

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER OF

Queenstown Lakes Proposed District Plan –
Mapping Hearings Stream 13 – Business and
Industrial (Group 1A)

**STATEMENT OF EVIDENCE OF SEAN DENT
ON BEHALF OF THE FOLLOWING SUBMITTERS:**

574 – Skyline Enterprises Limited

9th June 2017

Introduction

1. My name is Sean Dent. I hold the qualifications of Bachelor of Resource Studies from Lincoln University which I obtained in 2005. I reside in Cromwell, Central Otago.
2. I am a resource management planning consultant and Director of Southern Planning Group. I have been employed with Southern Planning Group for approximately ten years.
3. Prior to my employment with Southern Planning Group I was employed as a resource consent processing planner and compliance officer with Lakes Environmental (formerly CivicCorp) for approximately two years.
4. Throughout my professional career, I have been involved in a range of resource consent and policy matters. I have made numerous appearances in front of various District and Regional Councils and the Environment Court.
5. Most recently, I have acted for Skyline Enterprises Limited ("Skyline") in the Direct Referral proceedings ENV – 2016 – CHC – 000107 being an application for the upgrading and expansion of the Queenstown Gondola, lower terminal and restaurant building.
6. I also acted for Skyline during the Environment Court appeal proceedings ENV – 2011 – CHC – 130 being an appeal against the grant of consent RM100777 for the existing helicopter landing area on Bob's Peak.
7. I have also prepared and lodged Skyline's resource consent application RM170147 for the replacement of the luge chair lift.
8. In 2016 I also acted for the Council in preparing and overseeing the issue of Outline Plan Approval RM160956 which authorises the removal of wilding Douglas Fir trees either side of the existing gondola corridor for health and safety reasons pursuant to Designation #373.
9. From the variety of working roles that I have performed and particularly those of direct relevance to development and land use on Bob's Peak as described in the preceding paragraphs, I have acquired a sound knowledge and experience of the resource management planning issues that are faced in the Queenstown area, the wider District and the Ben Lomond Recreation Reserve in particular.
10. Whilst I acknowledge that this is a Council hearing I confirm that I have read the Code of Conduct for Expert Witnesses outlined in the Environment Court's Consolidated Practice Note 2014 and have complied with it in preparing this evidence.

11. I have read the Section 42A reports and supporting documentation prepared by the Council officers and their experts with respect to the Mapping Hearings of the Proposed District Plan (“PDP”). I have considered the facts, opinions and analysis in this documentation when forming my opinions which are expressed in this evidence.
12. I confirm that the matters addressed in this brief of evidence are within my area of expertise except where I advise otherwise and that I have not omitted to consider material facts known to me that might alter or detract from my opinions.

Scope of Evidence

13. I was engaged by submitter #574 Skyline and prepared the original submission filed with the Council on the 23 October 2015.
14. The main thrust of Skyline’s submission sought recognition of the existing development area and unique commercial tourism hub that is ‘Skyline Queenstown’ within the District Plan. Specifically, to recognise that this site is an anomaly within the Outstanding Natural Landscape and that the ‘landmark status’ of the existing development and its contribution to tourism should be appropriately recognised in the PDP.
15. The submission also sought minor changes to Chapter 36 – Noise to reflect the evidence provided in the Environment Court proceedings ENV – 2011 – CHC – 130 with respect to the operation of the Skyline helicopter landing area. During the hearing stream T05 the chairman identified that the helicopter noise matters for the Skyline heli pad should be addressed during the mapping stream hearings.
16. With respect to the above matters my brief of evidence is set out as follows:
 - a) Detailed Description of the Proposed Zoning;
 - b) Detailed Description of Proposed Noise Limits for Helicopters;
 - c) Statutory Considerations;
 - d) The Strategic Direction of the PDP;
 - e) Assessment of the Proposed Helicopter Noise Limits;
 - f) Assessment of Opposing Submissions;
 - g) Section 32AA Evaluation;
 - h) Summary of my opinions;

17. I note that with respect to assessment of the re-zoning proposal I have made my assessment in accordance with the PDP as it was notified. While I am aware that the Council has made multiple recommendations in their rights of reply in the previous hearing streams I have been provided legal advice that the Council's Rights of Reply are merely recommendations to the Commissioner's and are not binding. Accordingly, the most appropriate assessment is one that addresses the notified provisions of the PDP.
18. Accordingly, unless otherwise stated, all references to provisions of the PDP in my evidence are references to the notified version released on 26th August 2015.

Detailed Description of the Proposed Re-Zoning

19. As identified in the original submission the area subject to the proposed zoning is predominantly located within the PDP's Rural Zone and within the Outstanding Natural Landscape. The purpose of the Zone states:

"The purpose of the Rural zone is to enable farming activities while protecting, maintaining and enhancing landscape values, nature conservation values, the soil and water resource and rural amenity.

A wide range of productive activities occur in the Rural Zone and because the majority of the District's distinctive landscapes comprising open spaces, lakes and rivers with high visual quality and cultural value are located in the Rural Zone, there also exists the desire for rural living, recreation, commercial and tourism activities.

Ski Area sub zones are located within the Rural Zone. These sub zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area sub zones is to enable the continued development of Ski Area Activities within the identified sub zones where the effects of the development would be cumulatively minor.

In addition, the Rural Industrial Sub Zone includes established industrial activities that are based on rural resources or support farming and rural productive activities.

A substantial proportion of the Outstanding Natural Landscapes of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of farm properties that utilise the qualities that make them so valuable.

The Gibbston Valley is recognised as a Special Character Area for viticulture production and the management of this area is provided for in Chapter 23.”

20. Paragraph 4.11 of the submission noted that the Skyline site caters for 700,000 visitors per annum and that maintaining a zone with the above purpose and supporting provisions to guide development is not efficient or effective.
21. I now understand through my involvement in ENV – 2016 – CHC – 000107 that Skyline’s projected visitor numbers are expected to increase from 787,000 in 2016, to 1.14 million in 2025 and 1.51 million by 2030.
22. I also understand that 53% of visitors to Queenstown undertake a visit to the Skyline Gondola and Restaurant¹.
23. Accordingly, I consider that a sub-zone of the Rural Zone is appropriate to recognise the Skyline Gondola and its immediate environment as an ‘Icon Destination’ that requires a more liberal planning regime than the ONL Rural Zone provisions to continue to develop and provide exceptional visitor experiences for guests.
24. As identified by Ms Evans² Skyline has made some alterations to the proposed area of re-zoning that were originally identified in the original submission. Specifically, the original plans were crudely developed using the Council’s GIS web page and since that time Patterson Pitts Group (“PPG”) surveyors have developed a more accurate plan set. These plans are contained within **Appendix [A]**.
25. The PPG plan set includes the following deviations from the submission set:
 - The ‘Lower Terminal Expansion’ area has been extended slightly north and west to include all of the 8,361m² area that has been sought by way of Lease application pursuant to Section 54(1)(d) of the Reserves Act 1977 by Skyline. The purpose of this Lease is to facilitate the construction of a new car park building;
 - The ‘Top Terminal Expansion’ area has been extended slightly south and west so that it now incorporates all of the AJ Hackett Bungy Lease area, the Ziptrek top tree house platform and all of the existing access track within the Ben Lomond Recreation Reserve utilised for access to the top luge chairlift terminal.

¹ Skyline Travel Summary March 2016 as detailed in the Bartlett Consulting Limited Addendum Report dated 18th November 2016 and filed with the RM160647 application.

² Evidence of Ms Evans, paragraph 8.4

- The plans clearly articulate the areas referred to in the proposed plan provisions as ‘Bob’s Peak Area’, ‘Gondola Corridor Area’ and ‘Lower Terminal Area’.
26. The proposed alterations are not considered to be beyond the scope of the original submission as the alterations reflect more a clarification of boundaries of the zone as opposed to introducing significantly greater areas.
27. Further, no parties are considered to be prejudiced by the changes. Skyline holds a private agreement with Kiwi Birdlife Park (“KBP”) who adjoin the Lower Terminal Expansion area. This agreement supports the application for the Reserves Act 1977 Lease application and the proposed future car park building. A written expression of support provided with the Lease application is attached as **Appendix [B]**.
28. The expansion of the Top Terminal Lease Area has been proposed to ensure that the full AJ Hackett Bungy Lease area is included as well as the Ziptrek top tree house. From a planning perspective it is my opinion that it is more efficient and effective to include those areas of existing commercial development on the periphery of the submitters Lease area and apply the same development provisions to these activities.
29. AJ Hackett’s existing development was already identified in the submission plans and they did not submit in opposition to this. Ziptrek are an opposing submitter and will be able to provide evidence in opposition if there is concern with their facilities being identified in this proposed Zoning.
30. As identified by Ms Evans the original submission contained a modified Chapter 21 which incorporated the proposed Commercial Tourism and Recreation Sub-Zone provisions however, these provisions (while intended to) could not apply to the existing Lower Terminal site which sits within the PDP Town Centre Zone.
31. In recognition of this oversight and to ensure the applicability of the recommended provisions it is my opinion that the existing Lower Terminal site be zoned Rural and thus the Sub-Zone would apply as intended to all of the land without additional modification being required to the Town Centre chapter of the PDP. Alternatively, the Town Centre Zone should apply with the alternative relief set out in the original submission³.
32. Having read the Chairman’s fourth procedural minute, the Council’s expert evidence and the evidence presented in the Environment Court in regards to ENV – 2016 – CHC – 000107 I have made a number of amendments to the proposed Commercial Tourism and Recreation Sub-Zone provisions. A copy of the amended provisions is contained in **Appendix [C]**.

³ Paragraphs 4.42 to 4.51 of Skyline’s primary submission.

Detailed Description of Proposed Noise Limits for Helicopters

33. I was engaged by both Totally Tourism Limited (Submission # 571) and Skyline to provide expert planning evidence on the proposed Noise Chapter (Chapter 36) of the Queenstown Lakes District Council's PDP during Hearing Stream T05.
34. The concerns I addressed on behalf of the submitters related specifically to the provisions in the PDP Chapter 36 which direct how assessment of helicopter noise shall be undertaken and the applicable limits which shall apply.
35. Both submitters supported the retention of Rule 36.5.13 that specifies that sound from any helicopter must be measured in accordance with NZS 6807:1994 – *Noise Management and Land Use Planning for Helicopter Landing Areas* (“NZ S6807:1994”).
36. Notwithstanding the submitters support of the above rule it was requested that a higher limit of acceptability than the currently prescribed 50dB L_{dn} noise limit should be applied to helicopter landing areas within the Ben Lomond Recreation Reserve and Ben Lomond Scenic Reserve.
37. Specifically, Skyline's submission suggested that a noise limit of 65dB L_{dn} should apply for helicopter landing areas in these areas measured at a point 5m west of the Ziptrek top tree house on the Skyline Access Road.
38. A noise limit of 65db L_{dn} was promoted in the original submission as this was the noise level being promoted by Skyline's acoustic expert Mr Vern Goodwin in evidence to the Environment Court as part of the proceedings ENV – 2011 – CHC – 130.
39. ZJV (NZ) Limited's (the appellants) acoustic experts considered that a noise limit between the residential (50dB L_{dn}) and commercial limits (65dB L_{dn}) of NZS 6807:1994 were acceptable given the historical use of the site for the activity and proposed a limit of 60 dB L_{dn}.
40. The matter of the appropriate noise limit was the result of much disagreement and only second to the safety considerations of the heli pad. Ultimately, the Environment Court agreed that ZJV (NZ) Limited were most affected by the noise (and were the only commercial operator at Skyline opposed to the operation of the helipad) and imposed a more conservative 60 dB L_{dn} noise limit. Due to the proximity that Ziptrek constructed their top tree house to the existing heli pad this noise limit equates to four flights per day of an AS350 B2 squirrel helicopter.
41. Given that there is no other statutory document or relevant standard that provides specific guidance on the relevant noise limits that would apply to this unique heli pad it is my opinion that PDP should recognise the significant assessment of the Environment Court on this matter and apply the 60 dB L_{dn}

noise limit. This will greatly assist administrators of the District Plan in considering any future resource consent application for an informal airport in this locality.

Statutory Considerations

Resource Management Act 1991

42. The statutory framework for an assessment of Skyline's re-zoning proposal under the Resource Management Act is set out within Sections 31, 32, 32A, and 72 to 76 of the Act.
43. Within the relevant sections of the Act are a number of requirements which I consider to be of specific relevance to Skyline's proposal. These are outlined below:
- The re-zoning must accord with and assist the Council in carrying out its functions so as to meet the requirements of Part 2 of the Act;
 - The re-zoning must have regard to the actual and potential effects of activities on the environment;
 - The re-zoning must have regard to any evaluation report prepared in accordance with Section 32;
 - The re-zoning must be in accordance with any regulations (including National Environmental Standards);
 - The re-zoning must give effect to the Otago Regional Policy Statement;
 - The re-zoning must have regard to management plans and strategies under other Acts (to the extent that they have a bearing on the resource management issues in the District);
 - The re-zoning must have regard to the extent to which the District Plan needs to be consistent with policy statements and plans of adjacent regional councils and territorial authorities; and
 - The re-zoning must take into account any relevant planning document recognised by an iwi authority and lodged with the Council to the extent that its content has a bearing on the resource management issues of the District.

Part 2 Purpose and Principles

44. The purpose of the Act is to promote the sustainable management of natural and physical resources. Sustainable management is outlined in Section 5(2) of the Act as:

In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

45. The PDP application of 'Zones' and associated policy framework sets out the Council's direction with respect to the appropriate land use and activities within identified areas which are expected to achieve 'sustainable management'

46. Section 6 of the Act sets out Matters of National importance that must be given regard to and provided for when exercising the functions and powers of the Act and particularly when considering the appropriate zoning framework. Of specific relevance to Skyline's the proposed re-zoning is:

- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (h) *the management of significant risks from natural hazards.*

47. It is acknowledged that the majority of the proposed re-zoning sits within an Outstanding Natural Landscape or on its immediate periphery where development and land use has the potential to affect the values of the wider ONL.

48. Section 7 of the Act contains a set of 'Other Matters' that must be given particular regard to when exercising powers and functions under the Act. The matters that I consider relevant include:

- “(b) the efficient use and development of natural and physical resources:*
- (c) the maintenance and enhancement of amenity values:*
- (f) maintenance and enhancement of the quality of the environment:*

49. I consider these matters to be relevant due to the Outstanding Natural Landscape in which the proposed Commercial Tourism and Recreation Sub-Zone (“CTRSZ”) will be located.
50. Section 8 requires the Principles of the Treaty of Waitangi to be taken into account.

Operative Regional Policy Statement

51. Section 75(3) of the Act requires that a District Plan must give effect to any Regional Policy Statement. At the current time this includes the Operative Otago Regional Policy Statement 1998.
52. The relevant Objectives and Policies from this document are contained within Chapter 5 – Land, Chapter 9 – Built Form, and Chapter 11 – Natural Hazards. The relevant provisions are outlined below:

Chapter 5 – Land

- Objective 5.4.1** *To promote the sustainable management of Otago’s land resources in order:*
- (a) *To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and*
- (b) *To meet the present and reasonably foreseeable needs of Otago’s people and communities.*
- Objective 5.4.2** *To avoid, remedy or mitigate degradation of Otago’s natural and physical resources resulting from activities utilising the land resource.*
- Objective 5.4.3** *To protect Otago’s outstanding natural features and landscapes from inappropriate subdivision, use and development.*
- Objective 5.4.4** *To ensure that public access opportunities exist in respect of activities utilising Otago’s natural and physical land features.*
- Policy 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.*
- Policy 5.5.4** *To promote the diversification and use of Otago’s land resource to achieve sustainable landuse and management systems for future generations.*

- Policy 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.*

- Policy 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.*

Chapter 9 – Built Environment

- Objective 9.4.1** *To promote the sustainable management of Otago’s built environment in order to:*
- (a) *Meet the present and reasonably foreseeable needs of Otago’s people and communities; and*
 - (b) *Provide for amenity values, and*
 - (c) *Conserve and enhance environmental and landscape quality; and*
 - (d) *Recognise and protect heritage values.*
- Objective 9.4.2** *To promote the sustainable management of Otago’s infrastructure to meet the present and reasonably foreseeable needs of Otago’s communities.*

Objective 9.4.3 *To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.*

Policy 9.5.2 *To promote and encourage efficiency in the development and use of Otago's infrastructure through:*

- (a) Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology; and*
- (b) Promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure; and*
- (c) Encouraging a reduction in the use of non-renewable resources while promoting the use of renewable resources in the construction, development and use of infrastructure; and*
- (d) Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.*

Policy 9.5.3 *To promote and encourage the sustainable management of Otago's transport network through:*

- (a) Promoting the use of fuel efficient modes of transport; and*
- (b) Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and*
- (c) Promoting a safer transport system; and*
- (d) Promoting the protection of transport infrastructure from the adverse effects of land use activities and natural hazards.*

Policy 9.5.4 *To minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating:*

- (a) Discharges of contaminants to Otago's air, water or land; and*
- (b) The creation of noise, vibration and dust; and*
- (c) Visual intrusion and a reduction in landscape qualities; and*
- (d) Significant irreversible effects on:
 - (i) Otago community values; or**

- (ii) *Kai Tahu cultural and spiritual values; or*
- (iii) *The natural character of water bodies and the coastal environment; or*
- (iv) *Habitats of indigenous fauna; or*
- (v) *Heritage values; or*
- (vi) *Amenity values; or*
- (vii) *Intrinsic values of ecosystems; or*
- (viii) *Salmon or trout habitat.*

Policy 9.5.5 *To maintain and, where practicable, enhance the quality of life for people and communities within Otago’s built environment through:*

- (a) *Promoting the identification and provision of a level of amenity which is acceptable to the community; and*
- (b) *Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago’s natural and physical resources; and*
- (c) *Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.*

Chapter 11 – Natural Hazards

Objective 11.4.1 *To recognise and understand the significant natural hazards that threaten Otago’s communities and features.*

Objective 11.4.2 *To avoid or mitigate the adverse effects of natural hazards within Otago to acceptable levels.*

Policy 11.5.2 *To take action necessary to avoid or mitigate the unacceptable adverse effect of natural hazards and the responses to natural hazards on:*

- (a) *Human life; and*
- (b) *Infrastructure and property; and*
- (c) *Otago’s natural environment; and*
- (d) *Otago’s heritage sites.*

Policy 11.5.3 *To restrict development on sites or areas recognised as being prone to significant hazards, unless adequate mitigation can be provided.*

Policy 11.5.4

To avoid or mitigate the adverse effects of natural hazards within Otago through:

- (a) Analysing Otago's natural hazards and identifying their location and potential risk; and*
- (b) Promoting and encouraging means to avoid or mitigate natural hazards; and*
- (c) Identifying and providing structures or services to avoid or mitigate the natural hazard; and*
- (d) Promoting and encouraging the use of natural processes where practicable to avoid or mitigate the natural hazard.*

Proposed Regional Policy Statement

53. Section 74(2) of the Act requires a District Plan to have regard to any proposed Regional Policy Statement. The Proposed Regional Policy Statement for Otago was publicly notified on 23 May 2015. Public hearings were then held in November 2015.
54. The hearings panel released their 'Decisions Version' of the Regional Policy Statement on 01st October 2016. It is understood that 26 appeals have been received in opposition and mediation is presently underway.
55. The Decision's Version of the Proposed Regional Policy Statement cannot be given significant weight due to the currently unresolved appeals. However, I consider that the relevant provisions contained in this document are not dissimilar to those in the Operative Regional Policy Statement. The relevant provisions are as follows:

Part B – Chapter 1 Resource management in Otago is integrated**Objective 1.1**

Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago

Policy 1.1.1***Integrated resource management***

Achieve integrated management of Otago's natural and physical resources, by all of the following:

- a) Coordinating the management of interconnected natural and physical resources;*

- b) *Taking into account the impacts of management of one resource on the values of another, or on the environment*
- c) *Recognising that resource may extend beyond the immediate, or directly adjacent, area of interest;*
- d) *Ensuring that resource management approaches across administrative boundaries are consistent and complementary;*
- e) *Ensuring that effects of activities on the whole of a resource are considered when that resource is managed as subunits.*

Policy 1.1.2**Economic wellbeing**

Provide for the economic wellbeing of Otago's people and communities by enabling the use and development of natural and physical resources only if the adverse effects of those activities on the environment can be managed to give effect to the objectives and policies of the Regional Policy Statement.

Policy 1.1.3**Social and cultural wellbeing and health and safety**

Provide for the social and cultural wellbeing and health and safety of Otago's people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following:

- a) *Recognising and providing for Kāi Tahu values;*
- b) *Taking into account the values of other cultures;*
- c) *Taking into account the diverse needs of Otago's people and communities;*
- d) *Promoting good quality and accessible infrastructure and public services;*
- e) *Avoiding significant adverse effects of activities on human health.*

PART B Chapter 3 - Otago has high quality natural resources and ecosystems**Objective 3.1**

The values of Otago's natural resources are recognised, maintained and enhanced.

Policy 3.1.9**Ecosystems and indigenous biological diversity**

Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to achieve all of the following:

- a) *Maintain or enhance ecosystem health and indigenous biological diversity;*

- b) *Maintain or enhance biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;*
- c) *Maintain or enhance areas of predominantly indigenous vegetation;*
- d) *Recognise and provide for important hydrological services, including the services provided by tussock grassland;*
- e) *Recognise and provide for natural resources and processes that support indigenous biological diversity;*
- f) *Maintain or enhance habitats of indigenous species and the habitat of trout and salmon that are important for recreational, commercial, cultural or customary purposes;*
- g) *Control the adverse effects of pest species, prevent their introduction and reduce their spread.*

Policy 3.1.10**Natural features, landscapes, and seascapes**

Recognise the values of natural features, landscapes and seascapes are derived from the biophysical, sensory and associative attributes in Schedule 3.

Policy 3.1.12**Environmental enhancement**

Encourage, facilitate and support activities which contribute to enhancing the natural environment, by one or more of the following:

- a) Improving water quality and quantity;
- b) Protecting or restoring habitat for indigenous species;
- c) Regenerating indigenous species;
- d) Mitigating natural hazards;
- e) Protecting or restoring wetlands;
- f) Improving the health and resilience of:
 - i. Ecosystems supporting indigenous biological diversity;
 - ii. Important ecosystem services, including pollination;
- g) Improving access to rivers, lakes, wetlands and their margins, and the coast;
- h) Buffering or linking ecosystems, habitats and areas of significance that contribute to ecological corridors;
- i) Controlling pest species.

Objective 3.2 *Otago’s significant and highly-valued natural resources are identified, and protected or enhanced*

Policy 3.2.3 *Identifying outstanding natural features, landscapes and seascapes*
Identify areas and values of outstanding natural features, landscapes and seascapes, using the attributes in Schedule 3.

Policy 3.2.4 *Managing outstanding natural features, landscapes and seascapes*

Protect, enhance and restore outstanding natural features, landscapes and seascapes, by all of the following:

- a) *Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Recognising and providing for the positive contributions of existing introduced species to those values;*
- d) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- e) *Encouraging enhancement of those areas and values which contribute to the significance of the natural feature, landscape or seascape.*

PART B Chapter 4 - Communities in Otago are resilient, safe and healthy

Objective 4.1 *Risk that natural hazards pose to Otago’s communities are minimised*

Policy 4.1.1 *Identifying natural hazards*

Identify natural hazards that may adversely affect Otago’s communities, including hazards of low likelihood and high consequence by considering all of the following:

- a) *Hazard type and characteristics;*
- b) *Multiple and cascading hazards;*
- c) *Cumulative effects, including from multiple hazards with different risks;*
- d) *Effects of climate change;*

- e) *Using the best available information for calculating likelihood;*
- f) *Exacerbating factors.*

Policy 4.1.2 Natural hazard likelihood

Using the best available information, assess the likelihood of natural hazard events occurring, over no less than 100 years.

Policy 4.1.3 Natural hazard consequence

Assess the consequences of natural hazard events, by considering all of the following:

- a) *The nature of activities in the area;*
- b) *Individual and community vulnerability;*
- c) *Impacts on individual and community health and safety;*
- d) *Impacts on social, cultural and economic wellbeing;*
- e) *Impacts on infrastructure and property, including access and services;*
- f) *Risk reduction and hazard mitigation measures;*
- g) *Lifeline utilities, essential and emergency services, and their co-dependence;*
- h) *Implications for civil defence agencies and emergency services;*
- i) *Cumulative effects;*
- j) *Factors that may exacerbate a hazard event.*

Policy 4.1.4 Assessing activities for natural hazard risk

Assess activities for natural hazard risk to people and communities, by considering all of the following:

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

Policy 4.1.5 Natural hazard risk

Manage natural hazard risk to people and communities, with particular regard to all of the following:

- a) *The risk posed, considering the likelihood and consequences of natural hazard events;*
- b) *The implications of residual risk, including the risk remaining after implementing or undertaking risk reduction and hazard mitigation measures;*

- c) *The community's tolerance of that risk, now and in the future, including the community's ability and willingness to prepare for and adapt to that risk, and respond to an event;*
- d) *The changing nature of tolerance to risk;*
- e) *Sensitivity of activities to risk.*

Objective 4.3 Infrastructure is managed and developed in a sustainable way.

Policy 4.3.1 Managing infrastructure activities

Manage infrastructure activities, to achieve all of the following:

- a) *Maintaining or enhancing the health and safety of the community;*
- b) *Avoiding, remedying or mitigating adverse effects of those activities on existing land uses, including cumulative adverse effects on natural and physical resources;*
- c) *Supporting economic, social and community activities;*
- d) *Improving efficiency of use of natural resources;*
- e) *Protecting infrastructure corridors for infrastructure needs, now and for the future;*
- f) *Increasing the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events;*
- g) *Protecting the functional and operational requirements of lifeline utilities and essential or emergency services.*

Objective 4.4 Energy supplies to Otago's communities are secure and sustainable

Policy 4.4.6 Energy efficient transport

Enable energy efficient and sustainable transport for Otago's communities, by all of the following:

- a) *Encouraging the development of compact and well integrated urban areas, to reduce travel needs within those areas;*
- b) *Ensuring that transport infrastructure in urban areas has good connectivity, both within new urban areas and between new and existing urban areas, by all of the following:*
 - i. *Placing a high priority on walking, cycling, and public transport, where appropriate;*
 - ii. *Maximising pedestrian and cycling networks connectivity, and integration with public transport;*
 - iii. *Having high design standards for pedestrian and cyclist safety and amenity;*

- c) *Enabling the development or upgrade of transport infrastructure and associated facilities that both:*
 - i. *Increase freight efficiency; and*
 - ii. *Foster the uptake of new technologies for more efficient energy uses, and renewable or lower emission transport fuels.*

Objective 4.5 *Urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments.*

Policy 4.5.7 *Integrating infrastructure with land use*

Achieve the strategic integration of infrastructure with land use, by undertaking all of the following:

- a) *Recognising the functional needs of infrastructure of regional or national importance;*
- b) *Locating and designing infrastructure to take into account all of the following:*
 - i. *Actual and reasonably foreseeable land use change;*
 - ii. *The current population and projected demographic changes;*
 - iii. *Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services;*
 - iv. *Natural and physical resource constraints;*
 - v. *Effects on the values of natural and physical resources;*
 - vi. *Co-dependence with other infrastructure ;*
 - vii. *The effects of climate change on the long term viability of that infrastructure;*
 - viii. *Natural hazard risk.*
- c) *Locating growth and development:*
 - i. *Within areas that have sufficient infrastructure capacity; or*
 - ii. *Where infrastructure services can be upgraded or extended efficiently and effectively;*
- d) *Coordinating the design and development of infrastructure with land use change in growth and redevelopment planning.*

PART B Chapter 5 - People are able to use and enjoy Otago's natural and built environment

Objective 5.1 *Public access to areas of value to the community is maintained or enhanced*

Policy 5.1.1 *Public access*

Maintain and enhance public access to the natural environment, including to the coast, lakes, rivers and their margins and where possible areas of cultural or historic significance, unless restricting access is necessary for one or more of the following:

- a) *Protecting public health and safety;*
- b) *Protecting the natural heritage and ecosystem values of sensitive natural areas or habitats;*
- c) *Protecting identified sites and values associated with historic heritage or cultural significance to Kāi Tahu ;*
- d) *Ensuring a level of security consistent with the operational requirements of a lawfully established activity.*

Objective 5.3 Sufficient land is managed and protected for economic production

Policy 5.3.1 Rural activities

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

- a) *Enabling primary production and other rural activities that support the rural economy;*
- b) *Minimising the loss of significant soils;*
- c) *Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects;*
- d) *Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities;*
- 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.*

Objective 5.4 Adverse effects of using and enjoying Otago's natural and physical resources are minimised

Policy 5.4.5 Pest plants and animals

Control the adverse effects of pest species, prevent their introduction and reduce their spread, to safeguard all of the following:

- a) *The viability of indigenous species and habitats for indigenous species;*
- b) *Ecosystem services that support economic activities;*
- c) *Water quality and water quantity;*
- d) *Soil quality;*
- e) *Human and animal health;*
- f) *Recreation values;*

g) *Landscapes, seascapes and natural character.*

Ben Lomond and Queenstown Hill Reserve Management Plan (2005)

56. The Ben Lomond Recreation Reserve in which most of the existing Skyline facilities are located and where the proposed re-zoning will be located is managed in accordance with the Ben Lomond and Queenstown Hill Reserve Management Plan (2005) (“Reserve Management Plan”).
57. The Reserve Management Plan is intended to be kept under ‘continuous review’ and formally reviewed every ten years pursuant to Objective 9.2 and Policy 9.2.1. At the current time, the Reserve Management Plan has not been reviewed and it is my understanding that Council have no immediate plans to undertake such a review. Accordingly, the 2005 plan is the relevant document to consider at the present time with respect to the Reserves Act 1977.
58. The relevant Objectives and Policies of the Reserve Management Plan are found within Part B: Management Goals, Objectives and Policies. These are discussed in detail below:

Section 7.0 - Overall Objectives for the Ben Lomond Recreation Reserve

1. *Protection of the high quality scenic landscape values.*
2. *Protection of the reserves natural quiet values*
3. *Provision for recreation and tourism activities, including commercial activities that do not adversely impact on the landscape, recreation and natural values.*
4. *Enhancement of the reserves biodiversity, through control of wilding pine spread and targeted native bush revegetation.*
5. *Enhanced opportunities for low impact recreation activities, such as walking and mountain biking, through the co-ordinated maintenance, enhancement and development of walking and mountain biking trails information and facilities.*
6. *Harvesting of exotic timber species to the extent that amenity, landscape and recreational opportunities (including safety of existing facilities) are not unduly compromised.*

Section 8.0 – Vision Statement

BEN LOMOND

To protect and enhance the natural values of Ben Lomond Reserve and provide opportunity for compatible recreation activities.

Section 9.0 – Effective Management

Goal 1 Effective Management

9.3 Objective: Occupation Agreements

Policies 9.1.1

- 1 *The Queenstown Lakes District Council will be primarily responsible for the maintenance and management of the Queenstown Hill and Ben Lomond reserve areas they have responsibility for, as defined in section 2.1.3.*
- 2 *To initiate a review of reserve classifications, administration and boundaries with the Department of Conservation to ensure the effective management of all reserves in the Ben Lomond ad Queenstown Hill area.*
- 3 *That subject to any changes in administration, the policies contained within this management plan should generally be applied to the Ben Lomond and Queenstown Hill reserve land administered by the Queenstown Lakes District Council until such time that this management plan is reviewed.*
- 4 *The Queenstown Lakes District Council will implement a capital works programme, based on the action plan in this management plan and as funds permit, as determined by the Council's Annual Plan.*
- 5 *To revise the management plan subject to the outcome of the proposed land exchange between the Council and the Crown*

9.2 Objective: Plan Review

1. *To review the plan on a regular basis to ensure it remains current and relevant.*

9.2.1 Policies

- 1 *To keep this management plan under 'continuous review' and to formally review it at least every 10 years.*

9.3 Objective: Occupation Agreements

- 1 *To issue occupation agreements to commercial operators and other users of Ben Lomond reserve land which are compatible with the values of the reserve and support the long-term objectives for reserve development and use.*

9.3.1 Policies

- 1 *Commercial users and public utility activities will be permitted within the reserve where they are compatible with or do not unduly affect its primary purpose, and recreation, landscape, and biodiversity values.*
- 2 *Commercial users of the reserve, and public utility activities, will require a concession (lease, licence, permit or easement under Section 54 of the Reserves Act 1977), or a formal agreement under Section 53(f) of the Reserves Act 1977, where a significant commercial activity is involved and/or it is considered to impact upon the reserve's primary purpose or its recreation, landscape, or biodiversity values.*
- 3 *Applications for use of the reserve for commercial purposes or for public utilities will be considered by the Queenstown Lakes District Council, who will consider the appropriate form of concession (a lease, licence, easement or permit) and appropriate level of consultation.*
- 4 *The costs associated with processing and advertising an application for an occupation agreement will be determined by current Council policy.*
- 5 *The Queenstown Lakes District Council will review all leases (existing and future) as they expire or renewed to ensure their continued compatibility with this reserve management plan.*
- 6 *New commercial motorised recreational use of the reserves will not be permitted i.e. motorbikes, farm trikes, four wheel drive vehicles or micro-light launching or similar powered flight activities.*
- 10 *Helicopter landings will be restricted to those required for reserve management requirements (such as wilding pine control, forestry operations, search and rescue and fire control) and landings at the helicopter landing pad adjacent to the Skyline Gondola Terminal for tourism purposes. These landings will be subject to helicopter operators having obtained a licence to land from the QLDC and complying with the following conditions:*
 - *only one helicopter to be on the helipad at any one time*
 - *no helicopter is to make an approach to the helipad or operate over the reserve while the pad is occupied by another helicopter*
 - *That the use of the helipad be limited from 10 a.m. to 7:00 p.m. daily*

- *that the flight path to the helipad be such that flying over the urban areas of the District be prohibited*
 - *That scenic flights originating from and returning to the helipad be prohibited*
 - *That operators pay a licence fee as set from time to time by the QLDC.*
- The Council will continue to monitor the effects of helicopter landings at the Skyline Terminal and may impose limits on the number and frequency of flights via the licences issued.*

Section 10 GOAL 2: ENHANCED BIODIVERSITY

10.1 Objective: Forestry Management

1. *Management of exotic forest to recover merchantable timber where amenity can be improved and recreational opportunities and indigenous vegetation enhanced.*
2. *To ensure the logging operations minimise impacts on landscape and recreation values and existing facilities.*
3. *To ensure the safety of the public and other facilities on the reserve*

10.1.1 Policies

1. *To prepare a detailed forestry plan by 30 June 2006 that establishes the following management zones:*
 - *Recreation Forest – zone is managed to provide for recreational opportunities. Harvesting techniques utilised achieve a high level of amenity and protect the quality of recreation experience and activity such as walking and biking.*
 - *Production Forest – zone is managed to maximise production values while maintaining continuous canopy cover to ensure a forest backdrop to Queenstown is achieved.*
 - *Beech revegetation – zone is protected and actively maintained to promote beech regeneration and revegetation including the control of invasive weeds and wilding conifers where such control will enhance revegetation.*
 - *Amenity Forest – zone is managed to maximise amenity value including continuous canopy cover, autumn colour and other arboriculture or horticultural features*
 - *Sub-Alpine zone – zone is managed to exclude wilding conifers, control wilding conifer spread and protect the open tussock and indigenous sub-alpine vegetation.*
 - *Control zone – zone is managed to exclude wilding conifer spread and regeneration for the purposes of utility protection or for the conversion of one*

zone to another over a period of time (for example from production forest to beech revegetation)

- Gondola Zone – zone is managed to ensure safety of gondola operation whilst maintaining amenity of forest surrounding gondola and minimising the visual effect of the gondola line.

2. *The forestry plan will also address the following requirements:*

- *Minimise any risks to commercial facilities and operations on the reserve that may arise during forestry operation; through effective consultation and agreement with lessees on the reserve that are affected by forest areas.*
- *To minimise any risks to the public by:*
 - a)** *Ensuring logging is carried out in a timely manner before any trees are likely to become unstable.*
 - b)** *Closure of areas of the forest to public access during forestry operation, in areas where the public normally have access. Such closure to be publicly notified.*
 - c)** *Erection of warning signage in areas that the public is likely to be present.*

3. *The forestry plan will be reviewed every three years*

10.2 Objective: Indigenous vegetation

The natural flora and fauna is to be protected and enhanced. In particular the protection of the tussock grassland and sub-alpine vegetation and the protection and extension of beech forest is to be encouraged.

10.2.1 Policies

- 1.** *To identify existing areas of native beech forest through the Forestry plan zoning, for protection and enhancement.*
- 2.** *To identify future areas, through the forestry plan for the implementation of a programme to expand areas of indigenous forest.*
- 3.** *To support a ongoing programme of wilding pine control in the tussock grassland and sub alpine areas including the provision of signs to inform the public of the wilding conifer issue and steps they can take to contribute to control.*

Section 11 – Goal 3 Recreation Opportunities

11.1 Objective: Recreation Use

Ben Lomond

- 1 *Limited provision of commercial tourism based recreation activities that rely on the unique topography and location of Ben Lomond reserve, and are compatible with the reserves wider values.*
- 2 *Enhancement of opportunities for casual recreation activities that are based on the enjoyment of the reserves natural environment, topography and landscape views, and are compatible with the reserves wider values.*

11.1.1 Policies

- 1 *To maintain existing 'recreation' leases where there is clear benefit to public recreation use of the reserve.*
- 2 *To consider additional commercial recreation activities on the Ben Lomond reserve, that are compatible with, and do not compromise the reserves wider values.*
- 4 *To retain the existing vehicle access road to the top of the Gondola, and to maintain the existing easement to Skyline Enterprises Limited, which provides for their uninterrupted access along this road, with maintenance of the road being the responsibility of Skyline Enterprises Limited.*
- 5 *To permit the limited use of the road for mountain bike events from time to time subject to the event organiser gaining the written approval from the easement tenant (Skyline Enterprises Ltd) and lodging a traffic management plan with Council.*
- 6 *To develop and maintain to a high standard, a network of walking tracks within the reserves, to the appropriate New Zealand standards*
- 20 *To work with the Department of Conservation and the Wakatipu Trails Trust to ensure all tracks and other recreation assets within and adjoining the Council administered reserves are developed and maintained to consistent and recognised standards.*

Section 12 – Goal 4 Protect Landscape Values

12.1 Objectives: Protect Landscape values

- 1 *Current landscape values maintained and protected.*

- 2 *Limit development of built facilities.*
- 3 *Minimise impacts of forestry operations*
- 4 *Protect and enhance vegetation cover*
- 5 *Reduce potential for fire risk and damage*

12.1.1 Policies

- 1 *Limit the development of built facilities (such as commercial facilities) to the general area of the existing facilities associated with the gondola, the Powerhouse area and the adjoining reserve below the Heritage Villas.*
- 2 *Other minor built facilities (such as shelters, toilets, bridges, viewing areas etc) may be considered in locations where they will have a minimal impact on landscape values and/or are of a scale where their impact is minimal, and the need for their development is compatible with the wider values of this management plan.*
- 3 *Any new buildings or facilities are to be designed to be compatible with the natural landscape, to minimise their impact.*
- 4 *Forestry logging operations are to be managed to minimise the impact on landscape values, by the use of low impact extraction methods. These logging operations are to be defined and carried out in accordance in the forestry management plan as required by policy 10.1.1.*
- 5 *To work with the relevant agencies to ensure that an active fire prevention strategy is in place.*
- 6 *To close access to parts of the reserve when fire risk is considered to be extreme.*
- 7 *To limit helicopter landing activity on the reserves to ensure that a balance is achieved between meeting the demand for this tourism activity and protecting the reserves "natural quiet" values.*

Conservation Management Strategy

59. The Conservation Management Strategy ("CMS") is considered relevant in respect of the proposed noise limits sought by Skyline for helicopter landing areas within the Ben Lomond Scenic Reserve. Aircraft landings are managed in accordance with Section 3.6 of the CMS.

60. This section of the CMS identifies that to manage the effects of aircraft landings on Public Conservation Land there are four nationally consistent aircraft access zones (shown on Map 4 of the CMS). The zones reflect the different management methodologies required and the likelihood of granting Concessions for aircraft landings.
61. The Ben Lomond Scenic Reserve is located within the 'Green' aircraft access zone. The 'Green' zone is described as follows in Section 3.6:

“Green Zone areas where a concession application to land an aircraft is likely to be granted, subject to any relevant outcome and/or the criteria in the relevant policies. This zone may apply where:

- i) conservation, including recreation, values are unlikely to be affected by landings;*
- ii) there are natural limits on sites where landings can actually occur (e.g. forest cover, steep terrain); or*
- iii) there is likely to be little demand for aircraft access over the life of this CMS.”*

62. The following are the relevant Policies for aircraft landings within the Green Zone:

Policy 3.6.1 *Should apply (but not be limited to) the following criteria when assessing concession applications for all aircraft landings:*

- a. is consistent with the outcome and policies for the Place in which the activity is proposed to occur and Table 3.6.1;*
- b. is consistent with the aircraft zoning provisions in this CMS and the aircraft access zones on Map 4;*
- c. is consistent with the purposes for which the lands and waters concerned are held;*
- d. adverse effects on conservation values including adverse effects on natural quiet are avoided, remedied or mitigated;*
- e. adverse effects on other visitors (taking into account the size of zone and the proximity of other ground users) are avoided, remedied or mitigated;*
- f. the need for monitoring the activity using global positioning systems and newer technologies;*
- g. landings near tracks, huts and car parks (unless otherwise specified in an outcome or policy for a Place) are avoided; and*
- h. the need to hold and comply with certification in a noise management scheme approved by the Department, in specified locations.’*

Policy 3.6.4 *May grant concessions for aircraft landings in the Green Zone that meet the criteria (a) and (c)–(h) in Policy 3.6.1.*

- Objective 3.2.2.1** *Ensure urban development occurs in a logical manner:*
- *to promote a compact, well designed and integrated urban form;*
 - *to manage the cost of Council infrastructure; and*
 - *to protect the District’s rural landscapes from sporadic and sprawling development.*
- Policy 3.2.2.1.3** *Manage the form of urban development within the UGBs ensuring:*
- *Connectivity and integration with existing urban development;*
 - *Sustainable provision of Council infrastructure; and*
 - *Facilitation of an efficient transport network, with particular regard to integration with public and active transport systems*
- 3.2.3 Goal** ***A quality built environment taking into account the character of individual communities***
- Objective 3.2.3.1** *Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.*
- Policy 3.2.3.1.1** *Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in character in certain locations.*
- Policy 3.2.3.1.2** *That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.*
- 3.2.4 Goal** ***The protection of our natural environment and ecosystems***
- Objective 3.2.4.7** *Facilitate public access to the natural environment.*
- Policy 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 Goal** ***Our distinctive landscapes are protected from inappropriate development.***
- Objective 3.2.5.1** *Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.*

- Policy 3.2.5.1.1** *Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps, and protect them from the adverse effects of subdivision and development.*
- Objective 3.2.5.3** *Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.*
- Policy 3.2.5.3.1** *Direct urban development to be within Urban Growth Boundaries (UGB's) where these apply, or within the existing rural townships.*
- Objective 3.2.5.5** *Recognise that agricultural land use is fundamental to the character of our landscapes.*
- Policy 3.2.5.5.1** *Give preference to farming activity in rural areas except where it conflicts with significant nature conservation values.*
- Policy 3.2.5.5.2** *Recognise that the retention of the character of rural areas is often dependent on the ongoing viability of farming and that evolving forms of agricultural land use which may change the landscape are anticipated.*

Chapter 6 - Landscapes

- 6.3.1 Objective** ***The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.***
- Policy 6.3.1.3** *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, meaning successful applications will be exceptional cases.*
- Policy 6.3.1.5** *Avoid urban subdivision and development in the Rural Zones.*
- Policy 6.3.1.9** *Ensure the District's distinctive landscapes are not degraded by forestry and timber harvesting activities.*
- Policy 6.3.1.10** *Recognise that low-intensity pastoral farming on large landholdings contributes to the District's landscape character.*

- Policy 6.3.1.11** *Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.*
- 6.3.2 Objective** ***Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.***
- Policy 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.*
- Policy 6.3.2.3** *Recognise that proposals for residential subdivision or development in the Rural Zone that seek support from existing and consented subdivision or development have potential for adverse cumulative effects. Particularly where the subdivision and development would constitute sprawl along roads.*
- Policy 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.*
- 6.3.4 Objective** ***Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).***
- Policy 6.3.4.1** *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.*
- Policy 6.3.4.3** *Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.*
- 6.3.8 Objective** ***Recognise the dependence of tourism on the District's landscapes.***
- Policy 6.3.8.1** *Acknowledge the contribution tourism infrastructure makes to the economic and recreational values of the District.*
- Policy 6.3.8.2** *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 12 – Queenstown Town Centre Zone

Objective 12.2.1 ***A Town Centre that remains relevant to residents and visitors alike and continues to be the District’s principal mixed use centre of retail, commercial, administrative, entertainment, cultural, and tourism activity.***

Policy 12.2.1.1 *Enable intensification within the Town Centre through providing for greater site coverage and additional building height provided effects on key public amenity and character attributes are avoided or satisfactorily mitigated.*

Objective 12.2.2 ***Development that achieves high quality urban design outcomes and contributes to the town’s character, heritage values and sense of place.***

Policy 12.2.2.2 *Require development to:*

- *Maintain the existing human scale of the Town Centre as experienced from street level through building articulation and detailing of the façade, which incorporates elements which break down building mass into smaller units which are recognisably connected to the viewer; and*
- *Contribute to the quality of streets and other public spaces and people’s enjoyment of those places; and*
- *Positively respond to the Town Centre’s character and contribute to the town’s ‘sense of place’*

Policy 12.2.2.3 *Control the height and mass of buildings in order to:*

- *Retain and provide opportunities to frame important view shafts to the surrounding landscape; and*
- *Maintain sunlight access to public places and to footpaths, with a particular emphasis on retaining solar access into the Special Character Area (as shown on Planning Maps 35 and 36).*

Policy 12.2.2.4 *Allow buildings to exceed the discretionary height standards in situations where:*

- *The outcome is of a high quality design, which is superior to that which would be achievable under the permitted height;*
- *The cumulative effect of the additional height does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces; and*

- *The increase in height will facilitate the provision of residential activity.*

Policy 12.2.2.5 *Allow buildings to exceed the non-complying height standards only in situations where the proposed design is an example of design excellence and building height and bulk have been reduced elsewhere on the site in order to:*

- (a) *Reduce the impact of the proposed building on a listed heritage item;*
or
- (b) *Provide an urban design outcome that is beneficial to the public environment. For the purpose of this policy, urban design outcomes that are beneficial to the public environment include:*
 - *Provision of sunlight to any public space of prominence or space where people regularly congregate*
 - *Provision of a pedestrian link*
 - *Provision of high quality, safe public open space*
 - *Retention of a view shaft to an identified landscape feature*

Objective 12.2.4 ***A compact Town Centre that is safe and easily accessible for both visitors and residents.***

Policy 12.2.4.1 *Encourage a reduction in the dominance of vehicles within the Town Centre and a shift in priority toward providing for public transport and providing safe and pleasant pedestrian and cycle access to and through the Town Centre.*

Chapter 21 – Rural Zone

Objective 21.2.8 ***Avoid subdivision and development in areas that are identified as being unsuitable for development.***

Policy 21.2.8.1 *Assess subdivision and development proposals against the applicable District Wide chapters, in particular, the objectives and policies of the Natural Hazards and Landscape chapters.*

Objective 21.2.9 ***Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.***

Policy 21.2.9.1 *Commercial activities in the Rural Zone should have a genuine link with the rural land resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.*

- Policy 21.2.9.2** *Avoid the establishment of commercial, retail and industrial activities where they would degrade rural quality or character, amenity values and landscape values.*
- Policy 21.2.9.3** *Encourage forestry to be consistent with topography and vegetation patterns, to locate outside of the Outstanding Natural Features and Landscapes, and ensure forestry does not degrade the landscape character or visual amenity values of the Rural Landscape.*
- Policy 21.2.9.4** *Ensure forestry harvesting avoids adverse effects with regards to siltation and erosion and sites are rehabilitated to minimise runoff, erosion and effects on landscape values.*
- Policy 21.2.9.5** *Limit forestry to species that do not have any potential to spread and naturalise.*
- Policy 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.*
- Objective 21.2.11** ***Manage the location, scale and intensity of informal airports.***
- Policy 21.2.11.1** *Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to minimise adverse effects on the surrounding rural amenity.*
- Policy 21.2.11.1** *Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to minimise adverse effects on the surrounding rural amenity.*

Natural Hazards

67. The following Objectives and Policies are considered relevant:

- Objective 28.3.1** ***The effects of natural hazards on the community and the built environment are minimised to tolerable levels.***
- Policy 28.3.1.1** *Ensure assets or infrastructure are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property, infrastructural networks and other parts of the environment.*

- Policy 28.3.1.2** *Restrict the establishment of activities which have the potential to increase natural hazard risk, or may have an impact upon the community and built environment.*
- Objective 28.3.2** ***Development on land subject to natural hazards only occurs where the risks to the community and the built environment are avoided or appropriately managed or mitigated.***
- Policy 28.3.2.1** *Seek to avoid intolerable natural hazard risk, acknowledging that this will not always be practicable in developed urban areas.*
- Policy 28.3.2.2** *Allow subdivision and development of land subject to natural hazards where the proposed activity does not:*
- *Accelerate or worsen the natural hazard and/or its potential impacts.*
 - *Expose vulnerable activities to intolerable natural hazard risk.*
 - *Create an unacceptable risk to human life.*
 - *Increase the natural hazard risk to other properties.*
 - *Require additional works and costs that would be borne by the community.*
- Policy 28.3.2.3** *Ensure all proposals to subdivide or develop land that is subject to natural hazards provide an assessment covering:*
- *The type, frequency and scale of the natural hazard.*
 - *The type of activity being undertaken and its vulnerability to natural hazards.*
 - *The effects of a natural hazard event on the subject land.*
 - *The potential for the activity to exacerbate natural hazard risk both in and off the subject land.*
 - *The potential for any structures on the subject land to be relocated.*
 - *The design and construction of buildings and structures to mitigate the effects of natural hazards, such as the raising of floor levels.*
 - *Site layout and management to avoid the adverse effects of natural hazards, including access and egress during a hazard event.*

Chapter 36 Noise

- Objective 36.2.1** ***Control the adverse effects of noise emissions to a reasonable level and manage the potential for conflict arising from adverse noise effects between land use activities.***

Policy 36.2.1.1 *Manage subdivision, land use and development activities in a manner that avoids, remedies or mitigates the adverse effects of unreasonable noise.*

Policy 36.2.1.2 *Avoid, remedy or mitigate adverse noise reverse sensitivity effects.*

68. The overarching policy direction that flows through Part II of the Act, the Operative and Proposed Regional Policy Statements, the Reserve Management Plan and the Strategic Directions, Landscape, Town Centre Rural and Natural Hazard chapters of the PDP are:

- Protection of the Outstanding Natural Landscape from inappropriate subdivision, use and development which would result in adverse effects on landscape and visual amenity values;
- Protection of indigenous biodiversity and in particular threatened or endangered flora and fauna;
- Avoidance and/or appropriate mitigation of risk from natural hazards and limiting the exposure of communities, property and infrastructure to exacerbated levels of natural hazard risk;
- Provision and protection of the economic well-being of the Districts residents;
- Recognition of the importance of tourism and access to recreational facilities.

69. This consistent albeit somewhat contrary series of policy directives illustrates that the direction of the PDP is progressing in accordance with Sections 72 – 76 of the Resource Management Act and is not inconsistent with the relevant statutory documents to which it must have regard.

70. Accordingly, an assessment must be undertaken as to how the proposed re-zoning of the sites to a CRTSZ aligns with the policy direction outlined above. This assessment is undertaken below:

Assessment of Effects of the Proposed Re-Zoning

71. In my opinion the appropriateness of the land to be re-zoned as CTRSZ needs to be assessed in respect of the following key matters:

- Landscape;
- Ecology;
- Natural Hazards;
- Infrastructure;
- Traffic;
- Noise.

These matters are addressed in turn below:

Landscape

72. The majority of the subject site sits within the Rural Zone (ONL) in both the Operative and Proposed District Plans.
73. In short, the purpose of the Rural Zone is to enable farming activities while protecting, maintaining and enhancing landscape values, nature conservation values, the soil and water resource and rural amenity.
74. As identified in the consideration of statutory provisions it is clear that the Policy direction of the PDP is to protect the ONL and avoid development within this Zone⁴. Furthermore, successful applications for development in the Zone will need to be exceptional cases⁵.
75. In my opinion, the existing environment is clearly at odds with this purpose and the PDP policy direction. Specifically, the existing 4.1Ha Skyline Lease area contains a three storey 27m tall restaurant and commercial building comprising some 3,900m² of GFA.
76. The site also contains an existing chair lift with pylons up to 11.9m in height, two luge tracks (scenic and fast tracks), a heli pad and associated paths, viewing platforms and limited amenity landscaping.
77. A J Hackett operate the ledge bungy and swing near the south western boundary of the Skyline Lease area pursuant to Resource Consent RM940792 and Environment Court Decision C17/97 and resource consents, RM970230, RM970664 and RM980241.
78. ZJV (NZ) Ltd operate their flying fox eco tours commencing from the main platform located near the southern boundary of the lease area pursuant to resource consents RM071053, RM090922, RM100018 and RM100049 with approximately 30,000 clients per annum⁶.
79. Independent and commercial mountain biking commences within the lease area via Gondola assisted bike lift through the Skyline facilities. Resource consent RM110263 authorises Outside Sports Limited to operate six groups (7 clients + 1 guide per group) of guided mountain bikers through the Ben Lomond Bike Park utilising the Gondola for access.

⁴ Goal 3.2.5, Objective 3.2.5.1 and Policy 3.2.5.1.1 of the PDP Strategic Directions chapter.

⁵ Objective 6.3.1 and Policy 6.3.1.3

⁶ Independent Safety Review of Skyline Helipad by Andrew Shelley and Heather Andrews of Aviation Safety Management Systems Limited dated 25th August 2014 – Section 5.3.2, page 23, quoted figures from Trent Yeo.

80. G-Force Paragliding operate tandem paragliding flights launching near the north eastern boundary of the lease area and from a secondary site within the Department of Conservation Scenic Reserve approximately 280m horizontally and 100m vertically from the north western boundary of the lease area. All operations are within Designated airspace G756.
81. Non-commercial paragliding flights (all pilots must be accredited by a NZHGPA Instructor before they are allowed to fly within G756 airspace) operate from the same launch locations described above.
82. Collectively, the conglomeration of these activities and their associated built form is a direct contrast to the ONL classification in which the proposed site of the re-zoning sits. However, the existing level of development and indeed the prominence of it on Bob's Peak is widely recognised as a landmark feature and iconic tourist destination of Queenstown.
83. While the existing development of the site and certainly any future development that may be enabled by the proposed re-zoning do not align with the ONL policy direction the land area that is and will be affected by development is located within a corridor of urban development that is well constrained by the existing topography and vegetation. Accordingly, while development is and will be visible in the landscape it will not detract significantly from the wider and more broadly visible ONL that encapsulates the area subject to this Zone change.
84. Ms Snodgrass has detailed within her evidence how the area has the potential to absorb further change as sought by this re-zoning request.
85. I note that during the proceedings ENV – 2016 – CHC – 000107 the Council's consultant landscape architect Mr Richard Denney also confirmed that the site (the Skyline Lease Area in particular) "*has the ability to absorb further development subject to being sympathetic to the ONL context rather than duplicating existing adverse effects*"⁷.
86. Mr Denney's original landscape assessment in these proceedings also made comments about the areas ability to absorb further development. For example Mr Denney made the following comments:

"Further development as proposed would lead to further degradation of the natural values and the domestication of this landscape. I consider however that the existing development does not represent a threshold with respect to the sites ability to absorb further change. The site has been able to develop a node of buildings and landscape domestication within a prominent setting but within a contained area. Within that contained area I consider there is a limit to how much change the site can absorb. This is influenced by the nature of development design and its response and integration with

⁷ Evidence in Chief of Mr Richard Denney, Executive Summary paragraph 18, page 6, ENV – 2016 – CHC – 000107

the context it sits within and the tolerance of viewers and users to accept potential incremental degradation of the ONL to accommodate development. The site is also prone to some degree of change to its context with potential removal or part removal of the Douglas fir forest that would increase the presence and dominance of existing and proposed development and modification at the site. The proposed development of the upper terminal/restaurant building represents a large change to the site but is relatively contained to the lower part of the clearing on the ridge and within close context to existing and proposed development. I consider the ability of the site to absorb increased change needs to be augmented with a higher degree of design consideration to built form, landform modification and landscape mitigation in the ONL context to counter balance increased change through built form and domestication.” [My emphasis added].

87. Dr Read also considers that the ‘liberalisation’ of the controls over development in this location are appropriate although she is of the opinion that the provisions contained in the original submission were too liberal in light of the prominence of the site.
88. Since lodgement of the original submission and my involvement in the ENV – 2016 – CHC – 000107 proceedings I have had a chance to reflect on the appropriateness of the provisions previously put forward for development in the proposed CTRSZ and I agree that the provisions originally proposed are too liberal.
89. They were intended to replicate a similar set of planning provisions as which relate to the Ski Area Sub-Zones. One key matter that has changed my thinking is that while Ski Area Sub-Zones (“SASZ”) have a permissive Controlled Activity planning regime and are located within ONL’s they are generally not as prominent as the proposed CTRSZ.
90. For example, the Remarkables SASZ is generally only visible from several kilometres away in parts of the Wakatipu Basin or the Coronet Peak Road. Similarly, the Coronet Peak SASZ whilst an extensive area is set within a broad viewing catchment where most views are from the valley floor and separation distances are considerable.
91. In contrast, while I consider that liberalisation of the proposed CTRSZ has merit from a planning perspective this area is also located at a lower elevation and in closer proximity to public viewing locations which enhances the prominence of existing (and potential future) development.
92. Accordingly, I agree with all landscape architects that liberalisation is appropriate but a greater level of control is required to ensure that inappropriate development is not able to establish on the site.
93. In this regard, I have made revisions to the provisions for the CTRSZ such that:

- All buildings will be a Restricted Discretionary Activity;
 - Max height for buildings in the 'Bob's Peak Area' is 10m and above this a Discretionary Activity status will apply;
 - Max height for buildings in the 'Lower Terminal Area' is 17.5m and above this a Discretionary Activity status will apply;
 - Maximum building coverage within the 'Bob's Peak Area' of the Zone will be 35% and above this a Discretionary Activity Status will apply;
 - Passenger Lift Systems are Controlled Activities with a max height limit of 12m in the 'Bob's Peak Area' and above this a Discretionary Activity status will apply;
 - Forestry Activities remain a Controlled Activity.
94. While I have made the activity status for all buildings a minimum of Restricted Discretionary (subject to meeting the height requirements) I have chosen to retain the activity status for Passenger Lift Systems as Controlled.
95. My justification for retaining the Controlled Activity status for these elements is as follows. First, with respect to the gondola corridor it is my opinion that the presence of a gondola on the face of Bob's Peak is a well-established element within the landscape.
96. The location of any future gondola will be restricted to the corridor proposed in the plans in **Appendix [A]**. Accordingly, both the location and the extent of landscape and visual amenity effects that may arise from such development are well understood and to some degree are anticipated. In this regard, I consider that a Controlled Activity status with the specified matters of control is an appropriate planning response.
97. Second, and with respect to Passenger Lift Systems in the 'Bob's Peak Area' it is my opinion that the presence of such features in this area will not result in adverse effects on landscape and visual amenity to the same degree that the bulk of a future building will. In other words, they are less perceptible from outside of the subject site than a traditional building facade.
98. I do however consider that the taller they are the more prominent they will become on the skyline. Accordingly, I have proposed a reduction in the maximum height limit from 15m to 12m which is the maximum approximate height of the existing luge chair lift pylons.
99. This height limit in conjunction with the elements of control that have been proposed are in my opinion robust enough to ensure that potential adverse landscape and visual amenity effects of Passenger Lift Systems can be addressed at the time of resource consent.

100. One other key issue arising from the Council's approach to the District Plan Review is that if this Zoning is approved, the earthworks provisions in Chapter 22 of the Operative District Plan will not apply to the CTRSZ. As such, I have ensured that the Council's matters of Control and Discretion for buildings and Passenger Lift Systems all enable assessment of associated earthworks because landform modification in this environment is considered potentially as sensitive as the addition of built form.
101. I have retained the activity status for forestry activities as Controlled because the removal of the conifer trees in the Ben Lomond Reserve can occur at any time should the Council obtain an Outline Plan Approval pursuant to Designation #373.
102. Therefore, the potential landscape effects of a change in the backdrop to down town Queenstown and the associated issues of landscape rehabilitation and on-going control of conifer re-generation already exists by virtue of the Designation which has been proposed to 'Roll Over' under the PDP.
103. Further, I share the opinions of Dr Read that the wilding conifers are a serious threat to the ecological and landscape values of the District and enabling and promoting their removal will have positive effects. However, landscape mitigation is required to ensure that the backdrop to Queenstown is maintained or enhanced. My recommended provisions afford Council this control.
104. In addition, I would like to clarify my position regarding the application of the Landscape Categories and the landscape assessment matters to development within the proposed CTRSZ. In the SASZ hearings I agreed⁸ with Ms Banks⁹ that the landscape categories would continue to apply to the SASZ because they are a sub-zone of the Rural Zone.
105. It is therefore my opinion that if the CTRSZ is adopted the ONL landscape category would still be applicable as the CTRSZ is just a sub-zone to the Rural Zone.
106. I also acknowledge that Council have recommended changes to Rule 6.4.1.3 to identify the locations where the landscape assessment matters (as opposed to the landscape categories) do not apply. I also accepted this approach in the SASZ hearings.
107. At paragraph 4.41 of Skyline's submission it was proposed that Rule 6.4.1.3 not apply to the CTRSZ. For the reason's outlined above regarding the sites landscape sensitivity I consider that this Rule should be amended such that the application of the landscape assessment matters do not apply to Permitted, Controlled or Restricted Discretionary Activities in the CTRSZ.

⁸ Summary of Evidence of Sean Dent dated 9th May 2017, Hearing Stream T11

⁹ Strategic Evidence of Ms Banks, Hearing Stream T11, dated 10 March 2017 paragraph 11.13, page 25.

108. Accordingly, for all development that triggers a Discretionary Activity Consent i.e. buildings in excess of 10m, Passenger Lift Systems over 12m in height or exceedance of the maximum building coverage the full ambit of landscape assessment may be applied in recognition of the sensitivity of the site.
109. Further to all of the above the Council has an additional layer of protection under the Reserves Act 1977. Every part of the proposed CTRSZ will require a Lease or License from the Council to occupy and operate activities under the Reserves Act 1977 regardless of the grant of resource consent under the RMA.
110. Any approvals under the Reserve Act 1977 will need to be in accordance with the Ben Lomond and Queenstown Hill Reserve Management Plan and the Ben Lomond and Queenstown Hill Forestry Management Plans.
111. It is my opinion that any new Leases or Licenses will be subject to a publicly notified process under the Reserves Act. In the case of Skyline's existing Lease, all new buildings, activities and improvements require 'Lessor Approval' under the terms of their lease which can only be given by full Council.
112. I don't consider the above process to be a derogation of Council's functions and responsibilities under the RMA to another statutory process but it simply highlights there is a robust, participatory process the enables further scrutiny of any future development in the proposed CTRSZ notwithstanding the provisions of the PDP which may ultimately apply to them.
113. Based on the above and the general acceptance by Ms Snodgrass, Dr Read and to a lesser extent (only because his comments were in respect of a particular consent proposal) Mr Denney that the area is not at a threshold at which it can absorb further development, I consider the potential adverse landscape and visual amenity effects of the proposed CTRSZ are not significant.

Ecology

114. I have relied on the expert evidence presented by Mr Glenn Davis for the Council in respect of the effects of the proposed re-zoning on ecology. In short, Mr Davis does not oppose the proposed extension areas¹⁰.
115. It is my opinion that the proposed re-zoning will have small but valuable positive impacts for ecology. Specifically, the ability to remove wilding conifers within the gondola corridor area assists in removing a portion of the existing seed source that is emitting and spreading seed throughout the District.

¹⁰ Evidence of Glenn Davis dated 24th May 2017, page 28, Paragraphs 6.7 – 6.9.

116. Further, the elements of control and discretion retained by Council for landscape rehabilitation of harvested areas and landscaping associated with future buildings will enable ecological planting and enhancement in accordance with Objective 10.1 and Policies 10.1.1 (1 – 3) and Objective 10.2 and Policies 10.2.1 (1 – 3) of the Reserve Management Plan.
117. Overall, the proposed re-zoning is considered to have positive ecological effects.

Natural Hazards

118. Ms Evan's correctly identifies that the proposed re-zoning area is highlighted as being affected in part by a range of natural hazards including Aluvial Fan (Regional Scale), Active, Composite Landslide: Active Pre-Existing Schist debris Land Landslides, Landslide: Dorman Pre-Existing Schist Debris Landslides.
119. In addition, due to my involvement in the ENV – 2016 – CHC – 000107 proceedings I am aware that the discharge of storm water has the potential to cause debris flow initiation and there is also a high risk of fire particularly due to the location of power lines running through and on the periphery of the Ben Lomond Reserve.
120. However, through my experience in various applications and proceedings in respect of development proposals on behalf of both QLDC and Skyline¹¹ it is my opinion that there numerous engineering solutions and mitigation measures available to avoid remedy or mitigate the potential adverse effects of these hazards.
121. Specifically, reticulation of services such as storm water to Council reticulated pipes, under grounding power lines, investigation and application of retention measures to reduce the likelihood of rock fall and detailed foundation design and appropriate siting of buildings can all assist in avoiding or adequately mitigating the potential risk posed by the identified natural hazards.
122. As such, I have included as matters of discretion and control in the rules for buildings and Passenger Lift Systems a requirement to assess Natural Hazards at the time of future development.
123. Accordingly, I consider the potential adverse effects of the proposed re-zoning on natural hazards will not be significant.

¹¹ RM100777 application for helicopter landing area, RM160747 application for gondola replacement and expansion of restaurant facilities, RM160956 Outline Plan Approval for Forestry Activities, RM170147 application for replacement of luge chair lift.

Infrastructure

124. In forming my opinion on the suitability of the proposed re-zoning from an infrastructure perspective I have relied in part on the expert evidence of Mr Ulrich Glasner for QLDC and the expert evidence submitted in respect of these matters on Skyline's application to replace the gondola and expand the restaurant building ENV – 2016 – CHC – 000107. (I acknowledge the evidence submitted in these proceedings is related to a specific development proposal and not broad scale assessment of the re-zoning but due to the scale of that re-development I consider this evidence to be relevant.)
125. Mr Glasner correctly notes that both the Lower Terminal and Bob's Peak Areas of the CTRSZ are connected to Council potable water and waste water reticulation.
126. The potable water supply to the Bob's Peak Area is serviced by private infrastructure owned by Skyline which generally runs along the access road. Specifically, there is an existing 50mm steel pipe which connects a 22,500L storage tank to the QLDC reticulated supply in Lomond Crescent. From this storage tank water is pumped via a pump station located along the Skyline Access Road to three 22,500L storage tanks located between the Top Gondola terminal and the Top Luge Track station via a 50mm PVC pipe. A 50mm MDPE pipe connects the existing building to the storage tanks.
127. While the supply of existing potable water from the storage tanks to the existing restaurant building is at capacity (not the supply to the site) it is proposed to upgrade the 50mm MDPE pipe to the gondola / restaurant building to a 100mm pipe as part of the proposed Skyline re-development works. This will be at Skyline's expense.
128. Mr Glasner notes that potable water supply pressures are expected to remain the same Skyline's private pump station over time ensuring that adequate potable water supply can continue to be provided to the Bob's Peak Area.
129. At the Lower Terminal Currently there are two 20mm laterals which are connected to an existing Council owned 100mm water main located within the Brecon Street road reserve. The Paterson Pitts Group Infrastructure Report prepared for the Skyline redevelopment proposal (which seeks an increased Lower Terminal building footprint of 586m² to 1320m²) states this is adequate for the upgraded terminal proposed.
130. I don't anticipate any greater level of potable water demand will be required at this site in the future (it is earmarked for a parking building) and Mr Glasner also makes this assumption before confirming he does not oppose the proposed re-zoning.
131. In terms of fire-fighting supply the existing reticulated network on Brecon St provides adequate supply to the Lower Terminal Site and is not opposed by Mr Glasner.

132. The existing fire-fighting system on Bob's Beak comprises of an 1100m³ capacity reservoir which is supplied by a Permitted water take from the One Mile Creek. This in turn is connected to five 22,500L tanks and supplies a fire hydrant behind the existing restaurant building and an existing internal sprinkler system.
133. As part of the Skyline redevelopment proceedings ENV – 2016 – CHC – 000107 Olsson Fire & Risk assessed the fire-fighting supply and confirmed it sufficient to supply both the existing sprinkler system installed in the restaurant building and the fire hydrant behind the current gondola terminal. They have further confirmed that the existing storage capacity will be sufficient for the proposed extension to the Upper Terminal buildings comprising some 8,875m² of GFA (current is 3,986m²).
134. While there is no guarantee the redevelopment proposal will be granted, I consider that this existing assessment confirms there is sufficient private fire-fighting capacity to service substantial re-development in the proposed CTRSZ and there is no opposition from Mr Glasner on this matter.
135. Waste water is also disposed of from both the Bob's Peak Area and Lower Terminal Area to Council reticulated services.
136. The upper terminal is currently connected to the Council reticulated sewer system via a 150mm diameter pipe. The Paterson Pitts Group Infrastructure Report prepared for the Skyline redevelopment concludes that this pipe is adequate to handle wastewater from the substantial proposed extensions to the upper terminal, although it has recommend that the existing gradients are inspected in parts to determine if the pipe requires to be upgraded. Council's engineers have accepted this assessment.
137. The Lower Terminal Site is connected to an existing 150mm sewer main located within the Brecon Street Road Reserve. The Paterson Pitts Group Infrastructure Report prepared for Skyline redevelopment concludes that this connection is capable of handling the extra loads that could be generated by the proposed substantial extension to the Lower Terminal. This finding has been accepted by Council's engineer.¹²
138. While Mr Glasner notes that there may in fact be some downstream constraints around Marine Parade and Frankton Road these will be remediated by Council through its Long Term Plan.
139. Storm Water disposal from the Lower Terminal Site will be discharged to Councils reticulated system in Brecon Street. At the Bob's Peak site existing storm water discharge is put into the Ben Lomond Reserve in two separate locations.

¹² QLDC Engineering Report for RM160647, Warren Vermass dated 31.10.16, paragraph 2.17

140. Through the Skyline re-development proposal the discharge of storm water in this manner has been raised as a potential issue in that it could initiate debris flow initiation hazards. Further assessment is required of this matter although the experts in the ENV – 2016 – CHC – 000107 proceedings (Mr Faulkner of Geosolve Limited, Mr Wardill for QLDC and Dr Ben Massey of GNS on behalf of ORC) have confirmed that there are multiple engineering solutions to this matter.
141. Power is provided to the Bob's Peak Area and Lower Terminal Area via an overhead 11kVa power line. No issues have been raised with the power supply for the major expansion proceedings and no submissions have been received in opposition by the lines company or electricity providers. Therefore power supply to the proposed CTRSZ is not expected to be at capacity.
142. Similarly, telecommunications are available to both the Bob's Peak Area and Lower Terminal Site at present. As part of the Skyline re-development proceedings it is proposed to continue to run an overhead telecommunications cable between the two sites along the top of the gondola with the operator cabling. In addition, it was confirmed during these proceedings that fibre is available in Brecon Street and Lomond crescent and Skyline intends to run fibre up the Skyline Access Road.
143. Overall the proposed CTRSZ would appear to be capable of being serviced by existing infrastructure or minor upgrades made at Skyline's expense. Mr Glasner does not oppose the re-zoning from an infrastructure perspective however, I acknowledge that he has made some assumptions in his assessment. Similarly, I have also relied in part on the fact that the existing services can handle the proposed 5,000m² GFA (approximately) expansion of the restaurant building currently being sought by Skyline.
144. That is a specific application for resource consent and there is no guarantee that such will be granted by the Environment Court albeit it shows the ability for a substantial increase in demand for infrastructure services at the site to be adequately serviced.
145. Accordingly, while I accept Mr Glasner's overall opinion I also consider that it will be of some additional comfort to Council that the matters of discretion for future buildings include a requirement for an assessment of infrastructure servicing.
146. On this basis, I consider the potential effects of the proposed CTRSZ on infrastructure servicing will not be significant.

Traffic

147. Ms Banks has assessed the proposed CTRSZ on behalf of the Council in respect of traffic effects. Ms Banks opposes the re-zoning as there is a lack of information regarding the potential traffic demand and effects on the transportation network.

148. Historically, traffic and parking demand has been assessed based on the GFA of buildings used for commercial purposes.
149. I have no knowledge as to how Council intend to assess traffic generation in the future until the Transport Chapter is notified in one of the following stages of the District Plan Review.
150. It is also my understanding that if Council releases their decision on the CTRSZ before the Transport Chapter is assessed through the District Plan review there will effectively be no formal transport rules that apply to the proposed CTRSZ.
151. However, through my involvement in the Skyline proceedings ENV – 2016 – CHC – 000107 I have become aware that Council appears to be moving away from a crude GFA analysis to determine parking requirements.
152. Specifically, the PC50 land requires an Integrated Transport Assessment to determine the parking demand of future development within this Zone. The Skyline application also relied on an Integrated Transport Assessment as opposed to full compliance with the GFA car parking requirements of the ODP.
153. Such assessments take into consideration the impact of alternative transport modes such as walking and cycling and the effects of wider transport initiatives such as those contained in the Queenstown Town Centre Transport Strategy which seeks to reduce the amount of private vehicle use within the Queenstown Town Centre.
154. It is my opinion that Skyline is in close proximity to the existing Queenstown Town Centre. Currently survey's indicate that 53% of visitors walk to the Lower Terminal Site and it is understood that visitors to the Gondola also undertake 'link trips' to other activities and facilities within the Town Centre.
155. Accordingly, it is not necessary to provide more and more parking facilities for future development within the CTRSZ. However, I accept that in the absence of an amended transport chapter applying to this Zone it would be appropriate that future built form is required to assess the effects and requirements (if any) for car parking by way of an Integrated Transport Assessment.
156. Accordingly, I have proposed that the requirement for an Integrated Transport Assessment is a matter of discretion for the Council when considering new built form.
157. I understand through my involvement in the ENV – 2016 – CHC – 000107 proceedings there are no substantial numbers of car parking spaces available in close proximity to the CTRSZ to accommodate parking demand for Skyline.

158. However, a lease application has already been lodged for 8,361m² of land behind the lower terminal to construct a multi-level car park. A resource consent for the actual building which will contain approximately 449 parking spaces + coach parking will be lodged by my company on behalf of Skyline in the next two months.
159. I also understand that there is another private developer on Brecon Street seeking to establish a large car park building in close proximity to the proposed CTRSZ.
160. There is no certainty that either of those applications will be successful however, if one or both are granted they will be considered as a significant mitigating component in any future Integrated Transport Assessment.
161. On this basis, I consider that the proposed CRSZ is unlikely to have significant adverse effects on the transport network that cannot be addressed through a future consenting process.

Noise

162. Based on my experience in a range of helicopter landing area resource consent applications it is my opinion that the inclusion of NZS 6807:1994 in the PDP is the most appropriate method by which to measure and assess noise emissions from helicopters.
163. I agree with the evidence of Dr Chiles at paragraphs 4.3 to 4.6 of his evidence¹³ where he describes the ODP rules as a compromised position arrived at as a result of mediation for the Council's Plan Change 27A.
164. Specifically, the ODP Zone Standards as amended by PC27A requires that the assessment of noise from a helicopter landing area is to be assessed in accordance with NZS 6801:2008 and NZS 6802:2008.
165. It is my opinion that the assessment of helicopter noise pursuant to NZS 6802:2008 is incorrect and that in effect, there are no applicable noise rules for assessing helicopter noise under the Operative District Plan.
166. I come to this conclusion based on the following expert acoustic advice of Vern Goodwin provided to Commissioners David Whitney and Sally Middleton at the Council hearing for RM100777 (Skyline Helipad):

¹³ Statement of Evidence of Dr Chiles dated 17th August 2016

“To the extent it applies because of an amended District Plan Rule, NZS 6802:2008 was never intended to be applied to assessment of helicopter noise. This is explicit in the scope of the standard.”

The scope of NZS 6802:2008 states:

“1.2.1 This standard does not apply to the assessment of sound where the source is within the scope of and subject to, the application of other New Zealand Acoustical Standards, except as provided for in 1.2.3 and 1.2.4. In particular, assessment of specific sources of sound including road or rail transport, flight operations of fixed or rotary winged aircraft associated with airports or helicopter landing areas, construction, port noise, wind turbine generators and impulsive sound (such as gunfire and blasting), requires special techniques that generally are outside the scope of this Standard. This Standard covers air borne sound, but does not cover structure borne sound and vibration”. [My emphasis added].

167. Zone Standard 5.3.5.2(v) of the Operative District Plan does not specifically state that this Section of NZS 6802 does not apply, is to be disregarded or read as subordinate to the District Plan rules.
168. So in effect, Zone Standard 5.3.5.2(v) incorrectly requires the assessment of helicopter noise via the general noise standards notwithstanding the express limitations of NZS 6802:2008.
169. My opinion that there is therefore no applicable noise rule in the ODP by which to assess helicopter noise has been confirmed in the past by Commissioners Matthews and Overton in their decision on the Arthurs Point helicopter landing area application RM080434.
170. Notwithstanding that the Zone Standard that applied at that time used NZS 6801 and 6802 1991 the same restriction in the scope of the NZS 6802:2008 detailed above was contained within the scope of NZS 6802:1991. As such the mandatory measuring standard stipulated in the District Plan was inapplicable and could not be used. The commissioners went on to state:

“It follows that there is no Zone Standard relating to noise which is of relevance, and accordingly, as the application complies with all other Zone Standards, it is to be treated as an application for a Discretionary Activity.”¹⁴

171. I note that this position has again been validated by Commissioner Henderson in his decision on RM1407048¹⁵ for helicopter flights at Cedar Lodge in Makarora where he agreed with the same

¹⁴ RM080434 Decision of Commissioners Matthew and Overton, page 3.

¹⁵ RM140704 Decision of Commissioner Henderson, Paragraphs 58 – 60, page 12

abovementioned arguments which this time were put forward by Mr Malcolm Hunt (acoustic consultant) and agreed upon by myself and the reporting planner for the Council Mr Richard Kemp.

172. Dr Chiles agrees with the abovementioned issues as outlined in Section 13 of his evidence on Hearing Stream 05.
173. In terms of the appropriate noise standard to utilise for assessment of helicopter noise I have worked with and/or been involved in the assessment of helicopter landing applications by a number of New Zealand's practising acoustic consultants.¹⁶
174. I am not aware of any helicopter landing area application where these acoustic consultants have recommended the use of any other standard for the assessment of helicopter noise.
175. The standard is also widely accepted by the Environment Court¹⁷ and already in use by a number of other territorial authorities in their respective District Plans. Specifically, the following Council's use NZS 6807:1994:
- Southland District Council;¹⁸
 - Hamilton City District Council;¹⁹ and
 - Hastings District Council.²⁰
176. Accordingly, I am of the opinion that the application of NZS 6807:1994 to the assessment of helicopter noise is the most appropriate method of assessment.
177. As noted above Skyline seeks a new CTRSZ over the developed area at Bob's Peak inclusive of the existing heli pad. The proposed CTRSZ also makes provision for additional land area which may be suitable for a potential future helicopter landing area further away from Ziptrek. Skyline's submission sought the implementation of a new noise rule that specifically addressed the noise limits applied to the Skyline heli pad through the resource consent and subsequent Environment Court hearing.
178. The Skyline helicopter landing area is unique. It is located within a part of the PDP's Rural Zone and ONL despite the level of built form, commercial and commercial recreation activities in this area being totally uncharacteristic of the ONL qualities generally anticipated by the PDP.

¹⁶ *Jeremy Trevathan – Acoustic Engineering Services, Malcolm Hunt – Malcolm Hunt & Associates, Nevil Hegley – Hegley Acoustics Limited, Vern Goodwin - & Chris Day – Marshall Day Acoustics.*

¹⁷ *ENV-2011-CHC-130 – Skyline Enterprises Limited Helicopter Landing Area*

¹⁸ *Southland Proposed District Plan Rule NZSE.6, Section 2.11 District Wide Provisions (not subject to appeal)*

¹⁹ *Hamilton City Proposed District Plan, Rule 25.8.3.5 (not subject to appeal)*

²⁰ *Operative Hastings District Plan, Noise Chapter Rule 14.2.9.7(a).*

179. There are to my knowledge, no other helicopter landing areas located in such an environment anywhere else in the Queenstown Lakes District and therefore, I consider that it is appropriate that the noise limits of this helicopter landing area are afforded specific recognition in the PDP. I note that this is in direct contrast to the opinion of Dr Chiles²¹ and Ms Evans²².
180. Dr Chiles also points out that the noise limit sought by Skyline Enterprises Limited (65 dB L_{dn}) being the limit of acceptability for commercial areas in NZS 6807:1994 is higher than that which the Environment Court ultimately considered appropriate in their final decision on the helicopter landing area. In this regard, he is correct but I wish to clarify that this was the noise limit currently under consideration by the Court at the time I drafted Skyline's submission and before the Environment Court issued their final decision.
181. The problem with the noise limits for the Skyline helicopter landing area during the course of the Environment Court proceedings was that the District Plan Zone Standard for noise was not applicable for the reasons outlined above.
182. Further, the Skyline helicopter landing area was also located within Designation 248 of the ODP. Notwithstanding that Skyline were not the requiring authority nor are helicopter landing areas specifically provided for under this Designation, the noise limits set out within the Designation Conditions²³ specified a noise limit of 55 dB L₁₀ which has the same issues of applicability to helicopter noise as discussed above.
183. In addition, the Reserve Management Plan whilst specifically providing for helicopter operations at the subject site also does not specify an appropriate noise limit and the limits of acceptability in NZS 6807:1994 do not provide a specific recommendation for helicopter noise within a commercial recreation area or Recreation Reserve. Specifically, NZS 6807:1994 provides for 50dB L_{dn} at residential areas and 65 dB L_{dn} at commercial areas.
184. Skyline's expert witnesses considered that the area containing the helicopter landing area and its immediate periphery were 'commercial' by nature and deserved the applicable 65 dB L_{dn} noise limit.
185. ZJV (NZ) Limited's (the appellant) experts considered that a noise limit between the residential and commercial limits was acceptable given the historical use of the site for the activity and proposed 60 dB L_{dn}. The section 274 parties –Arthurs Point Protection Society and Clive Manners-Wood sought an outright refusal of the consent and subsequently no helicopter noise.

²¹ Evidence of Dr Chiles, paragraph 13.3

²² Section 42A Report, Ms Evans Paragraph 8.48.

²³ Operative Queenstown Lakes District Plan, Designations Chapter part (g) condition 9 page A1-88

186. The matter was the result of much disagreement and only second to the operational safety considerations. Ultimately, the Environment Court agreed that ZJV (NZ) Limited were most affected by the noise (and were the only commercial operator at Skyline opposed to the operation of the helicopter landing area) and imposed a more conservative 60 dB L_{dn} noise limit. Due to the proximity that Ziptrek constructed their top tree house to the existing helicopter landing area this noise limit currently equates to four flights per day of an AS350 B2 squirrel.
187. Given that there is no other statutory document or relevant standard that provides specific guidance on the relevant noise limits that would apply to this unique helicopter landing area it is my opinion that the PDP should recognise the significant assessment of the Environment Court on this matter and apply the 60 dB L_{dn} noise limit. This will greatly assist administrators of the District Plan in considering any future resource consent application for an informal airport in the vicinity of the CTRSZ.
188. Accordingly, I recommend that the proposed noise Rule 36.5.13 be amended as illustrated below:

Rule-Numbers	Standard	Assessment-locations	Time	Noise-limits	Non-compliance-status
36.5.13(a)	<p>Helicopters</p> <p>Sound from any helicopter landing area must be measured and assessed in accordance with NZ 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.</p> <p>Sound from helicopter landing areas must comply with the limits of acceptability set out in Table 1 of NZS 6807, with the exception of any helicopter landing area operated within the Ben Lomond Recreation Reserve or Ben Lomond Scenic Reserve.</p> <p>For the avoidance of doubt this rule does not apply to designated airports.</p>	<p>At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.</p> <p>*Note: The applicable noise limit in this rule and in rule 36.5.14 below for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</p>	At all times	50 dB L _{dn}	NC
36.5.13(b)	<p>Sound from any helicopter landing area operated within the Ben Lomond Recreation Reserve or Ben Lomond Scenic Reserve must be measured and assessed in accordance with NZ 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.</p>	<p>5m West of the entrance to the Zip-Trak platform on the Skyline Access Road.</p>	At all times	60 dB L _{dn}	NC

189. The proposed changes afford certainty to the administrators of the District Plan and general users of the Ben Lomond Recreation Reserve as to what the expected noise limit at this locality will be and assures Ziptrek that they will not receive any greater noise level than which is presently authorised by the Environment Court's decision.
190. I have referred to both the Ben Lomond Recreation Reserve and Ben Lomond Scenic Reserve in the proposed Rule because a specified area is needed to apply to my proposed Rule. While the scope sounds large, the only place a helicopter landing area is presently enabled within the Ben Lomond

Recreation Reserve is the existing Skyline helicopter landing area by virtue of the Reserve Management Plan²⁴.

191. Accordingly, there can be no proliferation of helicopter landing areas within this Reserve and well beyond the existing developed facilities on Bob's Peak unless authorised as part of the review of the Reserve Management Plan which requires public consultation pursuant to Section 119 of the Reserves Act 1977.
192. It is my view that if an alternative helicopter landing area is identified through the Reserve Management Plan review process it will result in the removal of rights to operate the current helicopter landing area. Quite simply, in my experience in the litigation on this matter it is highly unlikely that a second helicopter landing area would ever be approved due to public opposition.
193. The reference to the Bob's Peak Scenic Reserve is to enable Skyline flexibility to consider an alternative helicopter landing area to the present helipad on the periphery of their existing lease area.
194. Again, this is a potentially broad area but the Council can be assured that there is a separate statutory process required under the Conservation Act 1987 before such a facility could be constructed and operated. As such, the effects on this Scenic Reserve will be well considered by the Department of Conservation and again, as a result of the aircraft landing policies in the recently released Conservation Management Strategy it is my professional opinion that any more than one helicopter landing area in this reserve would be unlikely to be approved. At the same time Ziptrek is still assured of receiving no greater noise than is currently the case under the existing environment.
195. The proposed noise Rule could refer to helicopter landing areas in the CTRSZ as the existing helicopter landing area is fully within the proposed zone and an area above the fire ponds has been identified as a potential location for a future helicopter landing area and included in the Zone boundary.
196. However, any possible relocation of the helicopter landing area is at a very preliminary phase and if ever likely to be realised will require detailed engagement with other commercial operators, and statutory organisations such as the Department of Conservation and the Civil Aviation Authority.
197. Accordingly, such engagement (and assessment) by these agencies could result in a future helicopter landing area being located elsewhere within the proposed CTRSZ or on its periphery and I therefore consider it prudent to keep the application of the appropriate noise limit for such activity broader than the proposed Zone boundary itself.

²⁴ Ben Lomond & Queenstown Hill Reserve Management Plan, Policy 9.3.10 page 32.

Assessment of Opposing Submissions

198. The proposed CTRSZ has been opposed by two parties – ZJV (NZ) Limited (“Ziptrek”) FS1370.1 and Peter Fleming & Others FS1063.23.

Ziptrek

199. Ziptrek submit that the proposed CTRSZ could obstruct, hinder or prevent their existing and future commercial recreation activities. Ziptrek also claim to be unaware of the activities proposed by Skyline and the areas in which they may be proposed due to inadequacy of the maps contained in the submission.
200. First, the CTRSZ area has been more clearly articulated in the survey plans contained in **Appendix [A]**. These plans also illustrate that the proposed zoning will encompass Ziptrek’s top tree house platform.
201. The proposed zoning seeks to liberalise the planning controls for built form and enable commercial and commercial recreation activities to be carried out within the CTRSZ as Permitted Activities.
202. The proposed zoning is considered to be of some benefit to Ziptrek (should they wish to re-develop the area around and containing the top tree house deck). The change in zoning will not extinguish or derogate Ziptrek’s rights to carry out their lawfully established commercial recreation activities.
203. Ziptrek have outlined that the proposal (in respect of the noise rules) is inconsistent with the decision of the Environment Court on the Skyline helicopter landing area. This matter has been clarified above at paragraphs 154 – 189.
204. Ziptrek were also concerned with the ‘liberal’ nature of the proposed planning provisions due to the ONL status of the landscape. As identified within my evidence I have accepted the evidence of Ms Snodgrass and Dr Read (and to a lesser degree Mr Denney) that more control is necessary and have amended the activity status for future built form to Restricted Discretionary.
205. I consider that the concerns of Ziptrek are appropriately addressed. Notwithstanding this, I have identified above that any utilisation of the CTRSZ outside of Skyline’s current Lease boundary will require either a new Lease under the Reserves Act 1977 or a Concession pursuant to the Conservation Act 1987.
206. Such processes are likely to publicly notified affording Ziptrek the opportunity to participate in any change in use or expanded area of commercial and commercial recreation activity sought in these areas.

Peter Fleming and Others

207. In regards to this submission I am somewhat concerned that Mr Flemming has identified himself “& others” as the submitters. It is my opinion that a submission must clearly identify the parties which are represented by its contents.
208. In this case, the further submission I have received identifies only Mr Fleming and is signed only by himself. While I acknowledge that Mr Fleming is fully within his rights to appear in support of his submission with or without expert witnesses and legal counsel I don’t consider it appropriate for other unidentified parties to become a party to what is clearly a personal submission.
209. Notwithstanding the above, Mr Flemming is concerned with a lack of information, cumulative effects, blocking of sunlight and views and leasing of what he describes as conservation land from the QLDC.
210. In regards to these matters I consider that the intention of the CTRSZ was clear in the original submission and this evidence and its attachments provide greater clarity on its intentions and application.
211. I accept that cumulative effects and effects on landscape and visual amenity (including views and potential shading) are relevant considerations and have amended my proposed provisions to afford Council greater control over future built form within the proposed zone with a Restricted Discretionary Activity status.
212. In regards to leasing of conservation land any such Lease would be from the Department of Conservation if it involved use and occupation of the Ben Lomond Scenic Reserve which is Public Conservation Land administered by the Department of Conservation.
213. Any Lease of land in the Ben Lomond Recreation Reserve would be issued by QLDC who are the administrators of this Council Reserve.
214. As identified in response to Ziptrek’s submission above, such processes are likely to publicly notified affording Mr Flemming the opportunity to participate in any change in use or expanded area of commercial and commercial recreation activity sought in these areas.
215. Overall, I consider that Mr Flemming’s concerns are appropriately addressed.

Section 32AA Evaluation

216. Section 32AA of the Resource Management Act requires that a further evaluation is required for any changes made to or proposed since Section 32 evaluation report for a proposed plan was completed.

Essentially assessment under Section 32AA of the Act is a comprehensive evaluation of the proposed changes.

217. Such an evaluation must:
- Be undertaken at a level of detail that corresponds with the scale and significance of the changes;
 - Be published in an evaluation report made available for public inspection at the same time as the decision on a proposal is publicly notified; or
 - Be referred to in the decision making record in sufficient detail to demonstrate that a further evaluation was undertaken in accordance with this Section of the Act and
 - A specific evaluation report does not need to be prepared if a further evaluation is undertaken within the decision making record.
218. I have not prepared a standalone Section 32AA evaluation report for the proposed CTRSZ. However, I consider that I have demonstrated within the body of my evidence that the proposed provisions and the change in Zoning are the most appropriate way to achieve the purpose of the Act.
219. I have identified that the proposed zoning and associated provisions are the most efficient and effective way to achieve the proposed Objectives and Policies. The costs and benefits of the proposal have been identified and my assessment contains a level of detail that corresponds to the scale and significance of the re-zoning proposal.
220. I note that Ms Evans has raised the point that Council is trying to avoid 'bespoke' or site specific zoning in the PDP and therefore considers that the addition of a specific Policy recognising the modified nature of Bob's Peak would be more appropriate than the proposed rezoning²⁵.
221. In my opinion, and as demonstrated in the body of my evidence it is unlikely given the notified provisions of the PDP that are almost entirely set on protection and avoidance of adverse effects on the rural landscape and the ONL that the addition of a single additional Policy would result in a more efficient and effective planning approach.
222. Such a Policy would not remove the application of the landscape assessment matters and would not remove the requirement for resource consents to be obtained for commercial and commercial recreation activities.

²⁵ Evidence of Ms Evans, Group 1A Queenstown Business and Industrial, paragraphs 8.20 to 8.24

223. In my opinion, the subject site is unique and the application of a bespoke sub-zone is justified. Ms Banks suggestion that application of such a zone could be appropriate to apply to other existing commercial adventure tourism operations is not robust – there are no other commercial tourism and recreation facilities that I am aware of located in an ONL at the same scale and nature as that which presently exists at Skyline.
224. Rejecting the proposed re-zoning on this basis does not recognise the substantial costs of obtaining resource consent on Rural ONL land in this District. Any application of a reasonable size or impact (as determined by subjective judgement of the processing staff) is likely to be publicly notified²⁶. As examples, both the Skyline helicopter landing area and the Skyline gondola and restaurant re-development have involved litigation arising from public notification costing the submitter six figure sums for each application and collectively years of litigation.
225. When the landscape, infrastructure, hazards, parking and noise effects of the proposed CTRSZ have been demonstrated to be appropriate on a broad scale and the recommended provisions afford Council sufficient control and discretion to manage potential adverse environmental effects of future development the continued likelihood of costs and processing time frames of this magnitude would be unwarranted and inefficient.
226. Notwithstanding this, the proposed re-zoning and assessment under Section 32 is as much an assessment of the policy framework as it is an assessment adverse effects.
227. The analysis required under Section 32 is much broader than that required for assessment of a resource consent and looks at the overall suitability of the sites as a whole rather than on an individual resource consent basis.

Summary

228. Overall, the proposed re-zoning is considered to be more efficient and effective than the notified Rural ONL Zoning.
229. Ms Snodgrass has confirmed that the landscape effects of development in this area are acceptable and Dr Read also shares this opinion - although recommended a higher activity status for built form which has been addressed.
230. The proposed CTRSZ will ensure that built form, commercial, commercial recreation and forestry activities undertaken within the Zone achieve the Objective 21.2.9 and Policies 21.2.9.1, 21.2.9.2 and 29.2.9.4 with regards to ensuring commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.

²⁶ *Skyline Helicopter Landing Area, Skyline expansion of the Gondola and Restaurant*

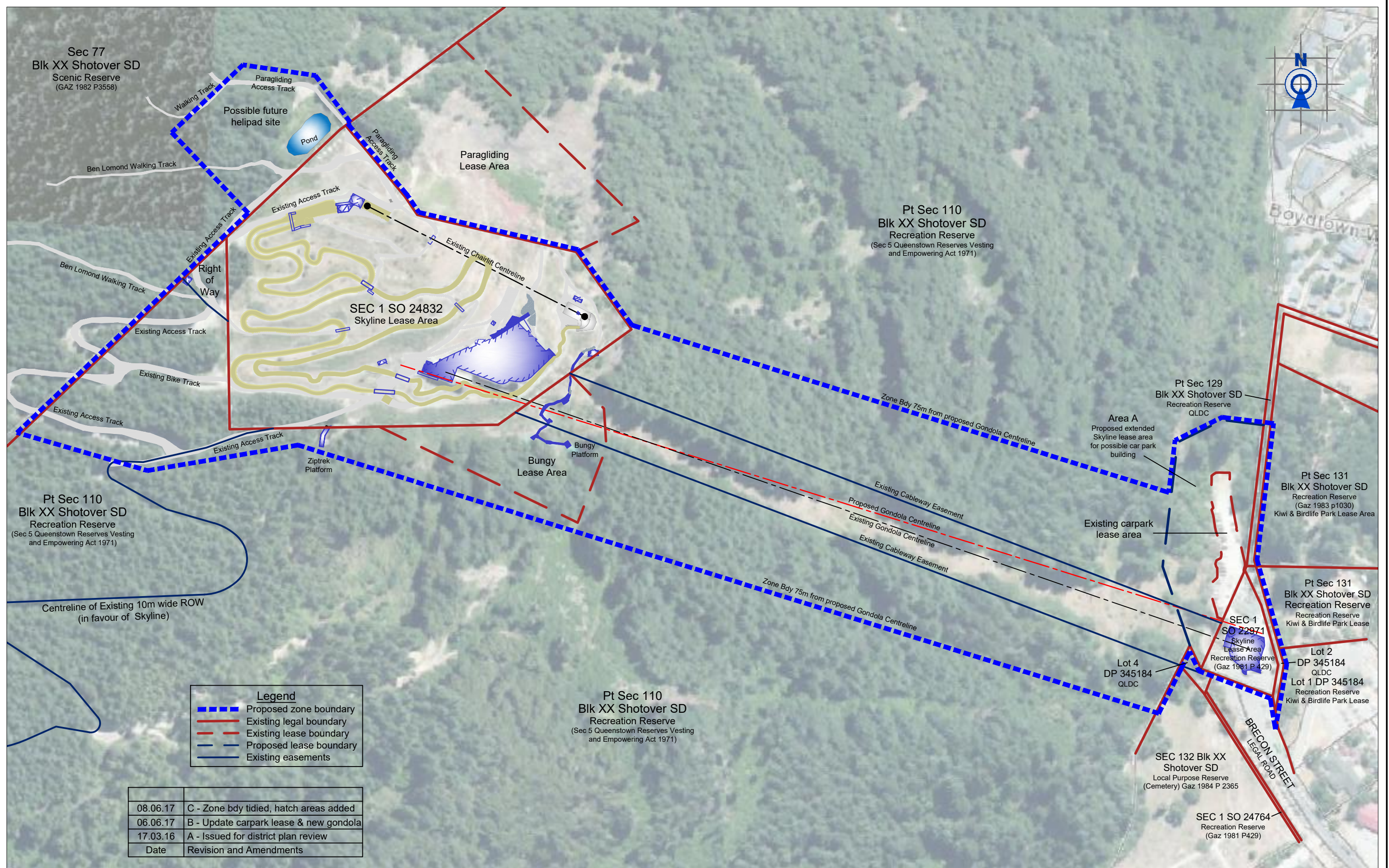
231. The proposed new Objective and Policies for this area of re-zoning are in accordance with the higher order Strategic and Landscape provisions of the PDP. Specifically, the outcome of these Objectives and Policies does enable development within the subject site and recognises that the CTRSZ is an exceptional and unique situation in respect of the Districts ONL²⁷.
232. The Policies direct that while development should be enabled it must also be cognisant of the landscape and visual amenity values and therefore directs consideration of visual impact, prominence and landscape rehabilitation to form part of the decision making process..
233. These requirements are implemented through the proposed Rules which afford Council discretion over the size, location, external appearance, and height of future built form as well as consideration of earthworks and associated landscaping.
234. It is my opinion, based on the landscape advice of Ms Snodgrass that this heirarchical structure of proposed Zone provisions accords with key Strategic provisions such as Goal 3.2.5 – *Our distinctive landscapes are protected from inappropriate development* and supporting Objective 3.2.5.1 and 3.2.5.2.
235. The proposed re-zoning is to recognise the importance of a unique tourism activity that contributes significantly to the local economy. The rezoning will not fragment the key business or residential areas of the District and will not establish new corridors or areas of urban growth within the rural environment.
236. Accordingly, the proposed Zone is unlikely to result in a precedent for other commercial tourism providers to seek similar zoning provisions.
237. The proposal therefore accords with Strategic provisions such as Goal 3.2.1 – *Develop a prosperous, resilient and equitable economy* and supporting Policies 3.2.1.1.1 and Objective 3.2.1.4.
238. Overall, the proposed re-zoning enables a more efficient and effective use of the land than retaining it within the Rural ONL Zone while at the same time adequately mitigating the potential adverse effects on landscape, indigenous biodiversity, natural hazards and infrastructure.
239. As such, I consider that the proposal accords with the direction of the higher order Statutory documents and the purpose and principles of the RMA.



Sean Dent

9th June 2017

²⁷ Objective 6.3.1 and Policy 6.3.1.3



Legend

- ▬▬▬▬ Proposed zone boundary
- ▬▬▬▬ Existing legal boundary
- - - - - Existing lease boundary
- - - - - Proposed lease boundary
- ▬▬▬▬ Existing easements

Date	Revision and Amendments
08.06.17	C - Zone bdy tidied, hatch areas added
06.06.17	B - Update carpark lease & new gondola
17.03.16	A - Issued for district plan review

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Client/Location:
SKYLINE ENTERPRISES LIMITED
53 BRECON STREET, QUEENSTOWN

Purpose/Drawing Title:
QLDC PROPOSED DISTRICT PLAN
PROPOSED COMMERCIAL RECREATION
AND TOURISM SUB-ZONE BOUNDARY

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Surveyed by:	LR 2010-2016	Original Size:	A3	Scale:	1:2500
Designed by:					
Drawn by:	SM Feb 2016				
Checked by:	SM Mar 2016				
Approved by:					DO NOT SCALE
Job No:	Q4115J - 14	Sheet No:	09	Revision No:	C
				Date Created:	08/06/2017

Sean Dent

From: wildlife@kiwibird.co.nz
Sent: Friday, 31 March 2017 9:35 a.m.
To: Sean Dent
Subject: RE: Skyline - Lease Application for Car Park Site



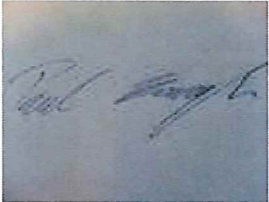
31/03/17

Kiwi Birdlife Park acknowledge SEL's need to develop additional car parking space as part of their proposed development (resource consent RM160647).

We support their application once the terms of our agreement (matter 16004021, signed 28 March 2017) are met, we are kept abreast of developments and noise limit regulations are adhered to as much as possible.

Kind regards,

Paul Kavanagh



Paul Kavanagh Bsc Zool (Hons)
Park Manager
Kiwi Birdlife Park
Brecon St, Queenstown
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Paul Kavanagh Bsc Zool (Hons)
Park Manager
Kiwi Birdlife Park

21 Rural Zone

21.1 Zone Purpose

The purpose of the Rural zone is to enable farming activities while protecting, maintaining and enhancing landscape values, nature conservation values, the soil and water resource and rural amenity.

A wide range of productive activities occur in the Rural Zone and because the majority of the District's distinctive landscapes comprising open spaces, lakes and rivers with high visual quality and cultural value are located in the Rural Zone, there also exists the desire for rural living, recreation, commercial and tourism activities.

Ski Area Sub Zones and a Commercial Tourism and Recreation Sub Zone are located within the Rural Zone. These sub zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area and Commercial Tourism and Recreation Sub Zones is to enable the continued development of Ski Area Activities and commercial tourism and recreation within the identified sub zones where the effects of such the development development and use would be cumulatively minor.

In addition, the Rural Industrial Sub Zone includes established industrial activities that are based on rural resources or support farming and rural productive activities.

A substantial proportion of the Outstanding Natural Landscapes of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of farm properties that utilise the qualities that make them so valuable.

The Gibbston Valley is recognised as a Special Character Area for viticulture production and the management of this area is provided for in Chapter 23.

Pursuant to Section 86(b)(3) of the RMA, the following rules that protect or relate to water have immediate legal effect:

- 21.4.24 and all rules in Table 9: Activities on the surface of lakes and rivers.
- 21.5.4: Setback of buildings from water bodies.
- 21.5.7: Dairy farming grazing within the bed or margin of a water body.
- 21.4.30 (b) and 21.4.32: Suction dredge mining.

21.2 Objectives and Policies

21.2.1 Objective - Enable farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

Policies

- 21.2.1.1 Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.
- 21.2.1.2 Provide for Farm Buildings associated with larger landholdings where the location, scale and colour of the buildings will not adversely affect landscape values.
- 21.2.1.3 Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual

amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.

21.2.1.4 Minimise the dust, visual, noise and odour effects of activities by requiring facilities to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.

21.2.1.5 Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or the night sky.

21.2.1.6 Avoid adverse cumulative impacts on ecosystem services and nature conservation values.

21.2.1.7 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua.

21.2.1.8 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.

21.2.2 **Objective - Sustain the life supporting capacity of soils.**

Policies

21.2.2.1 Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner.

21.2.2.2 Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.

21.2.2.3 Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of recognised wilding exotic trees with the potential to spread and naturalise.

21.2.3 **Objective - Safeguard the life supporting capacity of water through the integrated management of the effects of activities.**

Policies

21.2.3.1 In conjunction with the Otago Regional Council, regional plans and strategies:

- Encourage activities that use water efficiently, thereby conserving water quality and quantity;
- Discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.

21.2.4 **Objective - Manage situations where sensitive activities conflict with existing and anticipated activities in the Rural Zone.**

Policies

21.2.4.1 Recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.

21.2.4.2 Control the location and type of non-farming activities in the Rural Zone, to minimise or avoid conflict with activities that may not be compatible with permitted or established activities.

21.2.5 **Objective - Recognise for and provide opportunities for mineral extraction providing the location, scale and effects would not degrade amenity, water, landscape and indigenous biodiversity values.**

Policies

- 21.2.5.1 Recognise the importance and economic value of locally sourced high-quality gravel, rock and other minerals for road making and construction activities.
- 21.2.5.2 Recognise prospecting and small scale recreational gold mining as activities with limited environmental impact.
- 21.2.5.3 Ensure that during and following the conclusion of mineral extractive activities, sites are progressively rehabilitated in a planned and co-ordinated manner, to enable the establishment of a land use appropriate to the area.
- 21.2.5.4 Ensure potential adverse effects of large-scale extractive activities (including mineral exploration) are avoided or remedied, particularly where those activities have potential to degrade landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water.
- 21.2.6 **Objective - Encourage the future growth, development and consolidation of existing Ski Areas within identified Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.**

Policies

- 21.2.6.1 Identify Ski Field Sub Zones and encourage Ski Area Activities to locate and consolidate within the sub zones.
- 21.2.6.2 Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.
- 21.2.6.3 Provide for the continuation of existing vehicle testing facilities within the Waiorau Snow Farm Ski Area Sub Zone on the basis the landscape and indigenous biodiversity values are not further degraded.
- 21.2.7 **Objective - Separate activities sensitive to aircraft noise from existing airports through:**
- **Wanaka: Retention of an area containing activities that are not sensitive to aircraft noise, within an airport's Outer Control Boundary, to act as a buffer between airports and activities sensitive to aircraft noise (ASAN).**
 - **Queenstown: Retention of an area for Airport related activities or where appropriate an area for activities not sensitive to aircraft noise within an airport's Outer Control Boundary to act as a buffer between airports and other land use activities.**

Policies

- 21.2.7.1 Prohibit all new Activity Sensitive to Aircraft Noise (ASAN) on rural zoned land within the Outer Control Boundary (OCB) at Queenstown Airport and Wanaka Airport to avoid adverse effects arising from aircraft operations on future Activity Sensitive to Aircraft Noise (ASAN).
- 21.2.7.2 Identify and maintain areas containing activities that are not sensitive to aircraft noise, within an airport's outer control boundary, to act as a buffer between the airport and activities sensitive to aircraft noise.
- 21.2.7.3 Retain open space within the outer control boundary of airports in order to provide a buffer, particularly for safety and noise purposes, between the airport and other activities.
- 21.2.7.4 Require as necessary mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary and require sound insulation and mechanical ventilation for any alterations or additions to Critical Listening

Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.

21.2.8 Objective - Avoid subdivision and development in areas that are identified as being unsuitable for development.

Policies

21.2.8.1 Assess subdivision and development proposals against the applicable District Wide chapters, in particular, the objectives and policies of the Natural Hazards and Landscape chapters.

21.2.8.2 Prevent subdivision and development within the building restriction areas identified on the District Plan maps, in particular:

- a. In the Glenorchy area, protect the heritage value of the visually sensitive Bible Face landform from building and development and to maintain the rural backdrop that the Bible Face provides to the Glenorchy Township.
- b. In Ferry Hill, within the building line restriction identified on the planning maps.

21.2.9 Objective - Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.

Policies

21.2.9.1 Commercial activities in the Rural Zone should have a genuine link with the rural land resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.

21.2.9.2 Avoid the establishment of commercial, retail and industrial activities where they would degrade rural quality or character, amenity values and landscape values.

21.2.9.3 Encourage forestry to be consistent with topography and vegetation patterns, to locate outside of the Outstanding Natural Features and Landscapes, and ensure forestry does not degrade the landscape character or visual amenity values of the Rural Landscape.

21.2.9.4 Ensure forestry harvesting avoids adverse effects with regards to siltation and erosion and sites are rehabilitated to minimise runoff, erosion and effects on landscape values.

21.2.9.5 Limit forestry to species that do not have any potential to spread and naturalise.

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.

21.2.10 Objective - Recognise the potential for diversification of farms that utilises the natural or physical resources of farms and supports the sustainability of farming activities.

21.2.10.1 Encourage revenue producing activities that can support the long term sustainability of farms in 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 values.

21.2.10.3 Recognise that the establishment of complementary activities such as commercial recreation or visitor accommodation located within farms may enable landscape values to be sustained in the longer term. Such positive effects should be taken into account in the assessment of any resource consent applications.

21.2.11 Objective - Manage the location, scale and intensity of informal airports.

Policies

- 21.2.11.1 Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to minimise adverse effects on the surrounding rural amenity.
- 21.2.11.2 Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.
- 21.2.12 **Objective - Protect, maintain or enhance the surface of lakes and rivers and their margins.**

Policies

- 21.2.12.1 Have regard to statutory obligations, the spiritual beliefs, cultural traditions and practices of Tangata Whenua where activities are undertaken on the surface of lakes and rivers and their margins.
- 21.2.12.2 Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.
- 21.2.12.3 Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft in areas of high passive recreational use, significant nature conservation values and wildlife habitat.
- 21.2.12.4 Recognise the whitewater values of the District's rivers and, in particular, the values of the Kawarau and Shotover Rivers as two of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.
- 21.2.12.5 Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins, with particular regard to places with nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.
- 21.2.12.6 Recognise and provide for the maintenance and enhancement of public access to and enjoyment of the margins of the lakes and rivers.
- 21.2.12.7 Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided or mitigated.
- 21.2.12.8 Encourage the development and use of marinas in a way that avoids or, where necessary, remedies and mitigates adverse effects on the environment.
- 21.2.12.9 Take into account the potential adverse effects on nature conservation values from the boat wake of commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.
- 21.2.12.10 Ensure that the nature, scale and number of commercial boating operators and/or commercial boats on waterbodies do not exceed levels where the safety of passengers and other users of the water body cannot be assured.
- 21.2.13 **Objective - Enable rural industrial activities within the Rural Industrial Sub Zones, that support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.**

Policies

- 21.2.13.1 Provide for rural industrial activities and buildings within established nodes of industrial development while protecting, maintaining and enhancing landscape and amenity values.

RURAL ZONE 21

21.2.13.2 Provide for limited retail and administrative activities within the Rural Industrial Sub Zone on the basis it is directly associated with and ancillary to the Rural Industrial Activity on the site.

21.2.14 **Objective - Enable the future growth, development and use of the Commercial Tourism and Recreation Sub-Zone, subject to while maintaining the landscape and amenity values of the surrounding ONL, avoiding, remedying or mitigating adverse effects on the environment.**

Policies

21.2.14.1 Identify the Commercial Tourism and Recreation Sub-Zone on the Districts Planning Map and enable its development and use for commercial and commercial recreation activities that support the growth of both domestic and international tourism.

21.2.14.2 Control the visual impact of buildings, passenger lift systems, chairlifts and infrastructure associated with commercial and commercial recreation activities;

21.2.14.3 Ensure that buildings, passenger lift systems, chairlifts and infrastructure associated with commercial and commercial recreation activities are not highly prominent on the skyline and remain subservient to the view of Walter Peak when viewed from the north east (Malaghans Road / Gorge Road).

21.2.14.4 Provide for and maintain Gondola access between Brecon St and Bob's Peak including necessary removal, maintenance and protection from of exotic conifers subject to landscape rehabilitation in the event of conifer removal.

21.2.14.5 Ensure the removal of exotic conifer trees in areas other than the Gondola corridor mitigate the post-harvest adverse effects on landscape and visual amenity through landscape rehabilitation.

21.2.14.6 Public access to the Bob's Peak Area of the Commercial Tourism and Recreation Sub-Zone will be facilitated by greater building height in the Lower Terminal Area to accommodate gondola and parking infrastructure, provide for a greater maximum building height within the Commercial Tourism and Recreation Sub-Zone on Section 1 SO 22971 and its immediate surrounds to facilitate public access to the remainder of the Sub-Zone provided the effects on key public amenity and character attributes are avoided or satisfactorily mitigated.

21.3 Other Provisions and Rules

21.3.1 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
24 Signs (18 ODP)	25 Earthworks (22 ODP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (14 ODP)
30 Utilities and Renewable Energy	31 Hazardous Substances (16 ODP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings

36 Noise	37 Designations	Planning Maps
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21.3.2 Regional Council Provisions

21.3.2.1 In addition to any rules for mining, the Otago Regional Plan: Water, also has rules related to suction dredge mining.

21.3.3 Clarification

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

21.3.3.2 Where an activity does not comply with a standard listed in the standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

21.3.3.3 Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant resource consent, consent notice or covenant registered on the site's computer freehold register.

21.3.3.4 The Council reserves the right to ensure development and building activities are undertaken in accordance with the conditions of resource consent through monitoring.

21.3.3.5 Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent conditions.

21.3.3.6 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its discretion to the matters listed in the rule.

21.3.3.7 The existence of a farm building either permitted or approved by resource consent under Table 4 – Farm Buildings shall not be considered the permitted baseline for residential or other non-farming activity development within the Rural Zone.

21.3.3.8 The Ski Area and Rural Industrial Sub Zones, being Sub Zones of the Rural Zone, require that all rules applicable to the Rural Zone apply unless stated to the contrary.

21.3.3.9 Ground floor area means any areas covered by the building or parts of the buildings and includes overhanging or cantilevered parts but does not include pergolas (unroofed), projections not greater than 800mm including eaves, bay or box windows, and uncovered terraces or decks less than 1m above ground level.

21.3.3.10 Building platforms identified on a site's computer freehold register shall have been registered as part of a resource consent approval by the Council.

21.3.3.11 These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

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

21.4 Rules - Activities

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All activities, including any listed permitted activities shall be subject to the rules and standards contained in Tables 1 to 10.

Table 1 – Activities

Table 2 – Standards for all Activities

Table 3 – Structures and Buildings

Table 4 – Farm Buildings

Table 5 – Commercial Activities

Table 6 – Informal Airports

Table 7 – Ski Area Sub Zone

Table 8 – Rural Industrial Sub Zone

Table 9 – Surface of Lakes and Rivers

Table 10 – Closeburn Station

[Table 11 – Commercial Tourism and Recreation Sub-Zone](#)

Rule	Table 1 – Activities Rural Zone	Activity
21.4.1	Any activity not listed in tables 1 to 10.	NC
	Farming Activities	
21.4.2	Farming Activity that complies with the standards in Table 2.	P
21.4.3	Construction or addition to farm buildings that comply with the standards in Table 4.	P
21.4.4	Factory Farming that complies with the standards in Table 2.	P
	Residential Activities, Subdivision and Development	
21.4.5	The use of land or buildings for residential activity except as provided for in any other rule.	D
21.4.6	One residential unit within any building platform approved by resource consent.	P
21.4.7	The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register, subject to compliance with the standards in Table 3.	P
21.4.8	The exterior alteration of any lawfully established building located outside of a building platform, subject to compliance with the standards in Table 3.	P
21.4.9	The identification of a building platform not less than 70m ² and not greater than 1000m ² .	D
21.4.10	The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule.	D

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Rule	Table 1 – Activities Rural Zone	Activity
21.4.11	Domestic Livestock.	P
21.4.12	Residential Flat (activity only, the specific rules for the construction of any buildings apply).	P
	Commercial Activities	
21.4.13	Home Occupation that complies with the standards in Table 5.	P
21.4.14	<p>Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site and that comply with the standards in Table 5.</p> <p>Except roadside stalls that meet the following shall be a permitted activity:</p> <ol style="list-style-type: none"> the ground floor area is less than 5m²; are not higher than 2.0m from ground level; the minimum sight distance from the stall/access shall be 200m; the minimum distance of the stall/access from an intersection shall be 100m; and, the stall shall not be located on the legal road reserve. <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> The location of the activity and buildings. Vehicle crossing location, car parking. Rural amenity and landscape character. 	C
21.4.15	Commercial activities ancillary to and located on the same site as recreational activities.	D
21.4.16	Commercial recreation activities that comply with the standards in Table 5.	P
21.4.17	Cafes and restaurants located in a winery complex within a vineyard.	D
21.4.18	Ski Area Activities within the Ski Area Sub Zone.	P
21.4.19	Ski Area Activities not located within a Ski Area Sub Zone, with the exception of heli-skiing and non-commercial skiing.	NC
21.4.20	Visitor Accommodation.	D
21.4.21	Forestry Activities in Rural Landscapes.	D
21.4.22	Retail activities within the Rural Industrial Sub Zone that involve the sale of goods produced, processed or manufactured on site or ancillary to Rural Industrial activities that comply with Table 8.	P
21.4.23	Administrative offices ancillary to and located on the same site as Rural Industrial activities being undertaken within the Rural Industrial Sub Zone that comply with Table 8.	P
	Other Activities	

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Rule	Table 1 – Activities Rural Zone	Activity
21.4.24	Activities on the surface of lakes and rivers that comply with Table 9.	P
21.4.25	Informal Airports that comply with Table 6.	P
21.4.26	Any building within a Building Restriction Area identified on the Planning Maps.	NC
21.4.27	Recreation and/or Recreational Activity.	P
	Activities within the Outer Control Boundary at Queenstown Airport and Wanaka Airport	
21.4.28	New Building Platforms and Activities within the Outer Control Boundary - Wanaka Airport On any site located within the Outer Control Boundary, any new activity sensitive to aircraft noise or new building platform to be used for an activity sensitive to aircraft noise (except an activity sensitive to aircraft noise located on a building platform approved before 20 October 2010).	PR
21.4.29	Activities within the Outer Control Boundary - Queenstown Airport On any site located within the Outer Control Boundary, which includes the Air Noise Boundary, as indicated on the District Plan Maps, any new Activity Sensitive to Aircraft Noise.	PR
	Mining Activities	
21.4.30	The following mining and extraction activities are permitted: a. Mineral prospecting. b. Mining by means of hand-held, non-motorised equipment and suction dredging, where the total motive power of any dredge does not exceed 10 horsepower (7.5 kilowatt); and c. The mining of aggregate for farming activities provided the total volume does not exceed 1000m ³ in any one year. d. The activity will not be undertaken on an Outstanding Natural Feature.	P
21.4.31	Mineral exploration that does not involve more than 20m ³ in volume in any one hectare Control is reserved to all of the following: • The adverse effects on landscape, nature conservation values and water quality. Rehabilitation of the site is completed that ensures: • the long term stability of the site. • that the landforms or vegetation on finished areas are visually integrated into the landscape. • water quality is maintained. • that the land is returned to its original productive capacity.	C

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Rule	Table 1 – Activities Rural Zone	Activity
21.4.32	Any mining activity other than provided for in rules 21.4.30 and 21.4.31.	D
	Industrial Activities	
21.4.33	Rural Industrial Activities within a Rural Industrial Sub-Zone that comply with Table 8.	P
21.4.34	Buildings for Rural Industrial Activities that comply with Table 8.	P
21.4.35	Industrial Activities directly associated with wineries and underground cellars within a vineyard.	D
21.4.36	Other Industrial Activities.	NC

21.5 Rules - Standards

	Table 2 - General Standards.	Non-compliance
	The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated.	
21.5.1	<p>Setback from Internal Boundaries</p> <p>The minimum setback of any building from internal boundaries shall be 15m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Rural Amenity and landscape character. • Privacy, outlook and amenity from adjoining properties. <p>Except this rule shall not apply within the Rural Industrial Sub Zone. Refer to Table 8.</p>	RD
21.5.2	<p>Setback from Roads</p> <p>The minimum setback of any building from a road boundary shall be 20m, except, the minimum of any building setback from State Highway 6 between Lake Hayes and Frankton shall be 50m. The minimum setback of any building for other sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Rural Amenity and landscape character. • Open space. • The adverse effects on the proposed activity from noise, glare and vibration from the established road. 	RD
21.5.3	<p>Setback from Neighbours of Buildings Housing Animals</p> <p>The minimum setback from internal boundaries for any building housing animals shall be 30m.</p> <p>Discretion is restricted to all of the following:</p>	RD

	Table 2 - General Standards. The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated.	Non-compliance
	<ul style="list-style-type: none"> • Odour. • Noise. • Dust. • Vehicle movements. 	
21.5.4	Setback of buildings from Water bodies The minimum setback of any building from the bed of a wetland, river or lake shall be 20m. Discretion is restricted to all of the following: <ul style="list-style-type: none"> • Indigenous biodiversity values. • Visual amenity values. • Landscape and natural character. • Open space. • Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building. 	RD
21.5.5	Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing) All effluent holding tanks, effluent treatment and effluent storage ponds, shall be located at least 300 metres from any formed road or adjoining property. Discretion is restricted to all of the following: <ul style="list-style-type: none"> • Odour. • Visual prominence. • Landscape character. • Effects on surrounding properties. 	RD
21.5.6	Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing) All milking sheds or buildings used to house or feed milking stock shall be located at least 300 metres from any adjoining property or formed road.	D
21.5.7	Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing) Stock shall be prohibited from standing in the bed of, or on the margin of a water body. For the purposes of this rule: <ul style="list-style-type: none"> • Margin means land within 3.0 metres from the edge of the bed. • Water body has the same meaning as in the RMA, and also includes any drain or water race that goes to a lake or river. 	PR

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	Table 2 - General Standards.	Non-compliance
	The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated.	
21.5.8	Factory Farming (excluding the boarding of animals) Factory farming within 2 kilometres of a Residential, Rural Residential, Rural Lifestyle, Township, Rural Visitor, Town Centre, Local Shopping Centre or Resort Zone.	D
21.5.9	Factory Farming Factory farming of pigs where: 21.5.9.1 the number of housed pigs exceeds 50 sows or 500 pigs of mixed ages; and/or 21.5.9.2 any housed pigs are closer than 500m to a property boundary; and/or 21.5.9.3 the number of outdoor pigs exceeds 100 pigs and their progeny up to weaner stage; and/or 21.5.9.4 outdoor sows are not ringed at all times; and/or 21.5.9.5 the stocking rate of outdoor pigs exceeds 15 pigs per hectare, excluding progeny up to weaner stage.	NC
21.5.10	Factory farming of poultry where: 21.5.10.1 the number of birds exceeds 10,000 birds; and/or 21.5.10.2 birds are housed closer than 300m to a site boundary.	NC
21.5.11	Any factory farming activity other than factory farming of pigs or poultry.	NC
21.5.12	Airport Noise – Wanaka Airport Alterations or additions to existing buildings, or construction of a building on a building platform approved before 20 October 2010 within the Outer Control Boundary, shall be designed to achieve an internal design sound level of 40 dB Ldn, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Table 5, Chapter 36. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Table 5, Chapter 36.	NC
21.5.13	Airport Noise – Alteration or Addition to Existing Buildings (excluding any alterations of additions to any non-critical listening environment) within the Queenstown Airport Noise Boundaries (a) Within the Queenstown Airport Air Noise Boundary (ANB) - Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn, within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either adhering to the sound insulation requirements in Table 4 of Chapter 36 and installation of mechanical ventilation to achieve the requirements in Table 5 of Chapter 36, or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the	NC

	Table 2 - General Standards. The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated.	Non-compliance
	<p>proposed construction will achieve the Indoor Design Sound Level with the windows open.</p> <p>(b) Between the Queenstown Airport Outer Control Boundary (OCB) and the ANB – Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Table 5 of Chapter 36 or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.</p> <p>(c) Standards (a) and (b) exclude any alterations or additions to any non-critical listening environment.</p>	

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	Table 3 – Standards for Structures and Buildings The following standards apply to structures and buildings, except Farm Buildings.	Non-compliance
21.5.14	Structures Any structure within 10 metres of a road boundary, which is greater than 5 metres in length, and between 1 metre and 2 metres in height, except for: 21.5.14.1 post and rail, post and wire and post and mesh fences, including deer fences; 21.5.14.2 any structure associated with farming activities as defined in this plan. Discretion is restricted to all of the following: <ul style="list-style-type: none"> • Effects on landscape character, views and amenity, particularly from public roads. • The materials used, including their colour, reflectivity and permeability. • Whether the structure will be consistent with traditional rural elements. 	RD
21.5.15	Buildings Any building, including any structure larger than 5m ² , that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following: All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits), including; 21.5.15.1 Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and, 21.5.15.2 All other surface finishes shall have a reflectance value of not greater than 30%. 21.5.15.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period. Discretion is restricted to all of the following: <ul style="list-style-type: none"> • External appearance. • Visual prominence from both public places and private locations. • Landscape character. • Visual amenity. 	RD
21.5.16	Building size The maximum ground floor area of any building shall be 500m ² . Discretion is restricted to all of the following: <ul style="list-style-type: none"> • External appearance. • Visual prominence from both public places and private locations. 	RD

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	Table 3 – Standards for Structures and Buildings	Non-compliance
	The following standards apply to structures and buildings, except Farm Buildings.	
	<ul style="list-style-type: none"> • Landscape character. • Visual amenity. • Privacy, outlook and amenity from adjoining properties. 	
21.5.17	<p>Building Height</p> <p>The maximum height shall be 8m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Rural Amenity and landscape character. • Privacy, outlook and amenity from adjoining properties. • Visual prominence from both public places and private locations. 	RD

	Table 4 - Standards for Farm Buildings	Non-compliance
	The following standards apply to Farm Buildings.	
21.5.18	<p>The construction, replacement or extension of a farm building as a permitted activity is subject to the following:</p> <p>21.5.18.1 The landholding is greater than 100ha; and</p> <p>21.5.18.2 The density of all buildings on the site, inclusive of the proposed building(s) will be less than one farm building per 25 hectares on the site; and</p> <p>21.5.18.3 Is not located within an Outstanding Natural Feature (ONF); and</p> <p>21.5.18.4 If located within the Outstanding Natural Landscapes (ONL) is less than 4 metres in height and the ground floor area is not greater than 100m²; and</p> <p>21.5.18.5 Is less than 600 masl; and</p> <p>21.5.18.6 If located within the Rural Landscapes (RLC), is less than 5m in height and the ground floor area is not greater than 300m²; and</p> <p>21.5.18.7 Buildings shall not protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Rural Amenity values. • Landscape character. • Privacy, outlook and rural amenity from adjoining properties. 	RD

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	Table 4 - Standards for Farm Buildings	Non-compliance
	The following standards apply to Farm Buildings. <ul style="list-style-type: none"> • Visibility, including lighting. • Scale. • Location. 	
21.5.19	<p>Exterior colours of buildings:</p> <p>21.5.19.1 All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits).</p> <p>21.5.19.2 Pre-painted steel, and all roofs shall have a reflectance value not greater than 20%.</p> <p>21.5.19.3 Surface finishes shall have a reflectance value of not greater than 30%.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Visual prominence from both public places and private locations. • Landscape character. • Visual amenity. 	RD
21.5.20	<p>Building Height</p> <p>The maximum height for any farm building shall be 10m.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Rural amenity values. • Landscape character. • Privacy, outlook and amenity from adjoining properties. 	D

	Table 5 - Standards for Commercial Activities	Non-Compliance
21.5.21	Commercial recreation activity undertaken on land, outdoors and involving not more than 10 persons in any one group.	D
21.5.22	<p>Home Occupation</p> <p>21.5.22.1 The maximum net floor area of home occupation activities shall be 150m²;</p> <p>21.5.22.2 No goods materials or equipment shall be stored outside a building;</p> <p>21.5.22.3 All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building.</p> <p>Discretion is restricted to all of the following:</p>	RD

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	Table 5 - Standards for Commercial Activities	Non-Compliance
	<ul style="list-style-type: none"> • The nature, scale and intensity of the activity in the context of the surrounding rural area. • Visual amenity from neighbouring properties and public places. • Noise, odour and dust. • The extent to which the activity requires a rural location because of its link to any rural resource in the Rural Zone. • Access safety and transportation effects. 	
21.5.23	<p>Retail Sales</p> <p>Buildings in excess of 25m² gross floor area to be used for retail sales identified in Table 1 shall be setback from road boundaries by a minimum distance of 30m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Landscape character and visual amenity. • Access safety and transportation effects. • On-site parking. 	RD
21.5.24	<p>Retail Sales</p> <p>Retail sales where the access is onto a State Highway, with the exception of the activities listed in Table 1.</p>	NC

	Table 6 - Standards for Informal Airports	Non-Compliance
21.5.25	<p>Informal Airports Located on Public Conservation and Crown Pastoral Land</p> <p>Informal airports that comply with the following standards shall be permitted activities:</p> <p>21.5.25.1 Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987;</p> <p>21.5.25.2 Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948;</p> <p>21.5.25.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;</p> <p>21.5.25.4 In relation to points (21.5.25.1) and (21.5.25.2), the informal airport shall be located a minimum distance of 500 metres from any formed legal road or the notional boundary of any residential unit or approved building platform not located on the same site.</p>	D

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	Table 6 - Standards for Informal Airports	Non-Compliance
21.5.26	<p>Informal Airports Located on other Rural Zoned Land</p> <p>Informal Airports that comply with the following standards shall be permitted activities:</p> <p>21.5.26.1 Informal airports on any site that do not exceed a frequency of use of 3 flights* per week;</p> <p>21.5.26.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;</p> <p>21.5.26.3 In relation to point (21.5.26.1), the informal airport shall be located a minimum distance of 500 metres from any formed legal road or the notional boundary of any residential unit of building platform not located on the same site.</p> <p>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</p>	D

	Table 7 – Standards for Ski Area Activities within the Ski Area Sub Zones	Activity
21.5.27	<p>Construction, relocation, addition or alteration of a building.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Location, external appearance and size, colour, visual dominance. • Associated earthworks, access and landscaping. • Provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary). • Lighting. 	C
21.5.28	<p>Ski tows and lifts.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • The extent to which the ski tow or lift or building breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes. • Whether the materials and colour to be used are consistent with the rural landscape of which the tow or lift or building will form a part. • Balancing environmental considerations with operational characteristics. 	C
21.5.29	<p>Night lighting.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Hours of operation. • Duration and intensity. • Impact on surrounding properties. 	C
21.5.30	<p>Vehicle Testing.</p>	C

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	Table 7 – Standards for Ski Area Activities within the Ski Area Sub Zones	Activity
	<p>In the Waiorau Snow Farm Ski Area Activity Sub Zone; the construction of access ways and tracks associated with the testing of vehicles, their parts and accessories.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Gravel and silt run off. • Stormwater, erosion and siltation. • The sprawl of tracks and the extent to which earthworks modify the landform. • Stability of over-steepened embankments. 	
21.5.31	<p>Retail activities ancillary to Ski Area Activities.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Location. • Hours of operation with regard to consistency with ski-area activities. • Amenity effects, including loss of remoteness or isolation. • Traffic congestion, access and safety. • Waste disposal. • Cumulative effects. 	C

	Table 8 – Standards for activities within the Rural Industrial Sub Zone	Non-Compliance
21.5.32	<p>Buildings</p> <p>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p>All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits), including;</p> <p>21.5.32.1 Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and,</p> <p>21.5.32.2 All other surface finishes shall have a reflectance value of not greater than 30%.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Visual prominence from both public places and private locations. • Landscape character. • Visual amenity. 	RD

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	Table 8 – Standards for activities within the Rural Industrial Sub Zone	Non-Compliance
21.5.33	<p>Building size</p> <p>The maximum ground floor area of any building shall be 500m².</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Visual prominence from both public places and private locations. • Visual amenity. • Privacy, outlook and amenity from adjoining properties. 	RD
21.5.34	<p>Building Height</p> <p>The maximum height for any industrial building shall be 10m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • rural amenity and landscape character. • privacy, outlook and amenity from adjoining properties. 	RD
21.5.35	<p>Setback from Sub Zone Boundaries</p> <p>The minimum setback of any building within the Rural Industrial Sub Zone shall be 10m from the Sub Zone boundaries.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • The requirement for landscaping to act as a buffer between the Rural Industrial Sub-Zone and neighbouring properties and whether there is adequate room for landscaping within the reduced setback. • Rural amenity and landscape character. • Privacy, outlook and amenity from adjoining properties. 	RD
21.5.36	<p>Retail Activities</p> <p>Retail activities including the display of items for sale shall be undertaken within a building and shall not exceed 10% of the building's total floor area.</p>	NC
21.5.37	<p>Lighting and Glare</p> <p>21.5.37.1 All fixed exterior lighting shall be directed away from adjoining sites and roads; and</p> <p>21.5.37.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.</p> <p>21.5.37.3 There shall be no upward light spill.</p>	NC

	Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers	Activity
21.5.38	<p>Jetboat Race Events</p> <p>Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge not exceeding 6 race days in any calendar year.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • The date, time, duration and scale of the jetboat race event, including its proximity to other such events, such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity. • Adequate public notice is given of the holding of the event. • Reasonable levels of public safety are maintained. 	C
21.5.39	<p>Commercial non-motorised boating activities</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Scale and intensity of the activity. • Amenity effects, including loss of privacy, remoteness or isolation. • Congestion and safety, including effects on other commercial operators and recreational users. • Waste disposal. • Cumulative effects. • Parking, access safety and transportation effects. 	RD
21.5.40	<p>Jetties and Moorings in the Frankton Arm</p> <p>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan Maps.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands. • Whether the structure causes an impediment to craft manoeuvring and using shore waters. • The degree to which the structure will diminish the recreational experience of people using public areas around the shoreline. • The effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect. • Whether the structure will be used by a number and range of people and craft, including the general public. 	RD

	Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers	Activity
	<ul style="list-style-type: none"> The degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design. 	
21.5.41	<p>Structures and Moorings</p> <p>Any structure or mooring that passes across or through the surface of any lake or river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers.</p>	D
21.5.42	<p>Structures and Moorings</p> <p>Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying.</p>	NC
21.5.43	<p>Commercial boating activities</p> <p>Motorised commercial boating activities.</p> <p>Note: Any person wishing to commence commercial boating activities could require a concession under the QLDC Navigation Safety Bylaw. There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and Tucker Beach until 1 April 2009 with four rights of renewal of five years each.</p>	D
21.5.44	<p>Recreational and commercial boating activities</p> <p>The use of motorised craft on the following lakes and rivers is prohibited, except where the activities are for emergency search and rescue, hydrological survey, public scientific research, resource management monitoring or water weed control, or for access to adjoining land for farming activities.</p> <p>21.5.44.1 Hawea River.</p> <p>21.5.44.2 Commercial boating activities on Lake Hayes.</p> <p>21.5.44.3 Any tributary of the Dart and Rees rivers (except the Rockburn tributary of the Dart River) or upstream of Muddy Creek on the Rees River.</p> <p>21.5.44.4 Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.</p> <p>21.5.44.5 Dingle Burn and Timaru Creek.</p> <p>21.5.44.6 The tributaries of the Hunter River.</p> <p>21.5.44.7 Hunter River during the months of May to October inclusive.</p> <p>21.5.44.8 Motatapu River.</p> <p>21.5.44.9 Any tributary of the Matukituki River.</p> <p>21.5.44.10 Clutha River - More than six jet boat race days per year as allowed by Rule 21.5.38.</p>	PR

	Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers	Activity
	Standards: Surface of Lakes and Rivers	Non-Compliance
21.5.45	<p>Boating craft used for Accommodation</p> <p>Boating craft on the surface of the lakes and rivers used for accommodation, unless:</p> <p>21.5.45.1 the craft is only used for overnight recreational accommodation; and</p> <p>21.5.45.2 the craft is not used as part of any commercial activity; and</p> <p>21.5.45.3 all effluent is contained on board the craft and removed.</p>	NC
21.5.46	<p>No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:</p> <p>21.5.46.1 be closer than 200 metres to any existing jetty;</p> <p>21.5.46.2 exceed 20 metres in length;</p> <p>21.5.46.3 exceed four berths per jetty, of which at least one berth is available to the public at all times;</p> <p>21.5.46.4 be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty resides.</p>	NC
21.5.47	<p>The following activities are subject to compliance with the following standards:</p> <p>21.5.47.1 Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft shall only operate between the hours of 0800 to 2000.</p> <p>21.5.47.2 Lake Wanaka, Lake Hawea and Lake Wakatipu - Commercial jetski operations shall only be undertaken between the hours of 0800 to 2100 on lakes Wanaka and Hawea and 0800 and 2000 on Lake Wakatipu.</p> <p>21.5.47.3 Dart and Rees Rivers - Commercial motorised craft shall only operate between the hours of 0800 to 1800, except that above the confluence with the Beansburn on the Dart River commercial motorised craft shall only operate between the hours of 1000 to 1700.</p> <p>21.5.47.4 Dart River – The total number of commercial motorised boating activities shall not exceed 26 trips in any one day. No more than two commercial jet boat operators shall operate upstream of the confluence of the Beansburn, other than for tramper and angler access only.</p>	NC

RURAL ZONE 21

	Table 10 Closeburn Station: Activities	Activity
21.5.48	<p>The construction of a single residential unit and any accessory building(s) within lots 1 to 6, 8 to 21 DP 26634 located at Closeburn Station.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • External appearances and landscaping, with regard to conditions 2.2(a), (b), (e) and (f) of resource consent RM950829. • Associated earthworks, lighting, access and landscaping. • Provision of water supply, sewage treatment and disposal, electricity and telecommunications services. 	C
	Closeburn Station: Standards for Buildings and Structures	Non-compliance
21.5.49	<p>Setback from Internal Boundaries</p> <p>21.5.49.1 The minimum setback from internal boundaries for buildings within lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 2 metres.</p> <p>21.5.49.2 There shall be no minimum setback from internal boundaries within lots 7 and 22 to 27 DP300573 at Closeburn Station.</p>	D
21.5.50	<p>Building Height</p> <p>21.5.50.1 The maximum height for any building, other than accessory buildings, within Lots 1 and 6 and 8 to 21 DP 26634 at Closeburn Station shall be 7m.</p> <p>21.5.50.2 The maximum height for any accessory building within Lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 5m.</p> <p>21.5.50.3 The maximum height for any building within Lot 23 DP 300573 at Closeburn Station shall be 5.5m.</p> <p>21.5.50.4 The maximum height for any building within Lot 24 DP 300573 at Closeburn Station shall be 5m.</p>	NC
21.5.51	<p>Residential Density</p> <p>In the Rural Zone at Closeburn Station, there shall be no more than one residential unit per allotment (being lots 1-27 DP 26634); excluding the large rural lots (being lots 100 and 101 DP 26634) held in common ownership.</p>	NC
21.5.52	<p>Building Coverage</p> <p>In lots 1-27 at Closeburn Station, the maximum residential building coverage of all activities on any site shall be 35%.</p>	NC
	<u>Table 11 – Commercial Tourism and Recreation Sub-Zone: Activities</u>	<u>Activity</u>

<p><u>21.5.53</u></p>	<p><u>Buildings</u></p> <p>Construction, relocation, addition or alteration of any building is a Controlled Activity. Council's discretion control is reserved with respect to the following:</p> <ul style="list-style-type: none"> • Location, external appearance and size; • Associated earthworks and landscaping; •....Lighting • Provision of water supply, sewerage treatment and disposal electricity and communication services. • Parking as determined by an Integrated Transport Assessment. • Natural Hazards. 	<p><u>RDG</u></p>
<p><u>21.5.54</u></p>	<p><u>Passenger Lift Systems</u></p> <p><u>21.5.54.1 Passenger Lift Systems within the 'Bob's Peak' area of the Commercial Tourism and Recreation Sub-Zone.</u></p> <p><u>21.5.54.2 Passenger Lift Systems within the Gondola Corridor area of the Commercial Tourism and Recreation Sub-zone.</u></p> <p><u>Council's control is reserved with respect to the following matters:</u></p> <ul style="list-style-type: none"> <u>• Location, external appearance and alignment;</u> <u>• Night lighting</u> <u>• Height.</u> <u>• Associated earthworks</u> <u>• Natural Hazards</u> 	<p><u>C</u></p> <p><u>C</u></p>
	<p><u>Commercial Tourism and Recreation Sub Zone: Standards for Buildings and Structures</u></p>	<p><u>Non-compliance</u></p>
<p><u>21.5.55</u></p>	<p><u>Building Height – Bob's Peak Area</u></p> <p>21.5.54.1 The maximum height for buildings within the 'Bobs Peak' area of the Commercial Tourism and Recreation Sub-Zone is 10m. Council's discretion is limited to the following:</p> <ul style="list-style-type: none"> —.... External appearance. — Visual prominence from both public places and private locations. • Dominance on the Commercial Tourism and Recreation Sub-....Zone. <p><u>21.5.54.2 The maximum height for Passenger Lift SystemsChairlifts within the 'Bob's Peak' area of the Commercial Tourism and Recreation Sub-Zone is 125m. Council's discretion is limited to the following:</u></p> <p><u>...External appearance including reflectivity.</u></p>	<p><u>DRD</u></p> <p><u>D</u></p>

RURAL ZONE 21

	<p>—Location and alignment</p> <p>Visual prominence from both public places and private locations.</p> <ul style="list-style-type: none"> • — Lighting. 	
21.5.56	<p><u>Building Height – Lower Terminal Area</u></p> <p>Maximum height for buildings within the ‘Lower Terminal’ area of the Commercial Tourism and Recreation Sub-Zone is 17.5m Council’s discretion is limited to the following:</p> <p>....Dominance on the Streetscape;</p> <p>.....Effects on the amenity, privacy and shading of surrounding properties</p>	<u>RD</u>
21.5.57	<p><u>Building Coverage</u></p> <p>Maximum building coverage in the ‘Bob’s Peak Area’ of the Commercial Tourism and Recreation Sub-Zone shall be 35%</p>	<u>D</u>
	<p>Chairlifts within the ‘Bob’s Peak’ area of the Commercial Tourism and Recreation Sub-Zone</p> <p>Control is reserved with respect to the following:</p> <ul style="list-style-type: none">Location, external appearance and alignment;Night lighting 	<u>C</u>
	<p>Gondola’s</p> <p>Control is reserved with respect to the following:</p> <ul style="list-style-type: none"> Height;location;external appearance;lighting;associated earthworks 	<u>C</u>
21.5.58	<p><u>Forestry Activities</u></p> <p>Control is reserved with respect to the following:</p> <ul style="list-style-type: none"> •.... hours of operation, •....health and safety, •....traffic generation, •....associated earthworks, •....landscape rehabilitation 	<u>C</u>
21.5.59	<u>Commercial Activities</u>	<u>P</u>
21.5.60	<u>Commercial Recreation Activities</u>	<u>P</u>
21.5.61	<u>Parking Car parks and loading Areas within the ‘Lower Terminal’ area of the Commercial Tourism and Recreation Sub-Zone</u>	<u>P</u>

DRAFT

21.6 Non-Notification of Applications

Any application for resource consent for the following matters shall not require the written consent of other persons and shall not be notified or limited-notified:

~~21.6.1~~21.5.62 **Controlled activity retail sales of farm and garden produce and handicrafts grown or produced on site (Rule 21.4.14), except where the access is onto a State highway.**

~~21.6.2~~21.5.63 **Controlled activity mineral exploration (Rule 21.4. 31).**

~~21.6.3~~21.5.64 **Controlled activity buildings at Closeburn Station (Rule 21.5.48).**

21.7.21.6 Assessment Matters (Landscapes)

~~21.7.1~~21.6.1 **Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).**

These assessment matters shall be considered with regard to the following principles because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the zone:

~~21.7.1.1~~21.6.1.1 _____ The assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases.

~~21.7.1.2~~21.6.1.2 _____ Existing vegetation that:

- a. was either planted after, or, self-seeded and less than 1 metre in height at 28 September 2002; and,
- b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:
 - as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
 - as part of the permitted baseline.

~~21.7.1.3~~21.6.1.3 _____ Effects on landscape quality and character

In considering whether the proposed development will maintain or enhance the quality and character of Outstanding Natural Features and Landscapes, the Council shall be satisfied of the extent to which the proposed development will affect landscape quality and character, taking into account the following elements:

- a. Physical attributes:
 - Geological, topographical, geographic elements in the context of whether these formative processes have a profound influence on landscape character;
 - Vegetation (exotic and indigenous);
 - The presence of waterbodies including lakes, rivers, streams, wetlands.
- b. Visual attributes:
 - Legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
 - Aesthetic values including memorability and naturalness;
 - Transient values including values at certain times of the day or year;

- Human influence and management – settlements, land management patterns, buildings, roads.
- c. Appreciation and cultural attributes:
- Whether the elements identified in (a) and (b) are shared and recognised;
 - Cultural and spiritual values for tangata whenua;
 - Historical and heritage associations.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

- d. In the context of (a) to (c) above, the degree to which the proposed development will affect the existing landscape quality and character, including whether the proposed development accords with or degrades landscape quality and character, and to what degree.
- e. any proposed new boundaries will not give rise to artificial or unnatural lines (such as planting and fence lines) or otherwise degrade the landscape character.

21.7.1.421.6.1.4 Effects on visual amenity

In considering whether the potential visibility of the proposed development will maintain and enhance visual amenity, values the Council shall be satisfied that:

- a. the extent to which the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places. In the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, cycling, equestrian and other means of access;
- b. the proposed development will not be visually prominent such that it detracts from public or private views of and within Outstanding Natural Features and Landscapes;
- c. the proposal will be appropriately screened or hidden from view by elements that are in keeping with the character of the landscape;
- d. the proposed development will not reduce the visual amenity values of the wider landscape (not just the immediate landscape);
- e. structures will not be located where they will break the line and form of any ridges, hills and slopes;
- f. any roads, access, lighting, earthworks and landscaping will not reduce the visual amenity of the landscape.

21.7.1.521.6.1.5 Design and density of Development

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

- a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);
- b. there is merit in clustering the proposed building(s) or building platform(s) within areas that are least sensitive to change;
- c. development, including access, is located within the parts of the site where it would be least visible from public and private locations;

- d. development, including access, is located in the parts of the site where it has the least impact on landscape character.

21.7.1.6 21.6.1.6 Cumulative effects of subdivision and development on the landscape

Taking into account whether and to what extent existing, consented or permitted development (including unimplemented but existing resource consent or zoning) may already have degraded:

- a. the landscape quality or character; or,
- b. the visual amenity values of the landscape.

The Council shall be satisfied the proposed development, in combination with these factors will not further adversely affect the landscape quality, character, or visual amenity values.

21.7.2.1 21.6.2 Rural Landscape Classification (RLC)

These assessment matters shall be considered with regard to the following principles because in the Rural Landscapes the applicable activities are inappropriate in many locations:

21.7.2.1 21.6.2.1 The assessment matters shall be stringently applied to the effect that successful applications are, on balance, consistent with the criteria.

21.7.2.2 21.6.2.2 Existing vegetation that:

- a. was either planted after, or, self seeded and less than 1 metre in height at 28 September 2002; and,
- b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:
 - as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
 - as part of the permitted baseline.

21.7.2.3 21.6.2.3 Effects on landscape quality and character:

The following shall be taken into account:

- a. where the site is adjacent to an Outstanding Natural Feature or Landscape, whether and the extent to which the proposed development will adversely affect the quality and character of the adjacent Outstanding Natural Feature or Landscape;
- b. whether and the extent to which the scale and nature of the proposed development will degrade the quality and character of the surrounding Rural Landscape;
- c. whether the design and any landscaping would be compatible with or would enhance the quality and character of the Rural Landscape.

21.7.2.4 21.6.2.4 Effects on visual amenity:

Whether the development will result in a loss of the visual amenity of the Rural Landscape, having regard to whether and the extent to which:

- a. the visual prominence of the proposed development from any public places will reduce the visual amenity of the Rural Landscape. In the case of proposed development which is visible from unformed legal roads, regard shall be had to the frequency and intensity of the present use and, the practicalities and likelihood of potential use of these unformed legal roads as access;

- b. the proposed development is likely to be visually prominent such that it detracts from private views;
- c. any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from or obstruct views of the Rural Landscape from both public and private locations;
- d. the proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations;
- e. any proposed roads, boundaries and associated planting, lighting, earthworks and landscaping will reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns;
- f. boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units.

21.7.2.521.6.2.5 Design and density of development:

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

- a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);
- b. there is merit in clustering the proposed building(s) or building platform(s) having regard to the overall density and intensity of the proposed development and whether this would exceed the ability of the landscape to absorb change;
- c. development, including access, is located within the parts of the site where they will be least visible from public and private locations;
- d. development, including access, is located in the parts of the site where they will have the least impact on landscape character.

21.7.2.621.6.2.6 Tangata Whenua, biodiversity and geological values:

- a. whether and to what extent the proposed development will degrade Tangata Whenua values including Tōpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features will have.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

21.7.2.721.6.2.7 Cumulative effects of development on the landscape:

Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values. The Council shall be satisfied;

- a. the proposed development will not further degrade landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of valued quality, character and openness due to the prevalence of residential or non-farming activity within the Rural Landscape.
- b. where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development, whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.

21.7.3.21.6.3 Other factors and positive effects, applicable in all the landscape categories (ONF, ONL and RLC)

21.7.3.21.6.3.1 In the case of a proposed residential activity or specific development, whether a specific building design, rather than nominating a building platform, helps demonstrate whether the proposed development is appropriate.

21.7.3.21.6.3.2 Other than where the proposed development is a subdivision and/or residential activity, whether the proposed development, including any buildings and the activity itself, are consistent with rural activities or the rural resource and would maintain or enhance the quality and character of the landscape.

21.7.3.21.6.3.3 In considering whether there are any positive effects in relation to the proposed development, or remedying or mitigating the continuing adverse effects of past subdivision or development, the Council shall take the following matters into account:

- a. whether the proposed subdivision or development provides an opportunity to protect the landscape from further development and may include open space covenants or esplanade reserves;
- b. whether the proposed subdivision or development would enhance the character of the landscape, or protects and enhances indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status;
- c. any positive effects including environmental compensation, easements for public access such as walking, cycling or bridleways or access to lakes, rivers or conservation areas;
- d. any opportunities to retire marginal farming land and revert it to indigenous vegetation;
- e. where adverse effects cannot be avoided, mitigated or remedied, the merits of any compensation;
- f. whether the proposed development assists in retaining the land use in low intensity farming where that activity maintains the valued landscape character.