

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

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 09
– Resort Zones

**REPLY OF VICTORIA SIAN JONES
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

42 WATERFALL PARK CHAPTER

24 February 2017

 **Simpson Grierson**
Barristers & Solicitors

S J Scott
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

INTRODUCTION

1. My name is Victoria (Vicki) Sian Jones. I prepared the section 42A report for the Waterfall Park chapter of the Proposed District Plan (**PDP**). My qualifications and experience are listed in that s42A report dated 2 November 2016.

ANALYSIS

2. I have reviewed the evidence filed by other expert witnesses on behalf of submitters, attended part of the hearing held on the 14 - 17 February 2017 and have been provided with information from submitters and counsel at the hearing, including reports of what has taken place at the hearing where relevant.
3. This reply evidence is brief and only addresses the inclusion of a Rule (42.5.7 - Atmospheric Emissions) that make indoor solid fuel fires non-complying except for feature open fireplaces in the clubhouse and other communal buildings including bars and restaurants.
4. Section 30(f) RMA provides that regional councils have "*control of discharges of contaminants into or onto land, air, or water and discharges of water into water*" and I can confirm that the Otago Regional Council (**ORC**) has not delegated this particular function to the Queenstown Lakes District Council (**QLDC**).
5. I therefore recommend that Rule 42.5.7 of the Waterfall Park Zone be deleted as it is a clear function of the ORC to control the discharge of contaminants into air, which would include emissions from fires. This amendment has been made to the revised chapter attached as **Appendix 1**.
6. In reviewing the final reply version of the chapter I have noticed that there is no standard specifically requiring that development shall be in general accordance with the Structure Plan. However, I do not consider this to be of concern in this chapter, as:
 - (a) Policy 42.2.1.1 requires all development to be in accordance with the Structure Plan;

- (b) Rule 42.4.1 states that all activities not listed in the table are non-complying and, as such, where activities are not specifically enabled in the various activity areas in that table, they will default to non-complying; and
 - (c) Rule 27.7.1 enables subdivision as a controlled activity in the Waterfall Park Zone only if it is in accordance with the Structure Plan.
7. I recognise that the approach taken in Chapter 42 is different to that taken in Chapters 41 (Jacks Point) and 43 (Millbrook). While it is not ideal to have different approaches to meet a similar ends, time has not allowed for significant redrafting aimed at achieving greater consistency between the reply versions of the chapters. However, as such redrafting would be of a non-substantive nature, this is something that the Panel could presumably request be undertaken on its behalf at a later stage in the process.

CONCLUSION

8. Overall, I consider that the revised chapter as set out in **Appendix 1** is the most appropriate way to meet the purpose of the RMA for the reasons variously set out above, the S42A report, and my evidence summary.



Vicki Jones
Consultant Planner
24 February 2017

APPENDIX 1
REVISED CHAPTER 42 WATERFALL PARK ZONE

WATERFALL PARK ZONE 42

Key:

Recommend changes to notified chapter are shown in red underlined text for additions and ~~red-strike through-text~~ for deletions, Appendix 1 to Right of Reply dated 24 February 2017.

Recommend changes to notified chapter are shown in underlined text for additions and ~~strike through text~~ for deletions. Section 42A report, Appendix 1, dated 17 January 2017.

42 Waterfall Park Zone

42.1 Purpose

The purpose of the Waterfall Park Zone is to provide for the development of a visitor resort comprising a range of visitor, residential and recreational facilities, sympathetic to the natural setting. The site lies within a high quality scenic environment adjacent to the Millbrook Resort Zone.

In terms of natural features the focus of the site is the waterfall located towards the centre of the site. The existing recreational areas and amphitheatre are located adjacent to the waterfall and continue along part of Mill Creek. Development limits are imposed in the zone given its scenic and environmental qualities. Development shall conserve and enhance the natural and scenic values contained within the property and its setting.

42.2 Objectives and Policies

42.2.1 Objective – Visitor, residential and recreation facilities and activities developed in an integrated manner with particular regard for the natural and scenic values of the setting.

Policies

42.2.1.1 Ensure that the external appearance of buildings and other structures are appropriate to the location with particular regard to the site's natural and scenic values.

42.2.1.2 Require all development to be located in accordance with the Structure Plan.

42.2.1.3 Protect and enhance the important natural features on the site.

42.2.2 Objective – Development ~~will that avoids~~ adverse effects on Mill Creek and ecological values.

Comment [MSOffice1]: Non substantive change as per the Panel's Fourth Procedural Minute dated 8 April 2016.

Policies

42.2.2.1 Ensure sewage disposal, water supply and refuse disposal services are provided so as not to adversely impact on water or other environmental qualities on or off the site.

42.2.2.2 Protect and enhance Mill creek as an important brown trout spawning habitat.

42.3 Other Provisions and Rules

42.3.1 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.

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1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 Operative DP)	25 Earthworks (22 Operative DP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (14 Operative DP)
30 Utilities and Renewable Energy	31 Hazardous Substances (16 Operative DP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

Comment [MSOffice2]: Non substantive changes

42.3.2 Clarification

Advice Notes

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

42.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, 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.

42.3.2.3 The following abbreviations are used within this Chapter.

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

Comment [CB3]: Non substantive change to clarify the identification of methods and advice notes.

42.4 Rules - Activities

	Activities located in the Waterfall Park Zone	Activity status
42.4.1	Activities which are not listed in this table	NC
42.4.2	In the Residences Area (R) of the Structure Plan Dwelling, Residential Unit	P
42.4.3	Dwelling, Residential Unit, Residential Flat not otherwise identified	D
42.4.4	In all Structure Plan Activity Areas Recreation Facilities (noting that in areas shown as O/P on the Structure Plan recreation facilities shall not include buildings or structures) Administration activities for administering and servicing of other facilities within the zone, including storage, maintenance and depot facilities Structures for the retention of water (not located within a waterbody)	C

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	Activities located in the Waterfall Park Zone	Activity status
	<p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Location and external appearance of buildings • Setback from roads • Setback from internal boundaries • Vehicle access and street layout • Outdoor living space • Street scene including landscaping • Enhancement of ecological and natural values • Provision for internal walkways, cycle ways and pedestrian linkages • Noise • Where a site is subject to any n Natural hazards and where the proposal results in an increase in gross floor area : an assessment by a suitably qualified person is provided that addresses <p><u>Assessment matters relating to natural hazards:</u></p> <ul style="list-style-type: none"> • the nature and degree of risk the hazard(s) pose to people and property, • whether the proposal will alter the risk to any site, and • whether the extent to which such risk can be avoided or sufficiently mitigated <u>reduced.</u> 	
42.4.5	<p>In all Structure Plan Activity Areas (except for the Open Space, Landscaping and Passive Recreation Activity Area O/P)</p> <p>Buildings</p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> • the external appearance of the building and coherence with surrounding buildings • Where a site is subject to any n Natural hazards and where the proposal results in an increase in gross floor area : an assessment by a suitably qualified person is provided that addresses <p><u>Assessment matters relating to natural hazards:</u></p> <ul style="list-style-type: none"> • the nature and degree of risk the hazard(s) pose to people and property, • whether the proposal will alter the risk to any site, and • whether the extent to which such risk can be avoided or sufficiently mitigated <u>reduced.</u> 	C
42.4.6	<p>In the Village Area (V) of the Structure Plan:</p> <p>Visitor Accommodation</p>	C

Comment [SG4]: Non substantive and for improved legibility. This wording issue was raised by the Panel in the Business Hearing Stream.

Comment [CB5]: Re-phrasing to separate the matters of discretion from the assessment matters.

Comment [CB6]: Re-phrasing to separate the matters of discretion from the assessment matters.

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	Activities located in the Waterfall Park Zone	Activity status
	<p>Licenced Premises integrated with Visitor Accommodation</p> <p>Theatres, conference, cultural and resort facilities and office and administration activities that are ancillary to Visitor Accommodation</p> <p>Community Activities (limited to creches and other child care facilities integrated with Visitor Accommodation)</p> <p>Educational Facilities</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Location and external appearance of buildings • Setback from roads • Setback from internal boundaries • Vehicle access and street layout • Outdoor living space • Street scene including landscaping • Enhancement of ecological and natural values • Provision for internal walkways, cycle ways and pedestrian linkages • Noise • Where a site is subject to any n Natural hazards and where the proposal results in an increase in gross floor area : an assessment by a suitably qualified person is provided that addresses <p><u>Assessment matters relating to natural hazards:</u></p> <ul style="list-style-type: none"> • the nature and degree of risk the hazard(s) pose to people and property, • whether the proposal will alter the risk to any site, and • whether the extent to which such risk can be avoided or sufficiently mitigated reduced.. 	
42.4.7	Licenced Premises not otherwise identified	PR
42.4.8	Manufacturing and/or product assembling activities	PR
42.4.9	Fish or meat processing	PR
42.4.10	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
42.4.11	Factory Farming	PR
42.4.12	Any activity requiring an Offensive Trade Licence under the Health Act	PR

Comment [MSOffice7]: Non substantive and for improved legibility. This wording issue was raised by the Panel in the Business Hearing Stream.

Comment [CB8]: Re-phrasing to separate the matters of discretion from the assessment matters.

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	Activities located in the Waterfall Park Zone	Activity status
	1956	

42.5 Rules - Standards

	Standards for activities located in the Waterfall Park Zone	Non-compliance Status
42.5.1	<p>Setbacks</p> <p>No building or structure shall be located closer than 6m to the Zone boundary, and in <u>addition</u>:</p> <p>No building shall be located closer than 7m to Mill Creek.</p>	D
42.5.2	<p>Residential Capacity</p> <p>In the Waterfall Park Zone the maximum number of residential units shall be limited to 100.</p>	NC
42.5.3	<p>Building Height</p> <p>The maximum height of buildings shall be:</p> <ul style="list-style-type: none"> • Visitor Accommodation, (including facilities integrated with and ancillary to Visitor Accommodation) – 8 m • Residential buildings - 8m • All other buildings and structures - 4m 	NC
42.5.4	<p>Glare shall comply with all of the following:</p> <ul style="list-style-type: none"> • All fixed lighting shall be directed away from adjacent roads and properties, and so as to limit effects on the night sky. • Any building or fence constructed or clad in metal, or material with reflective surfaces shall be painted or otherwise coated with a non-reflective finish. • No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property. 	NC
42.5.5	<p>Maximum Total Site Coverage</p> <p>The maximum site coverage shall not exceed 5% of the total area of the Zone. For the purposes of this Rule, site coverage excludes bridges and roads and parking areas.</p>	NC
42.5.6	<p>Fire Fighting</p> <p>A fire fighting reserve of water shall be maintained of a capacity sufficient to service the Zone. The storage shall meet the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008.</p>	NC

Comment [CB9]: Underline removed for consistency.

Comment [MSOffice10]: Non substantive and for improved legibility. This wording issue was raised by the Panel in the Business Hearing Stream.

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	Standards for activities located in the Waterfall Park Zone	Non-compliance Status
	<p>Atmospheric Emissions</p> <p>There shall be no indoor solid fuel fires, except for:</p> <ul style="list-style-type: none"> • feature open fireplaces in the clubhouse and other communal buildings including bars and restaurants. <p>Note— Council bylaws and Regional Plan rules may also apply to indoor and outdoor fires.</p>	<p>NC</p>
42.5.7	<p><u>Retail sales</u></p> <p>No goods shall be displayed, sold or offered for sale from a site except:</p> <ul style="list-style-type: none"> • goods grown, reared or produced on the site; • within those areas of the Structure Plan identified as the Village Centre. 	<p>NC</p>

Comment [MSOffice12]: Deleted as this is a regional Council function.

Comment [CB11]: Underline removed for consistency.

Comment [MSOffice13]: Re-numbered as a consequence of the deletion.

42.6 Rules - Non-Notification of Applications

42.6.1 All applications for Controlled activities and Restricted Discretionary shall not require the written consent of other persons and shall not be notified or limited-notified.

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42.7 Structure Plan

