

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

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Stage 3b of the
Proposed District Plan

**SECOND REBUTTAL EVIDENCE OF EMILY SUZANNE GRACE
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**PLANNING: CHAPTER 46 RURAL VISITOR ZONE – TEXT, VARIATION AND
MAPPING**

19 June 2020

 **Simpson Grierson**
Barristers & Solicitors

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

TABLE OF CONTENTS

1. INTRODUCTION..... 1

2. SCOPE..... 1

SUBMITTER EVIDENCE ON REZONING REQUESTS 2

3. BEN FARRELL FOR MALAGHANS INVESTMENTS LIMITED (31022) 2

4. SCOTT EDGAR AND DAN CURLEY FOR CORBRIDGE ESTATES LIMITED PARTNERSHIP (31021)..... 9

5. BRETT GIDDENS FOR GIBBSTON VALLEY STATION (31037)..... 14

6. SCOTT FREEMAN FOR BARNHILL CORPORATE TRUSTEE LTD AND DE, ME BUNN & LA GREEN (31035)..... 19

SUBMITTER EVIDENCE ON TEXT OF CHAPTER 46..... 21

7. KENT FRENTZ FOR MINISTRY OF EDUCATION (31052)..... 21

8. AMENDMENT TO TAKE RECENT ENVIRONMENT COURT PROCESS INTO ACCOUNT 21

1. INTRODUCTION

- 1.1 My full name is Emily Suzanne Grace. My qualifications and experience are set out in my statement of evidence in chief dated 18 March 2020.
- 1.2 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise except where I state that I am relying on the evidence of another person. The Council, as my employer, has agreed for me to give expert evidence on its behalf in accordance with my duties under the Code of Conduct.

2. SCOPE

- 2.1 My rebuttal evidence is provided in response to the following evidence filed on behalf of various submitters who have filed evidence related to the Rural Visitor Zone (**RVZ**):
- (a) Mr Farrell for Malaghans Investments Limited (**31022**);
 - (b) Mr Curley and Mr Edgar for Corbridge Estates Limited Partnership (**31021**);
 - (c) Mr Giddens for Gibbston Valley Station (**31037**);
 - (d) Mr Freeman for Barnhill Corporate Trustee Ltd and DE, ME Bunn & LA Green (**31035**); and
 - (e) Mr Frenz for Ministry of Education (**31052**).
- 2.2 My evidence has the following attachments:
- (a) **Appendix 1:** recommended Rural Visitor Zone provisions

SUBMITTER EVIDENCE ON REZONING REQUESTS

3. BEN FARRELL FOR MALAGHANS INVESTMENTS LIMITED (31022)

- 3.1** Mr Farrell has filed planning evidence in relation to the RVZ re-zoning request of Malaghans Investments Limited, for a site at Skippers Road. The submission requested a greater height limit than the notified RVZ provisions, but sought no other changes to the notified RVZ provisions as part of the re-zoning. Mr Farrell's evidence recommends a suite of changes to the provisions, in addition to the change in height limit. I understand that whether these changes fall within the scope of relief available for this 'Skippers RVZ', is dependent on whether those changes fall within the 'spectrum' of the regulatory framework available, created by the Rural Zone (ONL) and notified RVZ with a greater height limit. I also understand that these changes could not apply to the RVZ provisions generally, including for notified RVZ sites. Mr Farrell recommends that a structure plan for the re-zoning site be included in the PDP. I understand that this structure plan and the provisions associated with it are within the scope of the submission. I identify below where I think a change to a provision is out of scope.
- 3.2** My s42A report identified a lack of landscape assessment as a reason for recommending that the re-zoning request be rejected¹. Mr Milne has now provided landscape evidence in support of the re-zoning request. Mr Jones has reviewed Mr Milne's evidence and advised that he no longer opposes the re-zoning of the Malaghans site on landscape grounds². Landscape sensitivity mapping has been undertaken and resulted in the identification of 'primary developable areas' on a structure plan attached to Mr Milne's evidence.
- 3.3** However, in Mr Jones' opinion, the upper slopes have high sensitivity, rather than the moderate-high sensitivity recorded by Mr Milne, and the area identified as moderate sensitivity by Mr Milne have moderate-high sensitivity³. Mr Jones goes on to suggest that the RVZ extent could be

1 See paragraphs 9.12 and 9.13 of my s42A report.

2 See section 3 of Mr Jones' rebuttal evidence dated 19 June 2020.

3 Paragraphs 3.3 and 3.4 of Mr Jones' second rebuttal evidence.

modified to include only the low sensitivity areas⁴. Mr Jones agrees with the recommendation for a 7m height limit, the inclusion of provisions to ensure roading and infrastructure maintains rural character, and an intention for heritage values to be taken into account⁵. Mr Jones does not agree with removal of the 10m setback rule from the zone boundary⁶.

3.4 Mr Farrell proposes three 'sets' of new provisions to incorporate the proposed Skippers RVZ Structure Plan into the RVZ chapter:

- (a) At paragraphs 22 and 23 of his evidence, Mr Farrell proposes an addition to the zone Purpose statement and a new objective and associated policies;
- (b) Paragraphs 26 to 28 of Mr Farrell's evidence address rules for ensuring development is in accordance with the structure plan. Mr Farrell has not provided an annotated version of Chapter 46, but I understand from paragraphs 26 to 28 that he supports controlled activity development within the 'developable area' of the structure plan and discretionary activity status outside that area.
- (c) At paragraphs 52 of his evidence, Mr Farrell discusses incorporating the structure plan into the Subdivision and Development Chapter (Chapter 27) and recommends a new objective and associated policies, and a consequential change to a rule.

3.5 I note that in some instances Mr Farrell recommends that the above changes are made so they apply generically to all RVZ areas with structure plans, but I understand there is not scope to apply that approach to the notified RVZs, so I treat the changes sought as only applying specifically to the Skippers RVZ, should it be approved.

4 Paragraph 3.5 of Mr Jones' second rebuttal evidence.
5 Section 3 of Mr Jones' second rebuttal evidence.
6 Paragraph 3.8 of Mr Jones' rebuttal evidence.

Landscape matters

3.6 Based on the advice of Mr Jones, I do not support the deletion of the zone setback standard, as proposed by Mr Farrell at paragraph 32 of his evidence.

3.7 As outlined above, Mr Jones has a different opinion to Mr Milne on the sensitivity rating for some parts of the Skippers RVZ site. There is agreement between both landscape architects on the area of low landscape sensitivity. The intention of the RVZ, expressed in Policy 46.2.1.a is for areas of RVZ to be largely comprised of areas of lower landscape sensitivity. Given this policy direction, and Mr Jones' advice about the areas of higher landscape sensitivity, I consider the policy direction of the RVZ would be better implemented by excluding the area identified by Mr Milne as moderate-high sensitivity from the zone. My recommendation, should the site be re-zoned, is that the eastern zone boundary be the eastern extent of the lower sensitivity area identified by Mr Milne, as indicated in **Figure 1** below.

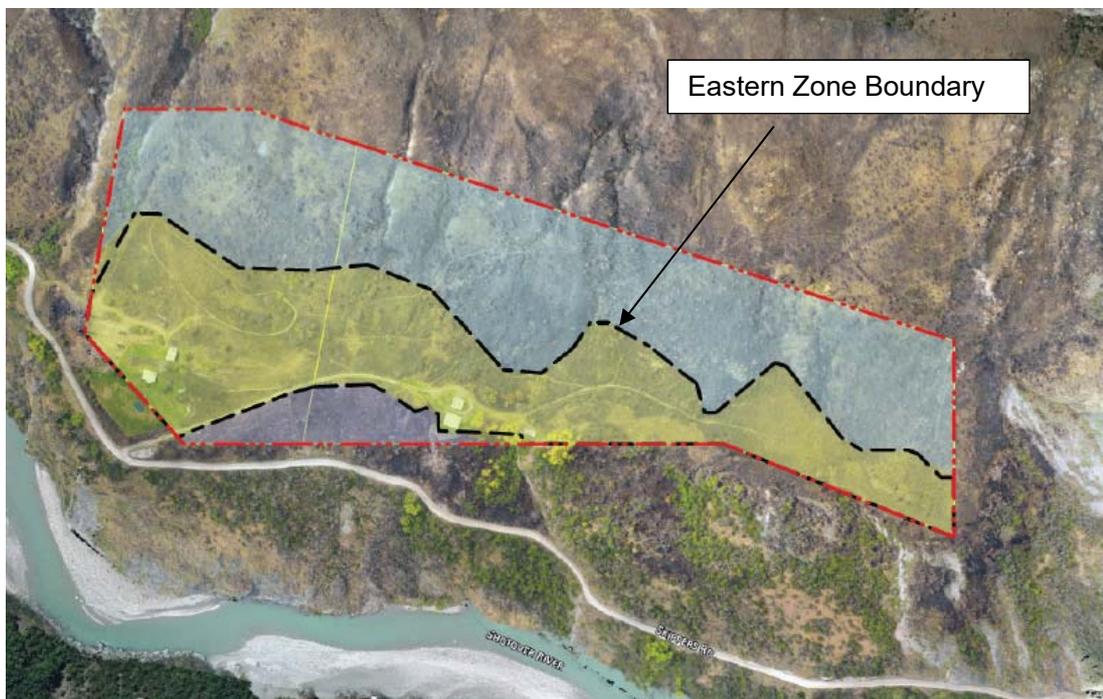


Figure 1: Eastern zone boundary to be the eastern extent of the lower sensitivity area identified by Mr Milne (note, north is to the left of the diagram)

3.8 I do not agree with Mr Farrell that the Skippers RVZ structure plan attached to Mr Milne's evidence should be incorporated into the PDP.

In my opinion, this is unnecessary. The structure plan is effectively the landscape sensitivity mapping required for all RVZ areas, and I would recommend that these areas instead be identified on the PDP maps, should the Skippers site be re-zoned to RVZ. The 'developable area' identified on the structure plan would become the area in which controlled activity status applies to buildings, which I understand is supported by Mr Farrell. The areas of moderate-high and high landscape sensitivity would be mapped in the PDP maps and the discretionary and non-complying rule framework would apply within these areas. I understand Mr Farrell is in agreement with the discretionary framework, if not explicitly the non-complying.

3.9 I refer to my first rebuttal evidence of 12 June 2020⁷ where my evidence is that I see no need to complicate plan implementation by including a structure plan that effectively repeats the RVZ mapping. I also pointed out⁸ the unintended consequence of including a landscape sensitivity map as a structure plan, being that subdivision would be a controlled activity. The purpose of the landscape sensitivity mapping exercise is not to enable subdivision, and I consider it important that identifying the landscape sensitivity areas does not result in a controlled activity status for subdivision in the ONL.

3.10 I briefly address the provisions proposed by Mr Farrell to incorporate the Skippers structure plan into the PDP, should the Panel come to a different view to me. My rebuttal evidence of 12 June 2020 records⁹ my general opinion that an objective in relation to a structure plan is not appropriate within the RVZ, as a structure plan is a method to achieve the zone outcomes, rather than an objective in itself. My first rebuttal evidence also records¹⁰ that in principle, I consider it appropriate to include a suite of policies specific to a structure plan within the PDP, to specify how the zone objectives are to be achieved through the implementation of the structure plan. However, I do not consider the policies put forward by Mr Farrell in relation to the Skippers structure plan¹¹ are appropriate. In my opinion, they contain nothing specific to development within the Skippers RVZ and are

7 See paragraph 3.5(e).
8 See paragraph 3.5(f).
9 See paragraph 7.5(d).
10 See paragraph 7.5(e).
11 See paragraph 23 of Mr Farrell's evidence.

therefore unnecessary. I consider this to be a reflection of the similarities between the structure plan framework proposed by Mr Farrell and the notified RVZ provisions.

3.11 In summary, I consider the outstanding landscape matters for re-zoning the site can be addressed by modifying the extent of the zone, as indicated in **Figure 1** above. I do not agree with the method proposed by Mr Farrell for incorporating the landscape sensitivity mapping and structure plan in the PDP. Should the site be re-zoned to RVZ (which I do not recommend for natural hazard reasons, discussed below), I recommend that the landscape sensitivity mapping in Mr Milne's evidence identifying the lower and high landscape sensitivity areas be included on the planning maps, as amended by **Figure 1** above. I consider this is all that is required as the notified RVZ provisions already relate directly to the landscape sensitivity areas, this is a far more efficient planning approach compared to complicating the RVZ chapter with an unnecessary structure plan. I consider that the RVZ provisions should apply as amended in Appendix 1 to this rebuttal statement.

Natural Hazards

3.12 My s42A report identified a lack of information on risk from natural hazards on the Malaghans site as a reason for recommending the re-zoning request be rejected¹². No evidence of an assessment of risk from natural hazards on the site has been provided. At paragraph 29 of his evidence, Mr Farrell suggests restricted discretionary activity status for buildings to address the lack of natural hazards information available for this site. I disagree with this approach to managing risk from natural hazards. I consider it is important to understand the risk from natural hazards on the site prior to re-zoning, to understand if avoidance is required, and if on-site mitigation is possible or not. In my opinion, it is not possible to give effect to the natural hazard objective¹³ and policies¹⁴ of the partially operative Otago Regional Policy Statement without having some confidence about the level of risk on the site. Similarly, PDP Chapter 28 (natural hazards, now updated

12 See paragraphs 9.12 and 9.13 of my s42A report.

13 Objective 4.1.

14 Policies 4.1.1 to 4.1.8.

through an issued consent order)¹⁵ requires an understanding of the level of risk. I remain of the opinion, as expressed in paragraphs 9.12 and 9.13 of my s42A, that it is not appropriate to re-zone the sites in the absence of the information on natural hazard risk recommended in the evidence of Mr Bond. In this regard I disagree with the approach of Mr Farrell to rely on an assumption about natural hazard risk, set out in paragraph 86 of his evidence.

3.13 Should the Panel come to a different view as to whether the RVZ would achieve relevant higher order objectives and policies as to natural hazards, or additional information is provided at the hearing, I have briefly considered the other changes to provisions proposed by Mr Farrell and make the following comments (noting some of these matters are already covered in my s42A):

- (a) I do not agree to the suggestion, at paragraph 24 of Mr Farrell's evidence, that an addition be made to Policy 46.2.2.2 to extend the exception for Walter Peak and Arcadia to the Skippers RVZ. There are no historic buildings within the Skippers site, as there are at Walter Peak and Arcadia, and so no potential for new built development to adversely affect existing built heritage values. On the Skippers site, I consider it more important to protect landscape values through the current wording of the policy and building colour and material standard. In addition, I note that a matter of control for buildings (Rule 46.4.6(a)) already includes heritage values.
- (b) I do not agree with the suggestion, at paragraphs 25 of Mr Farrell's evidence, to introduce a policy to provide for rural roading and infrastructure. I consider this is unnecessary. RVZ sites are rural in nature. Policy 46.2.2.6 directs appropriate servicing, and servicing and access are matters of control under Rule 46.4.6. I note that the policies in the RVZ chapter relating to landscape management apply to servicing and access as much as to other activities. I consider there is enough flexibility in the rule framework for

infrastructure appropriate for each specific RVZ site to be considered.

- (c) I do not agree with Mr Farrell's suggestion to change the activity status of non-compliance with Rule 46.5.2 (total maximum ground floor area) to controlled. This would make a nonsense of the standard, as compliance with it means a controlled activity consent is required for a building under Rule 46.4.6. In the same paragraph Mr Farrell states that the 500m² floor area limit is arbitrary, but does not go on to suggest an alternative area for the Skippers site.
- (d) I have some trouble understanding what Mr Farrell is seeking in his paragraphs 34 to 40, relating to the building material and colour standard. To clarify, compliance with the standard (Rule 46.5.x) means a building is a controlled activity under Rule 46.4.6 (subject to compliance with the other standards), and non-compliance with the standard triggers a restricted discretionary activity consent. I do not understand or support the proposed matters of control at paragraph 39 of Mr Farrell's evidence. I consider that density is an important matter of control in Rule 46.4.6 and set out my reasoning for this at paragraph 5.12 of my s42A.
- (e) My understanding is that there is no scope in the Malaghans submission to seek a change to the status of residential activity (as per paragraphs 41 to 49 of Mr Farrell's evidence). My approach to residential activity in the RVZ is set out in Section 6 of my s42A.
- (f) I do not consider that there is scope for the changes proposed by Mr Farrell at his paragraph 51 relating to non-notification clauses.
- (g) In relation to the comments Mr Farrell makes at paragraphs 55 and 56 of his evidence, I note that in paragraph 4.15 of my s42A I explained the scope in the submissions to strengthen

the policy framework. I understand Ms Scott will address this point in legal submissions.

4. SCOTT EDGAR AND DAN CURLEY FOR CORBRIDGE ESTATES LIMITED PARTNERSHIP (31021)

- 4.1** Mr Curley and Mr Edgar both provide planning evidence in relation to the re-zoning submission of Corbridge Estates Limited Partnership (the 'Corbridge' site). These two sets of planning evidence are accompanied by eight other statements of evidence. The volume of evidence lodged for this submission and the other RVZ re-zoning requests have not allowed me, within the constrained rebuttal time period, to undertake a detailed assessment of what is now proposed for the Corbridge site. My rebuttal statement focuses on key issues rather than the detail provided in the evidence.
- 4.2** I note that a number of Council experts have reviewed the various statements of evidence lodged on behalf of the submitter. Of these, Mr Powell and Mr Jones oppose the re-zoning proposal and I rely on their evidence.
- 4.3** Mr Powell, in his second rebuttal statement, advises that connection to the Council water and wastewater system would be required for the development, but that those connections would require upgrades to the Council systems. Such upgrades are not planned or funded within the LTP. I consider this is a significant barrier to the re-zoning of the site. I also consider it suggests a larger scale and more urban level of development than is foreseen for the RVZ, as expressed in the Purpose statement by reference to activities occurring at a 'limited scale and intensity'.
- 4.4** Mr Jones is in agreement with Mr Espie (for the submitter) in some regards, but considers that further amendments are required to the proposed structure plan in order to ensure that landscape character is maintained and visual amenity values are maintained or enhanced. Mr Jones advises¹⁶ that while areas of high landscape sensitivity have been identified on the site, there are areas of moderate-high sensitivity

16 Paragraphs 4.8 to 4.10 of Mr Jones' 19 June 202 rebuttal evidence.

that have not been identified, and that these areas of moderate-high sensitivity are managed in a more permissive way by the structure plan than they would be if the notified RVZ provisions applied. I note the structure plan would make buildings in these areas controlled (possibly a scope issue here)¹⁷, where they would be discretionary under the notified RVZ rules¹⁸. As such, it is not currently clear that the site is 'largely comprised of areas of lower landscape sensitivity', as intended for new areas of RVZ by proposed Policy 46.2.1.a.

4.5 I do not agree with Mr Edgar, at paragraph 81 of his evidence, that the structure plan proposed for the Corbridge site is based on landscape sensitivity mapping. In my opinion, it is an alternative to landscape sensitivity mapping as a means to manage landscape values. In sections 3 and 4 of my s42A I describe the way the RVZ uses landscape sensitivity mapping to manage effects on landscape. The RVZ rule framework is based on that mapping. The Corbridge structure plan applies a suite of area-specific rules that provide for development in an alternative way to the notified RVZ provisions. If the Corbridge structure plan is to replace the landscape sensitivity mapping as a means to manage landscape values, then I consider there must be certainty that the structure plan will meet the test of Chapter 3 for Rural Zone RCLs (the site's current zone) and maintain landscape character, and maintain or enhance visual amenity. Mr Jones' advice is that the structure plan does not meet that threshold. As such, I do not consider it can be included in the PDP.

4.6 In my opinion, a structure plan that proposes an alternative method of managing landscape values to the landscape sensitivity method identified in the RVZ provisions runs into difficulties with the provisions of the RVZ. This includes the Purpose statement for the zone, where the method is set out, Objective 46.2.2 that codifies the method and refers to areas of lower landscape sensitivity, and the policies that implement the landscape sensitivity method. I acknowledge that Mr Curley proposes a suite of new rules related to the structure plan. These alternative rules and the issues with the policy framework suggest to me that the structure plan does not fit easily within the RVZ

17 Proposed Rule 46.6.10, page 108 of Mr Curley's evidence.
18 Rule 46.4.10.

framework, and that what Corbridge are seeking is perhaps better described as some type of Special Zone.

- 4.7** In my opinion, it is the nature and scale of the development as well as the method of management of landscape values that puts it at odds with the RVZ. In this regard, I disagree with Mr Edgar. Taken as a whole, the RVZ chapter seeks to enable visitor industry activities that provide access to the District's landscapes, in pockets and at a limited scale and intensity, in a way that manages effects on landscape in accordance with Chapter 3 through a specific landscape sensitivity mapping method. The scale and intensity of the Corbridge proposal is more urban in nature than rural, evidenced by the requirement to connect to Council services and the significant residential component, and is not aligned with the intent of the RVZ, in my opinion. I note that Chapter 4 of the PDP (Urban Development) contains objectives and policies that seek to contain urban development within urban growth boundaries and existing settlements, and avoid urban development outside these areas¹⁹.
- 4.8** The intent of the RVZ to provide access to the District's landscapes is also worth considering. This achieves a Chapter 3 strategic policy²⁰ and is incorporated into the RVZ policies²¹. In my opinion this is another aspect that sets the Corbridge proposal apart from the notified RVZs and RVZ re-zoning requests that are located in both ONL and RCL, in that the proposal involves landscape modification and would provide access to a modified golf course landscape, rather than access to an existing natural or farmed landscape, as the other RVZs do.
- 4.9** As expressed in Sections 6 and 10 of my s42A report, and above, I do not think the Corbridge proposal is a good fit for the RVZ. If the landscape issues can be resolved, it may be that the proposal could be incorporated in to the PDP in some form. But I emphasise that the test in Chapter 3, to maintain landscape character and maintain or enhance visual amenity, must be met before including the structure plan within the PDP and a rezoning can be considered.

19 See Objectives 4.2.1, 4.2.2A and 4.2.2B and Policies 4.2.1.3, 4.2.2.23.
20 Strategic Policy 3.3.1A.
21 Policy 46.2.1.2.

4.10 I provide some high level comments on some specific aspects of Mr Edgar's evidence below:

- (a) At paragraphs 48 to 53 Mr Edgar discuss remoteness. I do not agree with the removal of this from the Purpose and Policies 46.2.1.a and 46.2.1.4 and refer to paragraph 4.22 of my s42A for my reasons for including this. There is a link between remoteness and the policy direction to allow for onsite staff accommodation, it being more efficient to provide for staff accommodation on remote sites. If remote were to be removed, this allowance for onsite staff accommodation would need to be reconsidered.
- (b) I agree in part with Mr Edgar's changes to Objective 46.2.1²². I consider that replacing 'that' with 'where' is more grammatically correct. However, I consider 'can be protected' is not directive enough for the Objective and recommend alternative wording in **Appendix 1**.
- (c) I disagree with Mr Edgar's resource management issue at paragraph 60 of his evidence. I consider the issue that needs to be addressed is what is the most appropriate zone for the site (with the strategic provisions (and Part 2 of the RMA) being the comparison point). I return to the question of the existing environment, below.
- (d) I refer to section 6 of my s42A for the reasons I disagree with Mr Edgar in relation to residential activity within the RVZ and do not support the changes he recommends in his paragraphs 97 and 98.
- (e) At paragraph 99 Mr Edgar discusses a change to Policy 46.2.2.1 to incorporate the Corbridge structure plan into the RVZ chapter. If the re-zoning were to be approved, I consider that Mr Edgar's suggestion of an amendment to Policy 46.2.2.1 to add a new clause (d), to be an appropriate means of achieving this. Of all the suggestions I have considered in the evidence of various submitters for incorporating structure plans within the RVZ, I think this is the most efficient and effective way. This is because it clearly demonstrates that the structure plan is a means of achieving the objectives and

22 Paragraph 57 of Mr Edgar's evidence.

policies of the chapter, with a relatively minor amendment to the chapter provisions.

- (f) I note that Mr Edgar does not propose any changes to the RVZ objectives to accommodate the structure plan, although changes are proposed to some policies, and I take from paragraph 101 of Mr Edgar's evidence that this is because he is of the opinion that the structure plan and associated rules achieve the objectives of the zone. I agree that there should be no need to change the objectives to accommodate a structure plan, as a structure plan should be a means of implementing the objectives. But I disagree with Mr Edgar that the Corbridge structure plan does meet the RVZ objectives. This is because the advice of Mr Jones is that the structure plan and the restrictions in the rules will not maintain landscape character and maintain or enhance visual amenity values.

4.11 I have not had the time to undertake a detailed assessment of the rule framework discussed in Mr Curley's evidence. I have not considered whether the changes sought are within the scope of the original submission or not and this will require careful consideration if new provisions or changes are to be recommended by the Panel.

4.12 At paragraphs 25 to 35 Mr Curley describes the existing resource consents granted for the site. At paragraph 26 Mr Edgar suggests a granted subdivision consent is significant to the site's existing environment. I do not agree that the approval of that consent automatically makes it part of the existing environment. As I understand it, the subdivision consent has not yet been given effect to, and that the resource consent 'Hawthorn' existing environment concept is not mandatory in a plan making context. Rather, I understand that the Council has a discretion as to whether it will apply the existing environment, one which must be made on a principled basis. My understanding from the submission and the evidence filed on behalf of the submitter, is that it is not likely that the subdivision consent will be implemented. If the Structure Plan proposed was to align with the subdivision, then that might be more likely, but the re-zoning is an alternative to the implementation of the subdivision and therefore I do

not consider it is likely to be implemented. I consider this consent should not factor into the consideration of the re-zoning.

5. BRETT GIDDENS FOR GIBBSTON VALLEY STATION (31037)

5.1 Mr Giddens has filed planning evidence on the RVZ re-zoning request by Gibbston Valley Station. The submission did not request any changes to the RVZ provisions as part of the re-zoning, but Mr Giddens' evidence recommends a suite of changes to the provisions. I understand that whether these changes fall within the scope of relief available for this 'Gibbston RVZ site', is dependent on whether those changes fall within the 'spectrum' of the regulatory framework available, created by the Rural Zone (ONL) and notified RVZ. I also understand that these changes could not apply to the RVZ provisions generally, including for notified RVZ sites. Mr Giddens recommends a structure plan for the re-zoning site be included in the PDP. I understand that this structure plan and the provisions associated with it are within the scope of the submission. I identify below where I think a change to a provision is out of scope.

5.2 My s42A report identified a lack of a landscape assessment as a reason for recommending that the re-zoning request be rejected²³. Mr Milne has now provided landscape evidence in support of the re-zoning request. Mr Jones has reviewed Mr Milne's evidence and advised that he no longer opposes the re-zoning on landscape grounds²⁴. Landscape sensitivity mapping has been undertaken and has resulted in the identification of 'primary developable areas' on a structure plan attached to Mr Milne's evidence. Mr Jones agrees with the recommendations for a 7m height limit in Areas 1 and 3 of the structure plan, the inclusion of provisions to ensure roading and infrastructure maintains rural character, and an addition to the building material and colours standard to account for landscape character.

5.3 Mr Smith has reviewed the traffic evidence provided by Mr Carr. Mr Smith concludes²⁵ that the traffic volumes from the re-zoning are likely

23 See paragraphs 11.13 and 11.14 of my s42A report.

24 See section 4 of Mr Jones' rebuttal evidence dated 12 June 2020.

25 See Section 7 of Mr Smith's rebuttal statement dated 12 June 2020.

to be acceptable, but would require improvements to the intersections of Rasta Road and Coal Pit Road with SH6 at some point in the future.

5.4 Mr Powell has reviewed Mr Brown's evidence in relation to infrastructure services for the Gibbston Valley Station site. Mr Powell concurs with Mr Brown's evidence, that if the site were to be re-zoned, water, wastewater and stormwater services can be provided within the site. Mr Powell does not oppose the re-zoning of the site to RVZ.

5.5 Mr Giddens proposes that the structure plan attached to Mr Milne's evidence be incorporated within the PDP. The reduced area covered by the structure plan and re-zoning request, as compared to the larger area requested in the submission, is discussed at paragraphs 26 and 27 of Mr Giddens' evidence. In my opinion, the size of the RVZ is still large, and the landscape sensitivity mapping suggests it is not made up largely of areas of lower landscape sensitivity. At paragraph 4.22 of my s42A I discuss my reasons for adding a new policy requiring new areas of RVZ to be largely within areas of lower landscape sensitivity. I also discuss changes to the Purpose statement in order to more clearly articulate the way landscape is managed in the RVZ. The first means of implementing landscape management is through the extent of the zone itself. I consider the policy direction would be better achieved if the western boundary of the proposed zone was moved eastward to align with the ridgeline to the immediate west of 'buildable area 1', along the line shown by the red line in **Figure 2** below. I consider excluding this western area from the re-zoning would better implement the policy direction for the RVZ.

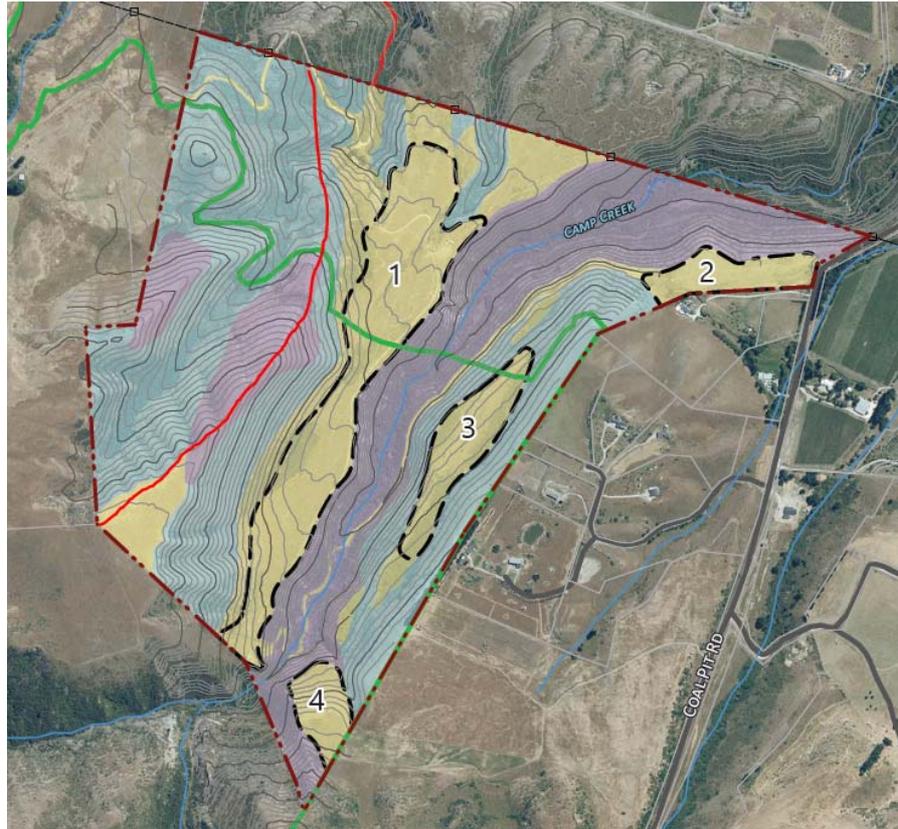


Figure 2: alternative location of western boundary of Gibbston Valley Station RVZ, shown by red line.

5.6 I refer also to Mr Bond's evidence for this site, which identified two areas, largely aligned with the incised stream channels that traverse the site. He did not support including these in the re-zoning area for reasons related to natural hazard risk. I note that my suggested removal of the western part of the site would also remove one of these areas from the zone. The other area has been identified by Mr Milne as having high landscape sensitivity. As such, any building proposed in this area would require a non-complying activity consent. I consider non-complying activity status provides sufficient control over risk from natural hazards to not need a specific no-build area, should the site be re-zoned.

5.7 Mr Giddens' proposal (and consequential provisions) to incorporate the structure plan attached to Mr Milne's evidence into the PDP are similar in nature to those described by Mr Farrell for the Malaghans re-zoning in Skippers Canyon, as discussed above. I will attempt to avoid repetition as I assess Mr Giddens' evidence, with reference to my assessment of Mr Farrell's evidence.

5.8 My discussion in paragraphs 3.3 and 3.7 to 3.9 above apply equally to Mr Giddens' proposal for incorporating the structure plan attached to Mr Milne's evidence into the PDP, including in relation to the scope of the changes sought. To be clear, I do not support the proposed objectives and policies (for both the RVZ and subdivision chapters), the addition to the Purpose statement, nor the addition of a new Standard (46.5.11) as proposed by Mr Giddens. For the same reasons as set out earlier, should the site be re-zoned I recommend that the landscape sensitivity mapping be included on the planning maps for the zone. Due to the different height limits in Areas 1 and 3, an annotation around those two areas would be required on the plan maps. In my opinion this is all that is required, as the notified provisions relate directly to the landscape sensitivity areas.

5.9 Mr Giddens proposes a number of other changes to the provisions of Chapter 46, set out in the annotated chapter attached to his evidence. I largely disagree with these changes. I briefly summarise my reasons below:

- (a) I consider there is no need for the change to Policy 46.2.2.4 relating to lighting. In my opinion the change does not add anything to the policy;
- (b) I refer to my paragraph 3.12(b) above for my reasons for disagreeing with the changes to the infrastructure and roading matters of control in Rule 46.4.6 and paragraph 7.5(m) of my first rebuttal statement for my reasons for disagreeing with proposed Standard 46.5.10;
- (c) Mr Giddens' suggestion to delete the provisions included in response to the Aurora submission are not necessary, given the clarification I recommended in paragraph 6.11 of my first rebuttal statement;
- (d) I do not see a need to add 'heritage values' as a separate matter of control in Rule 46.4.6, or as a matter of discretion in

Rule 46.5.8 for the Gibbston Valley RVZ. My reasons are similar to those set out above;

- (e) I consider that density is an important matter of control in Rule 46.4.6 and set out my reasoning for this at paragraph 5.12 of my s42A. I do not agree with density being removed from Rule 46.4.6;
- (f) I note that the height standard of 7m proposed in Rule 46.5.1 requires qualification to reflect the recommendation of the landscape architects, that it is only within part of the site that a 7m height limit is appropriate;
- (g) While Mr Giddens questions the 500m² maximum ground floor area at paragraphs 46 of his evidence (Rule 46.5.2), he does not offer an alternative limit, and Mr Milne is supportive of the 500m² limit;
- (h) I agree with paragraph 47(b) of Mr Giddens' evidence where he states that the wording of Rule 46.5.2 could be improved. I have deleted 'across the zoned area' (see **Appendix 1**);
- (i) I consider there is no scope for the change to the non-notification statement, but I do not think the change is justified; and
- (j) In my opinion there is no scope for the residential activity standard proposed by Mr Giddens (46.5.9). As an aside, I note that the definition of visitor accommodation allows paying guests to stay for a maximum of 90 nights. I understand from reading Mr Hunt's statement, that this would allow for the ownership structure proposed, albeit with a limit of 90 nights as a permitted activity rather than the 180 proposed in the standard.

5.10 In summary, I am supportive of the re-zoning of this site to RVZ, subject to:

- (a) Removal of the western part of the site from the zone, as shown on **Figure 2**;
- (b) Inclusion of the High and Moderate-High landscape sensitivity mapping in Mr Milne's evidence on the planning maps (rather than a structure plan), with an annotation such as 'height exception area' around Areas 1 and 3 (I note the same label can apply to both areas, as the height limit is the same in both areas);
- (c) Application of the RVZ provisions with one 'Gibbston Valley RVZ' specific rule, this being a height limit of 7m specific to the two areas identified in (b) above within the Gibbston Valley RVZ within Rule 46.5.1 (see **Appendix 1**);
- (d) Clarification that the 500m² total maximum ground floor area standard (46.5.2) applies to the Gibbston Valley RVZ (see **Appendix 1**).

6. SCOTT FREEMAN FOR BARNHILL CORPORATE TRUSTEE LTD AND DE, ME BUNN & LA GREEN (31035)

6.1 Mr Freeman has filed planning evidence on the re-zoning request for RVZ to be applied to part of the Barnhill site, referred to in my s42A as Morven Ferry Road. The submission requested two areas of RVZ, referred to as A and B. At paragraph 12 of his evidence, Mr Freeman outlines that the area now sought to be re-zoned has been reduced from 20.2ha to 2.8ha, and an area of High Landscape Sensitivity has been identified (as shown on a plan attached as Appendix 1 to Ms MacColl's statement). The area now sought to be re-zoned is all of the original Zone A (1.5ha, shown by the white dashed line on Ms MacColl's Appendix 1 plan) and some of the original Zone B surrounding Zone A (to make a total of 2.8ha).

- 6.2** At paragraph 15 of his evidence, Mr Freeman states that the total maximum ground floor area now sought has also reduced, from 4500m² to 1500m². I note 1500m² is the same maximum ground floor area originally proposed for Zone A. This, and a change to the wording of Policy 46.2.1 proposed by Ms MacColl that I address below, appears to be the only change to the notified RVZ provisions now being pursued by the submitter, making the RVZ request a lot closer to the notified RVZ provisions than in the original submission.
- 6.3** In light of the reduced scale of the RVZ sought by the submitter, I consider that the outstanding issue for this re-zoning request relates to landscape matters. As I discuss at paragraph 4.5 of my s42A report, the submitter needs to demonstrate that controlled activity development at this site will maintain landscape character and maintain or enhance amenity values. Any areas of moderately-high and high landscape sensitivity must also be identified. Ms Mellsop has reviewed the submitter's evidence and remains of the opinion that 1500m² of development on the site would adversely affect visual amenity values. In addition, Ms Mellsop has clarified that landscape sensitivity analysis has not been undertaken for the site. In my opinion, based on the evidence of Ms Mellsop, it is not possible to apply the RVZ rule framework to the Morven Ferry Road site with confidence that effects on landscape will be appropriately managed. My recommendation remains that re-zoning relief be rejected.
- 6.4** I note that Ms MacColl's statement also responds to matters raised in my s42A, and although she is not a planner, her statement supports Mr Freeman's. At paragraph 31 of her statement, Ms MacColl seeks to delete the words '*difficult to see*' from Policy 46.2.1.a, which I proposed in my s42A. Ms MacColl requests these words be replaced with '*have limited visibility*'. I do not agree with the change proposed by Ms MacColl, and refer to paragraph 4.22 of my s42A for the reasons for including '*difficult to see*' in the policy.

SUBMITTER EVIDENCE ON TEXT OF CHAPTER 46

7. KENT FRENTZ FOR MINISTRY OF EDUCATION (31052)

7.1 Section 10 of Mr Frentz's evidence discusses the policy and rule requested in the Ministry of Education submission for the RVZ. I remain of the opinion that these submission points should be rejected, and refer to paragraph 16.6 of my s42A report.

7.2 I note that the definition of '*commercial recreation activities*' in Section 2 of the PDP includes '*training*' and '*instructing*', and so the zone does allow for some forms of education to take place.

8. AMENDMENT TO TAKE RECENT ENVIRONMENT COURT PROCESS INTO ACCOUNT

8.1 I understand that progress is being made on the Topic 2 Environment Court process, which involves working on the 'exception zone framework' to be included in Chapter 3 of the PDP. The Council's intention is that the RVZ will be an exception zone, and no parties have opposed that approach. Part of the work on the exception zone framework has resulted in the need to clarify the status of the term 'Rural Character Landscape' (**RCL**). As I understand it, this term is not to be an over-arching landscape classification term for rural areas outside the ONF/L, which was my understanding when I drafted the changes to Chapter 46 included in my s42A. Rather, RCL is a landscape classification within the Rural Zone only, and if land that is currently zoned Rural Zone RCL is replaced (ie. rezoned) by another zone, such as RVZ, the RCL classification will fall away.

8.2 As such, any policy direction in the RVZ which seeks to carry over the RCL management direction for section 7(c) rural amenity landscapes, needs to use alternative terminology. I have considered this and made changes to the amendments I proposed to the Chapter 46 Objectives and Policies, to remove reference to RCLs (in **Appendix 1**). There are two potential outcomes for the drafting of the RVZ depending on Panel recommendations on rezoning submissions:

- (a) If the Panel accepts any rezoning submissions to RVZ that are currently zoned Rural Zone RCL, then the RVZ chapter will need to be updated to include reference to the section 7(c) tests: maintain landscape character and maintain or enhance amenity values (this text is all highlighted yellow in Appendix 1); or
- (b) If the Panel does not accept any rezoning submissions to RVZ that are currently zoned Rural Zone RCL, then there is no need for the RVZ chapter to have any reference to the section 7(c) tests: maintain landscape character and maintain or enhance amenity values. This is because all of the RVAs will be located in an ONL, and the RVZ chapter will only need to ensure that it provides an “alternative regulatory framework” to the Rural Zone ONL provisions, that ensures that the values of the relevant ONL are protected from inappropriate subdivision, use and development.

8.3 In addition, I observe that the list of Exception Zones that the Council has recently proposed to the Court are all located within the ONL or ONF.

8.4 The Council has been clear in its feedback to the Court that the Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct should also be treated as ‘Exception Zones’, for reasons including that the zone was largely notified as Rural Zone RCL in Stage 1 before being varied, and is regulating/providing a regulatory framework for what are section 7(c) amenity landscapes.

8.5 Whether Chapter 3 of the District Plan provides an ‘Exception Zone Framework’ for the Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct’ will shortly be advanced through mediation of appeals on Chapter 24. Essentially the same issue arises for any new RVZ that were to replace the current Rural Zone RCL.

8.6 If the Panel accepts any RVZ within what is currently the Rural Zone RCL, there will need to be consequential amendments to Chapter 3 to ensure that the new zone is given appropriate higher order policy

consistent with the management regime that exists for the Rural Zoned RCL land as it is currently zoned. For example, it could read something like:

In each Rural Visitor Zone Exception Zone not located within an Outstanding Natural Feature or Outstanding Natural Landscape, any application for subdivision, use and development is provided for:

a. to the extent anticipated by that Exception Zone;

b. on the basis that any additional subdivision, use and development not provided for by that Exception Zone maintains landscape character and maintains or enhances visual amenity values.

- 8.1** It is difficult to take this further without a decision from the Environment Court on the exception zone framework, particularly as it relates to zones other than the Rural Zone that manage section 7(c) amenity values, but Ms Scott can speak to this further if required given her role in that Environment Court work.



Emily Suzanne Grace

19 June 2020

Appendix 1
Recommended RVZ provisions

46 Rural Visitor Zone

KEY:

Chapter 46 was notified as new. Any black underlined or ~~strike through~~ text, reflect the notified variation to district wide provisions.

Section 42A 18/03/2020: recommended changes to notified provisions are shown in red underlined text for additions and ~~red strike through text~~ for deletions.

Rebuttal 12/06/2020: recommended changes to notified provisions are shown in green underlined text for additions and ~~green strike through text~~ for deletions. The text highlighted yellow is only necessary in the chapter, IF a RVZ rezoning submission is accepted in a location that is currently zoned Rural Zone RCL in the PDP.

46.1

Purpose

The Rural Visitor Zone provides for visitor industry activities to occur at a limited scale and intensity in generally remote locations, including within Outstanding Natural Landscapes, at a limited scale and intensity that have been identified as being able to absorb the effects of visitor industry development without compromising the landscape values of the District. The Zone is not anticipated to be located on Outstanding Natural Features, where each particular Zone can accommodate the adverse effects of land use and development. By providing for visitor industry activities, the Zone recognises the contribution visitor industry places, services and facilities make to the economic and recreational values of the District.

The primary method of managing effects of land use and development on landscape will be location, directing sensitive and sympathetic development to where the landscape can accommodate change. This method is implemented firstly through limiting the extent of the zone itself to areas of predominantly lower landscape sensitivity, and then through the identification of any areas of higher landscape sensitivity within zoned areas where protection of landscape values is a priority, and the adverse effects on landscape values from land use and development will be cumulatively minor. The nature and design and mitigation of buildings and development are secondary factors in the role of landscape management that will contribute toward ensuring buildings are not visually dominant and are integrated into the landscape.

Through these two methods, The Rural Visitor Zone planning framework requires the protection of the landscape values of Outstanding Natural Landscapes, and the maintenance of landscape character and the maintenance of and enhancement of visual amenity values of other rural areas Rural Character Landscapes.

The principal activities in the Zone are visitor accommodation and related ancillary commercial activities, commercial recreation and recreation activities. Residential activity is not anticipated in the Zone with the exception being for onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities.

Pursuant to Section 86B(3)(a) of the Act Rules 46.4.8, 46.4.9 and 46.5.4 have immediate legal effect.

Commented [EG1]: 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLs.
31021.3 Corbridge Estates Limited Partnership: extend RVZ beyond ONLs and provide for residential within RVZ.
31030.1, .3, .4 Byrch: write purpose more clearly, restrict the extent of the zone, provide clear guidelines on which areas are suitable for the zone.
31035.5 Barnhill Corporate Trustee Ltd + others: amend purpose to extend RVZ beyond ONLs.
31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLs.

Part 6

Rural Visitor Zone 46

46.2 Objectives and Policies

46.2.1 Objective – Visitor accommodation, commercial recreation and ancillary commercial activities ~~within appropriate locations are provided for through a Rural Visitor Zone located only in areas of landscape sensitivity that where: maintain or enhance~~

a. ~~protect the protection of landscape values of Outstanding Natural Landscapes is achieved, and~~

b. ~~in areas not within Outstanding Natural Features or Outstanding Natural Landscapes, maintain the maintenance of landscape character, and the maintenance or enhancement maintain or enhance the of visual amenity values is achieved of Rural Character Landscapes.~~

Commented [EG2]: 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLS.
31021.3, .4 Corbridge Estates Limited Partnership: extend RVZ beyond ONLS.
31030.3, .4 Byrch: restrict the extent of the zone, provide clear guidelines on which areas are suitable for the zone.
31035.6 Barnhill Corporate Trustee Ltd + others: amend 46.2.1 to extend RVZ beyond ONLS.
31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLS.

Policies

46.2.1.a ~~Areas identified as a Rural Visitor Zone shall be generally remote in location, difficult to see from public places, and largely comprised of areas of lower landscape sensitivity, with any areas of Moderate – High and High Landscape Sensitivity specifically identified.~~

Commented [EG3]: 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLS.
31030.3 & .4 Byrch: restrict the extent of the zone and provide clear guidelines on which areas are suitable for the zone.
31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLS.

46.2.1.1 Provide for innovative and appropriately located and designed visitor accommodation, including ancillary commercial activities and onsite staff accommodation, recreation and commercial recreation activities where the landscape values of the District's Outstanding Natural Landscapes ~~are protected, and for other rural areas, the landscape character of Rural Character Landscapes is maintained and the visual amenity values of Rural Character Landscapes are will be maintained or enhanced.~~

Commented [EG4]: 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLS.
31021.5 Corbridge Estates Limited Partnership: extend RVZ beyond ONLS.
31035.7 Barnhill Corporate Trustee Ltd + others: amend 46.2.1.1 to extend RVZ beyond ONLS.
31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLS.

46.2.1.2 Provide for tourism related activities within appropriate locations in the Zone where they enable people to access and appreciate the District's landscapes, provided that landscape quality, character, visual amenity values and nature conservation values are maintained or enhanced.

46.2.1.3 Encourage the enhancement of nature conservation values as part of the use and development of the Zone.

46.2.1.4 Recognise the generally remote location of Rural Visitor Zones and the need for visitor industry activities to be self-reliant by providing for services or facilities that are directly associated with, and ancillary to visitor accommodation activities, including onsite staff accommodation.

Commented [EG5]: 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLS.
31021 Corbridge Estates Limited Partnership: extend RVZ beyond ONLS.
31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLS.

46.2.1.5 Ensure that the group size, nature and scale of commercial recreation activities do not degrade the level of amenity in the surrounding environment.

46.2.1.6 Ensure that any land use or development not otherwise anticipated in the Zone, protects the landscape values of the District's Outstanding Natural Landscapes, and maintains the landscape character, or maintains or enhances the visual amenity values of other rural areas Rural Character Landscapes, or and enhances ~~landscape values and~~ nature conservation values.

Commented [EG6]: 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLS.
31021.10 Corbridge Estates Limited Partnership: extend RVZ beyond ONLS.
31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLS.

46.2.1.7 Avoid residential activity within the Rural Visitor Zone with the exception of enabling onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities.

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

Commented [EG7]: 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLS.
31021.14 Corbridge Estates Limited Partnership: extend RVZ beyond ONLS.
31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLS.

a. ~~protect the landscape values of Outstanding Natural Landscapes, and~~

Part 6

Rural Visitor Zone 46

b. ~~maintain the landscape character and maintain or enhance the visual amenity values of rural areas not within Outstanding Natural Features or Outstanding Natural Landscapes Rural Character Landscapes are maintained or enhanced.~~

Policies

46.2.2.1 Protect the landscape values of the Zone and the surrounding ~~rural landscapes Rural Zone Outstanding Natural Landscapes~~ by:

- a. ~~providing for enabling~~ and consolidating buildings within the Rural Visitor Zone in areas that are not identified on the District Plan maps as a High Landscape Sensitivity Area, nor within an area of Moderate – High Landscape Sensitivity;
- b. ~~ensuring that restricting~~ buildings within areas identified on the District Plan maps as Moderate – High Landscape Sensitivity ~~unless they~~ are located and designed, and adverse effects are mitigated, to ensure landscape values ~~of Outstanding Natural Landscapes are protected, and for other rural areas, landscape character of Rural Character Landscapes is maintained and visual amenity values of Rural Character Landscapes are maintained or enhanced;~~ and
- c. avoiding buildings within areas identified on the District Plan maps as High Landscape Sensitivity Areas.

Commented [EG8]: 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLS.
31021.15 Corbridge Estates Limited Partnership: extend RVZ beyond ONLS.
31035.8 Barnhill Corporate Trustee Ltd + others: amend 46.2.2.1 to extend RVZ beyond ONLS.
31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLS.

46.2.2.2 Land use and development, in particular buildings, shall ~~protect,~~ maintain or enhance the landscape character and visual amenity values of the Rural Visitor Zone and surrounding ~~rural areas landscapes Outstanding Natural Landscapes~~ by:

- a. controlling the colour, scale, design, and height of buildings and associated infrastructure, vegetation and landscape elements; and
- b. in the immediate vicinity of the Homestead Area at Walter Peak, and the Homestead Area at Arcadia provide for a range of external building colours that are not as recessive as required generally for rural environments, but are sympathetic to existing development.

Commented [EG9]: 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLS.
31021.16 Corbridge Estates Limited Partnership: extend RVZ beyond ONLS.
31035.9 Barnhill Corporate Trustee Ltd + others: amend 46.2.2.2 to extend RVZ beyond ONLS.
31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLS.

46.2.2.3 Within those areas identified on the District Plan maps as High Landscape Sensitivity or Moderate – High Landscape Sensitivity, ~~avoid buildings and development where the landscape cannot accommodate the change, and~~ maintain open landscape character where it is open at present.

Commented [EG10]: 31014.5 Heron Investments Ltd: amend Ch46 to delete reference to RVZ being only within ONLS.
31053.4 Blennerhassett: amend provisions of Ch46 to extend RVZ beyond ONLS.

46.2.2.4 Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character.

46.2.2.5 Within the Walter Peak Water Transport Infrastructure overlay, provide for a jetty or wharf, weather protection features and ancillary infrastructure at Beach Bay while:

- a. maintaining as far as practicable natural character and landscape values of Beach Bay while recognising the functional need for water transport infrastructure to locate on the margin of and on Lake Wakatipu;
- b. minimising the loss of public access to the lake margin; and
- c. encouraging enhancement of nature conservation and natural character values.

Part 6

Rural Visitor Zone 46

46.2.2.6 Ensure development can be appropriately serviced through:

- a. the method, capacity and design of wastewater treatment and disposal;
- b. adequate and potable provision of water;
- c. adequate firefighting water and regard taken in the design of development to fire risk from vegetation, both existing and proposed vegetation; and
- d. provision of safe vehicle access or alternative water based transport and associated infrastructure.

46.3 Other Provisions and Rules

46.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation and Biodiversity
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	39 Wāhi Tūpuna	Planning Maps

46.3.2 Interpreting and Applying the Rules

- 46.3.2.1 A permitted activity must comply with all the rules (in this case Chapter 46 and any relevant district wide rules).
- 46.3.2.2 Where an activity does not comply with a standard listed in the standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 46.3.2.3 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control or discretion to the matters listed in the rule.
- 46.3.2.4 The surface of lakes and rivers are zoned Rural, except for the area identified on the District Plan maps as Walter Peak Water Transport Infrastructure overlay for the purposes of Rule 46.4.9.
- 46.3.2.5 These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

Part 6

Rural Visitor Zone 46

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

46.3.3 Advice Notes - General

46.3.3.1 On-site wastewater treatment is also subject to the Otago Regional Plan: Water. In particular, Rule 12.A.1.4 of the Otago Regional Plan: Water.

46.3.3.2 Particular attention is drawn to the definition of Visitor Accommodation which includes related ancillary services and facilities and onsite staff accommodation.

46.3.3.X For x and y RVZ, New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001")

Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation.

To assist plan users in complying with NZECP 34(2001), the major distribution components of the Aurora network (the Electricity sub-transmission infrastructure and Significant electricity distribution infrastructure) are shown on the Planning Maps.

For the balance of Aurora's network plan users are advised to consult with Aurora's network maps at www.auroraenergy.co.nz or contact Aurora for advice.

Commented [EG11]: 31020.8 Aurora

Note: Ms Dowd for Aurora has confirmed in her evidence, support for this drafting, but I note it differs to the advice note included in all zone chapters in the Aurora consent order (and now recommended by other s42A authors through their rebuttal). This will need to be resolved at the hearing, should any of the affected site be re-zoned to RVZ.

46.4 Rules – Activities

	Table 46.4 – Activities	Activity Status
46.4.1	Farming	P
46.4.2	Visitor accommodation	P
46.4.3	Commercial recreational activities and onsite staff accommodation	P
46.4.4	Recreation and recreational activity	P
46.4.5	Informal airports	P
46.4.6	The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.7 to 46.4.11) Control is reserved to: a. The compatibility of the building <u>density</u> , design <u>and location</u> with landscape, cultural and heritage, and visual amenity values; b. Landform modification, landscaping and planting;	C

Commented [EG12]: Re-zoning submissions: 31012, 31013, 31014, 31015, 31016, 31021, 31022, 31033, 31035, 31037, 31039, 31043, 31045, 31053

Commented [EG13]: 31011.8 HNZ

Part 6

Rural Visitor Zone 46

	<ul style="list-style-type: none"> c. Lighting; d. Servicing including water supply, fire-fighting, stormwater and wastewater; e. Natural Hazards; and f. Design and <u>layout of site access, on-site location of related carparking, manoeuvring and traffic generation.</u> x. <u>For x and y RVZ only, where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or subject site any adverse effects on that infrastructure.</u> 	
46.4.7	<p>Farm building</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. The relationship of the proposed farm building to farming activity; b. Landform modification, landscaping and planting; c. Lighting; d. Servicing including water supply, fire-fighting, stormwater and wastewater; and e. Natural Hazards. <p>x. <u>For x and y RVZ only, where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or subject site any adverse effects on that infrastructure.</u></p>	RD
46.4.8	<p>At Walter Peak within the Water Transport Infrastructure Overlay as identified on the District Plan maps, a jetty or wharf, weather protection features and ancillary infrastructure</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Effects on natural character; b. Effects on landscape values and amenity values; c. Lighting; d. Effects on public access to and along the lake margin; and e. External appearance, colour and materials. 	RD
46.4.9	At Walter Peak within the Water Transport Infrastructure Overlay as identified on the District Plan maps, any building other than those identified in Rule 46.4.8	D
46.4.10	The construction, relocation or exterior alteration of buildings within an area identified on the District Plan maps as a Moderate – High Landscape Sensitivity Area	D
46.4.11	The construction, relocation or exterior alteration of buildings within an area identified on the District Plan maps as a High Landscape Sensitivity Area	NC
46.4.12	Industrial activity	NC

Commented [EG14]: 31020.4 Aurora

Commented [EG15]: 31020.5 Aurora

Part 6

Rural Visitor Zone 46

46.4.13	Residential activity except as provided for in Rules 46.4.2 and 46.4.3	NC
46.4.14	Commercial, retail or service activities except as provided for in Rules 46.4.2 and 46.4.3	NC
46.4.15	Mining	NC
46.4.16	Any other activity not listed in Table 46.4	NC

46.5 Rules - Standards

	Table 46.5 – Standards	Non-compliance status
46.5.1	Building Height	NC
	46.5.1.1: The maximum height of buildings shall be 6m.	
	46.5.1.2: Within the Water Transport Infrastructure overlay identified on the District Plan maps the maximum height of buildings shall be 4m.	NC
	46.5.1.3: <u>Within the Height Exception Areas identified on the District Plan maps in the Gibbston Valley Rural Visitor Zone the maximum height of buildings shall be 7m.</u>	<u>NC</u>
46.5.2	Building Size	RD
	46.5.2.1 The maximum ground floor area of any building shall be 500m ² . 46.5.2.1 In the Gibbston Valley Rural Visitor Zone across the zoned area, excluding any areas identified as Moderate High and High Landscape Sensitivity, shall be 500m².	Discretion is restricted to: a. landscape; b. Visual amenity values; and c. Nature, scale and external appearance; d. <u>Density of development.</u>
46.5.3	Glare	NC
	46.5.3.1: All exterior lighting shall be directed downward and away from adjacent sites and public places including roads or waterbodies.	
	46.5.3.2: No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site.	

Commented [EG16]: Re-zoning submissions: 31012, 31013, 31014, 31015, 31016, 31021, 31022, 31033, 31035, 31037, 31039, 31043, 31045, 31053

Part 6

Rural Visitor Zone 46

	Table 46.5 – Standards	Non-compliance status
	46.5.3.3: Rule 46.5.3.2 shall not apply to exterior lighting within the Walter Peak Water Transport Infrastructure overlay.	
46.5.4	<p>Setback of buildings from waterbodies</p> <p>46.5.4.1: The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p> <p>46.5.4.2: Rule 46.5.4.1 shall not apply to those structures or buildings identified in Rule 46.4.8 located within the Walter Peak Water Transport Infrastructure overlay.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Indigenous biodiversity values; b. Visual amenity values; c. landscape; d. open space and the interaction of the development with the water body; e. environmental protection measures (including landscaping and stormwater management); f. natural hazards; and g. Effects on cultural values of manawhenua.
46.5.5	<p>Setback of Buildings</p> <p>46.5.5.1: Buildings shall be set back a minimum of 10 metres from the Zone boundary.</p> <p>46.5.5.2: Rule 46.5.5.1 shall not apply to those structures or buildings identified in Rule 46.4.8 located within the Walter Peak Water Transport Infrastructure overlay.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Nature and scale; a. Reverse Sensitivity effects; and b. Functional need for buildings to be located within the setback.
46.5.6	<p>Commercial Recreational Activity</p> <p>46.5.6.1: Commercial recreational activity that is undertaken outdoors must not involve more than 30 persons in any one group.</p> <p>46.5.6.2: Rule 46.5.6.1 shall not apply at Walter Peak.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Nature and scale including cumulative adverse effects; b. Hours of operation;

Part 6

Rural Visitor Zone 46

	Table 46.5 – Standards	Non-compliance status
		c. The extent and location of signage; d. Transport and access; and e. Noise.
46.5.7	Informal Airports Other than in the case of informal airports for emergency landings, rescues, firefighting and activities ancillary to farming Activities, Informal Airports shall not exceed 15 flights per week. Note: For the purposes of this Rule a flight includes two aircraft movements (i.e. an arrival and departure).	D
46.5.x	<p>Building Material and Colours</p> <p><u>In the Gibbston Valley Rural Visitor Zone <x, y and z Rural Visitor Zones> any building and its alteration, including shipping containers that remain on site for more than six months, are subject to the following:</u></p> <p><u>All exterior surfaces* must be coloured in the range of browns, greens or greys including;</u></p> <p><u>24.5.3.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and</u></p> <p><u>24.5.3.2 All other exterior surface** finishes, except for schist, must have a light reflectance value of not greater than 30%.</u></p> <p><u>* Excludes soffits, windows and skylights (but not glass balustrades).</u></p> <p><u>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</u></p>	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Landscape;</u></p> <p>b. <u>Visual amenity values; and</u></p> <p>c. <u>External appearance.</u></p>

Commented [EG17]: Re-zoning submissions: 31012, 31013, 31014, 31015, 31016, 31021, 31022, 31033, 31035, 31037, 31039, 31043, 31045, 31053

46.6 Non-Notification of Applications

Any application for resource consent for controlled or restricted discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified, with the exception of the following:

- a. Rule 46.4.8 Water Transport Infrastructure at Walter Peak.
- b. Rule 46.5.4 setback of buildings from waterbodies.
- c. Rule 46.5.5 setback of buildings from the Zone boundary.
- d. Rule 46.5.6 commercial recreational activities.

Part 6

Rural Visitor Zone 46

x. For x and y RVZ only, Rule 46.4.6 The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.7 to 46.4.11)

Commented [EG18]: 31020.6 Aurora

x. For x and y RVZ only, Rule 46.4.7 Farm Building

Commented [EG19]: 31020.6 Aurora

46.6.x For x and y RVZ only, For any application for resource consent where Rules 46.4.6(g) and 46.4.7(f) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991.

Commented [EG20]: 31020.7 Aurora

Part 6

Rural Visitor Zone 46

Variation to Earthworks Chapter 25:

Underlined text for additions and strike through text for deletions.

Amend Chapter 25 by inserting the following into Rule 25.5.5 (Table 25.2 – Maximum Volume)

25.5.5	Queenstown Town Centre Zone	500m ³
	Wanaka Town Centre Zone	
	Local Shopping Centre Zone	
	Business Mixed Use Zone	
	Airport Zone (Queenstown)	
	Millbrook Resort Zone	
	<u>Rural Visitor Zone</u>	

Part 6

Rural Visitor Zone 46

Variation to Subdivision and Development Chapter 27:

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

Amend Chapter 27 by amending Rule 27.5.9 as follows:

27.5.11	All subdivision activities in the <u>Rural Visitor Zone</u> , Rural and Gibbston Character Zones and Airport Zone - Wanaka, unless otherwise provided for.	D
---------	--	---

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified.

Zone		Minimum Lot Area
<u>Rural Visitor Zone</u>		<u>No Minimum</u>

Variation to Signs Chapter 31:

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

31.14 Rules – Activity Status of Signs in Special Zones

The rules relating to signs in this table are additional to those in Table 31.4 and are subject to the standards in Table 31.15. If there is a conflict between the rules in Table 31.4 and the rules in this table, the rules in this table apply.

Table 31.14 – Activity Status of signs in Special Zones		Jacks Point Zone outside of Village Activity Areas and residential Activity Areas	Waterfall Park Zone	Millbrook Resort Zone Rural Visitor Zone
31.14.1	Signs for commercial activities and community activities Control is reserved to the matters set out in Rule 31.17.	C	C	C
31.14.2	Identification of a signage platform for a commercial activity or community activity Control is reserved to the matters set out in Rule 31.17.	C	C	C
31.14.3	Signs for visitor accommodation Control is reserved to the matters set out in Rule 31.17.	D	D	C
31.14.4	Signs not associated with commercial activities, community activities or visitor accommodation	P	P	P
31.14.5	Any sign activity which is not listed in Table 31.4 or Rules 31.14.1 to 31.14.4 inclusive	D	D	D

Part 6

Rural Visitor Zone 46

Variation to Chapter 36 Noise:

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

36.5 Rules – Standards

Table 2: General Standards

	Standard				Non-Compliance Status
	Zones sound is received in	Assessment location	Time	Noise limits	
36.5.2	<u>Rural Visitor Zone</u>	Any point within any site	0800h to 2000h	50 dB LAeq(15 min)	NC
			2000h to 0800h	40 dB LAeq(15 min)	NC