

**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 3 of the
Proposed District Plan

**SECOND REBUTTAL EVIDENCE OF LUKE THOMAS PLACE
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

PLANNING: CHAPTER 18A GENERAL INDUSTRIAL ZONE – TEXT AND MAPPING

19 June 2020

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1. INTRODUCTION

1.1 My full name is Luke Thomas Place. My qualifications and experience are set out in my section 42A report dated 18 March 2020 (**s42A**).

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:

- (a) Mr Brett Giddens for the Cardrona Cattle Company (**3349**);
- (b) Mr Kent Frentz for the Ministry of Education (**3152**);
- (c) Mr Ben Farrell for Wayfare Group Limited (**3343**).

2.2 My evidence has the following attachments:

- (a) **Appendix 1:** Recommended changes to Chapter 18A and variations;
- (b) **Appendix 2:** Issued Consent Order – Topic 12 – Chapter 28 (Natural Hazards).

SUBMITTER EVIDENCE ON TEXT OF CHAPTER 18A – GENERAL INDUSTRIAL ZONE

3. MR KEITH FRENTZ FOR THE MINISTRY OF EDUCATION (3152)

National Planning Standards

- 3.1 At paragraph 6.4 of his evidence Mr Frentz states that Stages 3 and 3B present an opportunity to effectively and efficiently align the PDP with National Planning Standards (**NPS**) by introducing the NPS definition of 'Educational Facility'.
- 3.2 In my opinion, it would be very inefficient to introduce any NPS definitions into the PDP via Stage 3. In my view, introducing the Planning Standards definitions incrementally would add unnecessary complexity to the PDP and a more efficient approach would be for the NPS definitions to be introduced to the entire PDP in a separate plan change process. No analysis of the regulatory impact of the change in definition, across all zones of the PDP, has been put forward by Mr Frentz.

Types of education facilities

- 3.3 Mr Frentz suggests that '*work skills training centres and early childhood education facilities are activities that are intrinsically necessary and compatible with the General Industrial Zone*¹.
- 3.4 In regard to work skills training I am of the view that this type of training can take place in the form of apprenticeships etc through existing Industrial and Service activities within the GIZ. It is not clear how locating such facilities in the GIZ would be more convenient for students as suggested by Mr Frentz².
- 3.5 In regard to early childhood education facilities, I do not consider that these are intrinsically necessary or compatible with the GIZ and its overall intent, and Mr Frentz has not offered any suitable justification

1 Para 7.6 of Mr Frentz's EIC.
2 Para 7.16 of Mr Frentz's EIC.

that supports this position. Locating early childhood education facilities within the GIZ simply for the 'convenience of parents' is not a sufficient resource management justification and Mr Frentz has given no consideration to the range of possible reverse sensitivity effects that are likely to arise from these activities being located within the GIZ. Mr Frentz describes an example of such facilities in a Hamilton based industrial area but does not offer any specific explanation around the nature of this area nor the justification for locating the facility in that area.

3.6 I also note that the ground truthing exercise undertaken within the ODP industrial zones found no evidence of the 'intrinsic' necessity of education type uses within the zones despite the more enabling ODP framework. Further, Mr Frentz' description of education facilities within industrial areas does not measure up with the work undertaken by Ms Hampson³ and incorporated into the s32 analysis⁴ on the District's industrial economy.

3.7 Further, I am not of the view that the relief requested by Mr Frentz would meet the expectation set out in Strategic Policy 3.3.8 to avoid non industrial activities in the land zoned for industrial activities.

4. MR BEN FARRELL FOR WAYFARE GROUP LIMITED (3343)

4.1 Mr Farrell suggests that the effects of Community Activities and Commercial Recreation would not create 'significant effects' if the activity is located within an existing building and is temporary⁵. It is not clear from Mr Farrell's evidence what types of activities might be located outside of a building, nor how their location within an existing building would mitigate their potential effects, including that of reverse sensitivity and occupying sites suitable for Industrial or Service activities.

4.2 Further, Mr Farrell suggests that activities with 'temporary' effects are better suited to being located within the GIZ. It is not clear what is

3 Section 7.1 and Appendix 1, Appendix 1, Economic Assessment of Queenstown Lakes District's Industrial Zones, 22 May 2019.

4 Para 7.7 – 7.8 and Issue 2 (paras 7.22 – 7.49) GIZ s32 report.

5 Para 8 of Mr Farrell's EIC.

meant by 'temporary', and I note that Chapter 35 (Temporary Activities and Relocated Buildings) offers a framework for managing such activities. Mr Farrell's proposed provisions would not in my view avoid sites within the GIZ from being locked up for Community Activities and Commercial Recreation over the long term.

- 4.3** Mr Farrell suggests that some Commercial Recreation activities are industrial in nature and scale, including indoor bowling, indoor go-karting, and indoor golf⁶. Mr Farrell does not offer any explanation as to why these activities might be 'industrial' other than their need for large utilitarian designed buildings. In my view, these activities do not in any way fit the definition of Industrial or Service activities. Any need they might have to occupy larger buildings should not qualify them as needing to be located within the GIZ and occupy the type of buildings needed to support the type of activities that support the District's industrial economy. Mr Farrell's justification appears to suggest that the purpose of the GIZ is to simply provide space for larger buildings and for them to be occupied by any activity which might find a need for such space. This position ignores the intent of the GIZ to provide opportunities for the establishment, operation and long-term viability of Industrial and Service activities.
- 4.4** Mr Farrell suggests additional information is required to identify issues associated with industrial land supply⁷. This matter has been traversed at length in the s32 report⁸, the s42a report⁹ and as part of Ms Hampson's EIC and it is not repeated here. In addition, significant evidence has been provided through this brief illustrating the infiltration of non-industrial activities within the ODP industrial zones.
- 4.5** Mr Farrell has not offered any information or technical evidence to suggest there is a lack of supply of land for Commercial Recreation and Community Activities, yet suggests that information should be provided to this effect⁷. The Business Development Capacity Assessment (**BDCA**) does not assess opportunities for the future growth of Commercial Recreation or Community Activities specifically.

6 Para 8 of Mr Farrell's EIC.
7 Para 10 of Mr Farrell's EIC.
8 Paras 7.22 – 7.49, GIZ s32 Report.
9 Section 5, GIZ s42a Report.

It is relevant to note however that the BDCA identifies vacant capacity with the Business Mixed Use Zone (**BMUZ**) in both Wanaka and Queenstown which seeks to provide an enabling regime for a range of activities including for recreational activities. In addition, vacant capacity is identified in the ODP Remarkables Park Zone in which Commercial Recreation activities are provided for as controlled activities and Community Activities are permitted.

- 4.6 Given this, I am of the view that there is sufficient development opportunity for these activities such that they need not be provided for within the GIZ.

SUBMITTER EVIDENCE ON REZONING REQUESTS

5. MR BRETT GIDDENS FOR CARDRONA CATTLE COMPANY LIMITED (3349)

- 5.1 CCCL is seeking its land at Gibbston Valley be rezoned from Rural Zone / Gibbston Character Zone to General Industrial Zone (**GIZ**). In addition, CCCL has requested a range of amendments to the GIZ, Chapter 18A provisions.

Proposed methods

- 5.2 While I do not support the application of the GIZ in this location, for the reasons set out in my s42a report and as supplemented by those matters discussed in this rebuttal statement, I make the following comments on the proposed methods as proposed by Mr Giddens.

Buildings

- 5.3 Mr Giddens at paragraph 48 proposes amendments to the GIZ provisions to allow for buildings on the Submitter's land as a controlled activity.
- 5.4 I have addressed this matter in my s42a report¹⁰ and rely on my comments in regard to this matter. Mr Giddens further suggests that a

10 Paras 5.14 – 5.135, GIZ s42a report.

controlled activity status is necessary in order to provide sufficient certainty for the operation of industrial activities within the GIZ. I do not agree. The intent of the GIZ to support the establishment, operation and long term viability of Industrial and Service activities is clearly set out throughout Chapter 18A, and in my opinion offers greater certainty for the establishment, operation and growth of Industrial and Service activities than the ODP industrial zones framework.

5.5 The location of the subject land, set amongst the Rural Zone, Gibbston Character Zone and wider Outstanding Natural Landscape (**ONL**) classification, in my view, further justifies the need for the consenting authority to consider the overall appropriateness of proposed buildings in this location.

5.6 Mr Giddens suggests there is a typo at '18A.8 (*Non-Notification of Applications*)'¹¹. I assume he is referring to 18A.6 which relates to non-notification matters. I acknowledge that reference to 18A.6.1.1 has been duplicated where reference should be given to 18A.4.5. This has also occurred in the case of Ancillary Office, Retail and Commercial activities. I recommend the following amendments in regard to this matter, which in my view do not have any material impact on the intent of the subject provisions (deletions shown in ~~striketrough~~ and additions underlined) and can be made under clause 16 of Schedule 1:

18A.6 Non-Notification of Applications

....

18A.6.1.1 ~~18A.6.1.1~~18A.4.5 Buildings

18A.6.1.2 ~~18A.6.1.2~~18A.5.1 Ancillary Office, Retail and
Commercial Activities

....

5.7 These changes are reflected in **Appendix 1** to this statement of rebuttal.

11 Para 49 of Mr Giddens EIC.

Activities requiring offensive trade licence

5.8 Mr Giddens suggests at paragraph 50 that an exclusion should be provided for in Rule 18A.4.10 regarding activities that require an offensive trade licence as it relates to Victoria Flats at on the basis that *'there are a lack of sensitive receivers in the surrounding area'*¹².

5.9 For completeness, I list the activities identified within the Health Act 1956 which require an offensive trade licence¹³:

Blood or offal treating

Bone boiling or crushing

Collection and storage of used bottles for sale

Dag crushing

Fellmongering

Fish cleaning

Fish curing

Flax pulping

Flock manufacturing, or teasing of textile materials for any purpose

Gut scraping and treating

Nightsoil collection and disposal

Refuse collection and disposal

Septic tank desludging and disposal of sludge

Slaughtering of animals for any purpose other than human consumption

Storage, drying, or preserving of bones, hides, hoofs, or skins

Tallow melting

Tanning

Wood pulping

Wool scouring

5.10 Mr Giddens' amendment would result in all of the abovementioned activities being excluded from Rule 18A.4.10. Mr Giddens has not proposed any other supporting policies or methods that would capture these activities, nor given them a different specific activity status. Taking into consideration the definition of Industrial activity¹⁴, Mr

12 Para 50 of Mr Giddens EIC.

13 Schedule 3, Offensive Trades, Health Act 1956.

14 Means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing,

Giddens' request may result in a large proportion of these activities becoming permitted within the GIZ at Victoria Flats. I am not of the view that a permitted activity status for these offensive trades is appropriate in this location. Nor was relief of this nature sought in the original submission.

5.11 While Mr Giddens suggests there are no existing sensitive receivers, I note that the requested zoning would transform the land's existing vacant character into one that contains a range of different activities, including smaller scale Industrial and Service activities, as well as a number of ancillary Office, Commercial and Retail activities. In my view, activities requiring offensive trades are likely to adversely affect the operation of these activities, and does not effectively recognise the GIZ as an urban zone comprising a place of intensive employment, trade and business. Objective 18A.2.3 seeks to ensure that activities and development within the Zone are undertaken in a way that provides a level of amenity that makes it a pleasant, healthy and safe place to work in and visit. I do not consider that Mr Giddens' proposal would achieve this objective.

5.12 Overall, I consider that a non-complying activity status is commensurate with the type of effects these activities are likely to produce while maintaining a consenting pathway in circumstances where they may be suitably located within the GIZ.

5.13 Further, the evidence of Ms Hampson has shown that these activities are not a feature of the District's industrial economy, and nor are they likely to be in the future¹⁵. Therefore, I do not consider that they should be provided for in the manner described by Mr Giddens.

Prohibited activities

5.14 Mr Giddens considers that the prohibited activity status applied to the range of non-Industrial and Service activities in Rules 18A.14 – 18A.18 is too onerous¹⁶ and that these activities should instead be provided for

packing, or associated storage of goods.

15 Section 7.1 and Appendix 1, Appendix 1, Economic Assessment of Queenstown Lakes District's Industrial Zones, 22 May 2019. Refer also para 7.7 – 7.8 and Issue 2 (paras 7.22 – 7.49) GIZ s32 report.

16 Para 51 of Mr Giddens EIC.

as non-complying activities. Mr Giddens goes on to suggest that a non-complying activity status implements the avoid direction set out in Strategic Policy 3.3.8.

- 5.15** I have addressed the approach to managing the range of non-Industrial and Service activities in depth in the s32 and s42a report and I rely on that discussion in regard to this matter. Overall, I am not of the view that a non-complying status would implement Strategic Policy 3.3.8 in an effective or efficient manner. In addition, I consider that the breadth of analysis undertaken in regard to the matter of non-Industrial and Service activities within the District's industrially zoned land provides suitable justification for the application of a prohibited activity status to these types of activities.

Building coverage

- 5.16** Mr Giddens suggests that breaches to Rule 18A.5.4 relating to building coverage should be identified in Rule 18A.6 as being excluded from notification¹⁷. He suggests that '*in most cases*' the effects associated with such breaches could be mitigated.
- 5.17** In my view, the site coverage provision is important as it sets out that open space on sites within the GIZ is important to ensure the ongoing effective and efficient functioning of the site for Industrial and Service activities. While one Industrial or Service activity may not require a great deal of outdoor space, another future use may find that this space is fundamental to its viability.
- 5.18** While there may be cases in which issues associated with a breach of this standard could be mitigated, in my opinion, it is appropriate that this assessment occur on a site by site basis. It is not possible to impose a unilateral decision at plan making stage that notification in regard to this matter is not required in every circumstance. In my view, this assessment should be made by the consenting authority taking into account the unique circumstances present on the subject site. Additionally, I consider there to be appropriate direction in regard to potential effects in the suite of objectives and policies for Chapter 18A

17 Para 52 of Mr Giddens EIC.

such that appropriate notification decisions can be made in regard to this matter.

Building height

5.19 Mr Giddens requests that a range of different building heights apply within the various development areas subject to the proposed structure plan. This includes buildings heights ranging between 6 metres and 12 metres¹⁸.

5.20 I note that the original CCCL submission requested a maximum building height of 10 metres. As such, I am not of the view that scope exists for the type of armaments sought by Mr Giddens in his evidence.

Landscape

5.21 Mr Giddens relies on the landscape evidence of Mr Milne in regard to the potential landscape effects¹⁹.

5.22 The scale and form of the proposed rezoning has been modified in response to the landscape evidence provided by Mr Milne. This includes a scaling back of the area sought to be incorporated into the GIZ and the development of a structure plan identifying three different development areas as well as amenity setbacks, planting areas and green zones.

5.23 Mr Giddens proposes additional rules for the GIZ at Victoria Flats to provide for the varying capacities of these development areas to absorb built form²⁰. These relate only to building height. No other additional controls have been proposed in regard to building design or density.

5.24 Mr Jones for the Council has assessed the landscape evidence of Mr Milne. Taking into account the abovementioned modifications to the relief, Mr Jones remains of the view that it fails to protect the landscape

18 Para 53 of Mr Giddens' EIC.
19 Para 60 of Mr Giddens' EIC.
20 Para 54 of Mr Giddens' EIC.

values present in this area, including those associated with the ONL²¹. I rely on Mr Jones' assessment and do not consider that urban development of the kind proposed by the submission can be supported taking into account the direction set out in Chapters 3, 4 and 6 in regard to landscape and urban development matters²².

5.25 I also note the additional emphasis provided in Chapter 4 PDP by way of the Topic 3 (Urban Development) draft consent orders (attached at Appendix 2 to my first rebuttal statement dated 12 June 2020), in regard to the direction to 'protect' the values of ONLs. In particular, Policy 4.2.1.5 has been amended to ensure that, when locating Urban Growth Boundaries (**UGBs**) through plan changes, the values of ONLs are protected. In my view, this amendment offers a more clearly defined direction to 'protect' the values of ONLs than the previous drafting direction to 'avoid impinging on'.

5.26 Mr Milne suggests that '*it is important to consider that a General Industrial Zone does not necessarily equate to an urban form and density of development*'²³. I disagree. While the extent of the requested GIZ has reduced, and specific development areas identified, there are no other controls proposed that would in my opinion divorce the resulting development from fitting the definition of Urban Development. It remains, in my view, '*not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures*'²⁴

Transportation

5.27 In regard to transport and traffic related considerations, Mr Giddens has not offered any additional information or technical evidence in respect to the concerns raised by Mr Smith in his evidence in chief.

5.28 Mr Giddens appears to suggest that comments made by Ms Hampson in regard to the site's connection to SH6 are relevant in the context of the issues raised by Mr Smith²⁵. This is misleading in my view. Ms

21 Para 5.30 of Mr Jones' second rebuttal statement.
22 Para 9.41 – 9.50, GIZ s42a.
23 Para 45 of Mr Milne's EIC.
24 Page 41, Chapter 2 (Definitions).
25 Para 71 of Mr Giddens' EIC.

Hampson has responded to this in her second rebuttal evidence²⁶, confirming she was commenting on those characteristics of the site which make it viable for industrial type development, not technical transportation or traffic safety matters.

- 5.29** Mr Giddens outlines that the Submitter has been in contact with the New Zealand Transport Agency (**NZTA**) in regard to upgrading the site's access with SH6²⁷. This has not been provided with Mr Giddens' package of evidence and Mr Smith (Transport/Traffic expert for the Council) will not have the benefit of considering any such correspondence prior to producing rebuttal on this matter. Further, while correspondence from NZTA may provide some insight into NZTA's view on this matter, I am not of the opinion that any such comments would provide an ongoing assurance that Mr Smith's concerns would be addressed.

Viticulture

- 5.30** Mr Giddens suggests that '*the presence of GCZ over land does not in itself indicate suitability for viticulture*²⁸. Mr Dicey (viticultural expert for the Council) has prepared EIC in regard to this matter. Mr Dicey's EIC confirms that the subject land is well suited to wine production both in terms of its environmental characteristics²⁹ and economic viability³⁰.
- 5.31** Mr Giddens suggests that para 6.47 of Mr Dicey's EIC identifies the site as being compromised for viticultural and farming activities. This is misleading. Mr Dicey is in fact referring to the effects that the proposed zoning may have on an operational vineyard.
- 5.32** Mr Giddens has not provided any corresponding expert evidence to suggest the site is not suitable for wine production. As such, I continue to rely on Mr Dicey's assessment and maintain the position set out in my s42a report in regard to viticultural considerations³¹.

26 Para 3.2 – 3.4 of Mr Hampson's second rebuttal statement.
27 Para 70 of Mr Giddens' EIC
28 Para 75 of Mr Giddens' EIC.
29 Section 4 of Mr Dicey's EIC.
30 Section 6 of Mr Dicey's EIC.
31 Paras 9.51 – 9.54, GIZ s42a Report.

Natural hazards

- 5.33 Mr Giddens suggests that, based on his experience with previous consent processes in this location, natural hazard matters have not presented *'insurmountable issues'*³². Considering this he is of the view that the consenting process offers an appropriate pathway for dealing with any possible natural hazard issues³³.
- 5.34 Mr Giddens does not provide any specific information in regard to the nature of the hazard issues traversed in these consents, nor the type of activities they were seeking to enable. I am not of the view that the type of activities/resource consents described by Mr Giddens in other parts of his EIC are usefully comparable to the type and scale of urban development sought to be enabled by the rezoning request.
- 5.35 Mr Giddens suggests that the GIZ rule framework and the subdivision provisions will sufficiently address any natural hazard issues. I disagree. In my opinion, natural hazard risk should be understood prior to the application of urban enabled zoning regimes, and that is required through Chapter 28 (as recently amended by Environment Court consent order, attached as **Appendix 2** to this evidence).
- 5.36 The purpose statement of Chapter 28 outlines that its provisions should be taken into account at the time of plan changes as well as through applications for resource consents. In my view, the lack of information provided by Mr Giddens in regard to natural hazards fails to meet the objectives and policies of Chapter 28, in particular, its intent that natural hazard risk is managed to a level tolerable to the community (Objective 28.3.1 A), and that development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed (Objective 28.3.1B).
- 5.37 I am not of the view that resource consenting processes are effective or efficient in addressing with natural hazard risk, particularly where the nature of the risk and its spatial distribution is not sufficiently understood. The application of this approach to dealing with natural

32 Para 82 of Mr Giddens' EIC.
33 Para 81 of Mr Giddens' EIC.

hazards is likely to result in ad hoc responses and an overall cumulative increase in natural hazard risk that results in people and property being subject to potentially significant adverse effects from natural hazard events.

5.38 Further, it is possible that future hazard investigations identify parts of the development enabled zone as being entirely unsuitable for development, thereby making it devoid of its purpose, and create uncertainty for future landowners/businesses.

5.39 I also highlight that the direction provided in Chapter 3 and Chapter 4 of the PDP is not consistent with the approach suggested by Mr Giddens. In particular, Chapter 3 sets out that urban growth needs to be managed in a way that minimises natural hazard risk (3.2.2.1(d)) and that the District's communities are able to provide for their health and safety (3.2.6). Chapter 4 sets out that urban development opportunities within UGBs consider constrains on development such as the risk of natural hazards limiting the ability of the land to accommodate growth (4.2.1.4(c)), and that land within UGBs is allocated in a way that has regard to any risk of natural hazards, taking into account the effects of climate change.

5.40 In my view, insufficient information has been provided by the Submitter to satisfy the direction set out within Chapter 3 and Chapter 4 in regard to the understanding of natural hazard risk that should be available prior to zoning land for urban development, including of the kind sought by the Submitter.

Infrastructure

5.41 Mr Giddens has not provided any additional information in response to the concerns raised by Mr Powell for the Council in his EIC³⁴. Mr Powell outlined that the site is not serviced by any infrastructure and there is no provision in the Council's Long Term Plan for such services to be provided in this location. Instead, Mr Giddens suggests that the GIZ and subdivision provisions contain sufficient assessment relating to infrastructure.

34 Para 4.2 of Mr Powell's EIC.

- 5.42** I disagree with Mr Giddens on this matter. The infrastructure provisions within Chapter 18A and Chapter 27 are primarily designed to manage future development within development enabled zones that are already sufficiently serviced, or the Council has made decisions to allocate funding to any necessary upgrading through the Council's Long Term Plan.
- 5.43** Mr Powell's EIC outlined that a large centralised wastewater treatment plant would be required to service the type of development being sought in this location and that further information is required in regard to other services. I am not of the view that this approach, coupled with the remaining high level of uncertainty surrounding the viability of such a system, is consistent with the direction provided in Chapter 3 and Chapter 4 in regard to the sequencing of urban development with infrastructure provision. I have discussed this direction in my s42a report³⁵ and rely on that discussion in regard to this outstanding matter.
- 5.44** I also note that in the event that the Submitter is not able to sufficiently service the site, the type of development enabled by the GIZ may not be achievable and may result in additional and ongoing restrictions and uncertainties for future landowners and/or business operators, or campaigning to the Council to re-allocate funds to the infrastructure needs of this site.

Supply and Demand

- 5.45** Mr Giddens emphasises Ms Hampson's position that the Submitter's land is potentially the second most feasible location for industrial development in the Wakatipu Ward³⁶. In my opinion, it is important that Ms Hampson's comments on this matter be viewed in the context of the overall intent of the industrial land review which, as has been stated, did not include the identification or overall assessment of potential options for new areas of GIZ. Given this, I consider it important to note that there may be other locations for new GIZ land in the Wakatipu Ward that may provide greater economic benefits than

35 Para 9.36 of GIZ s42a.
36 Para 16 of Mr Giddens' EIC.

the Submitter's land. Ms Hampson notes this limitation in her EIC³⁷, and in my view, this may impact the relative ranking of the Submitter's site.

5.46 In response to Mr Giddens' view that there are limited opportunities to expand existing industrial areas, I note that the area described as the 'southern corridor' in the FDS consultation processes (located between the Kawarau Falls Bridge and the Jacks Point Zone) has been identified as a key growth area for the Wakatipu Ward. This area presents opportunities for either a direct expansion of the Coneburn Industrial Zone or an application of the GIZ in the immediate vicinity. I also note that Ms Hampson's EIC ranks any further potential expansion in the Jack's Point/Coneburn vicinity higher than the Submitter's site in terms of its suitability for industrial land use³⁸.

5.47 There may be other opportunities identified as part of the FDS process for future GIZ locations in close proximity to existing commercial areas that will enable the type of economic benefits Ms Hampson notes in her work produced as part of this review³⁹, and which appropriately meet the expectations for new urban development as set out in Chapter 3 and Chapter 4.

5.48 Mr Giddens assumes that I consider the Submitter's land should remain 'as is' until it is ready to be zoned for a more immediate use⁴⁰ and considers the land 'a *finite resource; in the sense of future industrial land*'⁴¹. This is not my position as set out in my s42a report. To clarify, I am of the view that the Submitter's land should not be included within the GIZ, either as part of the Stage 3 plan review process, or at the very least in the life of the current PDP. I have reached this position on the basis of an overall understanding of the characteristics and constraints of the subject land, as informed by technical experts, and through the direction provided by the PDP's strategic direction, urban development and landscape management

37 Para 14.19 - 14.22 of Ms Hampson's EIC.

38 Para 14.22 of Ms Hampson's EIC.

39 Para 13.2, 15.3 and 14.22 of Ms Hampson's EIC. Refer also Section 6.4.2, Page 91, Economic Assessment of Queenstown Lakes District's Industrial Zones - Stage 3 District Plan Review, May 2019.

40 Para 93 of Mr Giddens' EIC.

41 Para 170 of Mr Giddens' EIC.

framework. Overall, I consider that the current zoning of the Submitter's land to be most appropriate.

- 5.49** I also emphasise, in regard to this matter, that some additional direction recently provided by way of the draft consent orders on Topic 3 (Urban Development). In particular, the consent order incorporates a number of key amendments to Chapter 4 which reinforce the intent of the NPS UDC on the matter of zoning land for capacity related purposes. Policy 4.2.1.4 and its limb 'b' has been amended to set out that UGBs should, at a minimum, ensure sufficient, feasible development capacity and urban development opportunities consistent with the anticipated medium term demand for housing and business land within the District. I am of the opinion that the approach applied to this review process is consistent with this Chapter 4 direction, and that there is no capacity related requirement to zone the Submitter's land GIZ at this time.
- 5.50** Mr Giddens emphasises that he has a fundamentally different position from Ms Hampson in regard to the need to identify future industrial zone capacity vs providing for it by way of zoning⁴². He goes so far as to state that '*the capacity issues needs to be address as part of Stage 3b by way of rezoning*'⁴³. In my view, the direction provided in the NPS UDC in respect to identifying vs zoning land for capacity purposes is clear and this has been highlighted by both Ms Hampson and myself previously.

Reverse sensitivity – Victoria Flats Landfill

- 5.51** In regard to the operation of the Victoria Flats landfill, Mr Giddens considers that the possibility of future landfill operations an irrelevant consideration⁴⁴. I disagree. The associated designation provides an ongoing indication that the land in this location is intended to be used for this purpose. Further, it is understood that the landfill has another 40 – 50 years of capacity. Although the current consents will need to be renewed in this period, in my view, the long term viability, effectiveness and efficiency of the landfill and its capacity to obtain future consents to assist in serving the purpose of the designation, is a

42 Para 36 of Mr Giddens' EIC.

43 Para 18 of Mr Giddens' EIC.

44 Para 101 of Mr Giddens' EIC.

relevant consideration. I remain of the view that the proposed rezoning is likely to compromise the ability of the landfill to operate effectively and efficiently moving forward.

5.52 Mr Giddens highlights condition 4(g)(iv) of the designation (and associated landfill resource consent) which requires *‘that the effects of odour, dust, vermin and litter will be mitigated to ensure that any adverse effects associated with the site are minor’*⁴⁵. In my view, it is important that the assessment of this designation and resource consent be seen in the context of the associated receiving environment at that time, in other words, a receiving environment that was not wholly enabling of urban development of the type provided for by the GIZ. Instead the receiving environment was one characterised by the Rural Zone (comprising an open pasture/agricultural type land use) affording limited development opportunities, and the Gibbston Character Zone, enabling of similar productive type viticultural land uses and limited complimentary built form and activities. In my view, it is misleading to suggest that this type of assessment would be replicated or comparable to a receiving environment comprising an urban zone such as the GIZ, and it is unlikely that such a condition would be sufficient to manage the type of effects that the landfill would have on urban activities enabled within the GIZ.

5.53 I also note that ‘minor’ effects from the landfill operation may still lead to complaints in regard to landfill operations and an increase in the number of sensitive receivers in the proposed rezoning area is likely to result in an overall increase in the number of complaints. This in my view would give rise to more restrictive operating conditions for the landfill, contrary to the intent of the landfill buffer, which may compromise its long term viability.

5.54 Mr Giddens suggests that an asphalt batching plant, recently approved by the Council on a non-notified basis, is a good example of how industrial activities are consistent with the effects that might be generated by the landfill⁴⁶. I disagree. The site subject to this activity is located to the north, across SH6, and comprises a small area of 40

45 Para 102 of Mr Giddens’ EIC.
46 Para 109 of Mr Giddens’ EIC.

metres x 40 metres⁴⁷. This activity essentially comprises the plant/equipment involved on the processing of the raw material. I do not consider this activity is comparable to the type of Industrial and Service activities that are likely to be associated with the GIZ nor is it consistent with the type of urban development that are known to comprise the District's industrial economy.

5.55 Mr Giddens also identifies the Off Road Adventures Commercial Recreation activity (RM060342) in regard to his discussion on reverse sensitivity effects⁴⁸. As per my discussion above, I am not of the view that this activity is comparable to the type of activities enabled within the GIZ. In my view, Commercial Recreation activities do not comprise Urban Development as defined in Chapter 2 PDP, nor do they seek to create a density of built form for the purpose of employment and trade.

5.56 Overall, Mr Giddens suggests that '*Industrial activities in this location are in my opinion the most compatible activity to coincide with landfill operations*'⁴⁹. Taking into account the batching plant example offered by Mr Giddens, I am of the view that he misunderstands the nature of the activities that define the District's industrial economy⁵⁰, and therefore disagree with him in regard to this matter.

Urban growth

5.57 I have addressed the overall direction set out in Chapter 3 and Chapter 4 of the PDP in regard to the provision of urban growth and development in my s42a report⁵² and will not repeat it in this statement.

5.58 Mr Giddens suggests that the proposed rezoning would meet the direction set out within Policy 3.2.2.1(b) (in respect to new urban development building on historic settlement patterns) on the basis that the Submitter's land is in close proximity to the Victoria Flats landfill and other resource consents for industrial development⁵³. I disagree

47 Section 1, Decision for Resource Consent RM191166.

48 Para 11 of Mr Giddens' EIC.

49 Para 111 of Mr Giddens' EIC.

50 Section 7.1 and Appendix 1, Appendix 1, Economic Assessment of Queenstown Lakes District's Industrial Zones, 22 May 2019. Refer also para 7.7 – 7.8 and Issue 2 (paras 7.22 – 7.49) GIZ s32 report.

52 Para 9.33 – 9.34, GIZ s42a Report

53 Para 135 of Mr Giddens' EIC

with Mr Giddens interpretation of this policy. I am not of the view that the landfill or any other approved resource consent in this location comprises an 'urban settlement pattern' as referred in Policy 3.2.2.1(b). In regard to this matter, it is relevant to reflect on what is meant by Urban Development. Chapter 2 offers a definition of urban development:

Means development which is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development, nor does the provision of regionally significant infrastructure within rural areas.⁵⁴

5.59 In my view, neither the landfill, nor any other activity in this location would qualify it as comprising Urban Development nor an urban settlement. In my opinion, Policy 3.2.2.1(b) is directing urban development to occur in or immediately surrounding the District's historic settlements (ie Queenstown, Arrowtown, Frankton etc in the context of the Wakatipu Basin) and their associated commercial centres.

5.60 Mr Giddens suggests that I do not provide sufficient clarity concerning the applicability of the Wakatipu Basin Specific Chapter 4 provisions. This is misleading. I state the following in my s42A in regard to this matter:

'While the CCC land may not necessarily fit within the basin as it might be defined purely by its landform, it does fit within the Wakatipu ward for the purposes of Ms Hampson's assessment under the BDCA and is undeniably linked to the Wakatipu Basin. I therefore consider it [referencing the set of policies specific to

54 Page 41, PDP Chapter 2 (Definitions) and as modified by Topic 3 - Urban Development consent order (additions underlined).

the Wakatipu Basin - Policies 4.2.2.13 – 4.2.2.21] *relevant to the assessment of possible urban growth in this instance.*⁵⁵

5.61 Mr Giddens suggests that Strategic Policy 3.3.25 is relevant to the inclusion of the Submitter's land within the GIZ. I disagree. Strategic Policy 3.3.25 is contained within the 'Rural Activities' suite of policies. I have discussed above the relevance of the definition of Urban Development to the relief and note that Strategic Policy 3.3.25 is not, in my opinion, setting out a direction promoting urban development of the kind promoted by the GIZ, within the rural environment. Further, Mr Giddens has not provided any explanation of the particular features or characteristics of Industrial and Service activities which demonstrates a functional need to locate within the rural environment as set out within Strategic Policy 3.3.25.

5.62 Mr Giddens outlines that Policy 4.2.1.6 is relevant⁵⁶. I agree and highlight the amendments that have been made to this policy through the Topic 3 (Urban Development) consent order attached at Appendix 2 of my first statement of rebuttal dated 12 June 2020 in particular, the additional emphasis provided around the direction to '*respond to monitoring evidence, or to enable appropriate urban development (having regard to Policy 4.2.1.4).*' In my view, the GIZ sufficiently responds to monitoring evidence, zoning sufficient industrial development capacity over the medium term, while also enabling appropriate urban development in the directed by Chapter 3 and Chapter 4. As I have discussed in my s42a⁵⁷ report and throughout this statement, I am not of the view that the requested relief enables appropriate urban development.



Luke Place

12 June 2020

55 Para 9.33, GIZ s42a report.

56 Para 132 of Mr Giddens EIC.

57 Paras 9.33 – 9.34, GIZ s42a Report.

Appendix 1

Recommended Revised Provisions

KEY:

Second Rebuttal 19/06/2020 recommended changes to notified provisions are shown in purple underlined text for additions and ~~purple 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.

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.

Any black underlined or ~~strike through~~ text, reflect the notified variation.

18A General Industrial Zone

18A.1 Purpose

The purpose of the General Industrial Zone is to provide for the establishment, operation and long term viability of Industrial and Service activities. The Zone recognises the significant role these activities play in supporting the District's economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient industrial development capacity.

The Zone seeks to ensure a range of site sizes are available, including for those Industrial and Service activities which require larger buildings and more space for the purpose of outdoor storage, manoeuvring and parking vehicles including heavy vehicles. The role that ancillary Office, Retail and Commercial activities play in supporting Industrial and Service activities is recognised and provided for. Activities and development that would not primarily result in sites being used for Industrial and Service activities are avoided.

While the Zone seeks to provide for land uses more commonly associated with noise, glare, dust, odour, shading, visual and traffic effects and other similar effects, it also seeks to manage activities and development to ensure that appropriate levels of amenity are achieved for people who work within and visit the Zone, and to avoid adverse amenity effects on land located outside of the Zone.

18A.2 Objectives and Policies

18A.2.1 Objective - Industrial and Service activities are enabled within the Zone and their long-term operation and viability is supported.

Policies

- 18A.2.1.1 Enable a diverse range of Industrial and Service activities that provide benefit in the form of economic growth and skilled employment opportunities.
- 18A.2.1.2 Enable Office, Retail and Commercial activities that are ancillary to Industrial or Service activities.
- 18A.2.1.3 Enable the operation of food and beverage retail activities which serve the daily needs and convenience of workers and visitors to the Zone.
- 18A.2.1.4 Recognise that Industrial and Service activities have the potential to create noise, glare, dust, odour, shading, traffic effects and other effects that can be incompatible with activities that are enabled in adjacent or nearby non-industrial zones.

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18A.2.1.x Recognise and provide for Trade Suppliers within the Zone only where the following can be demonstrated:

- a. the activity plays a role in supporting the establishment, operation and long term viability of Industrial and Service activities;
- b. the activity is primarily involved in wholesaling related trade comprising the storage, sale and distribution of goods to other businesses and institutional customers, including trade customers; and
- c. the activity has an operational need to be located within the Zone due to space requirements for buildings, storage and loading of materials, and for the manoeuvring and parking of heavy vehicles.

18A.2.1.5 Manage subdivision and development within the Zone to ensure that sites are well suited to serving the needs of a diverse range of Industrial and Service activities now and into the future.

18A.2.2 Objective – The establishment, operation and growth of Industrial and Service activities within the Zone is not undermined by incompatible land uses.

Policies

18A.2.2.1 Avoid the following activities that are not compatible with the primary function of the Zone and have the ability to displace or constrain the establishment, operation and long term viability of Industrial and Service activities:

- a. Office, Retail and Commercial activities that are not ancillary to Industrial or Service activities
- ~~b. Trade Suppliers~~
- c. Large Format Retail
- d. Residential Activity, Residential Units and Residential Flats, and
- e. Visitor accommodation, Residential Visitor accommodation and Homestay activities.

18A.2.2.x Avoid Trade Suppliers within the Zone where the activity:

- a. is predominantly in the business of retailing such that they become retail destinations or commercial attractions for use by the general public and which do not support the operation and long term viability of Industrial and Service activities;
- b. could give rise to reverse sensitivity effects on Industrial or Service activities; and
- c. could give rise to adverse effects on the safety and efficiency of the transportation network.

Commented [LP1]: Points 3041.1 3151.1 3165.1 3165.5 3201.2 3201.5 3234.19 3235.19 3256.2 3256.7 3256.8 3266.19 3269.2 3269.10 3270.2 3270.3 3270.4 3286.19 3298.20 3300.19

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- 18A.2.2.2 Avoid the cumulative establishment of activities and development within the Zone that would undermine the role played by town centre and other key business zones as the District's strategic hubs of economic activity.
- 18A.2.2.3 Limit the scale, location and function of Office, Retail and Commercial activities to ensure they are ancillary to Industrial or Service activities.
- 18A.2.2.4 Ensure all Office, Retail and Commercial activities are constructed and operated to mitigate adverse reverse sensitivity effects to Industrial or Service activities.
- 18A.2.2.5 Limit the scale, location and function of food and beverage related commercial activities within the Zone to ensure they serve the direct needs of workers and visitors to the Zone or directly relate to and support the operation of an Industrial activity.

18A.2.3 Objective - Activities and development within the Zone provide a level of amenity which make it a pleasant, healthy and safe place to work in and visit.

Policies

- 18A.2.3.1 Manage activities and development, both within sites and at their interface with public spaces, to ensure that people working in and visiting the Zone enjoy a pleasant level of amenity while recognising that the type of amenity experienced within the Zone may be lower than that anticipated within zones intended to accommodate more sensitive land uses.
 - 18A.2.3.2 Control the location of ancillary Office, Retail and Commercial activities and encourage them to actively engage with the street frontage and public places.
 - 18A.2.3.3 Control the bulk, location, design, landscaping, screening and overall appearance of sites and buildings, incorporating where relevant, the seven principles of Crime Prevention through Environmental Design (CPTED) to ensure they contribute to a quality, healthy and safe built environment while meeting the functional needs of Industrial and Service activities.
 - 18A.2.3.4 Control activities and development by applying sound insulation ventilation standards or other appropriate mitigation to ensure they are not significantly adversely affected by Industrial and Service activities or by airport noise.
- 18A.2.4 Objective - Activities and development within the Zone are undertaken in a way that does not adversely affect the amenity of other zones.**
- 18A.2.4.1 Manage noise, glare, dust, odour, shading, visual and traffic effects of activities and development within the Zone to ensure the amenity of other zones is not adversely affected, including through the use of Building Restriction Areas.
 - 18A.2.4.2 Manage adverse effects of activities on the visual amenity of main gateway routes into Queenstown, Wanaka and Arrowtown through the use of landscaping and by controlling the bulk and location of buildings and development.

18A.2.3.x Objective - Activities sensitive to aircraft noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are avoided or managed to mitigate noise and reverse sensitivity effects.

Commented [LP4]: Points 3316.6 3316.7 3316.8 3316.9
(objective and policies)

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Policies

18A.2.3.x.x(1)Require as necessary all alterations and additions to buildings containing an Activity Sensitive to Aircraft Noise located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary to be designed and built to achieve specified design controls.

18A.2.3.x.x(2)Avoid any new Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary.

18A.3 Other Provisions and Rules

18A.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 and Rural Character
25 Earthworks	26 Historic Heritage	27 Subdivision and Development
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	38 Open Space and Recreation	39 Wāhi Tūpuna
Planning Maps		

18A.3.2 Interpreting and Applying the Rules

18A.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.

18A.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the activity.

18A.3.2.3 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its discretion to the matters listed in the rule.

18A.3.2.4 These following abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

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18A.3.2.X 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. Chapter 30 (Energy and Utilities) part 30.3.2.c has additional information in relation to activities and obligations under NZECP43:2001.

Commented [LP5]: Point 3153.15

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

18A.4 Rules – Activities

	Table 18A.4 – Activities in the General Industrial Zone	Activity Status
18A.4.1	Industrial activities and Service activities	P
18A.4.2	Office, Retail and Commercial activities that are ancillary to Industrial or Service activities	P
18A.4.3	Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises	P
18A.4.4	Outdoor Storage	P

	Table 18A.4 – Activities in the General Industrial Zone	Activity Status
18A.4.5	<p>Buildings</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. external appearance, including materials and colours; b. landscaping at the interface of the site with adjacent roads and public places; c. signage platforms; d. lighting; e. the external appearance and proximity to the street front of any ancillary activities, including Office, Retail and Commercial activities; f. servicing, including water supply, stormwater and wastewater; g. access, manoeuvring, loading and car parking; h. location and provision of waste and recycling storage space; i. the contribution the building makes to the safety of the General Industrial Zone through adherence to CPTED principles; and j. natural hazards; and k. <u>Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or the subject site any adverse effects on that infrastructure</u> 	RD

Commented [LP6]: Point 3153.14

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	Table 18A.4 – Activities in the General Industrial Zone	Activity Status
18A.4.6	<p><u>Buildings within the Outer Control Boundary</u></p> <p>a. Any alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise on any site located within the Queenstown Airport Outer Control Boundary or the Queenstown Airport Air Noise Boundary shall achieve those standards set out in 36.6 Airport Noise of Chapter 36 (Noise). (ASAN) shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours.</p> <p>b. <u>Compliance between the Outer Control Boundary (OCB) and the Air Noise Boundary (ANB)</u></p> <p><u>Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Rule 36.6.2 or by submitting a certificate to the Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open</u></p> <p>Discretion is restricted to:</p> <p>a. the design, construction, orientation and location of the alterations or additions to achieve adequate indoor sound insulation from aircraft noise.</p>	RD
18A.4.x	<u>Trade Suppliers</u>	D
18A.4.7	Outdoor storage and Outdoor waste storage within any building restriction area shown on any structure plan within Chapter 27 (Subdivision and Development)	NC
18A.4.8	Commercial Recreation and Recreation activities	NC
18A.4.9	Community activities and Community Facilities	NC
18A.4.10	Any activity requiring an Offensive Trade Licence under the Health Act 1956 other than the “collection and storage of used bottles for sale” and “refuse collection and disposal” (as listed in that Act)	NC
18A.4.xx	<p>Building Restriction Area</p> <p>No building shall be located within a building restriction area as identified on the District Plan maps</p>	NC
18A.4.11	Activities that are not listed in this Table	NC
18A.4.12	Trade Suppliers and Large Format Retail	PR
18A.4.13	Activities Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary or the Queenstown Airport Air Noise Boundary	PR

Commented [LP7]: Point 3316.14

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	Table 18A.4 – Activities in the General Industrial Zone	Activity Status
18A.4.14	Office, Retail and Commercial activities not otherwise identified	PR
18A.4.15	Residential Activity, Residential Units and Residential Flats	PR
18A.4.16	Visitor Accommodation, Residential Visitor Accommodation and Homestay activities	PR
18A.4.17	Airport	PR
18A.4.18	Mining activities	PR

18A.5 Rules – Standards

	Table 18A.5 - Standards for activities located within the General Industrial Zone	Non-compliance status
18A.5.1	<p>Ancillary Office, Retail and Commercial activities</p> <p>a. The total area used for the activity within a building shall not exceed 50 m², excluding any outdoor area provided for in d. below;</p> <p>b. The activity shall occur within the same building as the associated Industrial or Service activity, except where provided for in d. below;</p> <p>c. For Retail and Commercial activities, only goods manufactured, fabricated, processed, packaged, distributed, maintained or repaired in association with an Industrial or Service activity may be sold from the site;</p> <p>d. Any part of the activity which stores, displays or otherwise operates outside a building shall be contained within a single area not exceeding 10 m² that directly adjoins and can be directly accessed from the building;</p> <p>e. Where the activity fronts the street and is located on the ground floor, there shall be visually transparent glazing on the elevation facing the street for a minimum of 20% of that elevation.</p> <p>Note: Any Critical Listening Environments will be assessed against those noise insulation and ventilation requirements set out in Table 5 of Chapter 36 (Noise).</p>	<p>Standard 18A.5.1a 50 – 100 m² RD >100 m² NC</p> <p>Standards 18A.5.1b to 18A.5.1e RD</p> <p>For RD non-compliance discretion is restricted to:</p> <p>a. the relationship of the activity to Industrial or Service activities operating on the site;</p> <p>b. reasons why the activity could not reasonably locate in another zone;</p> <p>c. cumulative effects on industrial development capacity;</p> <p>d. reverse sensitivity effects on surrounding Industrial and Service activities;</p> <p>e. the scale of the activity in terms of the total indoor and outdoor area required, the number of staff and anticipated number of customers;</p>

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	Table 18A.5 - Standards for activities located within the General Industrial Zone	Non-compliance status
		<ul style="list-style-type: none"> f. the effect of the activity on access, parking and onsite manoeuvring and loading; g. the location of the activity on the site and within the building or unit; and h. visual effects including any signage, colour, materials, outdoor storage and other outdoor area associated with the activity.
<p>18A.5.2</p>	<p>Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises (excluding the sale of liquor)</p> <ul style="list-style-type: none"> a. The total area used for the activity shall not exceed 60m². This includes any area contained within a building and any area located outside of a building used for storage, display, seating or otherwise associated with the activity; b. Any outdoor area used for the activity shall be directly accessible from and adjoin the building containing the activity; c. Any Licensed Premises shall be ancillary to an Industrial activity; and d. Any part of a building used as a public entry, or as outdoor seating or display, for the activity shall be landscaped to distinguish its function from other activities operating on the site. 	<p>NC</p>
<p>18A.5.3</p>	<p>Minimum Boundary Setbacks</p> <ul style="list-style-type: none"> a. Road boundary setbacks <ul style="list-style-type: none"> i. fronting any residential zone (including the Meadow Park Special Zone and the Large Lot Residential Zone) – 7m ii. all other road boundaries – 3m and State Highway boundaries – 5m iii. State Highway boundaries – 5m b. Internal boundary setbacks 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. visual effects of the height, scale, location and appearance of the built form when viewed from adjacent sites, roads and public places; b. the nature of the activity, including any noise, vibration, odour, dust, glare, traffic or any other nuisance effects; c. landscaping and screening; and

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PART 3

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	Table 18A.5 - Standards for activities located within the General Industrial Zone	Non-compliance status
	<ul style="list-style-type: none"> i. where a site adjoins any other zone outside of the General Industrial Zone – 7m ii. no minimum internal setbacks are required where a site adjoins other sites within the General Industrial Zone 	d. compatibility with the appearance, layout and scale of surrounding sites.
18A.5.4	<p>Building coverage</p> <p>Maximum building coverage of 75%</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. site layout and the location of buildings; b. traffic effects of additional building coverage including adequate provision of access, onsite parking, loading and manoeuvring; c. visual effects of the height, scale, location and appearance of the built form when viewed from adjacent sites, roads and public places; d. landscaping and screening; and e. adequate provision and location of outdoor storage space, including waste and recycling storage and servicing areas.
18A.5.5	<p>Building Height</p> <p>Maximum building height of 10m except where specified in Rule 18A.5.6 below.</p>	NC
18A.5.6	<p>Building Height – Sites adjoining or separated by a road from a Residential zone (including the Meadow Park Special Zone and the Large Lot Residential Zone)</p> <ul style="list-style-type: none"> a. Maximum building height of 7m; b. A recession plane applies for all buildings which is inclined towards the site from a point 3m above ground level at the following angles: <ul style="list-style-type: none"> i. 45° applied on the northern site boundary; and 	NC

	Table 18A.5 - Standards for activities located within the General Industrial Zone	Non-compliance status
	<p>ii. 35^o applied on all other site boundaries.</p>	
18A.5.7	<p>Glare</p> <p>All lighting shall comply with the following:</p> <p>a. All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects on the night sky;</p> <p>b. No activity shall result in greater than 10 lux spill (horizontal and vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property; and</p> <p>c. No activity on any site shall result in greater than 3 lux spill (horizontal and vertical) of light onto any adjoining property which is zoned residential (including the Meadow Park Special Zone and the Large Lot Residential Zone) measured at any point more than 2m inside the boundary of the adjoining property.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Effects of glare on amenity values, the transportation network and the night sky</p>
18A.5.8	<p>Outdoor storage</p> <p>All outdoor storage shall comply with the following:</p> <p>a. not be located within any road boundary setbacks; and</p> <p>b. where adjoining any zone, excluding the Rural Zone, shall be screened by a solid fence at least 2m in height or by dense planting of the same height.</p>	<p>RD</p> <p>Discretion is restricted to the following:</p> <p>a. visual impacts of the material to be stored within the setback when viewed from adjacent sites, roads and public places;</p> <p>b. the nature of the activity, including any noise, vibration, odour, dust, glare or any other nuisance effects emitted from the activity;</p> <p>c. the type and volume of material to be stored;</p> <p>d. landscaping and screening; and</p>

PART 3

GENERAL INDUSTRIAL ZONE 18A

	Table 18A.5 - Standards for activities located within the General Industrial Zone	Non-compliance status
		e. whether pedestrian or vehicle access is compromised.
18A.5.9	<p>Fencing</p> <p>a. Any site adjoining a residential zone (including the Meadow Park Special Zone or the Large Lot Residential Zone) shall establish a solid fence at least 2m in height, or dense planting that shall achieve the same height, along the site boundary;</p> <p>b. In the General Industrial Zone in Wanaka, the following additional standards shall apply in regard to Building Restriction areas shown on any structure plan shown in Chapter 27 (Subdivision and Development):</p> <p>i. Fences on or within 4m of open space areas shall be no higher than 1.2m</p> <p>ii. This standard shall not apply to fences which are at right angles to the boundary of the open space area.</p> <p>c. No razor wire or barbed wire shall be used on any fencing.</p>	<p>RD</p> <p>Discretion is restricted to the following:</p> <p>a. visual impacts of the material to be stored when viewed from adjacent sites, roads and public places;</p> <p>b. the nature and scale of the activity;</p> <p>c. the type and volume of materials to be stored; and</p> <p>d. landscaping and screening.</p>

18A.6 Non-Notification of Applications

18A.6.1 ~~Except as provided for under Rule 18A6.1.X~~ the following restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:

18A.6.1.1 ~~18A.6.1-18A.4.5~~ Buildings

Commented [LP11]: Clause 16 minor change

18A.6.1.2 ~~18A.6.1-218A.5.1~~ Ancillary Office, Retail and Commercial Activities

Commented [LP12]: Clause 16 minor change

~~18A.6.1.X For any application for resource consent where Rule 18A4.5 (k) 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 [LP13]: Point 3153.2

18A.6.2 The following restricted discretionary activities will not be publicly notified but notice may be served on those persons considered to be adversely affected if those persons have not given their written approval:

18A.6.2.1 Additions and alterations to buildings within the Outer Control Boundary - Queenstown Airport

Variations to the Proposed District Plan

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

Variation to Chapter 25 - Earthworks

25.5.5	<u>General Industrial Zone</u>	500m ³
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Variation to Chapter 27 - Subdivision and Development

General Industrial Zone

27.3.13 Objective - Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial and Service activities which cannot locate elsewhere in this District, including those Industrial and Service activities which require larger buildings and more space for the purpose of manoeuvring, loading and vehicle parking.

Policies

27.3.13.1 Enable subdivision and development within the General Industrial Zone that provides for the establishment, operation and long term viability of Industrial and Service activities by ensuring any new lots created are capable of accommodating activities and development that is anticipated by the Zone standards.

27.3.13.2 Recognise and provide for subdivision activities which create smaller lot sizes than anticipated within the General Industrial Zone where there is a demonstrated need for Industrial and Service activities on lots of that size and where it can be shown that the lots could viably provide for their long term functional needs.

27.3.13.3 Ensure any new subdivision provides adequate road access, onsite parking, loading and manoeuvring suitable for the activities anticipated to establish within the lots.

27.3.13.4 Ensure any new subdivision integrates well with current and future transport networks, including roads and public and active transport systems by managing the functional layout and arrangement of lots and their access.

27.3.13.5 Ensure subdivision only occurs where the necessary infrastructure exists to service the lots.

27.3.13.6 Avoid subdivision that creates lots of a size and layout that limit the intended function of the General Industrial Zone to provide for the long term establishment, operation and long term viability of Industrial and Service Activities.

Connell Terrace Structure Plan

27.3.13.7 Ensure subdivision is consistent with the Connell Terrace Structure Plan by requiring;

- a. landscaping and on-going maintenance of the Building Line Restriction Area shown on the Connell Terrace Structure Plan; and
- b. a roading layout that is consistent with the Connell Terrace Structure Plan.

Ballantyne Road Structure Plan

27.3.13.8 Ensure subdivision is consistent with the Ballantyne Road Structure Plan by requiring;

- a. landscaping and on-going maintenance of the Building Line Restriction Area shown in the Ballantyne Road Structure Plan; and
- b. a roading layout that is consistent with the Ballantyne Road Structure Plan.

27.5 Rules – Subdivision

27.5.7	<p>All urban subdivision activities, unless otherwise provided for, within the following zones:</p> <p>...</p> <p><u>10. General Industrial Zone</u></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions; b. Internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions; c. property access and roading; d. esplanade provision; e. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision; f. fire fighting water supply; g. water supply; h. stormwater design and disposal; i. sewage treatment and disposal; j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks; k. open space and recreation; l. ecological and natural values; m. historic heritage; n. easements. <p>For the avoidance of doubt, where a site is governed by a Structure Plan, that is included in the District Plan, subdivision activities shall be assessed in accordance with the rules in Table 27.7 <u>Rule 27.7.1</u>.</p>	RD
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27.6 Rules - Standards for Minimum Lot Areas

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

Zone	Minimum Lot Area
General Industrial	<p>1000m²</p> <p>Except:</p> <p>Subdivision of lots between 1000m² and 500m² shall be a discretionary activity.</p> <p>Subdivision of lots less than 500m² shall be a non-complying activity.</p>

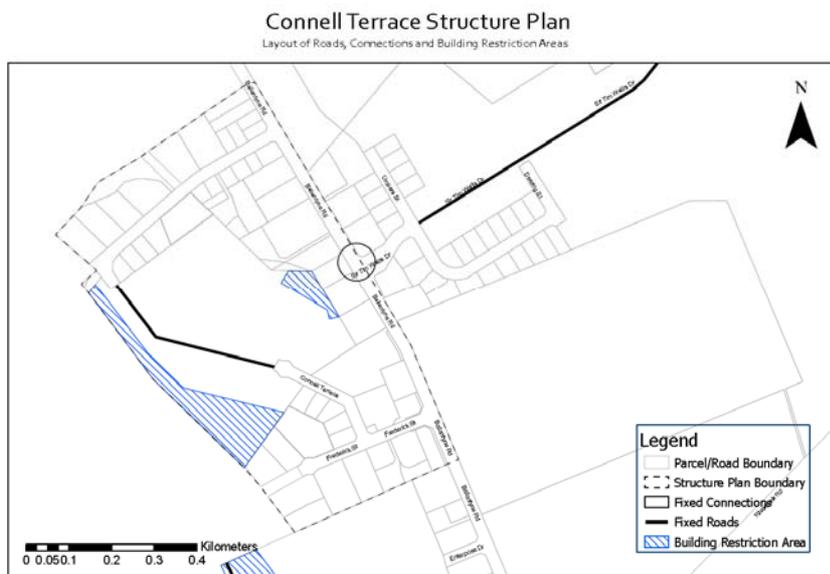
27.6 Zone – Location Specific Rules

	Zone and location specific Rules	Activity Status
27.7.10	<p><u>Connell Terrace Structure Plan</u></p> <p>27.7.10.1 In addition to those matters of control listed under Rule 27.5.7.10 when assessing any subdivision consistent with the <u>Connell Terrace Structure Plan</u>, the following shall be additional matters of discretion:</p> <ol style="list-style-type: none"> <u>roading layout;</u> <u>the provision and location of walkways and the green network; and</u> <u>the integrated approach to landscaping of the building restriction areas.</u> 	RD
	<p>27.7.10.2 Any subdivision that does not comply with the <u>Connell Terrace Structure Plan</u> located in Section 27.13.</p> <p><u>For the purposes of this rule:</u></p> <ol style="list-style-type: none"> <u>any fixed roads shown on the Structure Plan may be moved no more than 20 metres;</u> <u>the boundaries of any fixed open spaces shown on the Structure Plan may be moved up to 5 metres; and</u> <u>Landscaping along the western boundary of the BRA shall be either;</u> 	NC

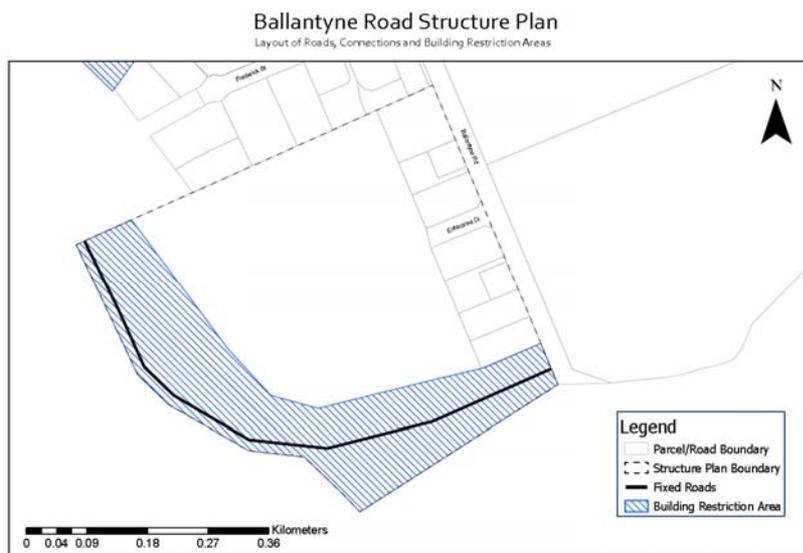
	Zone and location specific Rules	Activity Status
	<ul style="list-style-type: none"> i. <u>a 3-5m height and 15-20m width mounding with predominantly evergreen planting with a height of 5-6m; or</u> ii. <u>a 30m strip of dense predominantly evergreen planting with a height of at least 8 metres.</u> 	
<u>27.7.11</u>	<p><u>Ballantyne Road Structure Plan</u></p> <p><u>27.7.11.1 In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision consistent the Ballantyne Road Structure Plan shown in part 27.13, the following shall be additional matters of discretion:</u></p> <ul style="list-style-type: none"> a. <u>roading layout;</u> b. <u>the provision and location of walkways and the green network; and</u> c. <u>the integrated approach to landscaping of the building restriction areas.</u> 	<u>RD</u>
	<p><u>27.7.11.2 Any subdivision that does not comply with the Ballantyne Road Structure Plan located in Section 27.13.</u></p> <p><u>For the purposes of this rule:</u></p> <ul style="list-style-type: none"> a. <u>any fixed roads shown on the Structure Plan may be moved no more than 20 metres; and</u> b. <u>the boundaries of any fixed open spaces shown on the Structure Plan may be moved no more than 5 metres.</u> 	<u>NC</u>

27.13 Structure Plans

27.13.7 Connell Terrace Structure Plan



27.13.8 Ballantyne Road Structure Plan



Variation to Chapter 29 - Transport

Policies

29.2.4.9 Ensure the location, design, and layout of access, manoeuvring, car parking spaces and loading spaces of Industrial activities, Service activities and vehicle-orientated commercial activities, such as service stations and rural selling places, avoids or mitigates adverse effects on the safety and efficiency of the adjoining road(s) and provides for the safe movement of pedestrians within and beyond the site, taking into account:

- a. The relative proximity of other accesses or road intersections and the potential for cumulative adverse effects; and
- b. The ability to mitigate any potential adverse effect of the access on the safe and efficient functioning of the transport network.

Table 29.3 – Standards for activities outside of roads

Table 29.3 - Standards for activities outside roads		Non-compliance status						
29.5.10	<p>Loading Spaces</p> <p>a. Off-street loading shall be provided in accordance with this standard on every site in the <u>General Industrial Zone</u>, Business Mixed Use Zone, the Town Centre zones, and the Local Shopping Centre Zone, except in relation to unstaffed utility sites and on sites where access is only available from the following roads:</p> <ul style="list-style-type: none"> • Queenstown Mall • Beach Street • Shotover Street • Camp Street • Rees Street • Marine Parade • Church Street • Earl Street • Ballarat Street • Memorial Street • Helwick Street • Buckingham Street. <p>b. Every loading space shall meet the following dimensions:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Activity</th> <th>Minimum size</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">(i)</td> <td>Offices and activities of less than 1500m² floor area not handling goods and where on-street parking for occasional delivery is available.</td> <td>6m length 3m wide 2.6m high</td> </tr> </tbody> </table>		Activity	Minimum size	(i)	Offices and activities of less than 1500m ² floor area not handling goods and where on-street parking for occasional delivery is available.	6m length 3m wide 2.6m high	<p style="text-align: center;">RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. The location, size, and design of the loading space and associated manoeuvring. b. Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.
	Activity	Minimum size						
(i)	Offices and activities of less than 1500m ² floor area not handling goods and where on-street parking for occasional delivery is available.	6m length 3m wide 2.6m high						

Table 29.3 - Standards for activities outside roads			Non-compliance status
(ii)	All other activities except residential, visitor accommodation, and those listed in Rule 29.5.13(ii)(a) above.	9m length 3.5m wide 4.5m high	
c. Notwithstanding the above:			
i. Where articulated trucks are used in connection with any site sufficient space not less than 20m in depth shall be provided.			
ii. Each loading space required shall have unobstructed vehicular access to a road or service lane.			
iii. Parking areas and loading areas may be served in whole or in part by a common manoeuvre area, which shall remain unobstructed.			

29.8 Minimum Parking Requirements

Table 29.4			
	Minimum Parking Requirements,	Resident/ Visitor	Staff/ Guest
29.8.19	Industrial activity or service activity, other than where the activity is more specifically defined elsewhere in this table (Table 29.5)	0	1 per 50m ² of indoor and outdoor area/ GFA; except 1 per 100m ² of GFA used for warehousing and indoor or outdoor storage (including self-storage units); and 1 per 100m ² of GFA for distribution centres <u>Note: In the General Industrial Zone parking spaces will also be required for any ancillary Office, Retail or Commercial activity pursuant to rules for those activities.</u>

Variation to Chapter - 36 Noise

36.5 Rules – Standards

Table 3: Specific Standards

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.15	<p><u>Sound from activities in the General Industrial Zone.</u></p> <p><u>Note: For the purpose of this rule, a road that is located outside this zone is not deemed to be a “site outside this zone” and, as such, the noise levels specified in a above may be exceeded on road reserves adjacent to this zone.</u></p>	<p><u>At any point within any site located in any other zone.</u></p>	<p><u>Refer to standard relevant to the zone in which noise is received.</u></p>	<p><u>Refer to standard relevant to the zone in which noise is received.</u></p>	<p><u>NC</u></p>

36.7 Ventilation Requirements for other Zones (Table 5)

The following table (Table 5) sets out the ventilation requirements in the Wanaka and Queenstown Town Centre Zones, the Local Shopping Centre Zone, General Industrial Zone and the Business Mixed Use Zone.

Table 5

Room Type	Outdoor Air Ventilation Rate (Air Changes Room Type per Hour, ac/hr)	
	Low Setting	High Setting
Bedrooms	1-2 ac/hr	Min. 5 ac/hr
Other Critical Listening Environments	1-2 ac/hr	Min. 15 ac/hr
Noise from ventilation systems shall not exceed 35 dB $L_{Aeq}(1 \text{ min})$, on High Setting and 30 dB $L_{Aeq}(1 \text{ min})$, on Low Setting. Noise levels shall be measured at a distance of to 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		
Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.		
If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.		

Variation to Chapter - 31 Signs

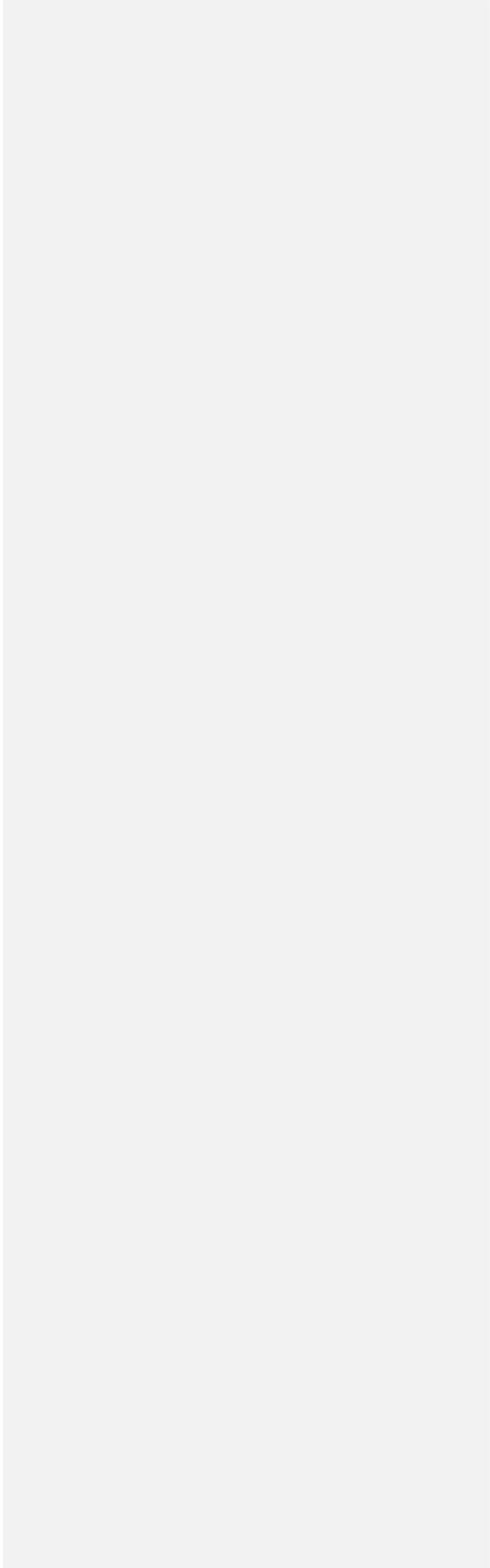
Commented [LP14]: Points 3129.1 3129.2 3129.3 3129.4
3129.5 3129.6 3129.7 3129.8 3129.9 3129.10

31.6 Rules - Activity Status of Signs in Commercial Areas

The rules relating to signs in Table 31.6 are additional to those in Table 31.4 and are subject to the standards in Table 31.7. If there is a conflict between the rules in Table 31.4 and the rules in Table 31.6, the rules in Table 31.6 apply.

Table 31.6 – Activity Status of Signs in Commercial Areas		General Industrial Zone
31.6.1	<p>Static signage platforms that is one of the sign types listed in Rules 31.6.2 to 31.6.5 below and complies with the standards applying to that sign type.</p> <p>Control is reserved to the matters set out in Rule 31.14.</p>	C
31.6.2	Arcade directory signs.	P
31.6.3	Upstairs entrance signs.	P
31.6.4	<p>All signs located within the ground floor facade of a building</p> <p>In those zones where this is a controlled activity, control is reserved to the matters set out in Rule 31.14.</p> <p>Note: Parts 31.3.2 and 31.16 of this Chapter explain and illustrate the application of this rule.</p>	C
31.6.5	<p>Above ground floor signs.</p> <p>In those zones where this is a controlled activity, control is reserved to the matters set out in Rule 31.14.</p> <p>Note: Part 31.16.7 of this Chapter has a diagram which illustrates the application of this rule.</p>	C
31.6.6	Digital signage platforms within the ground floor facade of a building	PR
31.6.7	Digital signage platforms above ground floor level	PR
31.6.8	Digital signs not located within a digital signage platform	PR

Table 31.6 – Activity Status of Signs in Commercial Areas		General Industrial Zone
31.6.9	Billboard signs	PR
31.6.10	Any sign activity which is not listed in Table 31.4 or Rules 31.6.1 to 31.6.9 inclusive	D



Variations to PDP Chapter 30 – Energy and Utilities

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.6	<p>Poles</p> <p>With a maximum height no greater than:</p> <ul style="list-style-type: none"> a. 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Zones; b. 25m in the Rural Zone; c. 15m in the Business Mixed Use Zone (Queenstown); d. 13m in the Local Shopping Centre, Business Mixed Use (Wanaka), or Jacks Point zones; e. <u>13m in the General Industrial Zone provided that</u> <ul style="list-style-type: none"> i. <u>On sites adjoining or separated by a road from a Residential zone (including the Meadow Park Special Zone and the Large Lot Residential Zone) the pole does not breach the recession plane standard set out within Rule 18A.5.6(b).</u> f. 11m in any other zone; and g. 8m in any identified Outstanding Natural Landscape. <p>Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Character Landscape, poles must be finished in colours with a light reflectance value of less than 16%.</p>	P

Commented [LP15]: Spark NZ Limited And Vodafone (3032)

Appendix 2

Consent orders for Topic 12, Natural Hazards

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of appeals under Clause 14 of the First
Schedule of the Act
BETWEEN REAL JOURNEYS LIMITED
(ENV-2018-CHC-131)
REAL JOURNEYS LIMITED (TRADING AS
CANYON FOOD AND BREW COMPANY)
(ENV-2018-CHC-146)
OTAGO REGIONAL COUNCIL
(ENV-2018-CHC-79)
Appellants
AND QUEENSTOWN LAKES DISTRICT
COUNCIL
Respondent

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

In Chambers at Christchurch

Date of Consent Order: 11 June 2020

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court,
by consent, orders that:

- (1) the appeals are allowed to the extent that the Queenstown Lakes District Council is directed to amend Chapter 28 of the Proposed Queenstown Lakes District Plan, as set out in Appendix A, attached to and forming part of this order;
- (2) the appeals otherwise remain extant.



B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns appeals by Real Journeys Limited, Real Journeys Limited (trading as Canyon Food and Brew Company) and the Otago Regional Council against parts of a decision of the Queenstown Lakes District Council on Chapter 28 of the proposed Queenstown Lakes District Plan – Stage 1. In particular, it relates to Topic 12 (Natural Hazards).

[2] The court has now read and considered the consent memorandum of the parties dated 29 April 2019, which proposes to partially resolve these appeals.

Other relevant matters

[3] The following parties have given notice of their intention to become a party to the parts of the appeals in Topic 12 under s274 of the Resource Management Act ('the RMA') and have signed the memorandum setting out the relief sought:

- (a) Darby Planning LP;
- (b) Otago Regional Council;
- (c) Queenstown Airport Corporation;
- (d) Queenstown Park Limited;
- (e) Real Journeys Limited;
- (f) Real Journeys Limited (trading as Go Orange Limited);
- (g) Remarkables Park Limited;
- (h) Te Anau Developments Limited; and
- (i) Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited.

Orders

[4] 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; and
- (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



28 Natural Hazards

28.1 Purpose

The purpose of this chapter is to provide a policy framework to address natural hazards throughout the District. The District is recognised as being subject to multiple hazards and as such, a key issue is ensuring that when development is proposed on land potentially subject to natural hazards, the risk is managed or mitigated to tolerable levels and significant risks avoided. ~~In instances where the risk is intolerable⁴, natural hazards will be required to be avoided.~~ Council has a responsibility to address the developed parts of the District that are subject to natural hazard risk through a combination of mitigation measures and education, to lessen the impacts of natural hazards.

There are no rules in this chapter. It is intended to provide policy guidance on natural hazards that is factored into the consideration of land use and subdivision applications made under the rules in other chapters.

The objectives and policies in this chapter, including the concepts of tolerable risk and significant risk, shall be considered through future plan change processes as well as through applications for resource consent.

28.2 Natural Hazard Identification

Natural Hazards that exist in the District include:

- Flooding and inundation
- Erosion and deposition (including landslip and rockfall)
- Land instability
- Earthquakes and liquefaction
- Avalanche
- Alluvion¹², avulsion²³
- Subsidence
- Tsunami / seiche³⁴
- Fire

The District is located in an inland mountainous environment and as such can also be exposed to climatic extremes in terms of temperature, rain and heavy snowfall. This is likely to increase as a result of climate change.

Council holds information in a natural hazards database which has been accumulated over a long period of time by both the Council and the Otago Regional Council. The database is continually being

⁴ ~~The concept of risk 'tolerability' is derived from the Otago Regional Council's Regional Policy Statement, which provides additional guidance as to the management of natural hazards.~~

²¹ Increase in the size of a piece of land due to deposits by a river.

³² Abandonment of a river channel and the formation of a new channel.

⁴³ Oscillation of water due to earthquake shaking



NATURAL HAZARDS 28

Appendix A

updated and refined as new information is gathered. Given the ongoing updates occurring, with the exception of flooding information, which has historically been mapped, Council has decided not to map natural hazards as part of the District Plan. This decision has been made due to the fact the maps may quickly become out of date as new information becomes available. Council will rely upon the hazards database in the consideration of resource consents and building consents.

28.3 Objectives and Policies

28.3.1 A Objective - The risk to people and the built environment posed by natural hazards is managed to a level tolerable to the community.

28.3.1 B ~~28.3.2~~ Objective - Development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed.

Policies

Determining significant risk and risk tolerance

28.3.1.1 When determining the significance of the natural hazard risk the following matters shall be considered:

- a. The likelihood of the hazard event including multiple and cascading events;
- b. After taking account of existing and proposed risk reduction measures, the potential consequences including:
 - i. Whether buildings and structures, critical services and lifeline utilities would be functionally compromised in a hazard event;
 - ii. The risk to human life or safety;
 - iii. The scale of potential adverse effects;
 - iv. The displacement of risk.
- c. People's and communities' tolerance of the natural hazard risk.

28.3.1.2 When assessing tolerance of risk the following matters shall be considered:

- a. the nature and scale of the activity;
- b. existing lawfully established land use or zoning;
- c. the actual and potential adverse effects of the natural hazard on people and communities;
- d. those people's and communities' awareness or experience of the risk, including any investigations, initiatives or natural hazard risk engagement that have been undertaken;
- e. the consequences of and response to past natural hazard events;
- f. the effectiveness and implementation of responses, adaptations or mitigation measures.

Assessment of natural hazard risk

28.3.1.3 ~~2-3~~ Ensure all proposals to subdivide or develop land that is subject to natural hazard risk ~~provide~~ include an assessment that ~~meets the following information requirements, ensuring that the level of detail of the assessment~~ is commensurate with the level of natural hazard risk including where relevant:

- a. the likelihood of the natural hazard event occurring over no less than a 100 year period;



NATURAL HAZARDS 28

Appendix A

- b. the type and scale of the natural hazard and the effects of a natural hazard on the subject land, and proposed activity or development;
- c. the effects of multiple and cascading hazards;
- d. ~~e.~~ the effects of climate change on the frequency likelihood and scale of the natural hazard;
- d. ~~the vulnerability of the activity in relation to the natural hazard~~;
- e. the potential for the activity to exacerbate the natural hazard risk both within and beyond the subject land;
- f. ~~the potential for any structures on the subject land to be relocated~~;
- f. ~~g.~~ the location, design and construction of buildings and structures to mitigate the effects of natural hazards, such as the raising of floor levels, or relocation of buildings and structures;
- ~~g.~~ ~~h.~~ management techniques that avoid or manage natural hazard risk to a tolerable level, including with respect to ingress and egress of both residents and emergency services during a natural hazard event.

Advice Note:

Council's natural hazards database identifies land that is affected by, or potentially affected by, natural hazards. The database contains natural hazard information that has been developed at different scales and this should be taken into account when assessing potential natural hazard risk. It is highly likely that for those hazards that have been identified at a 'district wide' level, further detailed analysis will be required.

Management of natural hazard risks

~~28.3.2.1~~ ~~—————~~ ~~Avoid significantly increasing natural hazard risk.~~

28.3.1.4 Avoid activities that result in significant risk from natural hazard.

28.3.1.5 ~~3~~ Recognise that some areas that are already developed are now known to be subject to natural hazard risk and minimise such risk as far as practicable while acknowledging that the community may be prepared to tolerate a level of risk.

28.3.1.6 ~~2-2~~ Not preclude subdivision and development of land subject to natural hazards which ~~where the proposed activity~~ does not:

- a. accelerate or worsen the natural hazard risk to an intolerable level;
- b. expose vulnerable activities to intolerable natural hazard risk;
- c. create an intolerable risk to human life;
- d. increase the natural hazard risk to other properties to an intolerable level;
- e. require additional works and costs including remedial and maintenance works, that would be borne by the public.



NATURAL HAZARDS 28

Appendix A

- ~~28.3.1.7~~ Except as provided for in Policy 28.3.1.6, restrict activities where the natural hazard risk is intolerable to people and the community (Policy 28.3.1.2).
- 28.3.1.81 Ensure assets and ~~or~~ infrastructure are constructed and located ~~so as~~ to avoid or mitigate:
- the potential for natural hazard risk to human life to be exacerbated; and
 - the potential risk of damage to property and infrastructural networks from natural hazards to the extent practicable, including consideration of the functional needs ~~locational, technical and operational requirements~~ of regionally significant infrastructure.
- ~~28.3.1.9~~ Where a natural hazard has been identified, but the natural hazard risk to people and communities is unknown, but potentially significant, apply a precautionary approach.
- ~~28.3.1.2~~ Restrict the establishment of activities which significantly increase natural hazard risk, including where they will have an intolerable impact upon the community and built environment.
- 28.3.1.104 Enable Otago Regional Council and the Council exercising their statutory powers to undertake ~~permanent~~ physical works for the purposes of natural hazard risk mitigation while recognising the need to mitigate potential adverse effects that may result from those works
- ~~28.3.1.11 2.4~~ Where practicable, ~~p~~Promote the use of natural features, buffers and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risk.

28.3.23 Objective - The community's awareness and understanding of the natural hazard risk in the District is continually enhanced.

Policies

- 28.3.23.1 Continually develop and refine a natural hazards database in conjunction with the Otago Regional Council.
- 28.3.23.2 When considering resource consent applications or plan changes, the Council will have regard to the natural hazards database.
- 28.3.23.3 Ensure the community has access to the most up-to-date natural hazard information available.
- 28.3.23.4 Increase the community awareness of the potential risk of natural hazards, and the necessary emergency responses to natural hazard events.
- 28.3.23.5 Monitor natural hazard trends and changes in risk and ~~consider~~ identify actions, including the use of an adaptive management approach, should natural hazard risk become intolerable.



28.4 Other Relevant Provisions

28.4.2 District Wide Rules

Attention is drawn to the following District Wide chapters.

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

