

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

Decision No. [2022] NZEnvC 74

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14 of the First
Schedule of the Act

BETWEEN MALAGHANS INVESTMENTS
LIMITED AND OTHERS

(ENV-2021-CHC-30)

Appellants

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Environment Judge J J M Hassan – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 9 May 2022

CONSENT ORDER

A: Under s279(1)(b), RMA,¹ the Environment Court, by consent, orders that:

(1) the appeals are allowed to the extent that Queenstown Lakes District
Council is directed to:

(a) amend the provisions of Chapter 46 (Rural Visitor Zone) of the

¹ Resource Management Act 1991.



Proposed Queenstown Lakes District Plan as shown in ~~strike through~~ and underline, in Appendix 1 attached to and forming part of this consent order (not including amendments highlighted grey as they are allocated to separate site-specific appeals);

- (b) make any consequential amendments to the numbering of provisions and relevant planning maps resulting from (a) above.
- (2) the appeal points otherwise remain extant.

B: Under s285, RMA, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns four appeals by Malaghans Investments Limited,² and others³ against parts of a decision of the Queenstown Lakes District Council regarding provisions in Ch 46 (Rural Visitor Zone) of the proposed Queenstown Lakes District Plan. The appeals were allocated to Stage 3 of the PDP review. This order addresses the parts of the appeals allocated to sub-topic 1 of Topic 38 (Rural Visitor Zone – Text Relief).

[2] I have read and considered the consent memorandum of the parties dated 15 March 2022 which proposes a final determination of a number of the relevant appeal points allocated to sub-topic 1 of Topic 38 which generally sought that the text of Ch 46 revert back to its notified form.

Other relevant matters

[3] Several parties gave notice of an intention to become a party to these

² ENV-2021-CHC-30.

³ Cardrona Cattle Company Limited (ENV-2021-CHC-31), Gibbston Valley Station Limited (ENV-2021-CHC-33) and Jan-Marc Servaas Scaife (ENV-2021-CHC-22).

appeals under s274, RMA and have signed the memorandum setting out the relief sought.

[4] The appeal by Mr J M S Scaife (ENV-2021-CHC-022) encompasses relevant provisions of the Rural Visitor Zone ('RVZ'). He participated in the first day of mediation. The consent memorandum reports that he "subsequently advised that he will withdraw his appeal points on the RVZ text (which sought to amend the RVZ chapter back to the notified version) ... and focus instead on his sub-topic 2 appeal point on Matakauri RVZ". However, at the time the consent memorandum was filed no withdrawal (or response) had been received from him.

[5] A Minute dated 18 March 2022 was issued affording Mr Scaife a further opportunity to advise whether he wishes to withdraw the relevant appeal points or pursue the relief sought. No response was received from Mr Scaife.

[6] The joint memorandum seeks that below-noted point of Mr Scaife's appeal concerning Matakauri RVZ be transferred to be determined as part of sub-topic 2.

[7] In view of Mr Scaife's participation in mediation and his failure to respond to the court's inquiry, I accept counsel's representations to the effect that I treat him as not now pursuing any alternative relief on the provisions in issue to that now sought in the consent memorandum. As such, those of his appeal points are also treated as being allowed to the extent that directions are made herein.

[8] I remind Mr Scaife that a party who, without proper excuse, fails to respond to court directives of this kind can be the subject of sanction, including by way of strike out and/or a costs order. Especially in plan proceedings of this kind, such discourtesy can impact unfairly on other parties and the community in terms of delayed determination of plan provisions.

[9] However, on this occasion I will leave matters there. The parties agree that costs should lie where they fall and accordingly no order for costs is sought.

Relief agreed to be refined to a specific appeal site and transferred to Topic 38, sub-topic 2 (Rural Visitor Zone – Rezoning Appeals)

[10] The consent memorandum records that during mediation the relevant parties agreed certain appeal points could be refined to pursue the relief sought at a site-specific scale rather than on a chapter-wide level. The following appeal points are therefore recorded as transferred from sub-topic 1 (text) to sub-topic 2 (rezoning):

Appeal points allocated reference	Provision appealed	Allocated to
ENV-2021-CHC-022-02	Notification provisions.	Jan-Marc Servaas Scaife's sub-topic 2 Matakauri Rural Visitor Zone appeal.
ENV-2021-CHC-033-03	Removal of the GFA standard.	Gibbston Valley Station Limited's ('GVSL') sub-topic 2 appeal on the basis that GVSL will pursue this relief through a site specific ground floor area standard.
ENV-2021-CHC-033-05	The structure plan approach and change to controlled activity status where subdivision is consistent with the Structure Plan.	GVSL's sub-topic 2 appeal.
ENV-2021-CHC-033-06	Deletion of Rule 46.5.22, the Resta Road intersection standard.	GVSL's sub-topic 2 appeal.

[11] The memorandum further records that a number of further particulars are also to be transferred to sub-topic 2, on the basis they have been confirmed as site-

specific relief. The following are therefore recorded as transferred from sub-topic 1 (text) to sub-topic 2 (rezoning):

Appealed provision	Allocated to
Rules 46.4.7.2 and 46.4.12.2 relating to the construction or exterior alteration of buildings in the Gibbston Rural Visitor Zone.	GVSL's sub-topic 2 appeal.
New Policy 46.2.2.9 relating to roading and infrastructure of a rural standard, character and appearance and related new discretionary Rule 46.5.14.	GVSL and Malaghans' sub-topic 2 appeal.
New Policy 46.2.2.10, relating to enabling development that is in accordance with a Structure Plan and related new non-complying Rule 46.5.15 and associated structure plans.	GVSL and Cardrona Cattle Company Limited's sub-topic 2.
46.4.7.2 and 46.4.11, relating to buildings within developable areas in the Gibbston RVZ.	GVSL's sub-topic 2 appeal.
New Rule 46.5.1.4, relating to the maximum height of buildings in developable areas in the Skippers RVZ	Malaghans' sub-topic 2 appeal.
New Rule 46.5.7.4, relating to the number of persons undertaking commercial recreational activity in the Skippers RVZ.	Malaghans' sub-topic 2 appeal.
Rule 46.5.6, relates to the setback of buildings from the Zone boundary and is confirmed by this order. An exception to this rule is to be transferred.	Malaghans' sub-topic 2 appeal.
New Policies 27.2.14.3 and 27.2.15.3 relating to the requirement for a rural standard of infrastructure in the Gibbston	GVSL and Malaghans' sub-topic 2 appeals.

and Skippers Rural Visitor Zones.	
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Appeal points resolved without amendment to plan provisions

[12] The following appeal points were resolved by way of an agreement to withdraw the relevant relief. The court therefore records the following appeal points as dismissed:

Appeal point allocated reference	Appealed provision
ENV-2021-CHC-033-02	A new enabling policy for developable areas
ENV-2021-CHC-033-04	Provision for 180 nights of Residential Visitor Accommodation, and the same relief from Malaghans as was included in further particulars (this covers both Policy 46.2.1.8 and Rule 46.6.7.2.)

[13] The consent memorandum further records assurances received from the relevant parties that relief set out in further particulars will no longer be pursued. The court therefore records the following matters as dismissed.

Appealed provision	Assurance
New Policies 46.2.2.10 and 27.2.15.2, and new Rules 46.5.15b and 46.7.2	Malaghans confirmed it is no longer pursuing a structure plan approach.
Rule 46.5.3	GVSL and Malaghans agreed not to pursue amendment to the ground floor area standard. Instead, they will seek site-specific ground floor areas in sub-topic 2 for their respective sites.

Outcome

[14] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA including, in particular pt 2.



J J M Hassan
Environment Judge



APPENDIX 1

The agreed amendments to Chapter 46 (Rural Visitor Zone) are shown in ~~strike~~
~~through~~ and underline but exclude those amendments highlighted grey as they
are allocated to separate site-specific appeals.

Consent Order, Appendix A

46 Rural Visitor Zone

46.1 Purpose

The Rural Visitor Zone provides for visitor industry activities that enable people to access and appreciate the District's landscapes, at a small scale and low intensity, and in a manner that recognises the particular values of those landscapes. By providing for visitor industry activities within the rural environment, primarily including in remote locations, the Zone recognises the contribution visitor industry places, services and facilities make to the economic and recreational values of the District.

The effects of land use and development on the landscape are managed by the limited extent and small scale of the Zoned areas, and directing sensitive and sympathetic development to areas of lower landscape sensitivity identified within each Zone, where the landscape can accommodate change and the adverse effects on landscape values will be cumulatively minor. No Zone comprises areas of only high or moderate-high landscape sensitivity and ~~the~~ Zone is not located on Outstanding Natural Features. Effects on landscape are further managed through limiting the nature, scale and intensity of development and ensuring buildings are not visually dominant and are integrated into the landscape.

The principal activities in the Zone are visitor accommodation and related ancillary commercial activities, commercial recreational activities and recreational activities. Residential activity is not anticipated in the Zone, with exceptions provided for onsite staff accommodation ancillary to commercial recreational activities and visitor accommodation, and for residential activity on building platforms at Arcadia that were consented under a prior rural visitor zoning.

46.2 Objectives and Policies

46.2.1 Objective – The Rural Visitor Zone provides for visitor accommodation, commercial recreational activities and ancillary commercial activities to occur at a small scale and low intensity in rural locations where in a manner that:

- a. ~~the protection of~~ the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes ~~is achieved~~;
- b. ~~in areas not within Outstanding Natural Features or Outstanding Natural Landscapes, the maintenance of~~ landscape character, and ~~the maintenance or enhancement of~~ visual amenity values, is achieved in areas not within Outstanding Natural Features or Outstanding Natural Landscapes;
- c. avoids adverse effects, including cumulative effects in conjunction with other activities, buildings and development, which do not protect the values specified in a. or maintain or enhance the values specified in b. ~~are avoided~~;
- d. maintains amenity values of the surrounding environment ~~are maintained~~;
- e. ~~they do~~ not compromise the operation of existing activities or those enabled by the zones in the surrounding environment as a result of reverse sensitivity effects;
- f. activities anticipated within each Zoned area can be adequately serviced with wastewater treatment and disposal, potable and firefighting water supply, and safe vehicle access or alternative water or air-based transport; and

- g. ~~avoids significant or intolerable risks from natural hazards to people and the community-are avoided.~~

Policies

46.2.1.1 Ensure that the location of the Zone is such that the activities anticipated within it are able to meet the requirements of Objective 46.2.1.

46.2.1.12 Enable visitor accommodation and commercial recreational activities within the Zone, including ancillary onsite staff accommodation, where the landscape values of the District's Outstanding Natural Features and Outstanding Natural Landscapes are protected, and for other rural areas, the landscape character of the landscape the Zone sits within is maintained and the visual amenity values are maintained or enhanced.

46.2.2.23 Ensure the location, nature, scale and intensity of visitor accommodation, commercial recreational activities, and associated aspects such as traffic generation, access and parking, informal airports, noise and lighting;

a. maintain amenity values beyond the Zone; and

b. do not compromise the operation of existing activities or those enabled by the zones in the surrounding environment as a result of reverse sensitivity effects.

46.2.1.1.34 Ensure the nature and scale of the combined activities in the Maungawera Rural Visitor Zone maintain amenity values beyond the Zone by specifically managing group size of commercial recreational activities and the capacity of visitor accommodation.

46.2.1.1.45 Avoid residential activity within the Zone, except for enabling:

a. onsite staff accommodation ancillary to visitor accommodation and commercial recreational activities, where this accommodation is consistent with the small scale and low intensity of the development within the Zone; and

b. residential activity on identified building platforms in the Arcadia Rural Visitor Zone (as approved by resource consent under a previous rural visitor zoning prior to 31 October 2019).

46.2.1.1.56 For commercial recreational activities ~~and informal airports~~ that exceed the standards limiting their scale and intensity, ensure the activity will protect the landscape values of the District's Outstanding Natural Features and Outstanding Natural Landscapes, and for other rural areas, ensure the landscape character of the landscape the Zone sits within is maintained and the visual amenity values are maintained or enhanced.

46.2.2 Objective – Buildings and development that have a visitor industry related use are provided for at a small scale and low density within the Rural Visitor Zone in areas of lower landscape sensitivity where:

a. the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected;

b. in rural areas not within Outstanding Natural Features or Outstanding Natural Landscapes, the landscape character is maintained and the visual amenity values maintained or enhanced;

- c. **adverse effects, including cumulative effects in conjunction with other activities, buildings and development, which do not protect the values specified in a. or maintain or enhance the values specified in b. are avoided; and**
- d. **amenity values of the surrounding environment are maintained.**

Policies

46.2.2.1 ~~Strictly manage the location of buildings and development within the Zone by:~~

~~Enable providing for and consolidating buildings outside of within the Zone in areas that are not identified on the District Plan web mapping application as a High Landscape Sensitivity Area or Moderate-High Landscape Sensitivity Area;~~

46.2.2.2 ~~Restricting~~ buildings within areas identified on the District Plan web mapping application as Moderate-High Landscape Sensitivity unless they are located and designed, and adverse effects are mitigated, to ensure:

- a. landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected, and;
- b. for other rural areas, the landscape character of the landscape the Zone sits within is maintained and the visual amenity values are maintained or enhanced;

46.2.2.3 ~~Avoiding~~ buildings within areas identified on the District Plan web mapping application as High Landscape Sensitivity Areas; ~~and~~

~~requiring consistency with other restrictions identified on the District Plan web mapping application.~~

46.2.2.24 Manage the effects of buildings and development on landscape values, landscape character and visual amenity values 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 historic homestead 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.

46.2.2.35 Provide for buildings that exceed the ~~standards limiting their bulk and scale~~ standards, only when adverse effects, including cumulative effects, are minimised, including through:

- a. In Outstanding Natural Landscapes, siting buildings so they are reasonably difficult to see from beyond the boundary of the Zone;

- b. Outside Outstanding Natural Landscapes and Outstanding Natural Features, siting buildings so they are not highly visible from public places, and do not form the foreground of Outstanding Natural Landscapes or Outstanding Natural Features;
- c. The design and location of buildings and opportunities for mitigating bulk, form and density;
- d. Management of the associated aspects of the building(s) such as earthworks, car parking, fencing, and landscaping.

46.2.2.46 Within those areas identified on the District Plan web mapping application as High Landscape Sensitivity or Moderate-High Landscape Sensitivity, maintain open landscape character where it is open at present.

46.2.2.57 Encourage ~~Enhancement~~ of nature conservation values as part of the use and development of the Zone.

46.2.2.68 Manage the location and direction of lights to ensure they do not cause glare or reduce the quality of views of the night sky beyond the boundaries of the Zone, or reduce the sense of remoteness where this is an important part of the landscape character of the Zone.

46.2.2.79 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.

46.2.2.810 Ensure development can be adequately 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 or air-based transport and associated infrastructure.

46.2.2.911 Ensure the ongoing management and maintenance of existing hazard mitigation measures, including management systems and evacuation plans, where new or relocated buildings within the Hazard Management Area identified on the District Plan web mapping application in the Walter Peak Rural Visitor Zone rely on those measures.

46.2.2.1012 Avoid development for living purposes (including visitor accommodation) in the Natural Hazard Building Restriction Areas identified on the District Plan web mapping application in the Walter Peak Rural Visitor Zone.

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	District Plan web mapping application

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 web mapping application as Walter Peak Water Transport Infrastructure overlay for the purposes of Rule 46.4.11.
- 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.

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.

46.4 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 ancillary onsite staff accommodation	P
46.4.4	Recreation and recreational activity	P
46.4.5	Informal airports	P
46.4.6	One residential unit within a building platform identified on Lots 1 to 11 LT 530138 in the Arcadia Rural Visitor Zone.	P
46.4.7	<p>Construction or exterior alteration of buildings</p> <p>46.4.7.1: The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.8 to 46.4.13 and 46.4.18).</p> <p>46.4.7.2: In the Gibbston Valley Rural Visitor Zone, the construction, relocation or exterior alteration of buildings within the Developable Areas identified on the District Plan web mapping application.</p> <p>46.4.7.3: In the Walter Peak Rural Visitor Zone, the construction or relocation of buildings or structures used for living purposes (including visitor accommodation) within an area identified on the District Plan web mapping application as a Hazard Management Area (other than identified in Rules 46.4.8, 46.4.9 and 46.4.11 to 46.4.13).</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> The compatibility of the building density, scale, design and location with landscape, cultural and heritage, and visual amenity values; Landform modification, landscaping and planting; Lighting; Servicing including water supply, fire-fighting, stormwater and wastewater; Natural Hazards; and Design and layout of site access, on-site parking, manoeuvring and traffic generation. 	C
46.4.8	<p>Farm building</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> The relationship of the proposed farm building to farming activity; Landform modification, landscaping and planting; Lighting; Servicing including water supply, fire-fighting, stormwater and wastewater; and 	RD

	e. Natural Hazards.	
46.4.9	At Walter Peak within the Water Transport Infrastructure Overlay as identified on the District Plan web mapping application, a jetty or wharf, weather protection features and ancillary infrastructure Discretion is restricted to: 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
46.4.10	In the Walter Peak Rural Visitor Zone, the construction or relocation of buildings or structures within an area identified on the District Plan web mapping application as a Natural Hazard Building Restriction Area (NHBRA) (other than identified in Rules 46.4.12, 46.4.13 and 4.4.18) Discretion is restricted to: a. The compatibility of the building density, scale, design and location with b. landscape, cultural and heritage, and visual amenity values; c. Landform modification, landscaping and planting; d. Lighting; e. Servicing including water supply, fire-fighting, stormwater and f. wastewater; g. Natural Hazards; and h. Design and layout of site access, on-site parking, manoeuvring and i. traffic generation.	RD
46.4.11	At Walter Peak within the Water Transport Infrastructure Overlay as identified on the District Plan web mapping application, any building other than those identified in Rule 46.4.9	D
46.4.12	Construction or exterior alteration of buildings 46.4.12.1: The construction, relocation or exterior alteration of buildings within an area identified on the District Plan web mapping application as a Moderate-High Landscape Sensitivity Area. 46.4.12.2: In the Gibbston Valley Rural Visitor Zone, in addition to 46.4.12.1, the construction, relocation or exterior alteration of buildings not within the Developable Areas identified on the District Plan web mapping application, and not within the area covered by Rule 46.4.13.	D
46.4.13	The construction, relocation or exterior alteration of buildings within an area identified on the District Plan web mapping application as a High Landscape Sensitivity Area	NC
46.4.14	Industrial activity	NC
46.4.15	Residential activity except as provided for in Rules 46.4.2, 46.4.3 and 46.4.6	NC

46.4.16	Commercial activities, retail or service activities except as provided for in Rules 46.4.2 and 46.4.3	NC
46.4.17	Mining	NC
46.4.18	In the Walter Peak Rural Visitor Zone, the construction or relocation of buildings or structures used for living purposes (including visitor accommodation) within an area identified on the District Plan web mapping application as a Natural Hazard Building Restriction Area (NHBRA).	NC
46.4.19	Any other activity not listed in Table 46.4	NC

46.5 Rules - Standards

	Table 46.5 – Standards	Non-compliance status
46.5.1	<p>Building Height</p> <p>46.5.1.1: The maximum height of buildings shall be 6m.</p> <p>46.5.1.2: Within the Water Transport Infrastructure overlay identified on the District Plan web mapping application the maximum height of buildings shall be 4m.</p> <p>46.5.1.3: Within Developable Areas 1 and 3 identified on the District Plan web mapping application in the Gibbston Valley Rural Visitor Zone the maximum height of buildings shall be 7m.</p>	<p>NC</p> <p>NC</p> <p>NC</p>
46.5.2	<p>Building Size</p> <p>The maximum ground floor area of any building shall be 500m².</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Landscape; Visual amenity values; Nature, scale and external appearance; Density and scale of development; Effects on amenity values and reverse sensitivity effects from the location, nature, scale and intensity of activities

	Table 46.5 – Standards	Non-compliance status
		<p>undertaken in the building; and</p> <p>f. Design and layout of site access, on-site parking, manoeuvring and traffic generation.</p>
46.5.3	<p>Total Maximum Ground Floor Area in the Zone:</p> <p>46.5.3.1 In the Gibbston Valley Rural Visitor Zone the combined total maximum ground floor area of all buildings within the Zone shall be 500m².</p> <p>46.5.3.2 In the Matakauri Rural Visitor Zone the combined total maximum ground floor area of all buildings within the Zone shall be 1650m².</p> <p>46.5.3.3 In the Maungawera Rural Visitor Zone, the combined total maximum ground floor area of all buildings shall be:</p> <ol style="list-style-type: none"> a. 500m² in Area A b. 1,800m² in Area B c. 1,400m² in Area C d. 500m² in Area D e. 500m² in Area E f. 300m² in Area F g. 1000m² in Area G <p>as identified on the District Plan web mapping application.</p>	<p>Rules 46.5.3.1 and 46.5.3.2: RD</p> <p>Rule 46.5.3.3: NC</p> <p>For Rules 46.5.3.1 and 46.5.3.2 discretion is restricted to:</p> <ol style="list-style-type: none"> a. Landscape; b. Visual amenity values; c. Nature, scale and external appearance; d. Density and scale of development; e. Effects on amenity values and reverse sensitivity effects from the location, nature, scale and intensity of activities undertaken in the building; f. Natural Hazards; and g. Design and layout of site access, on-site parking, manoeuvring and traffic generation.
46.5.4	<p>Glare</p> <p>46.5.4.1: All exterior lighting shall be directed downward and away from adjacent sites and public places including roads or waterbodies.</p> <p>46.5.4.2: 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.</p>	NC

	Table 46.5 – Standards	Non-compliance status				
	46.5.4.3: Rule 46.5.4.2 shall not apply to exterior lighting within the Walter Peak Water Transport Infrastructure overlay.					
46.5.5	<p>Setback of buildings from waterbodies</p> <p>46.5.5.1: The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p> <p>46.5.5.2: Rule 46.5.5.1 shall not apply to those structures or buildings identified in Rule 46.4.9 located within the Walter Peak Water Transport Infrastructure overlay.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Indigenous biodiversity values; Visual amenity values; Landscape; Open space and the interaction of the development with the water body; Environmental protection measures (including landscaping and stormwater management); Natural hazards; and Effects on cultural values of manawhenua. 				
46.5.6	<p>Setback of Buildings</p> <p>46.5.6.1: Buildings shall be set back a minimum of 10 metres from the Zone boundary.</p> <p>46.5.6.2: Rule 46.5.6.1 shall not apply to those structures or buildings identified in Rule 46.4.9 located within the Walter Peak Water Transport Infrastructure overlay.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Nature and scale; Effects on amenity values and reverse sensitivity effects from the location, nature, scale and intensity of activities undertaken in the building; and Functional need for buildings to be located within the setback. 				
46.5.7	Commercial Recreational Activity	<p>Rule 46.5.7.1: RD</p> <p>Rule 46.5.7.3:</p> <table> <tr> <td>136 – 200 persons</td> <td>RD</td> </tr> <tr> <td>>200 persons</td> <td>NC</td> </tr> </table>	136 – 200 persons	RD	>200 persons	NC
136 – 200 persons	RD					
>200 persons	NC					

	Table 46.5 – Standards	Non-compliance status
	<p>46.5.7.1: Commercial recreational activity that is undertaken outdoors shall not involve more than 30 persons in any one group.</p> <p>46.5.7.2: Rule 46.5.7.1 shall not apply in the Walter Peak Rural Visitor Zone or in the Maungawera Rural Visitor Zone.</p> <p>46.5.7.3: In the Maungawera Rural Visitor Zone, commercial recreational activity that is undertaken outdoors shall not involve more than 135 persons within the Zone at any one time.</p>	<p>For Rules 46.5.7.1 and 46.5.7.3 discretion is restricted to:</p> <ol style="list-style-type: none"> Location, nature, scale and intensity, including cumulative adverse effects and reverse sensitivity effects; Hours of operation; The extent and location of signage; Transport and access; and Noise.
46.5.8	<p>Informal Airports</p> <p>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.</p> <p>Note: For the purposes of this Rule a flight includes two aircraft movements (i.e. an arrival and departure).</p>	D
46.5.9	<p>Building Material and Colours</p> <p>In the Arcadia Rural Visitor Zone, the Gibbston Valley Rural Visitor Zone, the Maungawera Rural Visitor Zone, and the Matakauri Rural Visitor Zone, any building and its alteration, including shipping containers that remain on site for more than six months, are subject to the following:</p> <p>All exterior surfaces* shall be coloured in the range of browns, greens or greys including:</p> <p>46.5.9.1 Pre-painted steel and all roofs shall have a light reflectance value not greater than 20%; and</p> <p>46.5.9.2 All other exterior surface** finishes, except for schist, shall have a light reflectance value of not greater than 30%.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** 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%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Landscape; Visual amenity values; and External appearance.

	Table 46.5 – Standards	Non-compliance status
46.5.10	<p>Building separation and planting plan - Matakauri Rural Visitor Zone</p> <p>46.5.10.1 All buildings in the Matakauri Rural Visitor Zone shall be separated by a minimum of 10m from other buildings within that Zone.</p> <p>46.5.10.2 The separation space required by Rule 46.5.10.1 shall be planted and maintained with indigenous plant species in accordance with the planting plan required by Rule 46.5.10.3.</p> <p>46.5.10.3 A planting plan detailing species type, numbers, location, planting schedule and maintenance for the separation space required by Rule 46.5.10.1, for the purpose of mitigating the visual effects of the building(s) and to integrate the building(s) into the surrounding environment, shall be prepared and provided to the Council as part of the documentation supporting a resource consent application for any building.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Nature and scale; Functional need for the building(s) to be located within the separation setback; Landscape and visual amenity effects; and Indigenous planting plan.
46.5.11	<p>Resta Road intersection – Gibbston Valley Rural Visitor Zone</p> <p>In the Gibbston Valley Rural Visitor Zone, commercial recreational activities and commercial use of buildings, including for visitor accommodation or commercial recreational activities, shall not commence until the intersection of Resta Road and State Highway 6 meets the requirements of Figure 46.1.</p>	<p>NC</p>
46.5.12	<p>Visitor accommodation capacity in the Maungawera Rural Visitor Zone</p> <p>In the Maungawera Rural Visitor Zone, the configuration of visitor accommodation units shall be such that the maximum number of overnight guests that can be accommodated within the Zone is 50.</p>	<p>51 – 75 guests per night: RD</p> <p>>75 guests per night: NC</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Location, nature, scale and intensity, including cumulative adverse effects and reverse sensitivity effects; Hours of operation; The extent and location of signage; Transport and access; and Noise

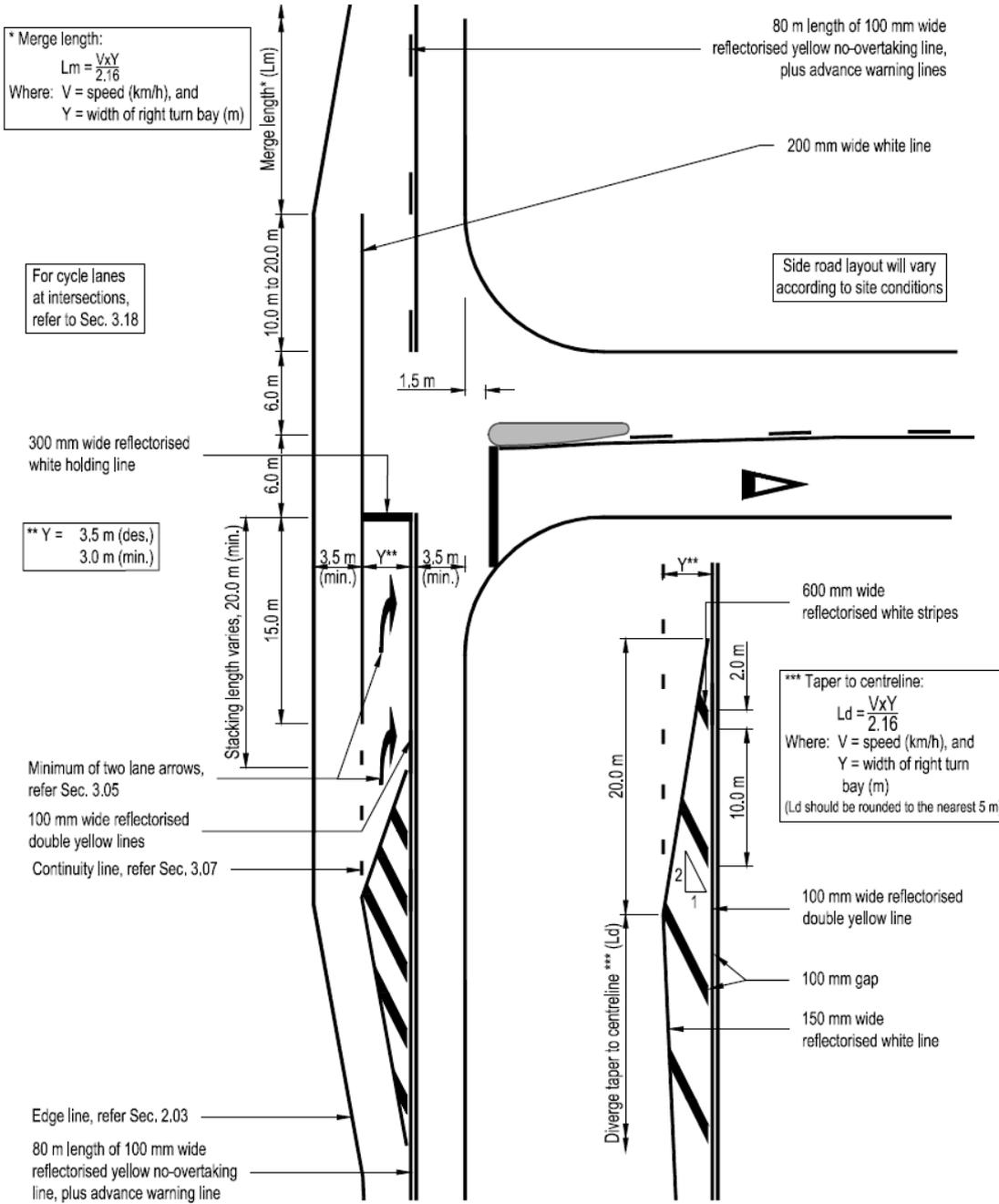
	Table 46.5 – Standards	Non-compliance status
46.5.13	<p>Northern boundary shelterbelt - Maungawera Rural Visitor Zone</p> <p>In the Maungawera Rural Visitor Zone, no visitor accommodation or commercial recreational activities shall be undertaken, no informal airport shall operate, and no buildings shall be constructed, relocated or have exterior alterations, unless a shelterbelt is maintained along the northern boundary of the Zone.</p>	NC

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 46.4.9 Water Transport Infrastructure at Walter Peak.**
- b. **Rule 46.5.5 setback of buildings from waterbodies.**
- c. **Rule 46.5.6 setback of buildings from the Zone boundary.**
- d. **Rule 46.5.7 commercial recreational activities.**

Figure 46.1



MARKINGS FOR RIGHT TURN BAYS IN RURAL AREAS

FIGURE 3.25

