slope</p> <p>All Areas:</p> <p>The maximum height of any cut shall not exceed 2.4 metres.</p> <p>(ii) The maximum height of any fill shall not exceed 2 metres.</p> <p>(iii) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see Interpretative Diagram 6 of the Earthworks Chapter of the Operative District Plan), except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5 metre in height.</p> <p>44.5.6.3 Fill All Areas:</p> <p>a. All fill for residential building platforms and associated retaining walls is to be in accordance with the requirements of NZS 4404:2010 and/or NZS 4431:1989 as appropriate.</p> <p>44.5.6.4 Environmental Protection Measures</p> <p>a. Any person carrying out earthworks shall implement sediment and erosion control measures to avoid sediment effects beyond the boundary of the site.</p> <p>b. Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site.</p> <p>c. Areas of exposed soil are to be vegetated / re-vegetated within 12 months from the completion of works.</p> <p>44.5.6.5 Water bodies</p> <p>a. Earthworks within 7m of the bed of any water body shall not exceed 20m<sup>3</sup> in total volume, except any man made water body within one any consecutive 12 month period.</p> <p>b. Any material associated with earthworks activity shall not be positioned within 7m of the bed of any water body or where it may dam, divert or contaminate water.</p> <p>c. Earthworks shall not:</p> <ul style="list-style-type: none"> <li>• cause artificial drainage of any groundwater aquifer;</li> <li>• cause temporary ponding of any surface water.</li> </ul> <p>44.5.6.6 Cultural heritage and archaeological sites</p> <p>a. Earthworks shall not modify, damage or destroy any waahi tapu, waahi taonga or identified feature in Chapter 26, or any archaeological site.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• The nature and scale of the earthworks</li> </ul>	
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	<ul style="list-style-type: none"> <li>• Environmental protection measures</li> <li>• Remedial works and revegetation</li> <li>• The effects on landscape and visual amenity values</li> <li>• The effects on land stability and flooding</li> <li>• The effects on water bodies</li> <li>• The effects on cultural and archaeological sites</li> <li>• Noise</li> </ul>	
<b>44.5.7</b>	<p><b>Lighting</b></p> <p>No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property.</p>	NC
<b>44.5.8</b>	<b>Access &amp; Parking associated with the Upper Station except for service access</b>	D
<b>44.5.9</b>	<p><b>Gondola Corridor</b></p> <p>Variation of the Gondola Corridor boundaries by more than 20m</p>	D
<b>44.5.10</b>	<p><b>Setbacks from internal boundaries</b></p> <p><b>Rural Residential Activity Areas – 6m</b></p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• Visual dominance.</li> <li>• The effect on open space, rural living character and amenity.</li> <li>• Effects on privacy, views and outlook from neighbouring properties.</li> <li>• Reverse sensitivity effects on adjacent properties.</li> <li>• Landscaping.</li> </ul> <p><b>All other areas – no setback</b></p>	RD
<b>44.5.11</b>	<p><b>Setback from roads</b></p> <p>Rural Visitor Activity Areas – no setback requirement</p> <p>Rural Residential Activity Areas – 10m</p> <p>All other areas – 20m</p>	NC
<b>44.5.12</b>	<p><b>Stocking Rate above 600 masl between SNA F32B and F32A3</b></p> <p>A stocking rate exceeding 3 units per hectare</p>	D
<b>44.5.13</b>	<b>Any cattle grazing of the SNA areas</b>	NC

#### 44.6 Non notification of applications

- 44.6.1 Any application for resource consent for controlled activities shall not require the written consent of other persons and shall not be notified or limited notified.
- 44.6.2 Any application for resource consent for restricted discretionary activities shall be considered without public notification but notice shall be served on those persons considered to be adversely affected if the written approval has not been obtained.

### SUBDIVISION AND DEVELOPMENT 27

Additions shown underlined

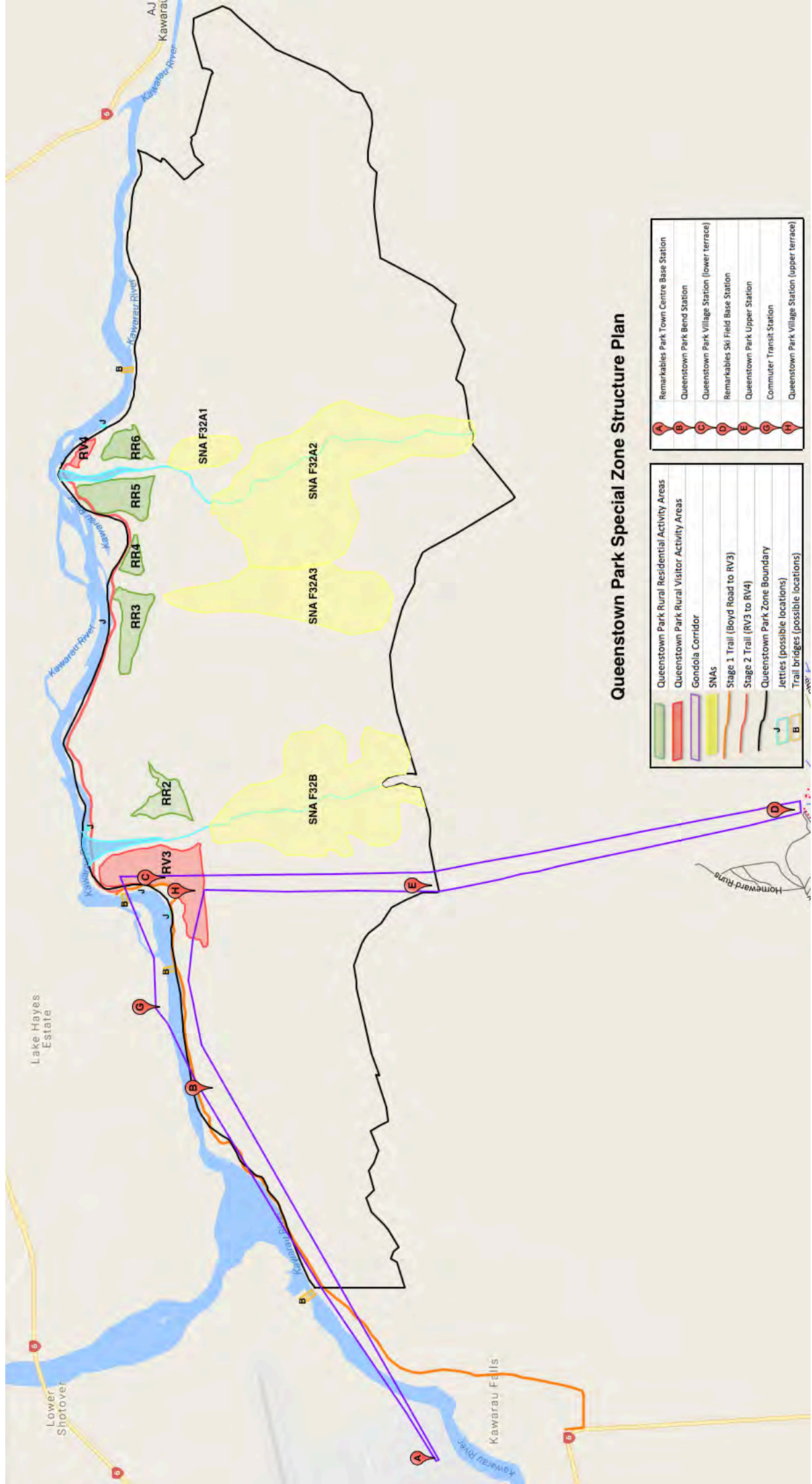
27.5.7	<p>All subdivision activities in the District's Rural Residential and Rural Lifestyle Zones and <u>QPSZ Rural Residential and Rural Visitor Activity Areas</u></p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• In the Rural Lifestyle Zone the location of building platforms;</li> <li>• Lot sizes, averages and dimensions in respect of internal roading design and provision, relating to access and service easements for future subdivision on adjoining land;</li> <li>• Subdivision design and lot layout <ul style="list-style-type: none"> <li>• Property access and roading;</li> </ul> </li> <li>• Esplanade provision;</li> <li>• On site measures to address the risk of Natural and other hazards on land within the subdivision;</li> <li>• Fire fighting water supply;</li> <li>• Water supply;</li> <li>• Stormwater disposal;</li> <li>• Sewage treatment and disposal;</li> <li>• Energy supply and telecommunications;</li> <li>• Open space and recreation; and</li> <li>• Ecological and natural values;</li> <li>• Historic Heritage</li> <li>• Easements; and</li> <li>• Bird strike and navigational safety.</li> </ul>	RD
27.5.10	<p>All subdivision activities in the Rural General and Gibbston Character Zones and <u>Queenstown Park Special Zone (except the Rural Visitor and Rural Residential Activity Areas)</u>, with the exception of unit title, strata-title or cross lease subdivision undertaken in accordance with Rule 27.5.5.</p>	D
<u>27.7.1</u>	<p><u>Subdivision within the QPSZ Rural Visitor Activity Area prior to the approval of a Comprehensive Development Plan approved in accordance with Rule 42.4.2</u></p>	<u>NC</u>

#### 27.6 Rules - Standards for Subdivision Activities

- 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.

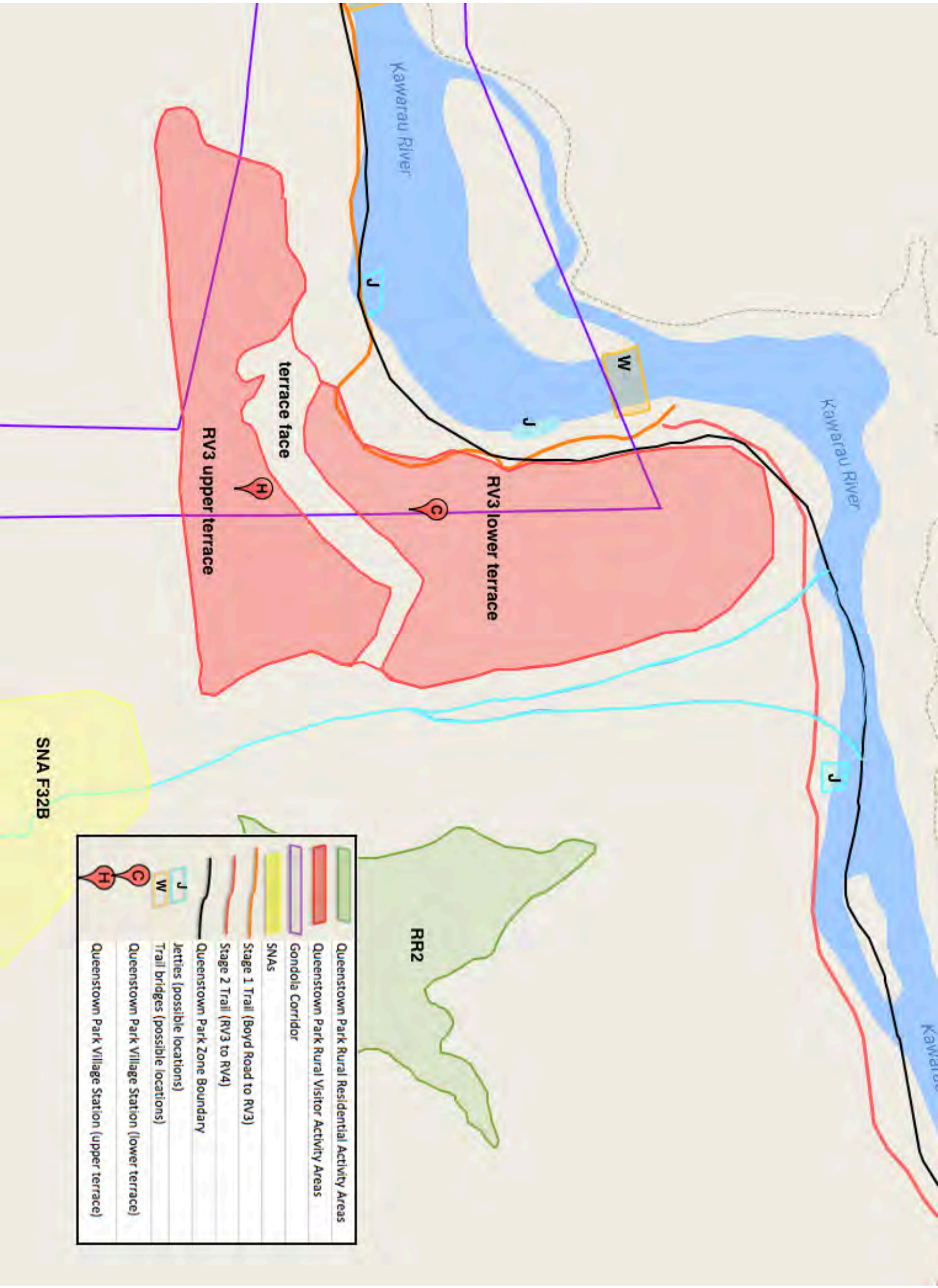
<b>ZONE</b>		<b>Minimum Lot Area</b>
<b>Queenstown Park Special Zone</b>	<u>Rural Residential Activity</u>	<u>4000m<sup>2</sup></u>
	<u>All other areas</u>	<u>No minimum</u>





### Queenstown Park Special Zone Structure Plan

	Queenstown Park Rural Residential Activity Areas		Remarkables Park Town Centre Base Station
	Queenstown Park Rural Visitor Activity Areas		Queenstown Park Bend Station
	Gondola Corridor		Queenstown Park Village Station (lower terrace)
	SNA		Remarkables Ski Field Base Station
	Stage 1 Trail (Boyd Road to RV3)		Queenstown Park Upper Station
	Stage 2 Trail (RV3 to RV4)		Commuter Transit Station
	Queenstown Park Zone Boundary		Queenstown Park Village Station (upper terrace)
	Jetties (possible locations)		
	Trail bridges (possible locations)		



	Queenstown Park Rural Residential Activity Areas
	Queenstown Park Rural Visitor Activity Areas
	Gondola Corridor
	SNAs
	Stage 1 Trail (Boyd Road to RV3)
	Stage 2 Trail (RV3 to RV4)
	Queenstown Park Zone Boundary
	Jetties (possible locations)
	Trail bridges (possible locations)
	Queenstown Park Village Station (lower terrace)
	Queenstown Park Village Station (upper terrace)

**ANNEXURE B: CHAPTER 5 OF THE OPERATIVE RPS**

“B”



5

Land

## 5.1 Introduction

Much of the prosperity of Otago's communities has been derived from the land. Maintaining the productive capacity of the land is essential for the continued prosperity of Otago's communities. Otago's land resource also gives rise to Otago's distinctive character, typified by its rugged and varied topography, incised river valleys, the natural landscape, high altitude lakes, significant water bodies and wetlands, diverse vegetation and isolated inner reaches. Large areas of Otago have high landscape, cultural and nature conservation values.

Mining, farming, horticulture and forestry have historically formed the basis of Otago's development and remain the major sources of revenue. Tourism and recreation are now major areas of economic activity and viticulture is growing in importance.

The productive capacity of land can be limited by physical constraints, knowledge and abilities, floods, droughts, erosion, animal and plant pests and contamination of sites. At the same time, increasing pressures of use are being placed on Otago's land resource. The use of Otago's land based resources must be managed within a framework which maximises present and future opportunities.

The sustainable management of Otago's land resource requires communities to develop wise resource management attitudes. Land owners need to work together on a regional and local basis in order to sustain long-term systems of resource use. A lack of information in some circumstances may constrain the sustainable management of Otago's land resources. The collection of relevant information and the maintenance and development of existing knowledge bases is therefore an important component in ensuring the continued sustainability of Otago's land resource.

This chapter of the Regional Policy Statement considers the effects of the use, development and protection of Otago's regional land assets.

## 5.2 Roles of Different Agencies

Several agencies are responsible for the management and the statutory administration of Otago's land resources.

### 5.2.1 Central Government

The Minister for the Environment has an overall view and monitoring role and is responsible for:

- The preparation of national policy statements to guide management of the land resource.
- Considering proposals of national significance at a national level.
- The setting of national environmental standards for matters including contaminants, soil erosion and soil quality.

The Commissioner of Crown Lands under the Land Act 1948, administers Crown Lands, including Crown Leases, and also has responsibility relating to the authorisation of fires on these lands.

The Department of Conservation is responsible for the administration of land in Otago held under the Conservation Act 1987 and the National Parks Act 1981 and reserves under the Reserves Act 1977 that are not vested in territorial local authorities. These lands include national and forest parks, conservation areas, wildlife refuges and marginal strips. The department is also responsible in terms of Section 3 of the Reserves Act for ensuring, as far as possible, the preservation of representative samples of all classes of natural ecosystems and landscape. The department's functions include conservation advocacy in relation to natural and historic values on land it does not administer and it is the

agency responsible for the administration of funds available for pest and weed control on un-allocated Crown land. The Department of Conservation also has responsibilities under the Forest and Rural Fires Act 1977 relating to fire control on, and in the vicinity of, the conservation estate.

### 5.2.2 Otago Regional Council

The Otago Regional Council is responsible for controlling the use of land for the purposes of soil conservation, the maintenance and enhancement of water quality, the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances. The Otago Regional Council is required to establish and implement policies to achieve the integrated management of the natural and physical resources of the region and to prepare policies in relation to actual or potential effects of the use, development or protection of land which are of regional significance.

### 5.2.3

#### Territorial Local Authorities

Territorial authorities are responsible for the integrated management of the effects of the use, development and protection of land and associated natural and physical resources within the city or district. This includes the control of subdivision. Territorial authorities complement the role of regional councils in the prevention or mitigation of actual or potential effects of natural hazards and hazardous substances. Territorial local authorities also have responsibilities under the Forest and Rural Fires Act 1977 relating to fire control on rural land.

## 5.3 Issues

	Explanation	Objectives	Policies	See Also Other Issues
<b>5.3.1</b>	<b>The primary productive capacity of Otago's high class soils may be compromised by inappropriate use and development.</b>	<b>5.4.1</b> <b>5.4.2</b>	<b>5.5.2</b> <b>5.5.3</b>	<b>4.3.5</b> <b>4.3.6</b> <b>9.3.1</b> <b>14.3.1 to 14.3.5</b> <b>15.3.1</b>
	Soils in many parts of Otago are not being used intensively but are still capable of producing a wide variety of crops. Whether a particular soil can be defined as being of high class or not is determined from soil, land and climatic characteristics. High class soils are defined as " <i>Soils that are capable of being used intensively to produce a wide variety of plants including horticultural crops</i> ". This definition also requires good soil and other resource features that in combination are capable of producing a wide range of crops. It does not include areas that may be suited to one or two specialist crops, largely due to the climate rather than the soil quality. There is a need for the region's high class soils to be defined on maps to identify their location and extent.			
	At the same time, urban expansion and other uses incompatible with preservation of the primary productive capacity of high class soils are encroaching onto these high class soils which are limited in extent around Otago.			
<b>5.3.2</b>	<b>The primary productive capacity of Otago's land resource may be compromised by activities which result in one or more of the following:</b> <b>(a) The loss of vegetation cover; or</b> <b>(b) The spread of plant and animal pests; or</b> <b>(c) The degradation of the soil resource; or</b> <b>(d) Flooding or inadequate drainage.</b>	<b>5.4.1</b> <b>5.4.2</b>	<b>5.5.2</b> <b>5.5.3</b> <b>5.5.4</b>	<b>4.3.2</b> <b>4.3.4 to 4.3.5</b> <b>6.3.10</b> <b>7.3.2</b> <b>10.3.1 to 10.3.3</b> <b>11.3.1 to 11.3.2</b> <b>11.3.6 to 11.3.7</b> <b>12.3.1</b> <b>13.3.2</b> <b>13.3.4 to 13.3.6</b> <b>14.3.1 to 14.3.5</b> <b>15.3.1</b>
	Sustaining the primary productive capacity of the land is important for Otago. While appropriate land management techniques can enhance productive capacity, it can also be reduced through such practices as the use of drought susceptible pasture species in dry areas of North and Central Otago, the inappropriate removal of vegetation, the use of traditional cultivation practices such as working soil on steep slopes or in dry, windy conditions, the burning of tussock grassland and post burn management where this causes a long term reduction in soil nutrients, or organic carbon, exposure of soil to wind erosion and a greater risk of weed invasion, and other inappropriate land management techniques.			



Issues	Explanation	Objectives	Policies	See Also Other Issues
<p><b>5.3.3</b> Otago's water resources may be adversely affected by land activities.</p>	<p>Animal and plant pests are a serious risk to the primary productive capacity and well being of the land, its ecosystems and its habitats. Examples within Otago include rabbits, possums, hieracium, nodding thistle and gorse. Soil degradation is defined as "a change in soil properties that causes a long-term decline in primary productive capacity". Soil erosion is the most severe form of soil degradation but may be preceded by less obvious changes to physical, chemical and biological properties of topsoil and subsoil that affect plant growth and long-term primary productive capacity. These more subtle forms of soil degradation may take the form of topsoil compaction, loss of permeability, loss of fertility, loss of organic matter and declining biological activity.</p>	<p><b>5.4.1</b> <b>5.4.2</b></p>	<p><b>5.5.4</b> <b>5.5.5</b> <b>5.5.6</b></p>	<p>4.3.2 to 4.3.5 6.3.1 to 6.3.3 6.3.5 to 6.3.8 8.3.1 8.3.6 8.3.8 9.3.1 9.3.3 11.3.6 to 11.3.7 13.3.2 13.3.4 14.3.1 to 14.3.5 15.3.1</p>
<p><b>5.3.4</b> Otago's outstanding natural features and landscapes are threatened by inappropriate subdivision, use and development.</p>	<p>Much of Otago's natural character is derived from its natural features and landscapes. The Resource Management Act 1991 requires that in achieving the purpose of the Act, recognition and provision shall be made for the protection of Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development. This protection is required in order to ensure that those features and landscapes will always be a part of Otago and that they will be there for future generations to enjoy and as the basic resource for recreation and tourism.</p>	<p><b>5.4.2</b> <b>5.4.3</b></p>	<p><b>5.5.6</b></p>	<p>4.3.2 4.3.5 6.3.7 6.3.9 8.3.1 9.3.1 to 9.3.3 11.3.7 14.3.1 to 14.3.5 15.3.1</p>



Issues	Explanation	Objectives	Policies	See Also Other Issues
<p><b>5.3.5</b> Landuse activities can adversely affect ecological, amenity and intrinsic values associated with Otago's significant indigenous vegetation and significant habitat of indigenous fauna.</p>	<p>Otago's significant indigenous vegetation and significant habitat of indigenous fauna are an important and integral part of the region's character which may be affected by landuse practices. Overgrazing by sheep and noxious animal pests, recreational uses and a decline in natural habitats such as tussock grasslands and native wetlands, forests and shrublands may place pressure on Otago's natural and cultural heritage.</p>	<p><b>5.4.1</b> <b>5.4.2</b></p>	<p><b>5.5.1</b> <b>5.5.3</b> <b>5.5.5</b></p>	<p>4.3.1 to 4.3.2 4.3.4 to 4.3.5 6.3.2 6.3.5 6.3.7 to 6.3.9 8.3.1 8.3.5 8.3.7 9.3.1 10.3.1 to 10.3.5 11.3.7 12.3.1 13.3.2 13.3.4 to 13.3.6 14.3.1 to 14.3.5 15.3.1</p>
<p><b>5.3.6</b> There is a need to maintain and enhance access opportunities to Otago's natural and physical land features.</p>	<p>The provision of public access to Otago's natural and physical resources is important to many of Otago's citizen's for recreation, tourism, scientific, educational and other purposes. The maintenance of existing public access opportunities and the enhancement of public access opportunities where this is restricted is considered to be a matter of regional significance and important to the achievement of integrated management of the region's natural and physical resources. Many valued natural and physical features are part of the conservation estate and as such access to them is controlled by the Minister of Conservation. Commercial development or conservation protection of Otago's natural features can restrict public access. The Regional Policy Statement cannot impose public access over privately owned land and permission needs to be sought from landholders, including Crown pastoral lessees, for access to or over such land.</p>	<p><b>5.4.4</b></p>	<p><b>5.5.7</b></p>	<p>4.3.1 to 4.3.2 4.3.4 to 4.3.5 6.3.9 8.3.4 10.3.1 14.3.1 to 14.3.5 15.3.1</p>

Issues	Explanation	Objectives	Policies	See Also Other Issues
5.3.7	<p>Access to mineral resources may be compromised through the inappropriate location of other development activities above or in close proximity to the mineral resource.</p>	<p>5.4.1 5.4.2 5.4.5</p>	<p>5.5.1 5.5.4 5.5.8</p>	<p>4.3.5 8.3.4 9.3.1 12.3.1 14.3.1 to 14.3.6 15.3.1</p>
	<p>Minerals are an important resource for the people and communities of Otago in providing for their present and future well being, both through the direct economic benefits derived from the extraction of gold and other minerals, and through the use of substances such as aggregates, shingle and coal for roading, building and fuel uses. However, unlike other activities which may have a range of locations in which they can be undertaken, minerals are fixed, and therefore the extraction of minerals for use and development is also fixed. Mineral resources can only be utilised in the location in which they are found and their future use and development can be compromised by the location of other land developments.</p>			

## 5.4 Objectives

5.4.1	<b>Explanation and Principal Reasons for Adopting</b>	Policies	See Also Other Objectives
5.4.1	<p>To promote the sustainable management of Otago's land resources in order:</p> <p>(a) To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and</p> <p>(b) To meet the present and reasonably foreseeable needs of Otago's people and communities.</p>	<p><b>5.5.1</b> <b>5.5.2</b> <b>5.5.3</b> <b>5.5.4</b></p>	<p>44.1 to 44.2 44.4 to 44.6 64.1 64.3 64.5 84.1 to 84.3 94.1 10.4.1 10.4.2 11.4.1 to 11.4.2 11.4.4 12.4.1 13.4.1 13.4.4 14.4.1 to 14.4.2 15.4.1</p>
5.4.2	<p>To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.</p>	<p><b>5.5.1</b> <b>5.5.2</b> <b>5.5.3</b> <b>5.5.4</b> <b>5.5.5</b></p>	<p>44.1 to 44.5 64.2 to 64.3 64.5 to 64.6 84.1 to 84.2 84.4 to 84.5 94.1 94.3 10.4.1 to 10.4.3 11.4.2 11.4.4 12.4.1 13.4.1 13.4.4 14.4.1 to 14.4.2 15.4.1</p>
5.4.3	<p>To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.</p>	<p><b>5.5.1</b> <b>5.5.6</b></p>	<p>44.1 to 44.2 44.5 64.4 64.8 84.5 94.1 to 94.3 10.4.3 11.4.1</p>

Objectives	Explanation and Principal Reasons for Adopting	Policies	See Also Other Objectives
<p><b>5.4.4 To ensure that public access opportunities exist in respect of activities utilising Otago’s natural and physical land features.</b></p>	<p>uniqueness, or because they are representative of the elements that particularly characterise Otago, or because of their visual, cultural, historic or scientific significance, including their cultural, historic, and spiritual value for Tangata Whenua. It is important that natural features and landscapes that are outstanding be protected through the Regional Policy Statement, and Regional and District Plan Provisions.</p>	<p>11.4.4 12.4.1 13.4.1 14.4.1 to 14.4.2 15.4.1</p>	
<p><b>5.4.4 To ensure that public access opportunities exist in respect of activities utilising Otago’s natural and physical land features.</b></p>	<p>The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers is identified under Section 6 of the Resource Management Act as a matter of national importance that must be recognised and provided for. The provision of such access opportunities generally occurs across land and is therefore important in respect of the integrated management of the land resource. In addition, Otago’s natural and physical resources provide a range of use opportunities and it is important that public access to those resources exists, subject to appropriate considerations such as ecological and cultural sensitivity, public health and safety, and the agreement of landholders where access crosses private or Crown leasehold land, being met. Public access to Otago’s natural and physical land features is a significant resource management issue of the Otago region.</p>	<p><b>5.5.7</b></p>	<p>4.4.1 to 4.4.2 4.4.4 to 4.4.5 6.4.7 to 6.4.8 8.4.6 12.4.1 14.4.1 to 14.4.2 15.4.1</p>
<p><b>5.4.5 To promote the sustainable management of Otago’s mineral resources in order to meet the present and reasonably foreseeable needs of Otago’s communities.</b></p>	<p>Mineral resources are fixed in their location and therefore can only be used, developed or protected where they are found. Because of this, other development activities establishing over or in close proximity to minerals can adversely impact upon the future use or development of that mineral resource. Taking into account the present and future availability of mineral resources is an important factor in enabling the people and communities of Otago to provide for their well being, and in providing for the efficient use and development of the mineral resource.</p>	<p><b>5.5.1</b> <b>5.5.3</b> <b>5.5.4</b> <b>5.5.5</b> <b>5.5.6</b> <b>5.5.8</b></p>	<p>4.5.5 6.4.2 to 6.4.6 6.4.8 8.4.1 8.4.5 9.4.3 11.4.4 12.4.1 12.4.2 13.4.5 14.4.1 to 14.4.2 15.4.1</p>

## 5.5 Policies

	<b>Explanation and Principal Reasons for Adopting</b>	<b>Methods</b>	<b>See Also Other Policies</b>
<b>5.5.1</b>	<p>To recognise and provide for the relationship Kai Tahu have with Otago's land resource through:</p> <p>(a) Establishing processes that allow the existence of heritage sites, waahi tapu and waahi taoka to be taken into account when considering the subdivision, use and development of Otago's land resources; and</p> <p>(b) Protecting, where practicable, archaeological sites from disturbance; and</p> <p>(c) Notifying the appropriate runanga of the disturbance of any archaeological site and avoiding, remedying, or mitigating any effect of further disturbance until consultation with the kaitiaki runanga has occurred.</p>	<p><b>5.6.1</b> <b>5.6.2</b></p>	<p>6.5.1 6.5.6 6.5.9 to 6.5.10 8.5.1 to 8.5.4 8.5.6 9.5.1 9.5.4 to 9.5.6 10.5.1 11.5.1 to 11.5.2 11.5.7 12.5.2 13.5.1 13.5.7 to 13.5.8 13.5.10 14.5.1 to 14.5.8 15.5.1 to 15.5.2</p>

Recognition of tino rangatiratanga incorporates the unique cultural and spiritual affinity iwi and runanga have with their lands and resources. This needs to be taken into account in the management and control of resources to reflect and preserve that relationship. The policy helps achieve recognition of the relationship of iwi and runanga with outstanding natural features landscapes and heritage values. Taoka are a source of personal, collective, emotional and spiritual strength. The Waitangi Tribunal has given broad and flexible descriptions to the term "taoka or taonga". Local authorities ought not to adopt more restrictive definitions when determining the range of waahi taoka that customary rangatiratanga applies to and how to accommodate iwi and hapu needs.

The development of appropriate ways to protect cultural values may be different for each site. Close consultation with runanga and iwi will be necessary to determine appropriate methods of protection. Some sites may hold varying degrees of importance to iwi or runanga.

Where it is known or suspected that an archaeological site exists, the site's destruction, damage or modification is illegal pursuant to Section 10 of the Historic Places Trust Act 1993. In such circumstances, the establishment of consultation processes between kaitiaki runanga, the Historic Places Trust, appropriate authorities such as Regional and District Councils, landholders and developers will be essential. Consultation with landholders is particularly important where sites are located on private land and where an appropriate response requires the cooperation of the landholder and respect for the landholder's occupancy and use values.

Consultation processes could address protocols for dealing with site disturbance, such as points of contact and key contact persons, the timeframes for responding to site disturbance and respective

responsibilities. Close consultation and the establishment of protocols will better identify when the adverse effects of site disturbance must be avoided and when such effects are capable of remedy or mitigation.

This policy is consistent with the provisions of the Historic Places Act 1993 in respect of the protection of archaeological sites from disturbance. It gives effect to Section 6(e) of the Resource Management Act which requires that councils provide for the relationship of Maori, their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga and Section 7(a), having particular regard to kaitiakitanga. It also gives effect to Section 62 of the Act which requires councils to set out the matters of resource management significance to Iwi authorities, and to contain objectives, policies and methods to recognise and provide for these matters. Provision for the relationship of Maori with their lands, sites, waahi tapu and other land based taonga is both a matter of regional significance and essential to achieve integrated management of natural and physical resources.

**5.5.2 To promote the retention of the primary productive capacity of Otago's existing high class soils to meet the reasonably foreseeable needs of future generations and the avoidance of uses that have the effect of removing those soils or their life-supporting capacity and to remedy or mitigate the adverse effects on the high class soils resource where avoidance is not practicable.**

High class soils are limited within Otago and should be retained, as far as practicable, for present and future primary productive purposes in order to protect their primary productive capacity and to meet the needs of future generations.

The retention of high class soils is considered to be a significant resource management issue of the region because of their limited nature, their vulnerability to loss and the importance in productive terms for future generations. Safeguarding their life-supporting capacity and their potential for future generations is

essential to integrated management of the regions natural and physical resources and the effects of the use, development and

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the protection of land containing high class soils are therefore of regional significance.

The purpose of this provision is to ensure that alternatives are fully considered before high class soils are selected for a use that will result in their loss. The policy is intended to enable Otago to enjoy the benefits of development but also to retain the primary productive and life-supporting capacity of the high class soil resource for future generations. For example, uses which have the effect of removing the soil, its primary productive capacity, or life-supporting capacity, should avoid locations on high class soil where there are alternatives that can accommodate the use within reasonable proximity.

It is recognised however, that there may be other objectives and policies within the Regional Policy Statement that may outweigh the importance of retaining the high class soil resource in a particular circumstance. In these situations, the loss of the high class soils may be unavoidable and the remedy or mitigation of adverse effects on the high class soil resource will be necessary.

**5.5.3 To maintain and enhance Otago's land resource through avoiding, remedying or mitigating the adverse effects of activities which have the potential to, among other adverse effects:**

- (a) Reduce the soil's life-supporting capacity
- (b) Reduce healthy vegetative cover
- (c) Cause soil loss
- (d) Contaminate soils
- (e) Reduce soil productivity
- (f) Compact soils
- (g) Reduce soil moisture holding capacity.

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The concept of sustainable landuse requires adopting a long-term perspective which allows for today's needs while providing for those of the future. While Otago has many abundant land resources, today's resource use must be managed to ensure future generations are not disadvantaged by present day development.

Understanding of resource management issues is the subject of constant change, however the objective should be to achieve improvement.

Maintaining the capacity of the soil to support life requires that soil degradation be minimised. Good soils are the base for maximising the productive potential from an area. Healthy ground cover helps

Policies	Explanation and Principal Reasons for Adopting	Methods	See Also Other Policies
5.5.4	<p>To promote the diversification and use of Otago's land resource to achieve sustainable landuse and management systems for future generations.</p>	<p>While the existing primary productive use of Otago's land resource is an important component of Otago's economy, promoting and encouraging a diversification of use will assist in the development of sustainable systems to ensure that the needs of future generations are met.</p>	<p>10.5.2 to 10.5.3 14.5.1 to 14.5.8</p>
5.5.5	<p>To minimise the adverse effects of landuse activities on the quality and quantity of Otago's water resource through promoting and encouraging the:</p> <ul style="list-style-type: none"> <li>(a) Creation, retention and where practicable enhancement of riparian margins; and</li> <li>(b) Maintaining and where practicable enhancing, vegetation cover, upland bogs and wetlands to safeguard land and water values; and</li> <li>(c) Avoiding, remedying or mitigating the degradation of groundwater and surface water resources caused by the introduction of contaminants in the form of chemicals, nutrients and sediments resulting from landuse activities.</li> </ul>	<p>Landuse activities can adversely impact on adjacent water bodies through the runoff of chemicals, nutrients and sediment. The processes that give rise to such effects can be complex. Riparian margins are able to reduce the inflow of these materials into water bodies and help safeguard them from any adverse effects. In the same way vegetation cover can also assist in reducing the inflow of materials. The water quality and river stability objective of well vegetated riparian margins can be achieved without compromising other community objectives, such as flood control and habitat values, through the integration of river management objectives. Riparian margins may also harbour unwanted pests and weeds that may impact further downstream and onto adjoining land.</p> <p>At the same time, everybody has a duty to try and ensure that they reduce the contamination of Otago's water bodies.</p>	<p>5.6.6 5.6.7 5.6.8 5.6.9 5.6.10 5.6.12 5.6.13</p> <p>5.6.3 5.6.4 5.6.6 5.6.7 5.6.8 5.6.9 5.6.10 5.6.14 5.6.23</p> <p>6.5.1 to 6.5.9 6.5.11 8.5.5 to 8.5.6 9.5.1 9.5.4 10.5.1 to 10.5.2 11.5.2 12.5.2 13.5.1 to 13.5.8 13.5.10 14.5.1 to 14.5.2 15.5.1 to 15.5.2</p>



Streamflow characteristics are affected by the surrounding vegetation cover. The cumulative effect of removing vegetation cover, upland bogs and wetlands in catchments, is to reduce water retention and prolong periods of low flows during dry periods. Sustaining the vegetative condition may benefit downstream productive systems that require scarce irrigation water, as well as benefiting aquatic habitats throughout the catchment. It is vital that land management promotes the maintenance and where practicable enhancement of upland bogs, wetlands and vegetation cover that achieve desired water quality and quantity characteristics. This is particularly important in water harvesting catchments such as Deep Stream, a major source of Dunedin's supply of domestic water.

- 5.5.6 To recognise and provide for the protection of Otago's outstanding natural features and landscapes which:**
- (a) Are unique to or characteristic of the region; or
  - (b) Are representative of a particular landform or land cover occurring in the Otago region or of the collective characteristics which give Otago its particular character; or
  - (c) Represent areas of cultural or historic significance in Otago; or
  - (d) Contain visually or scientifically significant geological features; or
  - (e) Have characteristics of cultural, historical and spiritual value that are regionally significant for Tangata Whenua and have been identified in accordance with Tikanga Maori.

Otago's natural heritage is a finite resource that must be managed in a sustainable way for the benefit of future generations. Its protection from inappropriate subdivision, use and development is a matter of national importance that must be recognised and provided for under Section 6 of the Act. Subdivision of land and its use and development can adversely impact on Otago's natural features and landscapes which form part of the regions natural and cultural heritage. It is important that natural features and landscapes that are outstanding be protected through regional policy and regional and district plan provisions.

The recognition and identification of outstanding natural features and landscapes should be based on objective criteria and undertaken in consultation with the community or have outstanding or significant values that are substantially recognised by the Otago community.

Features and landscapes that give the Otago region its distinctive character and particular identity include its expansive tussock grasslands and semi arid lowland tor country, the south-east Otago bush remnants and scroll plain wetlands, glacial lakes and block

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mountain ranges and heritage landscapes such as the historic goldfield sites.

It is important that identification of Otago's outstanding natural features and landscapes be carried out as part of the process for protection from inappropriate subdivision, use and development. Until this identification is completed, careful consideration will need to be given as to whether a particular feature or landscape falls within the scope of Policy 5.5.6.

The means of achieving protection may include voluntary arrangements, covenants, the resource consent process or where necessary and appropriate, purchase.

- 5.5.7 To promote the provision of public access opportunities to natural and physical land features throughout the Otago region except where restriction is necessary:**
- (i) To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; or
  - (ii) To protect Maori cultural values; or
  - (iii) To protect public health or safety; or
  - (iv) To ensure a level of security consistent with the purpose of a resource consent or in circumstances where safety and security concerns require exclusive occupation; or
  - (v) In other exceptional circumstances sufficient to justify the restriction notwithstanding the importance of maintaining that access.

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**8.5.1 to 8.5.3**

**9.5.5 to 9.5.6**

**14.5.1 to 14.5.8**

**15.5.1 to 15.5.2**

Personal and community well being, health and safety can be dependent on access to natural and physical land resources, as well as to the coast and water bodies. This will require consideration of public access needs in the development of policies, plans and in the consideration of resource consent applications, and the setting aside of access strips to natural and physical land features where it is necessary to do so in order to maintain and enhance public access.

In some cases however, it may be necessary to restrict public access in order to protect a resource's natural or associated cultural values, to protect public health or safety or to ensure a level of security consistent with the purpose of a resource consent. Consultation with and the agreement of the landowner will be required where access across private land is sought.

The maintenance and enhancement of public access to Otago's natural and physical land features is a significant resource management issue of the Otago region.

Policies	Explanation and Principal Reasons for Adopting	Methods	See Also Other Policies
<p><b>5.5.8</b> To recognise known mineral deposits and to consider the potential for access to those mineral resources to be compromised or removed by other alternative land development.</p>	<p>Minerals are a finite natural resource that are important to the present and future economic and social well being of Otago's people and communities. It is important that known mineral deposits are recognised and that resource management in Otago provides for their sustainable management. This requires consideration of the potential for access to mineral resources to be compromised or removed as a result of alternative land development.</p>	<p><b>5.6.1</b>  <b>5.6.4</b>  <b>5.6.6</b>  <b>5.6.7</b>  <b>5.6.9</b>  <b>5.6.10</b>  <b>5.6.12</b>  <b>5.6.13</b>  <b>5.6.14</b>  <b>5.6.24</b></p>	<p>6.5.2  6.5.8 to 6.5.9  12.5.2  13.5.2  14.5.1 to 14.5.8  15.5.1 to 15.5.2</p>

## 5.6 Methods

- In order to achieve the outcomes of the policies, every agency with responsibilities under the Resource Management Act 1991 should:
- 5.6.1** Take into account Kai Tahu cultural values in the management of Otago’s land and mineral resources through:
- (a) Using and recognising iwi resource management plans, where available, as a basis for consultation; and
  - (b) Developing consultation protocols with iwi, runanga and hapu to provide for their input into the management of Otago’s land and mineral resources.
- 5.6.2** Develop mechanisms, consistent with Kai Tahu Kōiwi Tangata policy to notify appropriate elders or runanga on the discovery of human remains.
- The methods to be used by the Otago Regional Council include the following:
- 5.6.3** Develop policies and other means, including rules where appropriate, within the Regional Plan: Land to manage the adverse effects of the use, development or protection of the beds and banks of Otago’s water bodies.
- 5.6.4** Develop policies and other means necessary, including rules where appropriate, within the Regional Plan: Land to avoid, remedy or mitigate the adverse effects of land use activities that could degrade Otago’s natural and physical resources, including the mineral resource.
- 5.6.5** Consider inclusion of conditions on resource consents and consider declining such consents as necessary to ensure sustainability of the land resource.
- 5.6.6** Promote and use education programmes to improve agency and community awareness and understanding of land issues and sustainable management in Otago.
- 5.6.7** Provide information on the adverse and beneficial effects associated with land activities.
- 5.6.8** Recognise and encourage the role of community groups that promote sustainable management of land and associated resources.
- 5.6.9** Consult with Otago’s communities, including affected landholders, regarding the sustainable management of Otago’s land and mineral resources.
- 5.6.10** Promote codes of practice agreed to by industry, the Otago Regional Council, city and district councils and other interest groups to avoid, remedy or mitigate adverse effects of activities on the land resource.
- 5.6.11** Prepare maps of high class soils in the region that clearly show their location and extent.
- 5.6.12** Promote and encourage interagency liaison and cooperation and the development of protocols to ensure integrated and coordinated management of Otago’s land and mineral resources.
- 5.6.13** Initiate, support and encourage research and monitoring programmes, including self monitoring, to

provide information on issues and solutions relating to Otago's land and mineral resources.

**5.6.14** Coordinate remedial works to mitigate the degradation resulting from landuse activities.

**5.6.15** Liaise with city and district councils to enable landuse, development and protection consistent with sustainable management of land resources.

**5.6.16** Develop guidelines to promote the use of less productive soils instead of high class soils for urban and industrial development.

**5.6.17** Prepare, in conjunction with relevant agencies and in consultation with the community and affected landowners, an inventory of outstanding natural features and landscapes that are regionally significant.

**5.6.18** Facilitate mechanisms to maintain and where practicable enhance public access to Otago's natural and physical land resources.

Methods which may be used by Otago's territorial local authorities include the following:

**5.6.19** Require that all other practicable options be considered before the high class soils within a district are used for any purpose that has the effect of removing the soil, its primary productive capacity or its life-supporting capacity.

**5.6.20** Develop policies and other means, including rules where appropriate, to ensure that Otago's outstanding natural features and landscapes are protected from inappropriate subdivision, use and development.

**5.6.21** Consider including provisions and conditions in district plans and on resource consents to avoid, remedy or mitigate soil degradation resulting from the subdivision, use, development or protection of land.

**5.6.22** Consider, develop and implement mechanisms to maintain and where practicable enhance public access to Otago's natural and physical land features.

**5.6.23** Consider including provisions or conditions in district plans and on resource consents which seek to avoid, remedy or mitigate the adverse effects of land use activities on water resources.

**5.6.24** Develop policies, rules and other means as necessary to manage landuse development that could compromise access to known mineral resources.

#### **Explanation and Principal Reasons for Adopting**

A range of agencies play a role in managing Otago's land resources. There are overlaps between the functions of regional councils and territorial local authorities in terms of the control of the use of land and effective communication and liaison between agencies is essential to achieve the desired objectives. Agencies responsible for resource management have a responsibility to provide guidelines and establish protocols in deciding on resource issues. The methods of implementation outlined above are intended to provide a means whereby the Otago community is included in the decision-making process.

## 5.7 Anticipated Environmental Results

The environmental results anticipated from the above policies and methods of implementation include:

- |       |   |        |  |
|-------|---|--------|--|
| 5.7.1 | Otago's communities are able to utilise the region's land resources in order to provide for their well being, health and safety, and also for the reasonably foreseeable needs of future generations. | 5.7.10 | Otago's communities are able to have input into the management of Otago's land resources.                                  |
| 5.7.2 | The management of Otago's land resources takes into account the values of manawhenua.   | 5.7.11 | Otago's communities are able to utilise the region's mineral resources for their present and reasonably foreseeable needs. |
| 5.7.3 | Otago's existing high class soils are retained, as far as practicable, for primary productive purposes.   |        |  |
| 5.7.4 | The overall state of Otago's land resource is maintained or enhanced.   |        |  |
| 5.7.5 | Riparian margins are maintained and where practicable enhanced, along Otago's water bodies.   |        |  |
| 5.7.6 | Water quality and quantity is maintained and where practicable enhanced as a result of the use, development or protection of land.  |        |  |
| 5.7.7 | Otago's outstanding natural features and landscapes are recognised and protected from inappropriate subdivision, use and development.   |        |  |
| 5.7.8 | The ecological health of Otago's land resource is maintained and enhanced.  |        |  |
| 5.7.9 | Public access opportunities to Otago's natural and physical land features is maintained and enhanced.   |        |  |



**ANNEXURE C: DISTRICT WIDE OBJECTIVES AND POLICIES**



## “C”

3.2.4.5 **Objective** - Preserve or enhance the natural character of the beds and margins of the District's lakes, rivers and wetlands.

### **Policies**

3.2.4.5.1 That subdivision and / or development which may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins be carefully managed so that life-supporting capacity and natural character is maintained or enhanced.

3.2.4.7 **Objective** - Facilitate public access to the natural environment.

### **Policies**

3.2.4.7.1 Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.

3.2.5.1 **Objective** – Protection of the Outstanding Natural Features and Landscapes from inappropriate subdivision, use and development.

### **Policies**

3.2.5.1.1 Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps.

3.2.5.4 **Objective** –The finite capacity of rural areas to absorb residential development is considered so as to protect the qualities of our landscapes.

### **Policies**

3.2.5.4.1 Give careful consideration to cumulative effects in terms of character and environmental impact when considering residential activity in rural areas.

3.2.5.4.2 Provide for rural living opportunities in appropriate locations.

3.2.5.5 **Objective** -The character of the district's landscapes is maintained by ongoing agricultural land use and land management.

## **Policies**

3.2.5.5.1 Enable farming activity in rural areas except where it conflicts with significant nature conservation values.

## Chapter 6 Landscape

6.3.1 **Objective** - Landscapes are managed and protected from the adverse effects of subdivision, use and development.

## **Policies**

6.3.1.1 Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the Planning Maps and classify the Rural Zoned landscapes in the District as:

- Outstanding Natural Feature (ONF)
- Outstanding Natural Landscape (ONL)
- Rural Landscape (RL)

6.3.1.2 That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations within the Wakatipu Basin, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes

6.3.1.5 Encourage Rural Lifestyle and Rural Residential Zone plan changes in preference to ad-hoc subdivision and development and ensure these occur in areas where the landscape can accommodate change.

6.3.1.9 Recognise that low-intensity pastoral farming on large landholdings contributes to the District's landscape character.

6.3.1.10 Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.

6.3.1.11 Recognise and provide for the protection of Outstanding Natural Features and Landscapes with particular regard to values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua, including Tōpuni.

6.3.2 **Objective** Landscapes are protected from the adverse cumulative effects of subdivision, use and development.

### **Policies**

6.3.2.1 Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained.

6.3.2.2 Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.

6.3.2.3 Require that proposals for residential subdivision or development in the Rural Zone take into account existing and consented subdivision or development in assessing the potential for adverse cumulative effects.

6.3.2.4 Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads.

6.3.2.5 Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with mitigation of the visual effects of proposed development such as screening planting, mounding and earthworks.

6.3.3 **Objective** – The protection, maintenance or enhancement of the District's Outstanding Natural Features and Landscapes (ONF/ONL) from the adverse effects of inappropriate development.

## **Policies**

6.3.3.3 Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.

6.3.3.5 Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.

6.3.6 **Objective** – The protection, maintenance or enhancement of indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes.

## **Policies**

6.3.6.1 Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.

6.3.6.2 Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's distinctive landscapes.

6.3.7 **Objective** - The use and enjoyment of the District's landscapes for recreation and tourism.

## **Policies**

6.3.7.1 Acknowledge the contribution tourism infrastructure makes to the economic and recreational values of the District.

6.3.7.2 Recognise that commercial recreation and tourism related activities locating within the rural zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.

## Chapter 21 Rural Zone

21.2.6 **Objective** – The future growth, development and consolidation of Ski Area Activities within identified Ski Area Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.

### **Policies**

21.2.6.4 Provide for appropriate alternative (non-road) means of transport to and within Ski Area Sub Zones, by way of passenger lift systems and ancillary structures and facilities.

21.2.8 **Objective** - Subdivision, use and development in areas that are unsuitable due to identified constraints is avoided, remedied or mitigated.

### **Policies**

21.2.8.1 To ensure that any subdivision, use and development is undertaken on land that is appropriate in terms of the anticipated use, having regard to potential constraints including hazards and landscape.

21.2.9 **Objective** - A range of activities are undertaken that rely on a rural location on the basis they do not degrade landscape values, rural amenity, or impinge on permitted and established activities.

### **Policies**

21.2.9.2 Provide for the establishment of commercial, retail and industrial activities only where these would protect, maintain or enhance rural quality or character, amenity and landscape values.

21.2.9.6 Ensure traffic from commercial activities does not diminish rural amenity or affect the safe and efficient operation of the roading and trail network, or access to public places.

21.2.9.7 Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks network on the

basis landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.

21.2.9.8 Ensure that rural living is located where rural character, amenity and landscape values can be managed to ensure that over domestication of the rural landscape is avoided.

21.2.10 **Objective** – The potential for diversification of farming and other rural activities that supports the sustainability of natural and physical resources.

### **Policies**

21.2.10.1 Encourage revenue producing activities that can support the long term sustainability of farming and rural areas of the district.

21.2.10.2 Ensure that revenue producing activities utilise natural and physical resources (including buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural resources.

21.2.10.3 Have regard to the establishment of activities such as tourism, commercial recreation or visitor accommodation located within farms where these enable landscape values and indigenous biodiversity to be sustained in the longer term.