

**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 – Ski  
Area Sub-Zone Mapping Hearings

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

**572 – NZSki Limited**

28th March 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 have been employed as a resource management planning consultant with Southern Planning Group for approximately nine years. As of the 1<sup>st</sup> of April 2017 I will become a Director of Southern Planning Group.
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. From the variety of working roles that I have performed 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 and the wider District.
6. 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.
7. I have read the Section 42A reports and supporting documentation prepared by the Council officers and their experts with respect to the Ski Area Sub-Zone 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.
8. 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**

9. I have been engaged by submitter #572 NZSki Limited and prepared the submission filed with the Council on the 23 October 2015.

10. With respect to the proposed expansion and/or addition of land into the Ski Area Sub-Zone ("SASZ") outlined in that submission four key areas of expansion were identified as follows:
  - Coronet Peak – Extension into Dirty Four Creek;
  - Coronet Peak – Extension in the 'Back Bowls';
  - Remarkables – Extension to ridgeline above Curvy Basin and Lake Alta; and
  - Remarkables – Creation of a new SASZ over the site containing the lower access road.
11. Since the lodgement of the submission and receipt of the Council's Section 42A reports both myself and Mr Skelton have been instructed by the submitter to limit the extent of our assessment to the areas of expansion directly associated with the Remarkables Ski Area and to accept the commissioners findings in respect of the re-zoning for Coronet Peak based upon the evidence presented to them by the Council officer and experts.
12. Accordingly, my evidence will not address the Coronet Peak SASZ areas in any capacity.
13. The expansion and addition of the two areas associated with the Remarkables Ski Area have been sought for a number of reasons. First, to encapsulate all land areas where NZSki patrons ski/board and in which snow patrols, grooming and avalanche control (Ski Area Activities) are undertaken.
14. Second, to provide for future ski field development into the Doolan's catchment and a contiguous SASZ between the Remarkables in the QLDC District and a potential future SASZ in the Doolan's within the CODC District.
15. Third, to provide adequate opportunity for the provision of ancillary buildings and activities necessary to maintain the efficient and effective operation of the Remarkables Ski Area.
16. My brief of evidence is set out as follows:
  - a) Detailed Description of the SASZ expansions;
  - b) Statutory Considerations;
  - c) The Strategic Direction of the PDP;
  - d) Assessment of the Proposed Expansions;
  - e) Section 32AA Evaluation;
  - f) Summary of my opinions;

17. I note that with respect to assessment of the SASZ re-zoning proposals Ms Banks for the Council has relied on the relevant provisions of the PDP as they have been amended in the Council's Rights of Reply to the previous hearing streams<sup>1</sup>.
18. Ms Macdonald has provided me with alternative 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. Accordingly, unless otherwise stated, all references to provisions of the PDP in my evidence are references to the notified version released on 26<sup>th</sup> August 2015.

### **Detailed Description of the Proposed SASZ Expansions**

#### Ski Area Sub-Zone Expansion - Remarkables

19. As identified above there are two areas of SASZ expansion/addition for the Remarkables Ski Area which my evidence will address. The first is the expansion of the SASZ in a generally south to south west direction vertically above the existing SASZ boundary in the head of the Rastus Burn.
20. The proposed expansion will cover land located above Lake Alta – an area located south west of a feature referred to as the “Wye Dome Spur”. This area has traditionally been skied by patrons who have hiked into the terrain above Lake Alta.
21. Since the establishment of the Curvy Basin chair lift which was constructed in accordance with resource consent RM130754, this terrain has become much more accessible and popular with Remarkables Ski Area patrons.
22. As such, the submitter regularly patrols this area, undertakes avalanche control and snow grooming activities to ensure their patrons remain safe.
23. The PDP definition of Ski Area Activities states:
- “Means the use of natural and physical resources for the purpose of providing for:*
- (a) recreational activities either commercial or non commercial*
  - (b) chairlifts, t-bars and rope tows to facilitate commercial recreational activities.*
  - (c) use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities.*
  - (d) activities ancillary to commercial recreational activities.*

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<sup>1</sup> First Statement of Evidence of Kim Banks dated 10<sup>th</sup> March 2017, paragraphs 11.1 – 11.2, page 23.

(e) *in the Waiorau Snow Farm Ski Area Sub Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.”*

24. It is my opinion that the use of the natural topography to provide for commercial and non-commercial recreation (skiing and boarding) and use of snow groomers means that the submitter's activities undertaken within this area of land are Ski Area Activities in accordance with this definition.
25. Proposed Rule 21.4.19 in Chapter 21 – Rural of the PDP states that Ski Area Activities (other than heli skiing and non-commercial skiing) undertaken outside of a SASZ require resource consent as Non-Complying Activities.
26. I acknowledge Ms Banks view<sup>2</sup> that avalanche control and snow grooming activities (provided there is no soil/vegetation disturbance) would be Permitted Activities under the PDP's Rural Zoning and associated provisions. My opinion however is that this view considers the activities in isolation to the Ski Area Activity definition outlined above.
27. I agree that if the Ski Area Activity definition was excluded from consideration, snow grooming and avalanche control would not normally breach relevant provisions in respect of noise and indigenous vegetation clearance. However, these matters clearly fall within the definition of Ski Area Activities and as noted above, if undertaken outside the SASZ they do require consent.
28. Further to the above, I note that the purpose of the SASZ in the PDP states:
- “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.” [my emphasis added].*
29. The purpose is quite clear that Ski Area Activities (as defined) should be located within the identified SASZ's.
30. Accordingly, while it may be considered a “long bow to draw” that commercial skiing/boarding, snow patrolling, avalanche control and snow grooming would be required to obtain resource consent I am of the opinion that the provisions of the PDP technically require such a consent if they are undertaken outside of a recognised SASZ.

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<sup>2</sup> Second Statement of Evidence of Ms Banks dated 10 March 2017 paragraphs 4.18 – 4.24 pages 46 - 47

31. While it may be no more than a technicality, one important reason for the purpose of this area of expansion is to afford the submitter absolute certainty that all Ski Area Activities they undertake in the area will continue to be Permitted Activities into the future.
32. I understand that Ms Banks has recognised this issue<sup>3</sup> and has proposed to provide exemptions to PDP Rule 21.4.19 to ensure that these activities do not require consent where undertaken outside of a SASZ.
33. While that is one way to address the issue it is in my opinion ad-hoc to identify and define Ski Area Activities, have a Zone purpose that anticipates such activities to be undertaken within the SASZ and to then provide additional rules that address and provide for such defined activities when undertaken elsewhere. I consider it more effective if the SASZ boundaries are appropriately identified to encapsulate Ski Area Activities.
34. The reasons outlined above are equally applicable to the remainder of the Remarkables Ski Area which is proposed to be extended to the east and encompass the strip of land between the existing SASZ boundary and the QLDC / CODC District boundary on the ridgeline separating the Rastus Burn and the Doolan's catchments.
35. However, the submitter also has long term intention for future ski field development in the adjoining Doolan's catchment. Specifically, the now operative Department of Conservation's Conservation Management Strategy 2016 makes provision for future assessment of proposals for ski field expansion into the Doolan's catchment<sup>4</sup>.
36. The CODC District Plan Review is anticipated to commence at some point in 2017 and the submitter intends to seek a form of SASZ in the head of the Doolan's catchment as part of the CODC plan review similar to that which presently exists in the QLDC Operative and PDP's.
37. With the intention of providing for future ski field development in the Doolan's catchment and the necessity of providing access between the jurisdictional Council boundaries should this occur, it does not make sense to maintain a strip of land between the two catchments with provisions that do not support further development for Ski Area Activities.
38. For this reason the submitter seeks a continuous zoning from their base facilities to the QLDC/CODC boundary.
39. On the basis of expert landscape evidence provided to me by Mr Skelton, the submitter has recognised that part of the proposed expansion area is too vulnerable to landscape degradation and a building

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<sup>3</sup> *First Statement of Evidence of Ms Banks Paragraphs 12.30 to 12.33, page 38 - 39*

<sup>4</sup> *Otago Conservation Management Strategy 2016, Policy 2.3.2.2 page 69 and Policies 3.25.1 – 3.25.6 page 155*

line restriction is now proposed through the area of re-zoning west of the Curvy Basin chair lift. The area of amended re-zoning is illustrated in **Appendix [A]**.

*Proposed Addition of the Ski Area Sub-Zone B*

40. The site subject to the proposed re-zoning is legally described as Lot 2 Deposited Plan 17411 and is located on the north western flanks of the Remarkables Mountain Range, Queenstown.
41. The subject site contains the well-known Remarkables Ski Area access road, car park which commences from State Highway 6 approximately 375m south of the intersection of Boyd Road and Kingston Road (SH6).
42. The existing car park area was most recently developed in 2016 following the grant of resource consent RM151081 which authorised earthworks and landscaping to create a larger car park adjacent to the State Highway.
43. A further resource consent RM170207 has also been granted for the establishment of a port-a-com building and signage within the car park area and to undertake a commercial activity being the hiring of snow chains and the selling of tickets for and operation of a bus shuttle service between the car park and the Remarkables Ski Area.
44. In addition to the existing car park, signage, building, commercial activity and the access road the subject site also contains an existing outdoor storage area for ski equipment located almost centrally within the subject site near the northern boundary. This outdoor storage area was approved by Resource Consent RM960686 on 23 May 1997.
45. The original submission identified that a proposed Ski Area Sub-Zone B be overlain on the subject site to provide for the establishment of buildings, parking, storage, signage, commercial activities and accommodation that is ancillary to the operation of the Remarkables Ski Area. With the exception of accommodation these activities are already present on the subject site as described above.
46. The original submission sought to apply this Zoning to the entire subject site which extends to a height of approximately 520masl. The PDP maps demarcate the boundary between the RLC and ONL landscape categories dissecting the subject site and including much of it within the ONL (including the existing outdoor storage area described above).
47. Mr Skelton has undertaken a detailed analysis of the RLC and ONL line in the vicinity of the subject site and is the opinion that it should pass over the subject site closer to eastern and more elevated boundary.

48. However, Mr Skelton has also identified that the upper portions of the subject site would be too visible and prominent to absorb future development notwithstanding the proposed provisions. Accordingly he has recommended that the SASZ B boundary be reduced in altitude to follow his interpretation of the ONL line. I accept Mr Skelton's advice and confirm that the area of re-zoning now sought is that illustrated on the plan in **Appendix [B]**.

### **Statutory Considerations**

49. Ms Banks has considered the Statutory considerations within Section 6 of her first statement of evidence. By and large I agree with her opinions as to the relevant background statutory considerations but I will also address these matters myself.

### **Resource Management Act 1991**

50. As Ms Banks has correctly identified the statutory framework for an assessment of this re-zoning proposal under the Resource Management Act is set out within Sections 31, 32, 32A, and 72 to 76 of the Act.
51. Within the relevant sections of the Act are a number of requirements which I consider to be of specific relevance to the submitter'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**

52. 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.*

53. 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'

54. 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 the proposed SASZ's re-zoning are:

- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*

55. Specifically, as Mr Skelton has outlined in his evidence the proposed SASZ expansion in the Rastus Burn is quite clearly within an area of Outstanding Natural Landscape. The proposed addition of an

SASZ B will also occur within land that lies immediately adjacent to an area of Outstanding Natural Landscape.

56. The proposed re-zoning (particularly that within the Rastus Burn) is located in close proximity to PDP Significant Natural Areas 69A (shadow Basin tarn) and 71A (Lake Alta and its surrounds) identified within Chapter 36 – Indigenous Vegetation and Biodiversity of the PDP and contains indigenous vegetation associated with alpine environments.
57. Through my association with multiple resource consents for buildings, chair lifts and infrastructure projects at the Remarkables Ski Area I am also aware that this site is also host to a range of invertebrates, herpetofauna and avifauna.
58. 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:*
  - (d) intrinsic values of ecosystems:*
  - (f) maintenance and enhancement of the quality of the environment:*
  - (i) the effects of climate change.”*
59. I consider these matters to be relevant due to the Outstanding Natural Landscape in which the proposed SASZ will be located, the indigenous ecosystems and the close proximity of Significant Natural Areas identified in the PDP.
60. I also consider the effects of climate change to be relevant as the SASZ are primarily geared toward the provision of facilities for winter snow sports and I note that the Otago Conservation Management Strategy gives consideration to the longevity of the Remarkables Ski Area due to the effects of climate change and the potential for the Ski Area to cease operating<sup>5</sup>.
61. Section 8 requires the Principles of the Treaty of Waitangi to be taken into account.

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<sup>5</sup> Otago Conservation Management Strategy 2016, Policy 3.25.2, page 155

## **Operative Regional Policy Statement**

62. As Ms Banks has correctly identified, 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.
63. The relevant Objectives and Policies from this document are contained within Chapter 5 – Land, Chapter 9 – Built Form, Chapter 10 Biota and Chapter 11 – Natural Hazards. The relevant provisions are outlined below:

### Chapter 5 – Land

**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.*

**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.*

### 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 9.5.2** *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.*

Chapter 10 – Biota

**Objective 10.4.1** *To maintain and enhance the life-supporting capacity and diversity of Otago's biota.*

**Objective 10.4.3** *To maintain and enhance the natural character of areas with significant indigenous vegetation and significant habitats of indigenous fauna.*

**Policy 10.5.2** *To maintain and where practicable enhance the diversity of Otago's significant indigenous vegetation and the significant habitat of indigenous fauna, trout and salmon which are:*

- (a) *Covered under a statute or covenant for protection; or*
- (b) *Habitat or vegetation that support the maintenance or recovery of indigenous species that are uncommon or threatened with extinction (rare, vulnerable or endangered) regionally or nationally; or*
- (c) *Vegetation that contains associations of indigenous species which are rare or representative regionally or nationally; or*
- (d) *Vegetation that contains a substantially intact, uninterrupted ecological sequence of indigenous species which are rare or representative regionally or nationally; or*
- (e) *Important for soil and water values or have functions in natural hazard mitigation; and to promote and encourage, where practicable, the retention, enhancement and re-establishment of indigenous ecosystems within Otago.*

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**

64. As Ms Banks correctly identifies, Section 74(2) of the Act requires a District Plan to have regard to any proposed Regional Policy Statement. The Proposed Regional Policy Statement was publicly notified on 23 May 2015. Public hearings were then held in November 2015.

65. The hearings panel released their 'Decisions Version' of the Regional Policy Statement on 01<sup>st</sup> October 2016. It is understood that 26 appeals have been received in opposition and mediation is presently underway.
66. 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 decisions***

**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.*
- Objective 3.2**      **Otago’s significant and highly-valued natural resources are identified, and protected or enhanced**
- Policy 3.2.1**      **Identifying significant vegetation and habitats**  
*Identify areas and values of significant indigenous vegetation and significant habitats of indigenous fauna, using the attributes detailed in Schedule 4.*
- Policy 3.2.2**      **Managing significant vegetation and habitats**  
*Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following:*
- a)      *Avoiding adverse effects on those values which contribute to the area or habitat being significant;*
  - b)      *Avoiding significant adverse effects on other values of the area or habitat;*
  - c)      *Remedying when other adverse effects cannot be avoided;*
  - d)      *Mitigating when other adverse effects cannot be avoided or remedied;*
  - e)      *Encouraging enhancement of those areas and values which contribute to the area or habitat being significant;*
  - f)      *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.*
- 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.*

**Policy 3.2.5*****Identifying highly valued natural features, landscapes and seascapes***

*Identify natural features, landscapes and seascapes, which are highly valued for their contribution to the amenity or quality of the environment but which are not outstanding, using the attributes in Schedule 3.*

**Policy 3.2.6*****Managing highly valued natural features, landscapes and seascapes***

*Protect or enhance highly valued natural features, landscapes and seascapes by all of the following:*

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

PART B Chapter 4 - Communities in Otago are resilient, safe and healthy**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 4.1.4**

***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.*

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

**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.*

### **Otago Conservation Management Strategy 2016**

67. At the time of drafting the original submission the Department of Conservation was in the process of reviewing the Otago Conservation Management Strategy 1998. This review is now complete and the reviewed Conservation Management Strategy was made operative in 2016.
68. The purpose of a Conservation Management Strategy (CMS), as defined by section 17D of the Conservation Act 1987, is to implement statements of general policy, and to establish objectives for the integrated management of natural and historic resources, including species managed by the Department, and for recreation, tourism and other conservation purposes.
69. The Council must have regard to the CMS when considering changes to the District Plan pursuant to Section 74(2)(b)(i) of the RMA.
70. The Remarkables Ski Area is located within Public Conservation Land administered by the Department of Conservation. In terms of the CMS the Remarkables Ski Area sits within the geographic area titled “The Western Lakes and Mountains / Nga Puna Wai Karikari a Rkaihautu Place.” The Outcome statement for this place in Section 2.3 makes specific reference to the Remarkables Ski Area as follows:

*“The Remarkables, Coronet Peak and Treble Cone ski fields provide for intensive use and are highly valued recreation and tourism opportunities enabling access to high-altitude areas. Recognition of the ski fields’ location on public conservation lands and waters, and conservation interpretation, are readily apparent to visitors. Ski fields are managed in a precautionary approach in terms of new and additional structures and terrain modification. Further development of existing ski fields may occur, in preference*

*to any new ski fields. Disturbed areas are restored to an agreed standard comparable with that which was present prior to any development.”<sup>6</sup>*

71. The outcome statement is rather broad but is supported by Policies in both Section 2.3 and 3.25 of the CMS. The most relevant provisions are considered to be:

**Policy 2.3.20** *Should not allow new permanent utilities, structures or facilities (both recreational and commercial) in the upper Wye Creek valley to protect the unmodified and high natural character of this valley.*

**Policy 2.3.21** *When considering, applications for new utilities, structures or facilities throughout this Place (with the exception of the upper Wye Creek valley), should have particular regard to the potential adverse effects on:*

- a) *natural ecosystems, landscapes and natural character, particularly in areas where structures and facilities are currently absent;*
- b) *catchment water quality and quantity, including in Lake Alta;*
- c) *priority ecosystem units and threatened species;*
- d) *natural quiet;*
- e) *current recreational uses; and*
- f) *opportunities available for such structures or developments off public conservation lands and waters.*

**Policy 2.3.22** *May allow further development and/or expansion of The Remarkables ski field (with the exception of the upper Wye Creek valley) in accordance with Policies 3.25.1–3.25.6 in Part Three, provided that adverse effects (including cumulative effects) are avoided, remedied or mitigated on the following values:*

- a) *the outstanding natural landscapes and ecological values of The Remarkables and the Tāpuae-o-Uenuku/Hector Mountains;*
- b) *the landscape and ecological (including water quantity and quality) values of the priority ecosystem unit at Lake Alta;*
- c) *the recreational experiences of other users; and*
- d) *the ability of users to access the area year round.*

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<sup>6</sup> Conservation Management Strategy 2016, Outcome Statement for The western Lakes and Mountains Place, Page 65

**Policy 3.25.1** *May allow further development of existing authorised ski fields, where their natural values are already modified, in preference to the development of new ski fields.*

**Policy 3.25.2** *Should in considering the development of new and existing authorised ski fields apply a precautionary approach to the approval of new structures, accommodation facilities and terrain modification and consider both the likely effects of water use (for snow-making), the likely longevity of the field in the face of climate change, and any appropriate land remediation and facility removal costs should the ski field cease to operate.*

### **The Strategic Direction of the Proposed District Plan (“PDP”)**

72. Ms Banks has provided an accurate description of the PDP hierarchical structure in part 8 of her first statement of evidence. I agree that the Chapters in Part Two (Strategic Directions, Urban Development, Tangata Whenua and Landscapes) provide the overarching strategic guidance of the District Plan.
73. Collectively, these chapters address the key resource management issues for the District. They do not contain rules but provide a policy framework of Goals, Objectives and Policies that direct how the relevant chapters of the PDP should manage the key issues.
74. Of specific relevance to this re-zoning proposal is the Strategic Directions and Landscape Chapters. The relevant Goals, Objectives and Policies from the notified versions of these chapters with respect to the proposed re-zoning are outlined below:

#### **3.2.1 Goal      Develop a prosperous, resilient and equitable economy.**

**Objective 3.2.1.2**      *Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas in the District*

**Policies 3.2.1.2.1**      *Avoid commercial rezoning that would fundamentally undermine the key local service and employment function role that the larger urban centres outside of the Queenstown and Wanaka central business areas fulfil.*

**Objective 3.2.1.4**      *Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests.*

### 3.2.4 Goal - The protection of our natural environment and ecosystems

**Objective 3.2.4.1** *Promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems.*

**Objective 3.2.4.2** *Protect areas with significant Nature Conservation Values.*

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

**Objective 3.2.4.3** *Maintain or enhance the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities.*

**Policy 3.2.4.3.1** *That development does not adversely affect the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities*

**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.*

**Objective 3.2.5.2** *Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.*

**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.*

**Objective 3.2.5.4** *Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.*

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

**3.2.6 Goal -** **Enable a safe and healthy community that is strong, diverse and inclusive for all people.**

**Objective 3.2.6.1** *Provide access to housing that is more affordable.*

**Policy 3.2.6.1.1** *Provide opportunities for low and moderate income Households to live in the District in a range of accommodation appropriate for their needs.*

## **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 6.3.1.11** *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 6.3.2.2** *Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.*

**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 6.3.2.4** *Have particular regard to the potential adverse effects on landscape character and visual amenity values from infill within areas with existing rural lifestyle development or where further 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.*
- 6.3.7 Objective** ***Recognise and protect indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes.***
- Policy 6.3.7.1** *Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.*
- Policy 6.3.7.2** *Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's distinctive landscapes.*
- 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.*

**Policy 6.3.8.3**

*Exclude identified Ski Area Sub Zones from the landscape categories and full assessment of the landscape provisions while controlling the impact of the ski field structures and activities on the wider environment.*

75. The overarching policy direction that flows through Part II of the Act, the Operative and Proposed Regional Policy Statements, the Otago CMS and the Strategic Directions and Landscape 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;
  - Provision and protection of the economic well-being of the Districts residents;
  - Recognition of the importance of tourism and access to recreational facilities.
76. 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.
77. Accordingly, an assessment must be undertaken as to how the proposed re-zoning of the Remarkables SASZ aligns with the policy direction outlined above. This assessment is undertaken below:

**Assessment of Effects of the Proposed Re-Zoning**

*Ski Area Sub-Zone Expansion - Remarkables*

78. The expansion of the existing Remarkables SASZ has two geographic locations. The first is the area located above Lake Alta and the second is the ridgeline toward the south east and between the Rastus Burn and the Doolans.
79. In terms of the potential environmental effects on indigenous biodiversity I have read the evidence of Dr Lloyd and rely on his expert opinions. At paragraphs 5.7 to 5.10 Dr Lloyd details the vegetation composition in both of these areas and confirms that none of the vegetation in this areas is classified as threatened or 'at risk'.

80. Dr Lloyd also refers to the provisions in Chapter 33 Indigenous Vegetation & Biodiversity and correctly notes that any development in the proposed areas of re-zoning that involve indigenous vegetation clearance will trigger further assessment.
81. In terms of the PDP provisions as notified this would be a full Discretionary Activity Consent pursuant to Rule 33.4.3. Under this activity status the Council will have full control to assess the effects of any indigenous vegetation clearance in the proposed areas of re-zoning.
82. I note that I presented evidence to the hearings panel in hearing stream T02 (Chapter 21 Rural and Chapter 33 Indigenous Vegetation and Biodiversity) on behalf of the submitter and in regards to the assessment of indigenous vegetation clearance I proposed that a Permitted Activity status be included in Table 4 of Chapter 33 to enable indigenous vegetation clearance in alpine areas of the SASZ that are administered by the Department of Conservation.
83. This activity status is recommended because all commercial activities on Public Conservation Land require a Concession. Section 17S of the Conservation Act requires all Concession applications to provide a description of the potential effects of the proposed activity, and any actions which the applicant proposes to take to avoid, remedy, or mitigate any adverse effects.
84. Under this Section the Minister may also require an applicant for a Concession to supply such further information as the Minister considers necessary to enable a decision to be made, including the preparation of an environmental impact assessment in the form set out in Schedule 4 of the Resource Management Act 1991. In my experience, for vegetation clearance at the Remarkables this level of assessment is provided in a Concession application along with expert ecological reporting.
85. Further, the Minister also has power under this Section of the Act to (at the expense of the applicant), commission a report or seek advice from any person (including the Director-General) on any matters raised in relation to the application, including a review of any information provided by the applicant.
86. Accordingly, and based on my experience with a range of Concession applications at the Remarkables Ski Area<sup>7</sup> a comprehensive assessment of indigenous vegetation clearance is undertaken in the Concession process.
87. The Permitted Activity status I put forward in my previous evidence does not represent an intention for the Council to renege on its responsibilities for protection of indigenous vegetation under Resource Management Act and in particular Section 31(1)(b)(iii) 'Function of territorial authorities under this Act' and Section 6(c).

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<sup>7</sup> Concession OT-34110-SKI for the vegetation clearance and snow making water take and associated infrastructure and variation PAC-00-04-75-02

88. In my opinion, this is not actually the case as the evidence I presented proposed that the Council considers, recognises and accepts the assessments of these values that are undertaken by DOC in the Concessions process.
89. This position was supported by the Department of Conservation who withdraw their opposing submission on this matter following further consultation.<sup>8</sup>
90. I note that Dr Lloyd confirms that whether assessment of indigenous vegetation clearance in the proposed re-zoning area is made under the notified provisions of the PDP as a fully Discretionary Activity Consent or by the Department of Conservation in accordance with the provisions of the Conservation Act 1987 there is ability and scope to avoid adverse impacts on the more vegetated areas<sup>9</sup>.
91. In my opinion, based on the expert evidence of Mr Lloyd and the provisions of the notified PDP or my recommended amendments, the proposed expansion of the Remarkables SASZ will have less than minor adverse effects on indigenous vegetation and biodiversity and aligns with the intent of the Statutory documents and strategic direction of the PDP.
92. The proposed Remarkables SASZ also has the potential to result in adverse effects on landscape and visual amenity. I have reviewed the landscape evidence of Dr Read and have also taken advice from Mr Skelton in forming my opinions on the effects on the landscape arising from the proposed expansion.
93. Dr Read considers that earthworks on the upper slopes, and the area adjacent to Lake Alta in particular, would have an adverse effect on the integrity of the landforms, and their legibility and that clutter of structures in these elevated areas would diminish its memorability<sup>10</sup>. Further, Dr Read considers that the proposed re-zoning would impact on the natural character and visual amenity of the wider area and result in cumulative effects adding to the clutter of structures, earthworks and buildings and should be declined given the significant adverse landscape effects<sup>11</sup>.
94. In part, Mr Skelton agrees with the assessment of Dr Read and describes within his evidence that potential earthworks, ski trails, infrastructure and buildings within the area of proposed SASZ expansion if located to the west of the Curvy Basin chair lift terminal would have potentially significant adverse landscape and visual amenity effects on the Lake Alta cirque and the views obtained from the Wye Saddle.

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<sup>8</sup> Memorandum between DOC and NZSki Limited dated 20<sup>th</sup> April 2016

<sup>9</sup> Evidence of Dr Lloyd dated 10 March 2017, paragraph 5.12

<sup>10</sup> Evidence of Dr Read dated 10 March 2017 paragraph 7.7

<sup>11</sup> Evidence of Dr Read dated 10 March 2017 paragraph 7.11

95. Mr Skelton does however consider that with appropriate controls some further development in the proposed SASZ expansion further east along the ridgeline would be appropriate.
96. I accept the expert landscape advice of Dr Read and Mr Skelton in regards to the development of the areas west of the Curvy Basin Chair Lift. However, it has not been the submitter's intention to undertake earthworks or construction of buildings in this most sensitive area. Specifically, as identified in paragraphs 19 - 33 above, this part of the SASZ is sought to ensure that all of the applicants commercial Ski Area Activities (grooming, ski patrol, avalanche control) are contained within the SASZ and technically Permitted Activities.
97. This 'intention' of the submitter will not however afford Council any certainty that Part II matters under the Act are met nor that the expansion achieves the strategic direction of the PDP. As such, it is my opinion that the area illustrated by Mr Skelton in **Appendix [A]** of my evidence be illustrated on the planning map 13 as being within the SASZ but subject to a 'No Building Line'.
98. This area would then be subject to a new Rule in Table 7 as follows:

|         |  |    |
|---------|--|----|
| 21.5.3X | Earthworks, buildings and infrastructure within the No Building & Earthworks Line in the Remarkables SASZ. | PR |
|---------|--|----|

99. In my opinion, this addresses the submitters concern by ensuring that Ski Area Activities are Permitted Activities in this area and it ensures that no physical modification or development will occur in this sensitive area. This will be the case even with the adoption of new earthworks rules that will be addressed in Stage 2 of the District Plan review.
100. The proposed amendment to the maps and the insertion of the proposed new rule will align with Objective 21.2.6 and Policy 21.2.6.2 as the proposal will avoid adverse effects on Landscape and visual amenity values.
101. It will also align with relevant provisions of the Strategic and Landscape Chapters<sup>12</sup> that seek protection of the ONL and will in fact afford more protection than the notified provisions for the Rural ONL in Chapter 21.
102. Where there appears to be significant disagreement between Dr Read and Mr Skelton is their assessment of the remainder of the ridgeline re-zoning to the east of the Curvy Basin Chair Lift.
103. Mr Skelton notes that from outside of the Remarkables Ski Area views of the proposed re-zoning area (and the ski area in general) are particularly limited. Specifically, the area is contained within the very

<sup>12</sup> Goal 3.2.5, Objective 3.2.5.1, Objective 6.3.1.3, Policy 6.3.1, Objective 6.3.4, Policy 6.3.4.1

head of the Rastus Burn, an elevated mountain cirque that is constrained from public views by natural topography. Specifically, Mr Skelton notes that public and private views of this area are from several kilometres away at locations such the Skippers – Coronet Peak Road intersection and near the junction of Hunter Road and Malaghans Road.

104. It is Mr Skelton's opinion that should development occur within the area of proposed re-zoning the effects of the visibility of development will be insignificant at these distant locations. I accept this advice.
105. For similar reasons to those described above, visitors to the Rastus Burn catchment do not experience the bulk of the Remarkables Ski Area infrastructure until they reach the base area facilities. At this point the landscape is dominated by human modification with roads, lift structures, buildings and snow making equipment. Mr Skelton considers any further development in the area of re-zoning will have negligible cumulative effects on people's appreciation of the landscape when within the Remarkables Ski Area.
106. In regards to the landscape and visual amenity and the visibility of future ski field development I note that PDP Rules for the SASZ retain control over buildings and most importantly due to the submitter's future development aspirations, chair lifts and ski tows (or passenger lift systems as Council has proposed to define them).
107. The Rule for buildings<sup>13</sup> exerts control over the location, external appearance, size, colour and visual dominance and for ski lifts and tows, the extent to which the tow or lift breaks the line and form of the landscape with special regards to skylines, ridges, hills and prominent slopes.
108. In my experience, the Controlled Activity status for both buildings and lifts has always necessitated the provision of a detailed landscape assessment in the resource consent application and subsequently, one is also undertaken by the Council in the processing of the application.
109. My interpretation of the Rules and particularly that which relates to Ski lifts and tows<sup>14</sup> is that such features may break the skyline/ridgeline but an assessment must be made as to whether the extent of the breach is appropriate.
110. Accordingly, such features and impacts on landscape values are already recognised in the Operative and PDP provisions as being suitable subject to appropriate siting. My opinion is that even as a Controlled Activity the Council would retain effective control over the avoidance of inappropriate development by use of conditions with regards to siting of such structures under the notified provisions of the PDP.

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<sup>13</sup> Chapter 21 – Rural, Rule 21.5.27

<sup>14</sup> Chapter 21 – Rural, Rule 21.5.28

111. Further, strengthening the future assessment of Controlled Activity passenger lift systems is that in my experience every resource consent application that I have prepared for development and indigenous vegetation clearance at the Remarkables Ski Area has required the written approval of the Department of Conservation as the administrator of the land.
112. In my experience, where a Concession is required by the submitter and the Concession is recommended to be granted it is publicly notified (such as the Curvy Basin lift and Lake Alta Water Abstraction) and the Department of Conservation will not provide written approval in regards to any application under the Resource Management Act until the notification process has run its course.
113. In the drafting of the recommending reports on any Concession application the Department of Conservation will undertake a detailed assessment of the proposal under the Conservation Act 1987 as outlined in paragraphs 83 - 85 above.
114. This will include an assessment of the proposal in accordance with the Otago CMS 2016. As noted in paragraphs 67 - 71 of my evidence this includes the protection of the Wye Valley (identified as highly important by both Mr Skelton and Dr Read), natural ecosystems, landscapes and character and current recreational uses.
115. The expansion of the Remarkables Ski Area is given specific recognition but must also illustrate that the adverse effects (including cumulative effects) on the above values are adequately avoided, remedied or mitigated.
116. I don't consider that the Council should disregard its functions and duties under the Resource Management Act and leave the protection of landscape values solely to the Department of Conservation. What should be emphasised and acknowledged is that through the various statutory processes any future development of this area of proposed SASZ expansion will be subject to a comprehensive two tier approach to landscape assessment.
117. The first will be a publicly notified Concession application that will address similar if not the same matters to that detailed in Sections 6 and 7 of the RMA. The second, is a resource consent application where the land administrator's affected party approval will be required and Council still retains the ultimate control over the location, size, colour and materiality of built form.
118. It is my opinion that considered collectively, the statutory assessment required for future development in this area is robust and adequate to ensure protection of the landscape<sup>15</sup> whilst providing for the growth and development of the Remarkables Ski Area.

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<sup>15</sup> *Achieving Goal 3.2.5, Objective 3.2.5.1, Objective 6.3.1.3, Policy 6.3.1.11, Objective 6.3.4 and Policy 6.3.4.1*

119. In regards to natural hazards it is recognised that the Remarkables Ski Area including the proposed areas of re-zoning are affected by natural hazards such as land instability and avalanche. In my opinion, these are not matters that warrant declining the proposed re-zoning.
120. All applications for resource consent that I have been involved in for buildings and lifts at the Remarkables Ski Area have required geotechnical and natural hazard assessments to ensure their location is acceptable. Given that Council retains control over location and earthworks in the Rules in Table 7 it is my opinion that such matters will continue to be assessed at the time of resource consent application.
121. Infrastructure and servicing is another key matter for consideration of any re-zoning proposal. The Remarkables Ski Area is fully serviced with power and telecommunications services. I have not been made aware of any capacity issues with these services and no submissions were lodged in opposition by the applicable service providers.
122. The Remarkables Ski Area is self-sufficient in terms of potable water and fire-fighting water supply. This comes from the Rastus Burn and an ORC Water Permit<sup>16</sup> provides for a maximum daily consumptive use of 320.4m<sup>3</sup>. Fire-fighting water supply is obtained from the potable water feed from the Rastus Burn and is held in five underground water tanks with a maximum capacity of 120,000l.
123. Waste water disposal is also treated on site through a series of primary septic tanks and three infiltration ponds located on the true right hand side of the Rastus Burn below the base buildings and car parks. This discharge to land is approved pursuant to a Discharge Permit granted by the ORC<sup>17</sup>.
124. It is my opinion that the potential adverse effects on infrastructure and services as a result of the proposed re-zoning will be less than minor.
125. Overall, it is my opinion that the proposed expansion of the existing SASZ at the Remarkables Ski Area will have potential adverse effects that are no more than minor. The provisions of the PDP and the statutory assessments required by the Department of Conservation will ensure that the proposed re-zoning is consistent with purpose and principles of the RMA and the strategic direction of the PDP.

Proposed Ski Area Sub-Zone B

126. The proposed addition of the SASZ B is unique. The purpose of this SASZ is not for the provision of Ski Area Activities – by virtue of the sites maximum altitude of 520masl this would be impossible.

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<sup>16</sup> ORC Water Permit RM16.115.01

<sup>17</sup> ORC Discharge Permit RM14.336.01

127. Rather, the proposed SASZ B is sought to provide for land in close proximity to the Remarkables Ski Area which can be utilised for buildings and activities ancillary to the operation of the Remarkables Ski Area.
128. The Remarkables Ski Area in the Rastus Burn is different to a number of the other SASZ's in the District in that the base facilities and car parks are located within a 'pinch point' in the valley. As such, there is not a geographically large area available to provide for car parking, storage and any further built development.
129. The SASZ B area is within the submitter's ownership, located immediately adjacent to the existing Ski Area access road and contains approved (by way of resource consent) outdoor storage areas, car parking, signage and commercial transport activities.
130. Further, the site is too small to be utilised for any productive agricultural / pastoral purpose not to mention this would be hazardous with the existing Ski Area Access road running through the site. This site is therefore a logical location to consider re-zoning to enable future proposals of a similar nature to those described above.
131. The PDP Rural Landscape Classification and ONL Zoning and the provisions for these Zones within Chapter 21 – Rural would make the utilisation of the site for these purposes very difficult. (Discretionary Activities for any building<sup>18</sup>, Non-Complying Activities for commercial and retail activities<sup>19</sup>, Discretionary Activity for Visitor Accommodation<sup>20</sup>).
132. The provisions of the PDP Strategic Directions<sup>21</sup> Chapter and Landscape<sup>22</sup> Chapter are also highly geared toward to the absolute protection of the landscape from further development and retention of a pastoral environment<sup>23</sup>. Specifically, it is clearly articulated within the Strategic chapter that preference is to be given to farming activities in Rural areas and that alternative development will only be approved in exceptional cases.
133. Accordingly, it is highly likely that future resource consent applications made under the notified provisions of the PDP would be publicly notified with the submitter incurring costs of at least \$50,000<sup>24</sup> for each application even if successful.

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<sup>18</sup> PDP Rule 24.4.10

<sup>19</sup> PDP Rule 24.1

<sup>20</sup> PDP Rule 24.4.20

<sup>21</sup> Goal 3.2.5, Objective 3.2.5.1

<sup>22</sup> Objective 6.3.1, Policy 6.3.1.3, Objective 6.3.4, Policy 6.3.4.1

<sup>23</sup> Objective 3.2.5 and Policy 3.2.5.1

<sup>24</sup> Private landscape, engineering, planning and design costs, + Council processing and hearing commissioner costs.

134. It is my opinion for the reasons laid out in the following paragraphs of my evidence, that the proposed re-zoning of this land for limited built form and activities ancillary to the operation of the Remarkables Ski Area (a hugely important tourism facility) is a more effective and efficient use of the land than if it were to be left in a Rural Zoning subject to the notified provisions of the PDP.
135. In terms of the potential environmental effects on indigenous biodiversity again, I confirm that I have read the expert evidence of Dr Lloyd and rely on his expert opinions. Dr Lloyd notes that this site is a former sparse matagouri and mingimingi shrubland that has been extensively invaded by exotic species.
136. Dr Lloyd goes on to state that the ecological values of terrestrial indigenous vegetation and habitat that remain within the subject site are low, and do not pose any issues or constraints for Ski Area Activities (permitted), Passenger Lift Systems (controlled) or provision of visitor accommodation (as a restricted discretionary activity under the Council's provisions). These activities could have beneficial effects if they resulted in better control of the exotic woody weeds currently infesting the site<sup>25</sup>.
137. While Dr Lloyd appears to have misunderstood that the submitter has proposed specific provisions for the use of this land separate to those activities contained in Table 7 of Chapter 21, I accept his findings in regards to ecological values and concur that the proposed activities may have an ecological benefit in terms of controlling the exotic pest plants and resulting in ecological enhancement.
138. Overall, I conclude that re-zoning of the subject site to SASZ B will not have a significant adverse effect on indigenous vegetation and biodiversity and is consistent with the relevant Strategic and Indigenous Biodiversity provisions of the PDP<sup>26</sup>.
139. In regards to the potential adverse effects on landscape and visual amenity I have read the evidence of Dr Read. Overall, Dr Read considers the proposed re-zoning would have significant adverse effects on the landscape of the lower Remarkables. I note that Dr read refers multiple times to the SASZ extension facilitating development that would not be in keeping with context of the existing environment.
140. The landscape assessment is very brief and does not appear to refer to the specific provisions that were proposed in the submission with respect to buildings, activities and earthworks and mitigation of visual effects on landscape character and amenity. I am unsure if Dr Read has assessed these provisions and understood that it is not the intention to apply the Rules in Table 7 of Chapter 21 to this area of re-zoning.

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<sup>25</sup> Evidence of Dr Lloyd dated 10 March 2017 paragraph 5.5

<sup>26</sup> Goal 3.2.4, Objectives 3.2.4.1 – 3.2.4.3.1, Objective 33.2.3 & Policies 33.2.3.1 – 33.2.3.7

141. For this reason, I prefer and accept the landscape evidence of Mr Skelton. Mr Skelton concurs with Dr Read in that the elevated nature of the site and its location adjacent to the State Highway make it a part of a widely visible expanse of relatively open landscape. Mr Skelton has identified a range of public locations from which the site is viewed as part of the wider landscape.
142. Mr Skelton has discussed within his evidence and illustrated in the appendices how existing activities within the vicinity of the subject site are reasonably difficult to see and attributes this to the appropriate siting of structures and activities within the surrounding vegetation and landforms. Mr Skelton considers that these existing features have been developed so that they are not visually prominent and do not adversely affect the appreciation of the wider landscape and adjacent ONL.
143. Mr Skelton considers that future development proposals under the proposed provisions for this area of SASZ B are likely to be contained by the vegetative cover within and surrounding the subject site as well as the undulating landform within the subject site.
144. Overall Mr Skelton considers that the proposed SASZ B is within and contains a landscape pattern that is capable of absorbing further development. In addition, the establishment of new buildings within the subject site will be subject to a proposed Restricted Discretionary Activity status enabling the Council to refuse consent if the adverse effects on landscape values were considered significant.
145. In addition, it is proposed that all earthworks would be Restricted Discretionary Activities with specific discretion reserved in respect of visual quality and amenity, visibility from the state highway and landscape rehabilitation. This is in fact more control than the Operative District Plan provisions provide (1000m<sup>3</sup> per 12 month period is a Permitted Activity) notwithstanding I acknowledge a new earthworks chapter is to be notified in the District Plan Review Stage 2.
146. Accordingly, while the proposed re-zoning will be more enabling than the PDP RLC and ONL zoning there is in my opinion still a strong level of landscape protection afforded in the proposed provisions.
147. However, Mr Skelton has also advised that the uppermost portions of the subject site are inappropriate for future development as it is too prominent given its elevation. Accordingly, I consider that the proposed Zone if confirmed should be amended in accordance with the plans contained in **Appendix [B]**.
148. In regards to Natural Hazards I note that the subject site is shown on the QLDC hazard maps to be affected by Liquefaction Categories LIC1 and LIC2 (Low to Moderate Risk) and alluvial fan hazards (less recently active and regional scale active).
149. The areas over which these natural hazards are overlain vary and do not each affect the entire site. They also extend substantial distances north, west and south of the subject site encompassing other developed areas.

150. The submitter has not obtained any site specific geotechnical and natural hazard assessment. I consider that such an assessment would have been beneficial when considering the appropriateness of re-zoning the land however, I consider that this can be effectively mitigated.
151. Specifically, because the proposed provisions for this re-zoning are geared towards the establishment of single buildings discreetly located and developed within the site I consider it appropriate that one of the matters of discretion in the proposed provisions is natural hazards and geotechnical feasibility.
152. With this matter of discretion added it ensures the Council that these matters will be addressed at the time that a specific development is proposed rather than encumbering the submitter with the costs of investigating the entire site at this point.
153. As such, I consider that the potential adverse effects of natural Hazards will be no more than minor.
154. In regards to infrastructure and servicing the first major point is vehicular access given that the subject site is located off a State Highway. It is my opinion that the access to the subject site is likely to be acceptable for any future development of the site in accordance with the proposed provisions.
155. The access is a commercial access which presently provides for up 5000 visitors per day to the Remarkables Ski Area in private passenger vehicles and large coaches. The New Zealand Transport Agency has not voiced any opposition to the re-zoning proposal.
156. Further, the proposed provisions for the subject site afford Council discretion on traffic congestion, access and safety when considering whether to grant consent for commercial activities. In addition, the proposed provisions afford council discretion over nature and scale of activities, parking and access in respect of any residential or visitor accommodation purposes. Accordingly, I consider that any potential adverse effects of traffic generation and access can be appropriately assessed at the time of resource consent.
157. The subject site is not connected to any reticulated potable water, waste water or telecommunications. It is also acknowledged that the Council does not have any reticulated potable water or waste water facilities in this area given its rural characteristics.
158. There is no maximum proposed density or capacity on land use proposed in the provisions. There will however inevitably be a threshold of development in terms of cumulative effects. Given the lack of detail over the potential future infrastructure demands for the development of the site the proposed provisions for the development of all buildings on the site afford the Council discretion in regards to the provision of water supply, sewage treatment and disposal, electricity and telecommunication services.

159. Accordingly, any future development of the site will put the onus on the submitter to demonstrate and pay for any extension and increased capacity of Council reticulated services or the provision of on-site facilities (water bores and waste water disposal).
160. It is my opinion that these matters can be appropriately addressed through resource consent assessments in accordance with the proposed provisions for the SASZ B.
161. One matter Ms Bank's has raised in her second statement of evidence is that the site is not well integrated with other developments like Jacks Point and Hanley Downs and that these areas provide zoned capacity for commercial and business activities (and in addition residential activities).
162. First, the type of commercial activities the submitter wishes to provide for are similar to that authorised by RM170207 – a commercial/retail offering of snow chain hire and a snow bus shuttle service. Such activities are directly associated with Ski Area operations and would not be appropriately located in Jacks Point or Hanley Downs when those areas are geographically displaced from the Remarkables Ski Area. This simply wouldn't be efficient and effective.
163. Further, one of the key reasons that the submitter seeks this re-zoning is for the potential to provide residential/visitor accommodation (less than 3 month stays) for their seasonal staff. Specifically, the Remarkables Ski Area employs approximately 450 staff at the peak of the season with a seasonal duration of mid-May through to mid-October each year.
164. The submitter has advised me that there is a large and growing risk to their business from the shortage of suitable and affordable accommodation in Queenstown for their workers. The submitter has noticed in recent years the emergence of AirBnB dramatically reducing the available supply of short term accommodation from the worker market<sup>27</sup>.
165. This effect has become so significant that the submitter looked to provide seasonal worker accommodation outside of the Queenstown Lakes District in the 2016 season.
166. The inability to provide sufficient accommodation and just as important, accommodation that is affordable for their workers puts the operation of the Remarkables Ski Area in jeopardy. Mr Anderson, the CEO of NZSki Limited has previously advised me that in terms of economic well-being to the Queenstown Lakes District the direct annual spend in the ski industry is \$70 million with an overall economic impact in excess of \$750 million.
167. Accordingly, maintaining the operation of the Remarkables Ski Area by facilitating appropriately located accommodation facilities for their staff will have substantial economic benefits to the overall

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<sup>27</sup> Paul Anderson – CEO NZSki Limited, e-mail dated 23.03.17

community. It is my view that providing these facilities on the submitter's site enables them to control the pricing ensuring the accommodation is affordable.

168. Relying on accommodation within nearby Jacks Point, Hanley Downs or Queenstown to service the demand outlined above itself is uncertain in terms of both availability and affordability.
169. I do not consider that providing for such facilities on this site will create a precedent for further re-zoning or rural development. The submitter is in a unique position of operating a multi-million dollar commercial ski area with a large work force and limited geographical land available in close proximity to the ski area itself. I am not aware of any other businesses or industries in the Rural environment that have these same issues.
170. I note that Ms Banks has also raised the issue of reverse sensitivity effects from the proposed Rural Industrial Zone. It is my understanding that activities in this Zone will need to comply with the noise limits at Rule 36.5.1 at the notional boundary of any residential unit. There are many other residential units and approved building platforms in close proximity to the Rural Industrial Zone and therefore if compliance is achieved at these locations I consider there will be no reverse sensitivity effects at the subject site.
171. Overall, for the reasons outlined above and having accepted the expert landscape advice of Mr Skelton I consider that the potential environmental effects of re-zoning the subject site as sought will be no more than minor if my proposed provisions are adopted to manage the scale, nature and intensity of activities and the landscape effects of built form and earthworks.
172. The proposed provisions ensure Council retains appropriate discretion / control through the resource consent process but the benefit for the submitter is that there is a reasonable level of certainty that an appropriately sited and designed proposal would be approved on the subject site on a non-notified basis. The cost benefit of this outcome versus a publicly notified resource consent process will be substantial.
173. I have had regard to the Chairman's fourth procedural minute<sup>28</sup> regarding the drafting of Objectives and Policies and I consider that along with addressing some minor corrections and amendments to the proposed Rules these provisions need to be more appropriately worded to set the appropriate desired outcome and course of action.
174. Therefore, I attach to my evidence as **Appendix [C]** a revised set of provisions for the proposed SASZ and SASZ B. I note that these provisions also contain minor amendments I recommended to the provisions for the SASZ in hearing stream T02.

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<sup>28</sup> Fourth Procedural Minute Issued by Chairman Denis Nugent dated 8 April 2016 paragraphs 6 – 10.

### **Section 32AA Evaluation**

175. 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.
176. 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.
177. I have not prepared a standalone Section 32AA evaluation report for the submitters proposed areas of re-zoning. 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.
178. 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.
179. I note that Ms Banks has raised the issue whether the proposed re-zoning is simply a methodology of achieving development potential that may otherwise be obtainable through resource consent applications<sup>29</sup>.
180. 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 retention of a pastoral farming landscape that resource consent applications

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<sup>29</sup> *First Statement of Evidence of Kim Banks paragraphs 13.4 – 13.8*

pursuant to the notified PDP provisions for the Rural Zone would be a viable alternative to the re-zoning.

181. 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. Even a successful application is more likely than not to be publicly notified and lead to costs in excess of \$50,000 to gain approval.
182. These costs would be unwarranted when the expert advice provided to the hearings panel confirms that the potential adverse effects of the proposed re-zoning can be appropriately remedied and mitigated.
183. 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.
184. 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**

185. Overall, the proposed re-zoning is considered to be more efficient and effective than the notified Rural Zoning.
186. Expansion of the SASZ above the existing Remarkables Ski Area accords with the purpose of the SASZ i.e. continued development of Ski Area Activities within the identified Zone providing certainty for the submitter that Ski Area Activities can continue to occur in this environment without resource consent.
187. Mr Skelton has confirmed that the landscape effects of development in this area are acceptable and therefore consistent with the Objective for SASZ to enable the continued development of Ski Area Activities within the identified sub zones where the effects of the development would be cumulatively minor.
188. The proposed expansion will ensure that Ski Area Activities are located within SASZ's in accordance with Policy 21.2.6.1 and the control of the visual impacts of roads, buildings and infrastructure (Policy 21.2.6.1) is implemented through Rules 21.5.27 and 21.5.28 and the additional statutory approval process under the Conservation Act 1987.
189. The addition of the SASZ B on the site adjacent to the State Highway is also considered to be consistent with the purpose for SASZ's in that the proposed Zoning will recognise the contribution that Ski Area tourism makes to the economic and recreational values of the District and will provide for

ancillary activities and facilities that enable the efficient operation of the Remarkables Ski Area where the effects of development on the landscape have been identified by Mr Skelton to be appropriate.

190. 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 however; directs that the potential adverse effects on the landscape pattern and naturalness of the broader vista must be mitigated.
191. The policies direct how this should occur with a focus on limiting development to essential development ancillary to the Remarkables Ski Area and requiring landscape rehabilitation and ecological enhancement to ensure development is not visually prominent.
192. These requirements are implemented through the proposed Rules which afford Council discretion over the size, external appearance, visual prominence, landscape character and visual amenity.
193. It is my opinion, based on the landscape advice of Mr Skelton that this heirachical structure of the 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.
194. 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 because the use of the Zone is limited to activities and built form directly associated with the operation of the Remarkables Ski Area.
195. Accordingly, the type of commercial activities and the need to provide staff accommodation for a large seasonal work force is unique and unlikely to result in precedent effects or draw commercial and residential activities away from the Town Centre and primary residential zones or supporting sites such as Remarkables Park and Five Mile.
196. The proposal therefore accords with Strategic provisions such as Goal 3.2.1 – *Develop a prosperous, resilient and equitable economy* and supporting Policies 3.1.2.1 and 3.2.1.4.
197. Overall, the proposed re-zoning enables a more efficient and effect use of the land than retaining it within the Rural Zone while at the same time adequately mitigating the potential adverse effects on landscape, indigenous biodiversity, natural hazards and infrastructure.

198. 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

28<sup>th</sup> March 2017







**Landscape Character A**  
Highly natural, schist dominate, steeply graded slopes culminating in the dramatic jagged skyline ridge

**Landscape Character B**  
The fans, deltas and lower slopes which are less steep and more heavily vegetated.

Skelton interpretation of the ONL boundary

Approximate ONL boundary as shown in map attached to the C203/2004 Decision

ONL

RLC





## RURAL ZONE 21

### 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 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 as the predominant use, whilst also enabling a diverse range of year round recreational pursuits and commercial 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.

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.

## RURAL ZONE 21

- 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.

## RURAL ZONE 21

- 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 AreaField Sub Zones and to anticipate 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.
- 21.2.6.4 Enable commercial, commercial recreation and visitor accommodation activities within the Ski Area Sub-Zones where the effects are consistent with the level of amenity anticipated in the Sub-Zone.
- 21.2.6.5 To recognise and provide for the functional dependency of Ski Area Activities on transportation infrastructure, such as land access and passenger lift based or other systems, linking 'on mountain' facilities to the Districts road and transportation network.
- 21.2.6.6 Restrict built form and development in areas that would degrade the natural landscape character of the Lake Alta Cirque and Wye Creek catchment.
- 21.2.7 **Objective – Enable the establishment and operation of activities and built form that are ancillary to and which facilitate the successful operation of the Remarkables Ski Area where the adverse effects on the natural landscape can be mitigated.**
- 21.2.6.6 Require landscaping and ecological enhancement to ensure buildings, car parks and activities constructed, utilised and undertaken within the Ski Area Sub-Zone B are not visually prominent when viewed from public places.
- 21.2.6.7 Limit the establishment of residential activities, visitor accommodation, commercial activities and buildings within the Ski Area Sub-Zone B to those that directly support and are necessary for the continued operation and management of the Remarkables Ski Area.
- 21.2.6.8 Ensure the design and display of signage in the Ski Area Sub-Zone B introducing the entrance to the Remarkables Ski Area does not adversely affect traffic safety by causing confusion or distraction to, or obstructing the views of, motorists on State Highway 6.
- 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**

## RURAL ZONE 21

**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:
- 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.
  - 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.

## RURAL ZONE 21

- 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.

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- 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.
- 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.

## 21.3 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                                   |

### 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.

## RURAL ZONE 21

- 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

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

## RURAL ZONE 21

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 – Ski Area Sub Zone B

| Rule    | Table 1 – Activities Rural Zone   | Activity |
|---------|---|----------|
| 21.4.1  | Any activity not listed in tables 1 to 10.  | NC       |
|         | <b>Farming Activities</b>   |          |
| 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        |
|         | <b>Residential Activities, Subdivision and Development</b>  |          |
| 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 <sup>2</sup> and not greater than 1000m <sup>2</sup> .  | 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        |
| 21.4.11 | Domestic Livestock.   | P        |
| 21.4.12 | Residential Flat (activity only, the specific rules for the construction of any buildings apply).   | P        |
|         | <b>Commercial Activities</b>  |          |
| 21.4.13 | Home Occupation that complies with the standards in Table 5.  | P        |

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| Rule    | Table 1 – Activities Rural Zone  | Activity |
|---------|--|----------|
| 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"> <li>the ground floor area is less than 5m<sup>2</sup>;</li> <li>are not higher than 2.0m from ground level;</li> <li>the minimum sight distance from the stall/access shall be 200m;</li> <li>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.</li> </ol> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> <li>The location of the activity and buildings.</li> <li>Vehicle crossing location, car parking.</li> <li>Rural amenity and landscape character.</li> </ul> | 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        |
|         | <b>Other Activities</b>  |          |
| 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       |

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| Rule    | Table 1 – Activities Rural Zone   | Activity |
|---------|---|----------|
| 21.4.27 | Recreation and/or Recreational Activity.  | P        |
|         | <b>Activities within the Outer Control Boundary at Queenstown Airport and Wanaka Airport</b>  |          |
| 21.4.28 | New Building Platforms and Activities within the Outer Control Boundary - Wanaka Airport<br><br>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<br><br>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       |
|         | <b>Mining Activities</b>  |          |
| 21.4.30 | The following mining and extraction activities are permitted:<br><br>a. Mineral prospecting.<br><br>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<br><br>c. The mining of aggregate for farming activities provided the total volume does not exceed 1000m <sup>3</sup> in any one year.<br><br>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 <sup>3</sup> in volume in any one hectare<br><br>Control is reserved to all of the following:<br><ul style="list-style-type: none"><li>• The adverse effects on landscape, nature conservation values and water quality.</li></ul> Rehabilitation of the site is completed that ensures:<br><ul style="list-style-type: none"><li>• the long term stability of the site.</li><li>• that the landforms or vegetation on finished areas are visually integrated into the landscape.</li><li>• water quality is maintained.</li><li>• that the land is returned to its original productive capacity.</li></ul> | C        |
| 21.4.32 | Any mining activity other than provided for in rules 21.4.30 and 21.4.31.   | D        |
|         | <b>Industrial Activities</b>  |          |
| 21.4.33 | Rural Industrial Activities within a Rural Industrial Sub-Zone that comply with Table 8.  | P        |

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| Rule    | Table 1 – Activities Rural Zone  | Activity |
|---------|--|----------|
| 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><b>Setback from Internal Boundaries</b></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"> <li>• Rural Amenity and landscape character.</li> <li>• Privacy, outlook and amenity from adjoining properties.</li> </ul> <p>Except this rule shall not apply within the Rural Industrial Sub Zone. Refer to Table 8.</p>  | RD             |
| 21.5.2 | <p><b>Setback from Roads</b></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"> <li>• Rural Amenity and landscape character.</li> <li>• Open space.</li> <li>• The adverse effects on the proposed activity from noise, glare and vibration from the established road.</li> </ul> | RD             |
| 21.5.3 | <p><b>Setback from Neighbours of Buildings Housing Animals</b></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> <ul style="list-style-type: none"> <li>• Odour.</li> <li>• Noise.</li> <li>• Dust.</li> <li>• Vehicle movements.</li> </ul>   | RD             |

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|        | <b>Table 2 - General Standards.</b>   | <b>Non-compliance</b> |
|--------|---|-----------------------|
|        | 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.   |                       |
| 21.5.4 | <p><b>Setback of buildings from Water bodies</b></p> <p>The minimum setback of any building from the bed of a wetland, river or lake shall be 20m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Indigenous biodiversity values.</li> <li>• Visual amenity values.</li> <li>• Landscape and natural character.</li> <li>• Open space.</li> <li>• Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building.</li> </ul> | RD                    |
| 21.5.5 | <p><b>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</b></p> <p>All effluent holding tanks, effluent treatment and effluent storage ponds, shall be located at least 300 metres from any formed road or adjoining property.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Odour.</li> <li>• Visual prominence.</li> <li>• Landscape character.</li> <li>• Effects on surrounding properties.</li> </ul>  | RD                    |
| 21.5.6 | <p><b>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</b></p> <p>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.</p>  | D                     |
| 21.5.7 | <p><b>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</b></p> <p>Stock shall be prohibited from standing in the bed of, or on the margin of a water body.</p> <p>For the purposes of this rule:</p> <ul style="list-style-type: none"> <li>• Margin means land within 3.0 metres from the edge of the bed.</li> <li>• 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.</li> </ul>   | PR                    |
| 21.5.8 | <p><b>Factory Farming (excluding the boarding of animals)</b></p> <p>Factory farming within 2 kilometres of a Residential, Rural Residential, Rural Lifestyle, Township, Rural Visitor, Town Centre, Local Shopping Centre or Resort Zone.</p>  | D                     |
| 21.5.9 | <p><b>Factory Farming</b></p> <p>Factory farming of pigs where:</p>   | NC                    |

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| <b>Table 2 - General Standards.</b>   |   | <b>Non-compliance</b> |
|---|---|-----------------------|
| 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. |   |                       |
| 21.5.9.1  | 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.  |                       |
| 21.5.10   | <b>Factory farming of poultry</b> where:  | NC                    |
| 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.   |                       |
| 21.5.11   | Any <b>factory farming</b> activity other than factory farming of pigs or poultry.  | NC                    |
| 21.5.12   | <b>Airport Noise – Wanaka Airport</b><br><br>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   | <b>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</b><br><br>(a) <b>Within the Queenstown Airport Air Noise Boundary (ANB)</b> - 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 proposed construction will achieve the Indoor Design Sound Level with the windows open.<br><br>(b) <b>Between the Queenstown Airport Outer Control Boundary (OCB) and the ANB</b> – 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 | NC                    |

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|  | <b>Table 2 - General Standards.</b><br>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.       | <b>Non-compliance</b> |
|--|--|-----------------------|
|  | proposed construction will achieve the Indoor Design Sound Level with the windows open.<br><br>(c) Standards (a) and (b) exclude any alterations or additions to any non-critical listening environment. |                       |

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|         | <b>Table 3 – Standards for Structures and Buildings</b><br>The following standards apply to structures and buildings, except Farm Buildings.   | <b>Non-compliance</b> |
|---------|--|-----------------------|
| 21.5.14 | <p><b>Structures</b></p> <p>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:</p> <p>21.5.14.1 post and rail, post and wire and post and mesh fences, including deer fences;</p> <p>21.5.14.2 any structure associated with farming activities as defined in this plan.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• Effects on landscape character, views and amenity, particularly from public roads.</li> <li>• The materials used, including their colour, reflectivity and permeability.</li> <li>• Whether the structure will be consistent with traditional rural elements.</li> </ul>  | RD                    |
| 21.5.15 | <p><b>Buildings</b></p> <p>Any building, including any structure larger than 5m<sup>2</sup>, 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>21.5.15.1 Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and,</p> <p>21.5.15.2 All other surface finishes shall have a reflectance value of not greater than 30%.</p> <p>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.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• External appearance.</li> <li>• Visual prominence from both public places and private locations.</li> <li>• Landscape character.</li> <li>• <u>Visual amenity.</u></li> </ul> <p><u>Except this rule shall not apply within the Ski Area Sub-Zones.</u></p> | RD                    |
| 21.5.16 | <p><b>Building size</b></p> <p>The maximum ground floor area of any building shall be 500m<sup>2</sup>.</p> <p>Discretion is restricted to all of the following:</p>   | RD                    |

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|         | <b>Table 3 – Standards for Structures and Buildings</b>   | <b>Non-compliance</b> |
|---------|---|-----------------------|
|         | <p>The following standards apply to structures and buildings, except Farm Buildings.</p> <ul style="list-style-type: none"> <li>• External appearance.</li> <li>• Visual prominence from both public places and private locations.</li> <li>• Landscape character.</li> <li>• Visual amenity.</li> <li>• Privacy, outlook and amenity from adjoining properties.</li> </ul> <p><u>Except this rule shall not apply in the Ski Area Sub-Zones.</u></p> |                       |
| 21.5.17 | <p><b>Building Height</b></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"> <li>• Rural Amenity and landscape character.</li> <li>• Privacy, outlook and amenity from adjoining properties.</li> <li>• Visual prominence from both public places and private locations.</li> </ul>   | RD                    |

|         | <b>Table 4 - Standards for Farm Buildings</b>  | <b>Non-compliance</b> |
|---------|--|-----------------------|
|         | <p>The following standards apply to Farm Buildings.</p>  |                       |
| 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 100m<sup>2</sup>; 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 300m<sup>2</sup>; 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> | RD                    |

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|         | <b>Table 4 - Standards for Farm Buildings</b>  | <b>Non-compliance</b> |
|---------|--|-----------------------|
|         | The following standards apply to Farm Buildings. <ul style="list-style-type: none"> <li>• Rural Amenity values.</li> <li>• Landscape character.</li> <li>• Privacy, outlook and rural amenity from adjoining properties.</li> <li>• Visibility, including lighting.</li> <li>• Scale.</li> <li>• Location.</li> </ul>  |                       |
| 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"> <li>• External appearance.</li> <li>• Visual prominence from both public places and private locations.</li> <li>• Landscape character.</li> <li>• Visual amenity.</li> </ul> | 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"> <li>• Rural amenity values.</li> <li>• Landscape character.</li> <li>• Privacy, outlook and amenity from adjoining properties.</li> </ul>  | D                     |

|         | <b>Table 5 - Standards for Commercial Activities</b>  | <b>Non-Compliance</b> |
|---------|---|-----------------------|
| 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><b>Home Occupation</b></p> <p>21.5.22.1 The maximum net floor area of home occupation activities shall be 150m<sup>2</sup>;</p> <p>21.5.22.2 No goods materials or equipment shall be stored outside a building;</p> | RD                    |

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|         | <b>Table 5 - Standards for Commercial Activities</b>   | <b>Non-Compliance</b> |
|---------|--|-----------------------|
|         | <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> <ul style="list-style-type: none"> <li>• The nature, scale and intensity of the activity in the context of the surrounding rural area.</li> <li>• Visual amenity from neighbouring properties and public places.</li> <li>• Noise, odour and dust.</li> <li>• The extent to which the activity requires a rural location because of its link to any rural resource in the Rural Zone.</li> <li>• Access safety and transportation effects.</li> </ul> |                       |
| 21.5.23 | <p><b>Retail Sales</b></p> <p>Buildings in excess of 25m<sup>2</sup> 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"> <li>• Landscape character and visual amenity.</li> <li>• Access safety and transportation effects.</li> <li>• On-site parking.</li> </ul>  | RD                    |
| 21.5.24 | <p><b>Retail Sales</b></p> <p>Retail sales where the access is onto a State Highway, with the exception of the activities listed in Table 1.</p>   | NC                    |

|         | <b>Table 6 - Standards for Informal Airports</b>   | <b>Non-Compliance</b> |
|---------|--|-----------------------|
| 21.5.25 | <p><b>Informal Airports Located on Public Conservation and Crown Pastoral Land</b></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> | D                     |

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| Table 6 - Standards for Informal Airports |  | Non-Compliance |
|---|--|----------------|
| 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.  |                |
| 21.5.26                                   | <p><b>Informal Airports Located on other Rural Zoned Land</b></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 <del>Ski Area</del> 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"> <li>• Location, external appearance and size, colour, visual dominance.</li> <li>• Associated earthworks, access and landscaping.</li> <li>• Provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary).</li> <li>• Lighting.</li> </ul>  | 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"> <li>• 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.</li> <li>• 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.</li> <li>• Balancing environmental considerations with operational characteristics.</li> </ul> | C        |
| 21.5.29  | <p>Night lighting.</p> <p>Control is reserved to all of the following:</p>  | C        |

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|                |   |           |
|----------------|---|-----------|
|                | <ul style="list-style-type: none"> <li>Hours of operation.</li> <li>Duration and intensity.</li> <li>Impact on surrounding properties.</li> </ul>   |           |
| 21.5.30        | <p>Vehicle Testing.</p> <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"> <li>Gravel and silt run off.</li> <li>Stormwater, erosion and siltation.</li> <li>The sprawl of tracks and the extent to which earthworks modify the landform.</li> <li>Stability of over-steepened embankments.</li> </ul> | C         |
| 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"> <li>Location.</li> <li>Hours of operation with regard to consistency with ski-area activities.</li> <li><del>Amenity effects, including loss of remoteness or isolation.</del></li> <li>Traffic congestion, access and safety.</li> <li>Waste disposal.</li> <li>Cumulative effects.</li> </ul>   | C         |
| <u>21.5.32</u> | <p><u>Visitor Accommodation.</u></p> <p><u>Discretion is restricted to all of the following:</u></p> <ul style="list-style-type: none"> <li><u>Scale and Intensity of the activity.</u></li> <li><u>Location, and specifically proximity to base building facilities.</u></li> <li><u>Parking.</u></li> <li><u>Provision of water supply, sewage treatment and disposal.</u></li> <li><u>Cumulative effects.</u></li> </ul>   | <u>RD</u> |
| <u>21.5.33</u> | <p><u>Earthworks, buildings and infrastructure within the No Building Line in the Remarkables SASZ.</u></p>   | <u>PR</u> |

|                 | Table 8 – Standards for activities within the Rural Industrial Sub Zone   | Non-Compliance |
|-----------------|---|----------------|
| <u>21.5.322</u> | <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</p> | RD             |

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|                    | <b>Table 8 – Standards for activities within the Rural Industrial Sub Zone</b>   | <b>Non-Compliance</b> |
|--------------------|--|-----------------------|
|                    | <p>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><del>21.5.32.1</del><u>21.5.33.1</u> Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and,</p> <p><del>21.5.32.2</del><u>21.5.33.2</u> 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"> <li>• External appearance.</li> <li>• Visual prominence from both public places and private locations.</li> <li>• Landscape character.</li> <li>• Visual amenity.</li> </ul> |                       |
| <del>21.5.33</del> | <p><b>Building size</b></p> <p>The maximum ground floor area of any building shall be 500m<sup>2</sup>.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• External appearance.</li> <li>• Visual prominence from both public places and private locations.</li> <li>• Visual amenity.</li> <li>• Privacy, outlook and amenity from adjoining properties.</li> </ul>  | RD                    |
| <del>21.5.34</del> | <p><b>Building Height</b></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"> <li>• rural amenity and landscape character.</li> <li>• privacy, outlook and amenity from adjoining properties.</li> </ul>   | RD                    |
| <del>21.5.35</del> | <p><b>Setback from Sub Zone Boundaries</b></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"> <li>• 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.</li> <li>• Rural amenity and landscape character.</li> <li>• Privacy, outlook and amenity from adjoining properties.</li> </ul>  | RD                    |

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| Table 8 – Standards for activities within the Rural Industrial Sub Zone |   | Non-Compliance |
|---|---|----------------|
| <u>21.5.362</u>   | <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             |
| <u>21.5.372</u>   | <p>Lighting and Glare</p> <p><u>21.5.37.1</u><u>21.5.38.1</u> All fixed exterior lighting shall be directed away from adjoining sites and roads; and</p> <p><u>21.5.37.2</u><u>21.5.38.2</u> 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><u>21.5.37.3</u><u>21.5.38.3</u> There shall be no upward light spill.</p> | NC             |

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| Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers |  | Activity |
|--|--|----------|
| <u>21.5.3821</u>   | <p><b>Jetboat Race Events</b></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"> <li>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.</li> <li>Adequate public notice is given of the holding of the event.</li> <li>Reasonable levels of public safety are maintained.</li> </ul> | C        |
| <u>21.5.3921</u>   | <p><b>Commercial non-motorised boating activities</b></p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>Scale and intensity of the activity.</li> <li>Amenity effects, including loss of privacy, remoteness or isolation.</li> <li>Congestion and safety, including effects on other commercial operators and recreational users.</li> <li>Waste disposal.</li> <li>Cumulative effects.</li> <li>Parking, access safety and transportation effects.</li> </ul>  | RD       |

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|                           | <b>Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers</b>   | <b>Activity</b> |
|---------------------------|---|-----------------|
| <a href="#">21.5.4021</a> | <p><b>Jetties and Moorings in the Frankton Arm</b></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"> <li>• 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.</li> <li>• Whether the structure causes an impediment to craft manoeuvring and using shore waters.</li> <li>• The degree to which the structure will diminish the recreational experience of people using public areas around the shoreline.</li> <li>• The effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect.</li> <li>• Whether the structure will be used by a number and range of people and craft, including the general public.</li> <li>• The degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design.</li> </ul> | RD              |
| <a href="#">21.5.4121</a> | <p><b>Structures and Moorings</b></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               |
| <a href="#">21.5.4221</a> | <p><b>Structures and Moorings</b></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              |
| <a href="#">21.5.4321</a> | <p><b>Commercial boating activities</b></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               |
| <a href="#">21.5.4421</a> | <p><b>Recreational and commercial boating activities</b></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><a href="#">21.5.44.1</a> <a href="#">21.5.45.1</a> Hawea River.</p>   | PR              |

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| <b>Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers</b>   |  | <b>Activity</b>       |
|---|--|-----------------------|
| <p><a href="#">21.5.44.221.5.45.2</a> Commercial boating activities on Lake Hayes.</p> <p><a href="#">21.5.44.321.5.45.3</a> 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><a href="#">21.5.44.421.5.45.4</a> Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.</p> <p><a href="#">21.5.44.521.5.45.5</a> Dingle Burn and Timaru Creek.</p> <p><a href="#">21.5.44.621.5.45.6</a> The tributaries of the Hunter River.</p> <p><a href="#">21.5.44.721.5.45.7</a> Hunter River during the months of May to October inclusive.</p> <p><a href="#">21.5.44.821.5.45.8</a> Motatapu River.</p> <p><a href="#">21.5.44.921.5.45.9</a> Any tributary of the Matukituki River.</p> <p><a href="#">21.5.44.1021.5.45.10</a> Clutha River - More than six jet boat race days per year as allowed by Rule 21.5.38.</p> |  |                       |
| <b>Standards: Surface of Lakes and Rivers</b>   |  | <b>Non-Compliance</b> |
| <a href="#">21.5.4521</a>   | <p><b>Boating craft used for Accommodation</b></p> <p>Boating craft on the surface of the lakes and rivers used for accommodation, unless:</p> <p><a href="#">21.5.45.121.5.46.1</a> the craft is only used for overnight recreational accommodation; and</p> <p><a href="#">21.5.45.221.5.46.2</a> the craft is not used as part of any commercial activity; and</p> <p><a href="#">21.5.45.321.5.46.3</a> all effluent is contained on board the craft and removed.</p>  | NC                    |
| <a href="#">21.5.4621</a>   | <p>No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:</p> <p><a href="#">21.5.46.121.5.47.1</a> be closer than 200 metres to any existing jetty;</p> <p><a href="#">21.5.46.221.5.47.2</a> exceed 20 metres in length;</p> <p><a href="#">21.5.46.321.5.47.3</a> exceed four berths per jetty, of which at least one berth is available to the public at all times;</p> <p><a href="#">21.5.46.421.5.47.4</a> be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty resides.</p> | NC                    |
| <a href="#">21.5.4721</a>   | <p>The following activities are subject to compliance with the following standards:</p>  | NC                    |

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|  | <b>Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers</b>  | <b>Activity</b> |
|--|--|-----------------|
|  | <p><u>21.5.47-21.5.48.1</u> 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><u>21.5.47-21.5.48.2</u> 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><u>21.5.47-21.5.48.3</u> 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><u>21.5.47-21.5.48.4</u> 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> |                 |

|                  | <b>Table 10 Closeburn Station: Activities</b>  | <b>Activity</b>       |
|------------------|--|-----------------------|
| <u>21.5.4821</u> | <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"> <li>• External appearances and landscaping, with regard to conditions 2.2(a), (b), (e) and (f) of resource consent RM950829.</li> <li>• Associated earthworks, lighting, access and landscaping.</li> <li>• Provision of water supply, sewage treatment and disposal, electricity and telecommunications services.</li> </ul> | C                     |
|                  | <b>Closeburn Station: Standards for Buildings and Structures</b>   | <b>Non-compliance</b> |
| <u>21.5.4921</u> | <p><b>Setback from Internal Boundaries</b></p> <p><u>21.5.49-21.5.50.1</u> 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><u>21.5.49-21.5.50.2</u> There shall be no minimum setback from internal boundaries within lots 7 and 22 to 27 DP300573 at Closeburn Station.</p>   | D                     |

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|                  |   |    |
|------------------|---|----|
| <u>21.5.5021</u> | <p><b>Building Height</b></p> <p><u>21.5.50.421.5.51.1</u> 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><u>21.5.50.221.5.51.2</u> 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><u>21.5.50.321.5.51.3</u> The maximum height for any building within Lot 23 DP 300573 at Closeburn Station shall be 5.5m.</p> <p><u>21.5.50.421.5.51.4</u> The maximum height for any building within Lot 24 DP 300573 at Closeburn Station shall be 5m.</p> | NC |
| <u>21.5.5121</u> | <p><b>Residential Density</b></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 |
| <u>21.5.5221</u> | <p><b>Building Coverage</b></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 |

| <b>Table 11 - Ski Area Sub-Zone B</b> |   | <b>Activity</b> |
|---------------------------------------|---|-----------------|
| <u>21.5.54</u>                        | <p><b>Buildings</b></p> <p><u>Any building, including any structure larger than 5m<sup>2</sup>, that is new, relocated, altered, re-clad or repainted, including containers intended to, or that remains on site for more than six months, and the alteration to any lawfully established building are subject to the following:</u></p> <p><u>All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits), including:</u></p> <ul style="list-style-type: none"> <li>• <u>Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and,</u></li> <li>• <u>All other surface finishes shall have a reflectance value of not greater than 30%.</u></li> </ul> <p><u>Discretion is restricted to all of the following:</u></p> <ul style="list-style-type: none"> <li>• <u>External appearance.</u></li> <li>• <u>Visual prominence from both public places and private locations.</u></li> <li>• <u>Landscape character and visual amenity when viewed from the State Highway.</u></li> <li>• <u>Provision of water supply, sewage treatment and disposal, electricity and telecommunication services;</u></li> <li>• <u>Earthworks;</u></li> <li>• <u>Lighting.</u></li> </ul> | RD              |

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|                |  |           |
|----------------|--|-----------|
|                | <ul style="list-style-type: none"> <li>• <u>Natural Hazards.</u></li> </ul>  |           |
| <u>21.5.55</u> | <p><u>Building size</u></p> <p>The maximum ground floor area of any building shall be 300m<sup>2</sup>.</p>  | <u>D</u>  |
| <u>21.5.56</u> | <p><u>Commercial Activities ancillary to the operation of the Remarkables Ski Area.</u></p> <p>Control is reserved with respect to the following matters:</p> <ul style="list-style-type: none"> <li>• <u>Hours of operation with regard to consistency with ski-area activities.</u></li> <li>• <u>Traffic congestion, access and safety.</u></li> <li>• <u>Landscape character and amenity when viewed from the State Highway.</u></li> <li>• <u>Cumulative effects.</u></li> </ul>  | <u>RD</u> |
| <u>21.5.57</u> | <p><u>The use of land and buildings for residential activities and/or visitor accommodation purposes to accommodate staff that support the operation of the Remarkables Ski Area. Council's discretion is limited to the following:</u></p> <ul style="list-style-type: none"> <li>• <u>The location, nature and scale of activities on site</u></li> <li>• <u>Parking and access;</u></li> <li>• <u>The location and extent of curtilage areas;</u></li> <li>• <u>Noise and methods of mitigation (through design and management controls)</u></li> <li>• <u>Hours of operation</u></li> <li>• <u>Accommodation format and numbers of residents / guests</u></li> </ul> | <u>RD</u> |
| <u>21.5.58</u> | <p><u>Outdoor Storage of Heavy Vehicles</u></p>  | <u>P</u>  |
| <u>21.5.59</u> | <p><u>Signage Introducing the Remarkables Ski Area</u></p> <p>Control shall be reserved with respect to:</p> <ul style="list-style-type: none"> <li>• <u>Location.</u></li> <li>• <u>Design;</u></li> <li>• <u>Lighting;</u></li> <li>• <u>Access and safety</u></li> </ul>  | <u>C</u>  |
| <u>21.5.60</u> | <p><u>Earthworks other than those provided for in Rules 21.5.54 and 21.5.60</u></p> <p>Control is reserved in respect of:</p> <ul style="list-style-type: none"> <li>• <u>The scale and location of any cut and fill and its effects on:</u> <ul style="list-style-type: none"> <li>(i) <u>the visual quality and amenity values of the landscape;</u></li> <li>(ii) <u>the natural landform of any visually prominent areas;</u></li> </ul> </li> <li>• <u>Visibility from the State Highway</u></li> </ul>   | <u>RD</u> |

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|  |   |  |
|--|---|--|
|  | <ul style="list-style-type: none"><li>• <u>Landscape planting and rehabilitation:</u></li></ul> |  |
|--|---|--|

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### 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 **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 **Controlled activity mineral exploration (Rule 21.4. 31).**
- 21.6.3 **Controlled activity buildings at Closeburn Station (Rule 21.5.48).**

### 21.7 Assessment Matters (Landscapes)

#### 21.7.1 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 The assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases.
- 21.7.1.2 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 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;

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- 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.

### 21.7.1.4 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.

### 21.7.1.5 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;

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

#### 21.7.2.2 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 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 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;

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- 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.

### 21.7.2.5 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.

### 21.7.2.6 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.

### 21.7.2.7 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.

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- 21.7.3 **Other factors and positive effects, applicable in all the landscape categories (ONF, ONL and RLC)**
- 21.7.3.1 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.
- 21.7.3.2 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.
- 21.7.3.3 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.