

QUEENSTOWN-LAKES DISTRICT COUNCIL
PROPOSED DISTRICT PLAN HEARING - CHAPTER 46 RURAL VISITOR ZONE

IN THE MATTER

of a hearing on submissions to Stage 3 and 3B of the
Proposed District Plan pursuant to clause 8B of the
First Schedule to the Resource Management Act 1991

Loch Linnhe Station

Submission #31013

**EVIDENCE OF CAREY VIVIAN
(PLANNER)
28 May 2020**

Executive Summary

This evidence addresses the content of Loch Linnhe Station's submission seeking two Rural Visitor Zones on their property.

In Part 2 of this evidence I discuss the background to Loch Linnhe's request, including submissions and findings in relation to Stage 1 submissions and appeal.

In Part 3 of my evidence I explain how the Loch Linnhe Rural Visitor Zones can be integrated into the PDP.

In Part 4 of my evidence I discuss the mandatory assessment criteria. I do not identify any impediment to incorporating the amendments I recommend in Part 3 into the PDP.

In Part 5 and Appendix B of my evidence I address section 32AA of the RMA. I conclude from this evaluation that the amended proposal is the most appropriate zoning for Loch Linnhe Station.

In part 6 of my evidence I consider Part II of the RMA. In my opinion, the amended proposal achieves sustainable management of natural and physical resources.

1. Introduction

1.1 My name is Carey Vivian. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I have been a full member of the New Zealand Planning Institute since 2000. I am a director of Vivian and Espie Limited, a resource management and landscape planning consultancy based in Queenstown. I have been practicing as a resource management planner for twenty-six years, having held previous positions with Davie Lovell-Smith in Christchurch; and the Queenstown Lakes District Council (QLDC or the Council), Civic Corporation Limited, Clark Fortune McDonald and Associates and Woodlot Properties Limited in Queenstown.

1.2 I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014 and agree to comply with it. This evidence is within my area of expertise, except where I state that I am relying on information I have been given by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.

- 1.3 I have read the Council staff section 42A report and supporting evidence. I comment on this material through my evidence.
- 1.4 My evidence is structured as follows:
2. Submission Background
 3. Specific Changes to the PDP
 4. The Section 42A report and recommendation
 5. Mandatory Assessment Criteria
 6. Section 32AA evaluation
 7. Part II of the RMA.

2. Submission Background

- 2.1 Loch Linnhe Station is two pastoral leases managed as one station over 3700ha in size stretching from Wye Creek in the north to south of the Devils Staircase in the south and the Nevis Valley in the east. The station has 24km of road and lake frontage between Wye Creek and south of the Devils Staircase. The station is extensively farmed and, in the past, has been used as a movie set and commercial recreation activities, such as heliskiing, trekking and mountain biking. All of the Loch Linnhe's buildings and infrastructure are at the southern end of the property, and with increased commuter and tourist traffic on the Kingston Road, has made traditional stock management using the Kingston Road, impractical and unsafe.
- 2.2 This is the second submission Loch Linnhe Station has made on the PDP. Under Stage 1 of the PDP Loch Linnhe Station was zoned Rural, with an ONL overlay and four areas of Significant Natural Values. Loch Linnhe Station made a comprehensive submission to Stage 1 of the PDP arguing that the Rural zoning was disenabling of the establishment of necessary farm infrastructure, such as homesteads and farm buildings. Their submission sought the identification of areas within large farms (over 1000ha) where the erection of homesteads, staff accommodation, farm buildings and tourism activities could occur as a permitted or controlled activity. The submitter referred to the concept of Farm Base Area's (FBA's) in the Mackenzie District Plan as an example of how this could work in the QLDC plan.
- 2.3 FBA's have been adopted in the Mackenzie District for the purposes of encouraging clustering of homesteads and farm buildings (as well as tourism activities) in recognition of the property's contribution to retaining the openness of the ONL. Loch Linnhe's submission identified that the closest alternative to FBA's

in the structure of the QLDC planning instruments was the Rural Visitor Zone. While Loch Linnhe recognised that the RVZ of the ODP was not ideal as they do not wish to subdivide and develop to the extent that the RVZ is designed to enable, they identified that two small areas of RVZ would be a preferable alternative to all of the Station remaining within the Rural Zone.

- 2.4 The section 42A report, prepared by Mr Buxton for Stage 21 submissions, recommended rejection of Loch Linnhe's submission for the following reason:

“The use of Farm Based Areas is as yet untested and the existing management regime in Queenstown District of providing case by case assessments is a more efficient and effective method of managing development in the rural area. The requested alternative Rural Visitor zone is not part of the Stage 1 review and is not considered an appropriate method for either site particularly the smaller site which would result in a spot zone.”

“Although both Dr Read and I consider the FBA concept has merit, the identification of each area would be resource hungry and the method as yet is untested. Its appropriateness in the high growth, high demand for rural settlement environment of Queenstown is uncertain. I consider it is more efficient to address the matter of landscape issues on a case by case basis so that landscape effects can be assessed against a known specific proposal.”

- 2.5 I presented planning evidence at the Stage 1 hearing in support of Loch Linnhe's submission¹. In my opinion, in the QLDC context, FBAs should only be identified in areas where there is some potential for that area to absorb change within very large landholdings (i.e. high-country stations), such as the two areas identified at Loch Linnhe station. I also disagreed with Mr. Buxton regarding the adequacy of the FBA concept. At the time, I noted the concept of FBAs in the Mackenzie Basin ONL has been around since Plan Change 13 was publicly notified in 2007. FBAs have been the subject of at least 14 Environment Court decisions and three High Court decisions. The FBA concept is therefore, in my opinion, well tested. In my opinion, there was no reason why a similar concept (relevant to the QLDC plan context) could not be included in the PDP for high country stations with the mapping of the FBAs being inserted as a private plan change (with the exception of Loch Linnhe – which can be inserted through this process) or a later stage of the District Plan review, in other appropriate cases, or as an alternative to some or all of the operative Rural Visitor Zones.
- 2.6 I therefore recommended to the Hearings Panel that the concept of FBAs be introduced into the PDP through acceptance of the Loch Linnhe's submission.
- 2.7 My evidence also addressed, in the alternative to introducing the FBA concept in the QLDC plan, utilizing the RVZ on high country stations. I considered the RVZ was effectively an alternative method to the FBA

¹ Along side Mr Espie given landscape evidence and Ms McDonald given legal submissions.

concept in the Mackenzie Basin. They both effectively sought the same thing - of encouraging clustering of homesteads and farm buildings (as well as tourism activities) in recognition of the property's contribution to retaining the openness of vast areas of the ONL. I noted these small "spot zones" occurred at Walter Peak Station, Arcadia Station, Cecil Peak Station and on land formerly part of Wyuna Station (now Blanket Bay). Larger RVZ occur at Arthurs Point and Cardrona, the former having very little rural character remaining, being more akin to an urban zone.

2.8 The difficulty with Loch Linnhe's stage 1 submission was, although some Rural Visitor Zones were initially publicly notified on the PDP maps (and later removed under clause 16 of the First Schedule), the Rural Visitor Zone provisions were to be considered at a later stage of the District Plan review. When the PDP was publicly notified, I contacted the then manager of planning Mr Paetz and asked him when was the most appropriate time to make a submission seeking new or extended Rural Visitor Zone in the PDP. Mr Paetz's response was that Stage 1 of the Review was the appropriate time, as there may not be another opportunity to request new areas for RVZ's. Accordingly, I took instructions from Loch Linnhe Station to make submissions on Stage 1 of the PDP requesting two small Rural Visitor Zones be identified on their property (as an alternative to the concept of an FBA) similar to what other high-country stations in the Wakatipu Basin had. In my evidence in support of Loch Linnhe's Stage 1 submission proposed a comprehensive set of objectives and policies which should have been, in my opinion, incorporated into any future Rural Visitor Zone provisions.

2.9 Loch Linnhe's Stage 1 submission was heard and a decision released in Report 17-9 Stage 1 of the PDP. This in decision report the Hearings Panel found:

- “25. Firstly we observe that we are entirely sympathetic to the submitters' wish to provide a second homestead and farm buildings at Wye Creek, and to diversify the economic base of the station by developing visitor accommodation and activities on the two sites. This is specifically recognised and provided for in the PDP provided that it is carried out in an appropriate way. The question to be resolved is the most appropriate way to do this.
- 26. The submission suggests two options, being either the recommended FBA concept, or, as a less preferred option, the use of the ODP Rural Visitor Zone for the two sites. In evidence Mr Vivian also suggested a third option, being the creation of a Rural Residential Subzone for the two sites.
- 27. Secondly, and consistently with our recommendations on a number of submissions requesting the use of the ODP Rural Visitor Zone, we record that we are not prepared to import that zone in its present form into the PDP. As discussed in our introductory report, it is a very permissive zone, and when applied to relatively large sites such as these, it could enable quite large-scale development and generate adverse effects on landscape and amenities. We understand that this is not the current intention of the submitters, but we have to consider the worst case outcomes that could result from the suggested provisions.
- 28. The suggested Rural Residential zone contains a greater level of control in its rules to protect adverse effects on the landscape. We accept that this suggestion is within the

scope of the submission, even though not mentioned there, because it would be a form of relief that lies between the Rural Visitor zoning that was requested and the existing Rural zone. However, Rural Residential zoning would still enable quite a lot of development, especially on the larger southern site. No assessment was made of the landscape implications of this. Mr Espie did not address it at all. Mr Vivian's draft provisions seem rather incomplete and not a good fit with the PDP. For example, he appears to be suggesting a Rural Residential Subzone within the Rural Zone, whereas other such subzones fit within a parent Rural Residential zone. No analysis was provided on how a Rural Residential zoning would accord with the strategic objectives and policies in Chapter 3 regarding ONL's. No section 32 analysis was provided.

29. With regard to the possibility of introducing the Farm Base Area concept into the PDP, we acknowledge this may have some merit. However we are aware that it was developed in a different district to address issues there. We do not know if the issues are the same in the Queenstown district. We think that if introduced here, it would be a precedent for other proposals. Overall, we believe that this is a concept which may be worth evaluating at a district-wide level at the time the Council carries it its review of the ODP Rural Visitor Zone.
30. Otherwise we suggest that the Council consider introducing a variation for these sites when it reviews the ODP Rural Visitor Zone sites, so as to enable an appropriate level of development.
31. If the submitter wishes to proceed with anything in the meantime, especially for the homestead and farm buildings at the Wye Creek Site we consider that the opportunity to do so is available by the resource consent process under the Rural Zone. The zone is enabling of farming activities, and the landscape evidence from both Mr Espie and Dr Read indicates that the landscape is able to absorb some development there."

2.10 The Hearing Panel's decision on Loch Linnhe's Stage 1 submission, which was fully adopted by the Council, concluded paragraph 32:

- "32. For the reasons set out above, we recommend that:
- a. Submission 447.2 be rejected; and
 - b. That the Council consider the introduction of a variation to a form of zoning that would enable an appropriate level of development at the submission sites when it reviews the ODP Rural Visitor Zone; and
 - c. That the Farm Base Area concept in the McKenzie District Plan be evaluated for possible use in the PDP as part of the process of reviewing the ODP Rural Visitor Zone. ..."

2.11 Concerned that this may be the only opportunity to challenge Rural zoning on their land, as advised by Mr Paetz, Loch Linnhe appealed the decision to the Environment Court (ENV-2018-CHC-68). The appeal seeks the following relief:

- "(a) That:
- (i) the concept of FBA's be included in the PDP (for rural properties in excess of 1000 hectares in area); and
 - (ii) that within FBAs, homesteads, staff accommodation and farm buildings be a permitted or controlled activity; and
 - (iii) two FBA's be identified at Loch Linnhe Station.
- (b) In the alternative, the submitter seeks Rural Visitor or Rural Residential zoning over the

two areas identified requested as being FBA's (in (a) above) consistent with other stations in the district.”

- 2.12 Prior to the notification of Stage 3 of the PDP, I met with Mr Barr as part of the consultation process for the Rural Visitor Zone at Arcadia. Following that meeting I emailed Mr Barr advising him that we had reviewed the proposed changes to the RV zone that he had sent us with respect to Arcadia, and consider they will fit precisely with what Loch Linnhe was seeking to achieve with respect to their property. I noted they did not seek a zone which enables extensive residential development, rather a zone that enables their farming and tourism activities on the property to prosper.
- 2.13 I therefore emailed Mr Barr on 6 August 2019 requesting that the Council consider Rural Visitor zoning on Loch Linnhe Station in accordance with their decisions (para 32(b) quoted above) as part of Stage 3 of the PDP. I also noted that adoption of the Rural Visitor Zone would likely resolve Loch Linnhe's Stage 1 appeal.
- 2.14 Mr Barr responded to me on 14 August 2019 as follows:

“Thanks for the information and context. I note that the hearings panel's report (17-9) took a relatively sympathetic view of the submission, and noted that while the landscape architects (Mr Espie for the submitter and Dr Read for the Council) were not unanimous as to the scale and intensity of development that may occur through a new zone, they both agreed that the area was capable of absorbing some development.

I also generally agree with you that this area in broad terms could fit with what Council intend to notify as the Rural Visitor Zone, being a relatively small area, in a remote location within the ONL, and that provides for visitor accommodation and commercial recreation that help diversify rural land uses. There are likely to be other stage 1 appeals seeking an RV zoning but would not accord with the PDP Rural Visitor zone (at least in the form intended to be notified).

The two key matters could be landing on an agreed landscape position and perhaps, natural hazards. Unfortunately there won't be time for Council officers to be able to consider this as inclusion in the PDP Rural Visitor Zone, even if there were support at officer level, there is not sufficient time to brief and workshop with Councillors for inclusion in the notified zoning.

My without prejudice suggestion is to continue to pursue the appeal, but engage with Council officers relatively early on so that both parties can come to a view as to whether there is agreement with matters in principle (i.e. the location and extent of the zone, where development would be located, key land uses and any other mitigation or limitations).

In terms of timing, the RV zone will be notified in September, with hearings around April 2020. Mediation for the next tranche of rezonings was initially scheduled for December this year but this is subject to the release of the Court's decisions/interim decisions on Topic 2.

As you will be aware, there may be an issue with mediating an outcome contingent on a new zone that is subject to submissions and decisions (i.e. the zone could be removed if the Panel were to support such a submission) but fundamentally this isn't too different from rezoning mediations between the Rural Zone to Rural Lifestyle Zone already held while the provisions themselves are

subject to appeals.

The alternative is to delay the appeal until decisions on submissions for the RV zone are notified, but I would not have thought you would support this.”

2.15 Taking on board Mr Barr’s suggestion, we engaged with Council officers (Ms Gilbert) over the extent of the requested zones. Loch Linnhe’s Stage 1 appeal was scheduled for mediation in March 2020, however, on 26 February 2020 the Council applied to the Environment Court to vacate Loch Linnhe’s appeal from the mediation. The application stated:

“4. Loch Linnhe’s Stage 1 appeal seeks to identify two Farm Base Areas (FBAs) at Loch Linnhe Station, and to amend the PDP to include the concept of FBAs for rural properties in excess of 1000 hectares. In the alternative, Loch Linnhe seeks to rezone the two proposed FBA areas to Rural Visitor or Rural Residential Zone. Loch Linnhe has also now lodged a submission (#31013) on Stage 3b seeking that the same two areas of land be zoned Rural Visitor (as an alternative to two FBAs). The Council intends to hear submissions on Stage 3b in May 2020.

5. In the Council’s view, it is unlikely that agreement would be reached in mediation on the Stage 1 appeal until the Council’s decision on Loch Linnhe’s Stage 3b submission is known, given the similarity of the relief sought. Therefore, in order to utilise the Environment Commissioners’ time most efficiently, the Council and Loch Linnhe respectfully seek to defer mediation on the Stage 1 appeal until after the Council has notified its decision on Loch Linnhe’s Stage 3b submission.

...

7. The Council respectfully seeks directions as follows:

7.1 that the mediation scheduled on Loch Linnhe’s Stage 1 appeal on 5 March 2020 is vacated; and

7.2 that the Council report back to the Court within 10 working days following notification of its decision on Loch Linnhe’s Stage 3b submission, proposing next steps with regard to mediation of Loch Linnhe’s Stage 1 appeal.”

2.16 The Council discussed the reasons for the application prior to making the application. Those reasons are essentially summarised in paragraph 5 above. Given this position, Loch Linnhe advised the Council that they did not oppose them making such an application. The Court granted the Council’s application on 28 February 2020 subject to the directions suggested in 7.1 and 7.2 above.

2.17 Loch Linnhe’s Stage 3 submission requests that the two areas identical to the Stage 1 submission be zoned Rural Visitor. Loch Linnhe’s Stage 3 submission said they were happy for a zone map to be developed through this submission process which identifies areas of high, medium and low landscape sensitivity areas over the above properties. Loch Linnhe submitted that the majority of the land sought to be rezoned was of low landscape sensitivity and they supported the proposed Rural Visitor Zone provisions as they relate to these landscape sensitivity areas.

3. Specific Changes Sought

3.1 My recommended changes to the Loch Linnhe Station submission relate to residential dwellings, informal airports, building coverage, visitor accommodation, subdivision and mapping. Each of these topics will be discussed in turn.

(i) Residential Dwellings

3.2 Provision 46.1 details the purpose of the Rural Visitor Zone. The third paragraph included the statement that residential activity is not anticipated within the zone with the exception of being for onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities. In my evidence for Mr Veint, I considered that sentence is factually incorrect (as most Rural Visitor Zones contain some degree of residential activity) and I recommend that sentence is deleted and replaced with the following:

[“Whilst many of the zones contain existing or consented residential activity, new residential activity \(other than staff accommodation ancillary to farming, commercial recreation and visitor accommodation activities due to the zones remoteness\) is generally discouraged.”](#)

3.3 This is equally applicable to the Loch Linnhe Station, which has two residential dwellings at the Homestead site and no residential dwellings at the Wye Creek site. It makes little sense to me to discourage residential dwellings from the Rural Visitor Zone, when such activity is necessary for the continued farming activity, which the visitor and tourism activities rely upon.

3.4 Accordingly, I recommend Policy 46.2.17 is amended as follows in order to exclude a single residential dwelling at proposed Wye Creek Rural Visitor Zone:

Avoid residential activity within the Rural Visitor Zone with the exception of:

- (a) enabling onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities; and
- (b) residential activities in accordance with the Arcadia Rural Visitor Zone Structure Plan;
- (c) a single owner’s residence at Maungawera and Loch Linnhe (Wye Creek) Rural Visitor Zones.

3.5 I propose that Rule 46.4.13 is amended as follows to enable the development of a single residential dwelling within the requested Loch Linnhe (Wye Creek) Rural Visitor Zone:

46.4.13	Residential activity except: (a) As provided for in Rules 46.4.2 and 46.4.3; <u>and</u> (b) <u>a total of 11 residential dwellings within the RES 1A and 1B Activity Areas at the Arcadia Rural Visitor Zone; and</u> (c) <u>a total of 12 residential dwellings within the RES 2A, 2B and 2C Activity Areas at the Arcadia Rural Visitor Zone; and</u> (d) <u>one residential dwelling located within the Maungawera Rural Visitor Zone; and</u> (e) <u>one residential dwelling located within the Loch Linnhe Station (Wye Creek) Rural Visitor Zone.</u>	NC
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3.6 All other residential activities within the Loch Linnhe Rural Visitor Zones will retain Non-Complying Activity status. The building structure itself, within the requested Wye Creek Rural Visitor Zone, would still be governed by the landscape sensitivity rules for the zone.

(ii) Informal Airports

3.7 If the requested Wye Creek Rural Visitor Zone is adopted, I recommend the following changes to Rule 46.4.5 and the adoption of a new Rule 46.4.15A as follows:

46.4.5	Informal airports, <u>Loch Linnhe Station (Wye Creek) Rural Visitor Zone</u>	P
<u>46.4.15A</u>	<u>Informal airports at Loch Linnhe Station (Wye Creek) Rural Visitor Zone</u>	<u>NC</u>

3.8 The reason for recommending the above with respect to the requested Wye Creek Rural Visitor Zone is in response to the further submission by Ms Kipke which states:

“The Further Submitter opposes the proposed Rural Visitor Zone to the extent that the development of any buildings, structures and/or roads are visible from her property, and opposes any informal airport, in particular helicopter landings/take-offs to and from the proposed Rural Visitor Zone.”

3.9 It is noted that helicopter movements associated with farming and heliskiing had taken off the flat paddock in the past. However, the proposed Wye Creek Rural Visitor Zone is not large enough to have the informal airport movements.

(iii) Building Coverage

3.10 I also recommend a new Rules 46.4.5A.3 and 4 in relation to Building Coverage within the Loch Linnhe Rural Visitor Zones be inserted into Table 46.5 as follows:

<u>46.5.2A</u>	<p><u>Building Coverage</u></p> <p><u>46.5.2A.1 The total building coverage shall not exceed the following within the Arcadia Rural Visitor Zone:</u></p> <p>(a) <u>VA1 - 500m² (excluding the existing homestead);</u> (b) <u>VA2A – 1,000m²;</u> (c) <u>VA2B – 1,500m²;</u> (d) <u>VA3A - 1,500m²;</u> (e) <u>VA3B – 1,000m²;</u> (f) <u>COM – 350m²;</u> (g) <u>Lakeside Recreation – 80m².</u></p> <p>...</p> <p><u>46.5.2A.3 The total building coverage shall not exceed 4,700m² within the Loch Linnhe (Homestead) Rural Visitor Zone.</u></p> <p><u>46.5.2A.4 The total building coverage shall not exceed 1,800m² within the Loch Linnhe (Wye Creek) Rural Visitor Zone.</u></p>	<u>NC</u>
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3.11 The purpose of this standard is to limit the built form to be used for farming, visitor accommodation, commercial and tourism activities within each of the Loch Linnhe Rural Visitor Zones. This maximum building coverage is in recognition to the properties contribution to retaining the openness of are large area of ONL.

3.12 It is noted that of the 4,700m² building coverage at the Homestead Rural Visitor Zone, approximately 2,200 m² of that building coverage has already been built. This includes two dwellings, a large woolshed and several other farm buildings.

3.11 I note that the above building coverage rule is suggested instead of Ms Grace’s recommended Rule 46.5.2.1.

(iv) Visitor Accommodation

3.13 I recommend a new Rules 46.5.9 in relation to Visitor Accommodation within the Loch Linnhe Rural Visitor Zones be inserted into Table 46.5 as follows:

<u>46.5.9</u>	<p><u>Visitor Accommodation</u></p> <p><u>The maximum number of overnight visitors shall not exceed the following:</u></p> <p>(a) ...</p> <p>(b) <u>In the Wye Creek (Homestead) Rural Visitor Zone – 30 overnight visitors</u></p> <p>(c) <u>In the Wye Creek (Wye Creek) Rural Visitor Zone – 10 overnight visitors</u></p>	<u>D</u>
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3.14 The purpose of this recommended rule is to set an upper maximum on the number of overnight visitors enabled by each of the zones at Loch Linnhe Station. Non compliance with this standard would make visitor accommodation activities a non-complying activity. The standard ensures that visitor accommodation will remain of a scale consistent with the rural character of the area.

(v) Subdivision

3.15 Finally, I recommend Rule 27.5.11 is amended and a new rule 27.5.xx is adopted as follows:

27.5.11	All subdivision activities in the <u>Rural Visitor Zone (excluding Maungawera and Loch Linnhe (Homestead and Wye Creek) Rural Visitor Zones)</u> , Rural and Gibbston Character Zones and Airport Zone - Wanaka, unless otherwise provided for.	D
<u>27.5.xx</u>	<u>All subdivision activities at the Maungawera and Loch Linnhe (Homestead and Wye Creek) Rural Visitor Zones.</u>	<u>NC</u>

3.16 The purpose of this recommendation is to change the status of subdivision in the Loch Linnhe Rural Visitor Zone from a discretionary activity to a non-complying activity. This is especially relevant since part of Loch Linnhe’s request is to relax the residential dwellings rules to enable a residential dwelling to be established at the requested Wye Creek Rural Visitor Zone. Non-complying activity status ensures that subdivision of any residential dwelling from the balance of the station is difficult should the station lease ever become freehold.

(v) Mapping

3.17 Mr Espie has provided landscape sensitivity mapping for each of the requested Loch Linnhe Rural Visitor Zones. I rely on Mr Espie’s findings in respect of those maps.

3.18 I also consider the landscape sensitivity mapping should be inserted in the Chapter 46 as a Structure Plan, not the District Plan Maps.

- 3.19 I refer to the above recommended rules and landscape sensitivity mapping hereon as the “**amended proposal**”.

4. Section 42A report

- 4.1 Ms Grace considers the Loch Linnhe Stage 3 submission in paragraphs 12.2 to 12.17 her section 42A report. Three issues have been raised, natural hazards, landscape sensitivity mapping and site-specific provisions.

Natural Hazards

- 4.2 Under the heading “Natural Hazards” Ms Grace finds at paragraph 12.6 that, in reliance on Mr Bond’s evidence, the risk level at proposed zone at Wye Creek is very low and at the proposed zone at Homestead site to be low. Mr Bond recommended a detailed geotechnical assessment of proposed development at resource consent stage to specifically assess natural hazard risk, including any mitigation. I note proposed Rules 46.6 and 46.4.7 retain control or restriction over the construction of buildings (that qualify as a controlled activity) or farm buildings. All other buildings are either discretionary or non-complying activity which can consider natural hazards issues. There does not, therefore, appear to be any natural hazard impediment to Loch Linnhe’s zoning request.

Landscape

- 4.3 Under the heading “Landscape”, Ms Grace states at 12.9 that Ms Gilbert considers a more detailed landscape assessment is necessary, but has “*undertaken a high level landscape assessment of the three sites and is of the opinion that all three have a landscape sensitivity towards the mid to higher end of the spectrum with respect to the notified RVZ provisions*”. In Ms Gilbert’s opinion, “*all three sites have the ability to absorb a modest level of RVZ development, assuming a restricted discretionary or discretionary regime for buildings and/or a location-specific structure plan approach to control the number, extent and location of buildings and other matters related to landscape.*”
- 4.4 In paragraph 12.10, Ms Grace states:

“Landscape attributes that contribute to Ms Gilbert’s opinion for the Loch Linnhe Wye Creek site include its distinctly remote character and that is it visually discrete, the extremely limited scope for development in the area due to challenging topography, and the presence of buildable areas. For

the Loch Linnhe Homestead site, Ms Gilbert identifies the remote character and limited visibility of the site, the modified context of the areas, and the presence of buildable areas.”

- 4.5 Mr Espie has also prepared landscape planning evidence. Mr Espie concludes that the clusters of activity, as sought by Loch Linnhe Station, would be discrete and would be located on small watercourse fans that accommodate improved pasture. In Mr Espie’s opinion, such fans are traditional locations for homestead farm base activities for stations that abut Lake Wakatipu’s edge (indeed the southern of the two locations already accommodates a farm base). As such, he considers that there is considerable logic in relation to the requested situation in terms of landscape character. He also considers that the attributes that contribute to the ONL status of the landscape within which the proposed areas of zoning sit, will not be materially compromised.
- 4.6 In relation to visual effects, Mr Espie considers the requested Wye Creek RVZ area will only have any significant effects on users of a certain part of the lake surface. Lake users will visually experience more human modification of the landscape than currently but this modification will appear in a logical location adjacent to other development on the same small fan (the Drift Bay rural living area) and will be dwarfed by the surrounding mountain slopes and lake surface. I also note that this part of the lake is only occasionally used for boating, although this could change if a marina or public ramp is built at Homestead Bay.
- 4.7 With respect to the requested Homestead RVZ area, Mr Espie finds that this will be visible from the lake and also some terrestrial view-points. In visual terms, Mr Espie considers enabled development will take the form of the expansion of an existing farm base area. Mr Espie considers a lake viewer must be reasonably distant in order to get a view of the relevant area. Mr Espie also considers the expanded cluster will have visual logic in that it will be on a modified and improved fan landform which is distinct from the rugged mountain slopes. Again, Mr Espie does not consider that visual amenity will be significantly reduced.
- 4.8 With respect to a SH6 user, Mr Espie notes that users can gain some views to the requested Homestead RVZ area as they travel between the Devil’s Staircase and Kingston. Mr Espie considers the views from this stretch of highway are overwhelmingly dominated by the lake surface and the surrounding mountains and development that would result from the requested RVZ would be inconspicuous and would only slightly detract from the quality of current views.
- 4.9 I rely on Mr Espie’s evidence in support of the two requested RVZ.

Site Specific Changes

- 4.10 Under the heading “Site-Specific text change requests” Ms Grace considers, in paragraphs 12.11 to 12.13, the site-specific changes to the rules sought in the Loch Linnhe submission.
- 4.11 In paragraph 12.11 Ms Grace considers Loch Linnhe’s request that farm buildings in the Rural Visitor Zone be a controlled activity, rather than the notified restricted discretionary status. Ms Grace considers that restricted discretionary activity status is for farm buildings is appropriate within a zone intended to enable visitor industry activities over other activities. With respect I disagree with this logic. Farming is also a permitted activity within the zone and the type of tourism activities which occur within will be rural or farming related.
- 4.12 Ms Grace’s logic also goes against the Farm Base Area concept developed for the Mackenzie Basin ONL. Within approved FBA farm buildings are a permitted activity (subject to meeting design controls). Over the past few years, I have been involved in the development of Farm Base Areas at Guide Hill and Pukaki Downs Stations which integrate farm buildings/activities with visitor accommodation, residential development and tourist activities. That integration has been very successful, provided Health and Safety is managed carefully.
- 4.13 As stated earlier, Loch Linnhe station has several farm buildings at the Homestead site and none at the Wye Creek site. It is unlikely they will need any more at the Homestead site. Therefore, Loch Linnhe is prepared not to pursue this aspect of their submission any further and abide by the Farm Building rules when they come to build at Wye Creek.
- 4.14 The remainder of my evidence focusses on how the two proposed Rural Visitor Zones at Loch Linnhe Station can be integrated into the Rural Visitor Zone provisions of PDP. Appended as **Attachment A** to my evidence is a set of Rural Visitor Zone provisions with the amendments recommended by Ms Grace shown in red (underline and strike out). I have included, in green underline and strikeout, amendments to those provisions in order to integrate the approved Arcadia Structure Plan in a way that does not affect the remainder of the Rural Visitor Zones. I will discuss the reasons for each of these amendments in turn.

5. Mandatory Assessment Criteria

- 5.1 In preparing this evidence I am mindful of the amended mandatory legal criteria the Hearings Panel must consider as set out in *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55. This includes:
- (a) Accords with section 75(1) and assists the Council to carry out its functions (s 31) so as to achieve

the purpose of the Act (s 72).

- (b) Gives effect to National Policy Statements that are relevant (section 73(3)(a));
- (c) Gives effect to the Otago Regional Policy Statement (section 75(3)(c);
- (d) Has had regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register (section 74(2)(b));
- (e) Takes into account any relevant planning document recognised by an iwi authority;
- (f) Does not have regard to trade competition (section 74(3)).

5.2 I discuss each of these criteria below.

(a) Whether the proposal accords with section 75(1) and assists the Council to carry out its functions to achieve the purpose of the RMA.

5.3 Section 75(1) of the RMA states a District Plan must state the objectives for the district; state the policies to implement the objectives; and state the rules (if any) to implement the policies. The amended proposal seeks the inclusion of two additional RVZ's into the PDP. The RVZ includes objectives, policies and rules which assist Council's to carry out its functions (Section 31) in achieving the purpose of the RMA. This criterion is therefore satisfied in the consideration of these submissions.

(b) Whether the proposal gives effect to any relevant National Policy Statements (NPSs).

5.4 At the time of writing this evidence the following NPSs were in place:

- Urban Development Capacity
- Freshwater Management
- Renewable Electricity Generation
- Electricity Transmission
- New Zealand Coastal Policy Statement

5.5 I understand that work has been undertaken on a proposed NPS for Indigenous Biodiversity but this is not yet complete.

5.6 None of the NPS's are particularly relevant to this proposal.

(c) Whether the proposal gives effect to any relevant Regional Policy Statements and Plans.

(i) Operative Regional Policy Statement

- 5.7 The Operative Regional Policy Statement 1998 (ORPS) has nearly been completely revoked by the Partially Operative RPS. That parts that are not revoked are shown in a document prepared by the ORC: <https://www.orc.govt.nz/media/6355/orc-1998-rps-revoked-provisions.pdf>
- 5.8 The chapters of the ORPS most relevant to the amended proposal is Chapters 5 (Land) and Chapter 9 (built Environment).
- 5.9 Objective 5.4.3 seeks to protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development. The objective closely mirrors section 6(b) of the RMA. The entirety of Loch Linnhe Station is identified as being part of the wider ONL. Mr Espie has assessed the effect of development within the two RVZs at Loch Linnhe Station on the ONL. I draw from Mr Espie's conclusions that development within the two requested RVZs, in accordance with the landscape sensitivity mapping, would not be inappropriate use and development of this part of the ONL.
- 5.10 Overall, in my opinion, the amended proposal gives effect to the relevant Operative RPS objectives and policies.

(ii) Proposed Otago Regional Policy Statement (PORPS)

- 5.11 The ORC notified its PORPS on 23 May 2015. Decisions were released on 1 October 2016. The ORC received 26 notices of appeal and mediation on those appeals continues. Some Consent Orders have been issued and parts of the PRPS have now been made fully operative.
- 5.12 The following Chapters of the PORPS are relevant to the amended proposal:
- o Chapter 2 Kai Tahu Values and Interests
 - o Chapter 3 Otago has high quality natural resources and ecosystems
 - o Chapter 4 Communities in Otago are resilient, safe and healthy
 - o Chapter 5 People are able to use and enjoy Otago's natural and built environment
- 5.13 The relevant Chapter 2 objectives and policies are 2.1 to 2.2 (Kai Tahu values and interests). The PORPS requires that Kai Tahu values and interests are recognised and kaitiakitaka is expressed. The amended proposal, in my opinion, does not affect this from occurring at the time of development.
- 5.14 Chapter 3 of the PRPS is titled "Otago has high quality natural resources and ecosystems" and relates to natural resources, including outstanding natural landscapes.
- 5.15 Policy 3.2.4 relates to managing ONLs, stating

Protect, enhance and restore outstanding natural features, landscapes and seascapes, by all of the following:

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

5.16 And Policy 3.26 seeks to protect or enhance highly valued natural landscapes by all of the following:

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

5.17 Mr Espie has assessed the effect of development within the two RVZs at Loch Linnhe Station on the ONL. I draw from Mr Espie's conclusions that development within the two requested RVZs, in accordance with the landscape sensitivity mapping, would not be inappropriate use and development of this part of the ONL.

5.18 Chapter 4 is titled "Communities in Otago are resilient, safe and healthy" and relates to natural hazards and infrastructure. Objective 4.1 seeks that the risk that natural hazards pose to Otago's communities are minimised. Policy 4.1.4 is to assess activities for natural hazard risk, by considering all of the following:

- a) The natural hazard risk identified, including residual risk;*
- b) Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods;*
- c) The long term viability and affordability of those measures;*
- d) Flow on effects of the risk to other activities, individuals and communities;*
- e) The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event.*

5.19 And Policy 4.1.5 is to manage natural hazard risk to people and communities, with particular regard to all of the following:

- a) The risk posed, considering the likelihood and consequences of natural hazard events;*
- b) The implications of residual risk, including the risk remaining after implementing or undertaking risk reduction and hazard mitigation measures;*

- c) *The community's tolerance of that risk, now and in the future, including the community's ability and willingness to prepare for and adapt to that risk, and respond to an event;*
- d) *The changing nature of tolerance to risk;*
- e) *Sensitivity of activities to risk*

- 5.20 As discussed previously, natural hazards will be considered at the time of resource consent as recommended by Mr Bond.
- 5.21 With regard to Policy 4.1.6, this policy seeks to manage natural hazard risk to people and communities by avoiding activities that significantly increase risk including displacement of risk off-site. The proposal will not significantly increase risk.
- 5.22 Policy 4.1.8 relates to the precautionary approach. The policy is that where natural hazard risk to people and communities is uncertain or unknown, but potentially significant or irreversible, to apply a precautionary approach to identifying, assessing and managing that risk. The risk is well known and can be managed through location and design of buildings.
- 5.23 Overall, the amended proposal gives effect to objectives and policies of the PORPS.

(iii) Regional Plan: Air and Water

- 5.24 The Regional Plans: Air and Water will be of relevance if the amended proposal is approved.

(d) Whether the proposal has had regard to any relevant management plans or strategies under other acts.

- 5.25 In my opinion, there are no other management plans or strategies prepared under other acts relevant to the consideration of the amended proposal.

(e) Takes into account any relevant planning document recognised by an iwi authority.

- 5.26 The Kai Tahu ki Otago Resource Management Plan was prepared in 2005 and is the principal planning document for Kāi Tahu ki Otago. It was developed over a 2-year period through extensive consultation with the four Papatipu Rūnaka of Otago as well as consultation with, and input from, the Otago whānau and rōpū groups and Southland and South Canterbury Rūnaka.
- 5.27 At Section 2.5.6 the Plan states that '*Kāi Tahu ki Otago values have been incorporated, to varying extents, in the following Regional and District Plans and Policy Statements*'. Key issues identified in the Plan relate to wai maori, wahi tapu, mahika kai and biodiversity, cultural landscapes, air and atmosphere, coastal environment.
- 5.28 The Whakatipu Basin is located within the Clutha-Mata-au Catchment, and this is described at Section 10.1

as:

“The Clutha/Mata-au Catchment centres on the Clutha/Mata-au River and includes all sub-catchments within this main Catchment.

10.2.2 Wai Maori Issues in the Clutha/Mata-au Catchment:

...

Land Use:

- Lack of reticulated community sewerage schemes.
- Existing sewage schemes are not effectively treating the waste and do not have the capacity to cope with the expanding population.
- Land use intensification, for example dairying in the Poumahaka Catchment.
- Increase in the lifestyle farm units is increasing the demand for water.
- Sedimentation of waterways from urban development.

...

10.2.3 Wai Maori Policies in the Clutha/Mata-au Catchment:

...

Land use:

9. To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.

10. To promote sustainable land use in the Clutha/Mata-au Catchment.

11. To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.

12. To require reticulated community sewerage schemes that have the capacity to accommodate future population growth

...

10.3 WÄHI TAPU

10.3.1 Wähi Tapu in the Clutha/Mata-au Catchments

There are a range of wähi tapu of particular significance within the Clutha/Mata-au Catchments. Urupä are the best modern day example of wähi tapu, but physical resources such as mountaintops, springs and vegetation remnants are other examples. Urupä and some significant sites of conflict are located all along the Clutha/Mata-au River.

...

10.3.3 Wähi Tapu Policies in the Clutha/Mata-au Catchment

1. To require that wähi tapu sites are protected from further loss or destruction.

2. To require accidental discovery protocols for any earth disturbance activities.”

5.27 With respect to 10.2 the development enabled by the amended proposal is likely to be in accordance with sound environmental management and promote sustainable land use practices.

5.30 With respect to 10.3 there is no known waahi tapu associated with the sites. The Accidental Discovery Protocol can be imposed by consent conditions on any future resource consents if deemed necessary.

(f) Does not have regard to trade competition.

5.31 There are no trade competition issues relevant to the consideration of this submission.

6. Section 32AA evaluation

- 6.1 Section 32AA of the RMA aims to ensure that any changes to plan provisions during the hearing process are subject to a similarly high level of analytical rigour and transparency as the original evaluation. A further evaluation under section 32AA must include all the matters in section 32, but only in relation to the changes that have been made to the proposal since the evaluation report for which it was completed.
- 6.2 A further evaluation is for the changes sought (the amended proposal) is attached to my evidence as **Attachment B**. This further evaluation examines the extent to which the proposed objectives and policies of the plan are, or are not, the most appropriate way to achieve the purpose of the RMA.
- 6.3 I conclude from this evaluation that the amended proposal is the most appropriate zoning for the subject site.

7. Part II of the RMA

Section 7

- 7.1 The following other matters to which particular regard must be given are relevant to the consideration of Loch Linnhe Station's submission:
- (b) the efficient use and development of natural and physical resources;
 - (c) The maintenance and enhancement of amenity values;
 - (f) the maintenance and enhancement of the quality of the environment.
- 7.2 The incorporation of the requested zones will, in my opinion, lead to efficient use and development of natural and physical resources of the Loch Linnhe Station. Loch Linnhe Station is a very large land area, all of which has been identified as being an Outstanding Natural Landscape. Concentrating tourism development into two discrete areas of the station ensures protection of the wider ONL. There are also significant efficiencies with respect to the resource consenting processes.

Section 6

- 7.3 The following matters of national importance shall be recognised and provided for as a matter of national importance:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

7.4 The requested zones are located in areas which can absorb some development on a discretionary basis. The zone provisions provide for protection of open space and enhancement of natural character. The bulk of Loch Linnhe Station's ONL will be unaffected by the proposed zone request.

Section 5

7.5 In my opinion, the amended proposal achieves sustainable management of natural and physical resources. In particular the amended proposal manages the use, development and protection of this large land resource in a way that enables people and communities to provide for their social, economic and cultural well-being.

Attachment A – Amended RVZ provisions

46 Rural Visitor Zone

KEY

Red underline and ~~strike through~~ text are recommended amendments made in the section 42A report, 18/03/02

Blue underline and ~~strike through~~ text are recommended amendments Carey Vivian – Veint submission

Purple underline and ~~strike through~~ text are recommended amendments Carey Vivian – Heron Investments submission

Green underline and ~~strike through~~ text are recommended amendments Carey Vivian – Loch Linnhe submission

46.1

Purpose^[EG1]

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

The primary method of managing effects of land use and development on landscape will be location, directing sensitive and sympathetic development to where the landscape can accommodate change. ~~This method is implemented firstly through limiting the extent of the zone itself to areas of predominantly lower landscape sensitivity, and then through the identification of any areas of higher landscape sensitivity within zoned areas where protection of landscape values is a priority, and the adverse effects on landscape values from land use and development will be cumulatively minor.~~ The nature and design and mitigation of buildings and development are secondary factors in the role of landscape management that will contribute toward ensuring buildings are not visually dominant and are integrated into the landscape. Through these two methods, the planning framework requires the protection of the landscape values of Outstanding Natural Landscapes, and the maintenance of landscape character and the maintenance or enhancement of visual amenity values of Rural Character Landscapes.

The principal activities in the Zone are visitor accommodation and related ancillary commercial activities, commercial recreation and recreation activities. ~~Residential activity is not anticipated in the Zone with the exception being for onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities.~~ Whilst many of the zones contain existing or consented residential activity, new residential activity (other than staff accommodation ancillary to farming, commercial recreation and visitor accommodation activities due to the zones remoteness) is generally discouraged.

The Arcadia Rural Visitor Zone is the only Rural Visitor Zone with an approved Structure Plan. The purpose of this Structure Plan is to guide future land use development by defining future development areas and open space, while at the same time protecting and enhancing key features on the site, which draw people to the area. The approved Arcadia Structure Plan is contained provision 46.7 of the Plan. Specific objectives, policies and rules to the Arcadia Rural Visitor Zone relevant to the structure Plan are contained in this section of the plan.

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

46.2 Objectives and Policies

46.2.1 **Objective**^[EG2] – Visitor accommodation, commercial recreation and ancillary commercial activities ~~within appropriate locations are provided for through a Rural Visitor Zone located only in areas of landscape sensitivity that:~~ **maintain or enhance**

- a. **protect** the **landscape** values of Outstanding Natural Landscapes, and
- b. **maintain the landscape character, and maintain or enhance the visual amenity values of Rural Character Landscapes.**

Policies

46.2.1.a^[EG3] ~~Areas identified as a Rural Visitor Zone shall be generally remote in location, reasonably difficult to see from public places, and largely comprised of areas of lower landscape sensitivity, with any areas of Moderate – High and High Landscape Sensitivity specifically identified.~~

46.2.1.1 Provide for innovative and appropriately located and designed visitor accommodation, including ancillary commercial activities and onsite staff accommodation, recreation and commercial recreation activities where the landscape values of the District's Outstanding Natural Landscapes are protected, and the landscape character of Rural Character Landscapes is maintained and the visual amenity values of Rural Character Landscapes are ~~will be maintained or enhanced~~.^[EG4]

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

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

46.2.1.4 Recognise the generally remote location of Rural Visitor Zones and the need for visitor industry activities to be self-reliant by providing for services or facilities that are directly associated with, and ancillary to visitor accommodation activities, including onsite staff accommodation.^[EG5]

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

46.2.1.6 Ensure that any land use or development not otherwise anticipated in the Zone, protects the landscape values of the District's Outstanding Natural Landscapes, and maintains the landscape character, or maintains or enhances the visual amenity values of Rural Character Landscapes, ~~or~~ and enhances ~~landscape values and~~ nature conservation values.^[EG6]

46.2.1.7 Avoid residential activity within the Rural Visitor Zone with the exception of:

- (a) enabling onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities; and
- (b) residential activities in accordance with the Arcadia Rural Visitor Zone Structure Plan;
- (c) a single owner's residence at Maungawera and Loch Linnhe (Wye Creek) Rural Visitor Zones.

46.2.2 **Objective**^[EG7] – Buildings and development that have a visitor industry related use are enabled ~~where within the Rural Visitor Zone in areas of lower landscape sensitivity and where necessary are restricted or avoided to:~~

- a. ~~protect the landscape values of Outstanding Natural Landscapes, and~~
- b. ~~maintain the~~ landscape character and ~~maintain or enhance the~~ visual amenity values of ~~Rural Character Landscapes are maintained or enhanced.~~

Policies

46.2.2.1 Protect the landscape values of the Zone and the surrounding ~~rural landscapes Rural Zone Outstanding Natural Landscapes~~ ^{by}^[EG8]:

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

46.2.2.2 Land use and development, in particular buildings, shall ~~protect,~~ maintain or enhance the landscape character and visual amenity values of the Rural Visitor Zone and surrounding ~~rural landscapes Outstanding Natural Landscapes~~ ^{by}^[EG9]:

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

46.2.2.3 Within those areas identified on the District Plan maps as High Landscape Sensitivity or Moderate – High Landscape Sensitivity, ~~avoid buildings and development where the landscape cannot accommodate the change, and~~ maintain open landscape character where it is open at ^{present}^[EG10].

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

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

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

- c. encouraging enhancement of nature conservation and natural character values.

46.2.2.6 Ensure development can be appropriately serviced through:

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

46.2.3 **Adopt a Structure Plan for Arcadia Rural Visitor Zone (refer to provision 46.7) which guides future land use development by defining Activity Areas for residential, commercial, visitor accommodation and open space activities, while at the same time protecting and enhancing key features on the site, which draw people to the area.**

46.2.3.1 Within the RES 1A Activity Area:

- (a) to create a unified architectural pattern with a restricted palette of colours and materials in order to blend dwellings in with the landform, to avoid an urban response and to preserve and enhance the existing tree patterns and rural amenity on the site; and
- (b) To ensure that development shall impart a contiguous character, similar in appearance to a collection of rural “homestead” dwellings under single ownership.

46.2.3.2 Within the RES 1B Activity Area:

- (a) to create a unified architectural pattern with a restricted palette of colours and materials in order to blend dwellings in with the landform, to avoid an urban response and to preserve and enhance the existing tree patterns and rural amenity on the site; and
- (b) to ensure development/dwellings shall impart a continuous character, particularly when viewed from distance and shall be similar in appearance to a collection of rural “homestead” dwellings under single ownership.

46.2.3.3 Within the RES 2A, B and C Activity Areas:

- (a) to create a unified architectural pattern with a restricted palette of colours and materials in order to blend dwellings in with the landform and grey shrubland and to avoid an urban response; and
- (b) to ensure development/dwellings shall impart a continuous character, ensuring that the existing matagouri shrublands remains as the major determinant of landscape character and that development of the site remains subservient to the grey shrubland pattern; and
- (c) To minimize the development footprint, through the creation of common areas in order to maintain the grey shrubland.

46.2.3.4 Within the VA1 Activity Area, to maintain and preserve the architectural uniqueness of the Arcadia homestead, and to ensure that any other structures within this area do not comprise that uniqueness.

46.2.3.5 Within the VA2A - C and VA3A - B Activity Areas:

- a. to create a unified architectural pattern with a restricted palette of colours and materials in order to blend dwellings in with the landform and grey shrubland and to avoid an urban response; and

- b. [to ensure that development is designed comprehensively in order to impart an contiguous character, ensuring that open space surrounding the Activity Area is not compromised and that development within this area is sensitive to the surrounding land-uses.](#)

[46.2.3.6 Within the COM Activity Area, allow for limited commercial development to occur adjoining the Glenorchy-Paradise Road.](#)

[46.2.3.7 Within the OS Activity Area:](#)

- (a) [to maintain openness and pastoral quality of open space that surrounds the residential, visitor accommodation and commercial Activity Areas.](#)
- (b) [to maintain views from the Glenorchy-Paradise Road to Diamond Lake and beyond through the OS Activity Area.](#)

[46.2.3.8 Within the LR Activity Area, provide for the establishment of structures for the purpose of storage of recreational craft, such as kayaks, and for communal facilities.](#)

46.3 Other Provisions and Rules

46.3.1 District Wide

Attention is drawn to the following District Wide chapters.

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

46.3.2 Interpreting and Applying the Rules

[46.3.2.1](#) A permitted activity must comply with all the rules (in this case Chapter 46 and any relevant district wide rules).

[46.3.2.2](#) Where an activity does not comply with a standard listed in the standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

[46.3.2.3](#) For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control or discretion to the matters listed in the rule.

[46.3.2.4](#) The surface of lakes and rivers are zoned Rural, except for the area identified on the District Plan maps as Walter Peak Water Transport Infrastructure overlay for the purposes of Rule 46.4.9.

[46.3.2.5](#) These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

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

46.3.3 Advice Notes - General

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

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

[46.3.3.X](#) ~~New~~^{EG11} Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”)

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

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

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

46.4 Rules – Activities

	Table 46.4 – Activities	Activity Status
46.4.1	Farming	P
46.4.2	Visitor accommodation	P
46.4.3	Commercial recreational activities and onsite staff accommodation	P
46.4.4	Recreation and recreational activity	P
46.4.5	Informal airports, <u>except Loch Linnhe Station (Wye Creek) Rural Visitor Zone</u>	P

<p>46.4.6</p>	<p>The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.7 to 46.4.11)</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. The compatibility of the building <u>density</u>^[EG12], design <u>and location</u> ^[EG13] with landscape, cultural and heritage, and visual amenity values; b. Landform modification, landscaping and planting; c. Lighting; d. Servicing including water supply, fire-fighting, stormwater and wastewater; e. Natural Hazards; and f. Design and location of related carparking. x. <u>Where</u>^[EG14] <u>Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or subject site any adverse effects on that infrastructure.</u> 	<p>C</p>
<p>46.4.7</p>	<p>Farm building</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. The relationship of the proposed farm building to farming activity; b. Landform modification, landscaping and planting; c. Lighting; d. Servicing including water supply, fire-fighting, stormwater and wastewater; and e. Natural Hazards. x. <u>Where</u>^[EG15] <u>Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or subject site any adverse effects on that infrastructure.</u> 	<p>RD</p>
<p>46.4.8</p>	<p>At Walter Peak within the Water Transport Infrastructure Overlay as identified on the District Plan maps, a jetty or wharf, weather protection features and ancillary infrastructure</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Effects on natural character; b. Effects on landscape values and amenity values; c. Lighting; d. Effects on public access to and along the lake margin; and e. External appearance, colour and materials. 	<p>RD</p>
<p>46.4.8A</p>	<p><u>The construction, relocation or exterior alteration of buildings within the COM, VA1, VA2A, VA2B, VA3A, VA3B, RES2A, RES2B and RES2C Activity Areas of the Arcadia Rural Visitor Zone with Discretion is restricted to:</u></p>	<p><u>RD</u></p>

	<p>(a) Location of the building(s) within the Activity Area, including setbacks from Diamond Lake;</p> <p>(b) Visual effect of built form from outside of the zone;</p> <p>(c) Landform modification, mitigation landscaping and planting;</p> <p>(d) Lighting;</p> <p>(e) Servicing including water supply, fire-fighting, stormwater and wastewater;</p> <p>(f) Natural Hazards; and</p> <p>(g) Design and location of related carparking.</p>	
46.4.9	At Walter Peak within the Water Transport Infrastructure Overlay as identified on the District Plan maps, any building other than those identified in Rule 46.4.8	D
46.4.10	The construction, relocation or exterior alteration of buildings within an area identified on the District Plan maps as a Moderate – High Landscape Sensitivity Area	D
46.4.11	The construction, relocation or exterior alteration of buildings within an area identified on the District Plan maps as a High Landscape Sensitivity Area.	NC
46.4.12	Industrial activity	NC
46.4.13	Residential activity except: <p>(a) As provided for in Rules 46.4.2 and 46.4.3; and</p> <p>(b) a total of 11 residential dwellings within the RES 1A and 1B Activity Areas at the Arcadia Rural Visitor Zone; and</p> <p>(c) a total of 12 residential dwellings within the RES 2A, 2B and 2C Activity Areas at the Arcadia Rural Visitor Zone; and</p> <p>(d) one residential dwelling located within the Maungawera Rural Visitor Zone; and</p> <p>(e) one residential dwelling located within the Loch Linnhe Station (Wye Creek) Rural Visitor Zone.</p>	NC
46.4.14	Commercial, retail or service activities except as provided for in Rules 46.4.2 and 46.4.3 and 46.4.1.8A (in respect of the COM Activity Area of the Arcadia Rural Visitor Zone only).	NC
46.4.15	Mining	NC
46.4.15A	Informal airports at the Loch Linnhe Station (Wye Creek) Rural Visitor Zone.	NC
46.4.16	Any other activity not listed in Table 46.4	NC

46.5 Rules - Standards

	Table 46.5 – Standards	Non-compliance status
46.5.1	<p>Building Height</p> <p>46.5.1.1: The maximum height of buildings shall be 6m, except as provided below.</p> <p>46.5.1.2: Within the Water Transport Infrastructure overlay identified on the District Plan maps the maximum height of buildings shall be 4m.</p> <p>46.5.1.3: Within the Arcadia Rural Visitor Zone the maximum height of buildings shall be:</p> <p>(a) RES1A and 2A and VA 2B – 8m; (b) RES1B and VA3B – 8m; (c) RES2A and COM – 6.5m; (d) RES2B – 7.25m; (e) VA1 – 8m, except up to 100m² of new development 12m; (f) VA2A and 3A – 8m; (g) Lakeside Recreation – 4.5m.</p>	<p>NC</p> <p>NC</p>
46.5.2	<p>Building Size^[EG16]</p> <p>46.5.2.1 The maximum ground floor area of any building shall be 500m².</p> <p>46.5.2.1 In the <x, y and z Rural Visitor Zones> the total maximum ground floor area across the zoned area, excluding any areas identified as Moderate – High and High Landscape Sensitivity, shall be 500m².</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. landscape; b. Visual amenity values; and c. Nature, scale and external appearance; d. density of development.</p>
46.5.2A	<p>Building Coverage</p> <p>46.5.2A.1 The total building coverage shall not exceed the following within the Arcadia Rural Visitor Zone:</p> <p>(a) VA1 - 500m² (excluding the existing homestead); (b) VA2A – 1,000m²; (c) VA2B – 1,500m²; (d) VA3A - 1,500m²; (e) VA3B – 1,000m²; (f) COM – 350m²; (g) Lakeside Recreation – 80m².</p> <p>46.5.2A.2 The total building coverage, excluding farm buildings, shall not exceed 6,000m² within the Maungawera Rural Visitor Zone.</p>	<p>NC</p>

	Table 46.5 – Standards	Non-compliance status
	<p><u>46.5.2A.3 The total building coverage shall not exceed 4,700m² within the Loch Linnhe (Homestead) Rural Visitor Zone.</u></p> <p><u>46.5.2A.4 The total building coverage shall not exceed 1,800m² within the Loch Linnhe (Wye Creek) Rural Visitor Zone. No building in the Moderate-High Landscape Sensitivity Area shall be visible from the State Highway 6.</u></p>	
46.5.3	<p>Glare</p> <p>46.5.3.1: All exterior lighting shall be directed downward and away from adjacent sites and public places including roads or waterbodies.</p> <p>46.5.3.2: No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site.</p> <p>46.5.3.3: Rule 46.5.3.2 shall not apply to exterior lighting within the Walter Peak Water Transport Infrastructure overlay.</p>	NC
46.5.4	<p>Setback of buildings from waterbodies</p> <p>46.5.4.1: The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p> <p>46.5.4.2: Rule 46.5.4.1 shall not apply to those structures or buildings identified in Rule 46.4.8 located within the Walter Peak Water Transport Infrastructure overlay.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Indigenous biodiversity values; b. Visual amenity values; c. landscape; d. open space and the interaction of the development with the water body; e. environmental protection measures (including landscaping and stormwater management); f. natural hazards; and g. Effects on cultural values of manawhenua.

	Table 46.5 – Standards	Non-compliance status
46.5.5	<p>Setback of Buildings</p> <p>46.5.5.1: Buildings shall be set back a minimum of 10 metres from the Zone boundary.</p> <p>46.5.5.2: Rule 46.5.5.1 shall not apply to those structures or buildings identified in Rule 46.4.8 located within the Walter Peak Water Transport Infrastructure overlay.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Nature and scale; a. Reverse Sensitivity effects; and b. Functional need for buildings to be located within the setback.
46.5.6	<p>Commercial Recreational Activity</p> <p>46.5.6.1: Commercial recreational activity that is undertaken outdoors must not involve more than 30 persons in any one group.</p> <p><u>46.5.6.2: Commercial recreational activities at the Maungawera Rural Visitor Zone shall not exceed 200 people at any time.</u></p> <p>46.5.6.3: Rule 46.5.6.1 shall not apply at Walter Peak <u>or Maungawera Rural Visitor Zones.</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Nature and scale including cumulative adverse effects; b. Hours of operation; c. The extent and location of signage; d. Transport and access; and e. Noise.
46.5.7	<p>Informal Airports</p> <p>Other than in the case of informal airports for emergency landings, rescues, firefighting and activities ancillary to farming Activities, Informal Airports shall not exceed 15 flights per week.</p> <p>Note: For the purposes of this Rule a flight includes two aircraft movements (i.e. an arrival and departure).</p>	<p>D</p>

	Table 46.5 – Standards	Non-compliance status
46.5.8	<p><u>Building Material and Colours (except for VA1 Activity Area of the Arcadia Rural Visitor Zone)</u></p> <p><u>Any building and its alteration, including shipping containers that remain on site for more than six months, are subject to the following:</u></p> <p><u>All exterior surfaces* must be coloured in the range of browns, greens or greys including:</u></p> <p><u>24.5.3.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and</u></p> <p><u>24.5.3.2 All other exterior surface** finishes, except for schist, must have a light reflectance value of not greater than 30%.</u></p> <p><u>* Excludes soffits, windows and skylights (but not glass balustrades).</u></p> <p><u>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</u></p>	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Landscape;</u></p> <p>b. <u>Visual amenity values; and</u></p> <p>c. <u>External appearance.</u></p>
<u>46.5.8A</u>	<p><u>Building Materials and Colours within the VA1 Activity Area Arcadia Rural Visitor Zone</u></p> <p>(a) <u>Colours shall reflect the historic homestead qualities of this area. Walls shall be clad in timber, preferably in weatherboard. Timber may be left to weather or be stained/painted.</u></p>	<u>NC</u>

	Table 46.5 – Standards	Non-compliance status
46.5.8B	<p><u>Roofs within the Arcadia Rural Visitor Zone</u></p> <p>(a) <u>In RES 1A and 1B, VA 2A, 3A, 3B and COM Activity Areas:</u></p> <ul style="list-style-type: none"> i. <u>Roofs shall be of slate tiles, natural cedar shakes, or iron (corrugated or tray steel);</u> ii. <u>All roofs shall be dark grey or dark green in colour;</u> iii. <u>All roofs shall have a minimum pitch of 30 degrees and shall be gable and ridge form;</u> iv. <u>Flat roofs are permitted, but only as joins between gable elements, and may not exceed 20% of the total roof area.</u> <p>(b) <u>In RES 2A, B and C Activity Areas:</u></p> <ul style="list-style-type: none"> i. <u>Roofs shall be of slate tiles, natural cedar shakes, or iron (corrugated or tray steel);</u> ii. <u>All roofs shall be dark grey or dark green in colour;</u> iii. <u>Where flat roofs occur all “butynol” or similar products used shall be in a black finish.</u> <p>(c) <u>In VA1 Activity Area:</u></p> <ul style="list-style-type: none"> i. <u>Roofs shall be of slate tiles, natural cedar shakes, or iron (corrugated or tray steel);</u> ii. <u>All roofs shall be dark grey or dark green in colour;</u> iii. <u>All roofs shall have a minimum pitch of 30 degrees and shall be gable and ridge form.</u> 	<u>NC</u>
46.5.9	<p><u>Visitor Accommodation</u></p> <p><u>The maximum number of overnight visitors shall not exceed the following:</u></p> <p>(a) <u>In the Maungawera Rural Visitor Zone – 75 overnight visitors</u></p> <p>(b) <u>In the Wye Creek (Homestead) Rural Visitor Zone – 30 overnight visitors</u></p> <p>(c) <u>In the Wye Creek (Wye Creek) Rural Visitor Zone – 10 overnight visitors</u></p>	<u>D</u>

	Table 46.5 – Standards	Non-compliance status
46.5.10	<p><u>Access</u></p> <p><u>No activities, with the exception of farming activities, within the Maungawera Rural Visitor Zone shall be accessed directly from the State Highway.</u></p>	<u>D</u>
46.5.11	<p><u>Roading within the Arcadia Rural Visitor Zone</u></p> <p>(a) <u>All roading and car parking shall be gravel or chip seal with swale edging.</u></p> <p>(b) <u>Kerb and channel is not permitted;</u></p> <p>(c) <u>Roading and driveways shall be shared where possible to order to limit the extent of roading required;</u></p> <p>(d) <u>Carriageway width shall be kept to a minimum Council standard in order to retain rural amenity.</u></p>	<u>NC</u>
46.5.12	<p><u>Fencing within the Arcadia Rural Visitor Zone (except OS Activity Area):</u></p> <p>(a) <u>All boundary fencing, if required, shall be standard post and wire.</u></p> <p>(b) <u>Courtyard walls to 1.8 metres in height are permitted but must be to match the VA building(s) materials.</u></p> <p>(c) <u>Fencing in timber post and rail is permitted , but shall not exceed 1m in height.</u></p>	<u>NC</u>
46.5.13	<p><u>Open Space (OS Activity Area) Arcadia Rural Visitor Zone</u></p> <p><u>The OS Activity Area of the Arcadia Rural Visitor Zone shall be managed as follows:</u></p> <p>(a) <u>Buildings are prohibited;</u></p> <p>(b) <u>Fencing, other than post and wire and not exceeding 1.2m above ground level (or higher only in the case of deer fencing) shall be prohibited;</u></p> <p>(c) <u>Any planting, with the exception of pastoral grasses for grazing or grass production or native planting to the west of RES2A, 2B and 2C, is prohibited;</u></p>	<u>PR</u>

	Table 46.5 – Standards	Non-compliance status
	<p>(d) <u>Roading, except for:</u></p> <ul style="list-style-type: none"> i. <u>The provision of access from Glenorchy-Paradise Road to the RES 2A Activity Area;</u> ii. <u>From the western boundary of the zone to the RES1A, 1B and VA2A Activity Areas;</u> iii. <u>For the provision of a road that will link the western RES and VA Activity Areas with the Eastern RES and VA Activity Areas. This road shall be set back at least 250 metres from the northern boundary of the zone and 250m from the southern boundary of the zone. The road must be placed within a contour in order to minimise visibility from the Glenorchy-Paradise Road and Diamond Lake. All roading within the OS Activity Area shall be gravel or chip seal with swale edging. Kerb and channel is prohibited.</u> 	

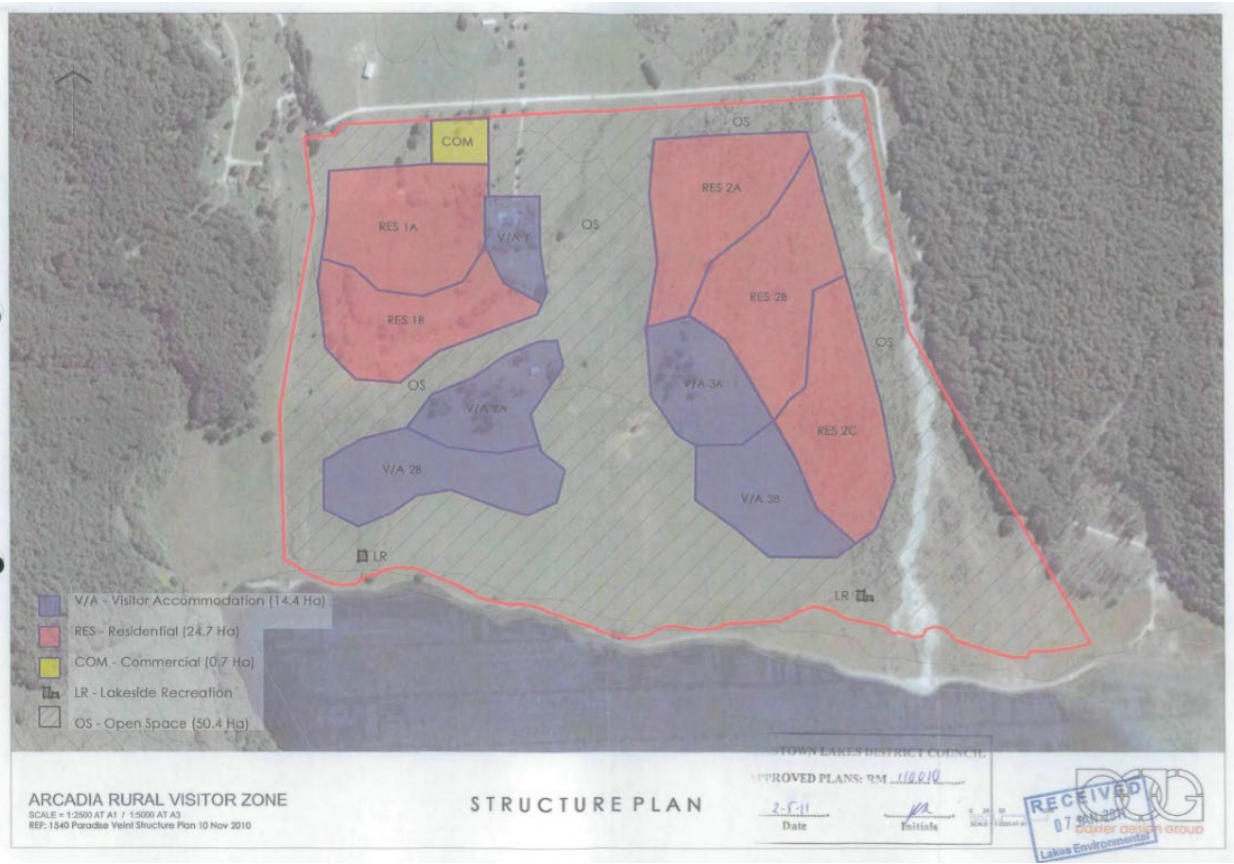
46.6 Non-Notification of Applications

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

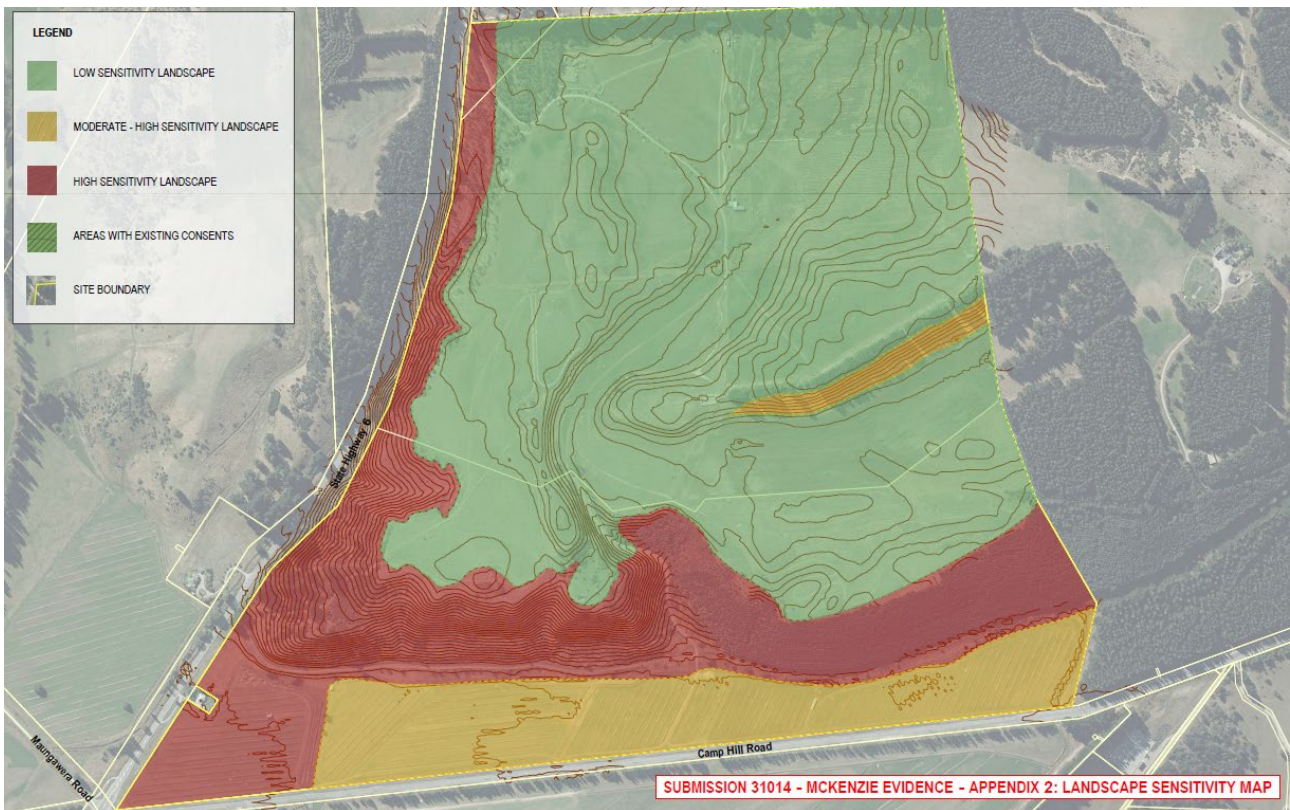
- a. Rule 46.4.8 Water Transport Infrastructure at Walter Peak.
- b. Rule 46.5.4 setback of buildings from waterbodies.
- c. Rule 46.5.5 setback of buildings from the Zone boundary.
- d. Rule 46.5.6 commercial recreational activities.
- x. Rule^[EG17] 46.4.6 The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.7 to 46.4.11)
- x. Rule^[EG18] 46.4.7 Farm Building

46.6.x For^[EG19] any application for resource consent where Rules 46.4.6(g) and 46.4.7(f) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991.

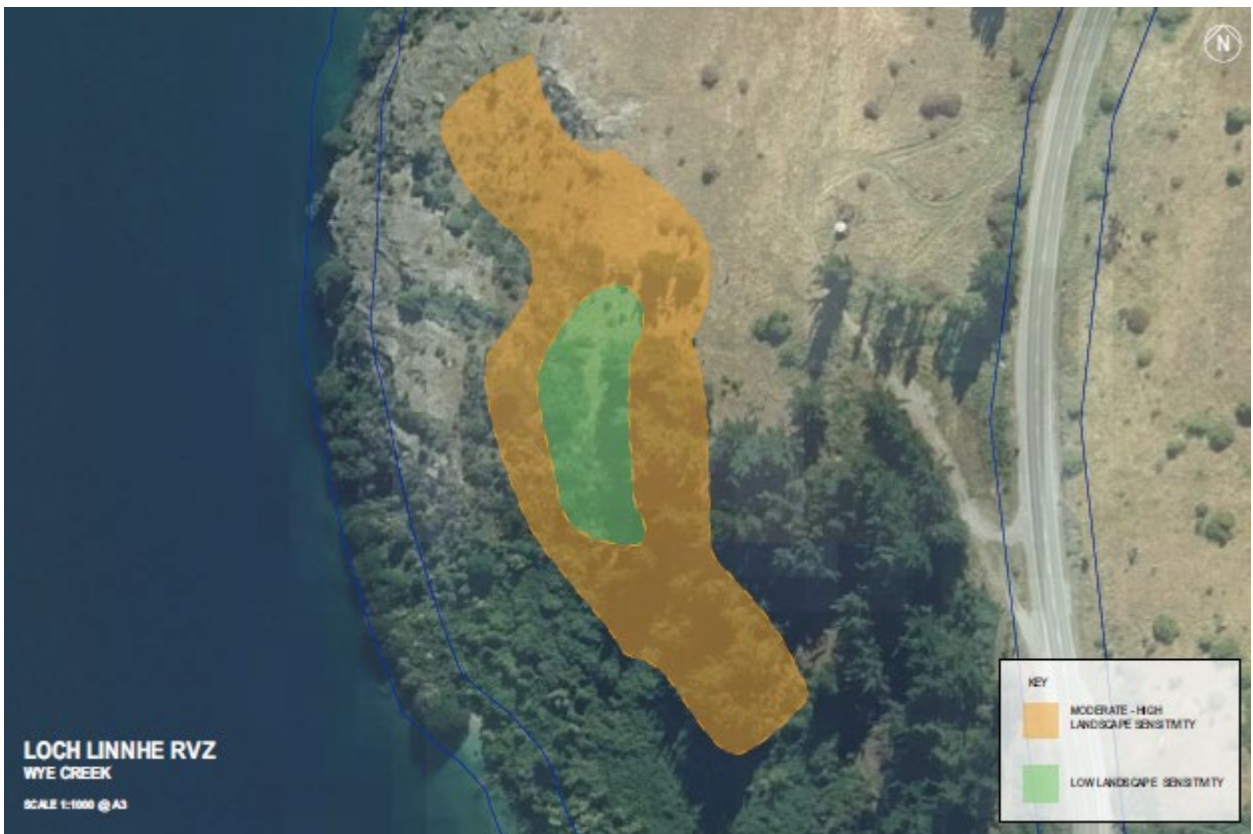
46.7 Structure Plan – Arcadia Rural Visitor Zone



46.8 Visibility Mapping Plan – Maungawera Rural Visitor Zone



46.9 Visibility Mapping Plan – Loch Linnhe Station Rural Visitor Zones (Homestead and Wye Creek)



Variation to Earthworks Chapter 25:

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

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

25.5.5	Queenstown Town Centre Zone Wanaka Town Centre Zone Local Shopping Centre Zone Business Mixed Use Zone Airport Zone (Queenstown) Millbrook Resort Zone <u>Rural Visitor Zone</u>	500m ³
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Variation to Subdivision and Development Chapter 27:

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

Amend Chapter 27 by amending Rule 27.5.9 as follows:

27.5.11	All subdivision activities in the Rural Visitor Zone <u>(excluding Maungawera and Loch Linnhe (Homestead and Wye Creek) Rural Visitor Zones)</u> , Rural and Gibbston Character Zones and Airport Zone - Wanaka, unless otherwise provided for.	D
<u>27.5.xx</u>	<u>All subdivision activities at the Maungawera and Loch Linnhe (Homestead and Wye Creek) Rural Visitor Zones.</u>	<u>NC</u>

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

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

Variation to Signs Chapter 31:

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

31.14 Rules – Activity Status of Signs in Special Zones

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

Table 31.14 – Activity Status of signs in Special Zones		Jacks Point Zone outside of Village Activity Areas and residential Activity Areas	Waterfall Park Zone	Millbrook Resort Zone	<u>Rural Visitor Zone</u>
31.14.1	Signs for commercial activities and community activities Control is reserved to the matters set out in Rule 31.17.	C	C	C	C
31.14.2	Identification of a signage platform for a commercial activity or community activity Control is reserved to the matters set out in Rule 31.17.	C	C	C	C
31.14.3	Signs for visitor accommodation	D	D	C	C

	Control is reserved to the matters set out in Rule 31.17.			
31.14.4	Signs not associated with commercial activities, community activities or visitor accommodation	P	P	P
31.14.5	Any sign activity which is not listed in Table 31.4 or Rules 31.14.1 to 31.14.4 inclusive	D	D	D

Variation to Chapter 36 Noise:

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

36.5 Rules – Standards

Table 2: General Standards

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

Attachment B - Section 32AA Evaluation

Section 32AA of the RMA aims to ensure that any changes to plan provisions during the hearing process are subject to a similarly high level of analytical rigour and transparency as the original evaluation. A further evaluation under section 32AA must include all the matters in section 32, but only in relation to the changes that have been made to the proposal since the evaluation report for which it was completed.

The changes I have assessed below are detailed in Part 3 of my evidence.

The relevant objectives can be found in following chapters of the PDP:

Chapter 3 – Strategic Directions
Chapter 4 – Urban development
Chapter 5 – Tangata Whenua
Chapter 6 – Landscapes
Chapter 29 – Subdivision and Development
Chapter 46 – Rural Visitor Zone

Chapter 3 – Strategic Direction (updated to take account of Env Court interim decisions)

The purpose of the strategic directions chapter of the PDP is to set out sets out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the Queenstown Lakes District's special qualities:

- a. distinctive lakes, rivers and high country landscapes free of inappropriate development;
- b. clean air and pristine water;
- c. vibrant and compact town centres;
- d. compact and connected settlements that encourage public transport, biking and walking;
- e. diverse, resilient, inclusive and connected communities;
- f. a district providing a variety of lifestyle choices;
- g. an innovative and diversifying economy based around a strong visitor industry;
- h. a unique and distinctive heritage;
- i. distinctive Ngāi Tahu values, rights and interests;
- j. indigenous biodiversity and ecosystems.

Chapter 3 – Strategic Direction

The following Objectives are relevant to the submissions and are addressed in the following table:

<p>3.2.1 The development of a prosperous, resilient and equitable economy in the District (addresses Issue 1)</p> <p>3.2.1.1 The significant socioeconomic benefits of well designed and appropriately located visitor industry <u>places</u>, facilities and services are realised across the District.</p> <p>3.2.17 Agricultural land uses are enabled provided those uses are consistent with:</p> <p style="margin-left: 20px;">a. the protection of the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;</p> <p style="margin-left: 20px;">b. the maintenance of the landscape character of Rural Character Landscapes and the maintenance or enhancement of their visual amenity values; and</p> <p style="margin-left: 20px;">c. The maintenance of significant nature conservation values.</p> <p>3.2.18 Diversification of land use in rural areas beyond traditional activities, including farming is enabled provided that:</p> <p style="margin-left: 20px;">a. the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected;</p> <p style="margin-left: 20px;">b. the landscape character of Rural Character Landscapes is maintained and their visual amenity values are maintained or enhanced; and</p> <p style="margin-left: 20px;">c. significant nature conservation values and Ngai Tahu values, interests and customary resources, are maintained.</p> <p>[Updated to take account of Env Court interim decisions – Topic 1 & 2]</p>			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
<p>Loch Linnhe Station is a very large landholding which requires diversification to ensure appropriate management.</p> <p>The requested RVZ enable diversification for a small part of the property, to the benefit of the entire property.</p> <p>Such diversification will not adversely affect the ONL values of the property.</p>	<p>The requested RVZ enable diversification for a small part of the property, to the benefit of the entire property.</p>	<p>Nil.</p>	<p>There is no uncertain or insufficient information as about the subject matter of the provisions.</p>
<p>3.2.4 The distinctive natural environments and ecosystems of the District are protected. (addresses Issue 4)</p> <p>3.2.4.1 Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity.</p> <p>3.2.4.2 The spread of wilding exotic vegetation is avoided.</p> <p>3.2.4.3 The natural character of the beds and margins of the District’s lakes, rivers and wetlands is preserved, or enhanced where possible, and protected from inappropriate subdivision, use and development.</p>			

3.2.4.4 The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.
 3.2.4.5 Public access to the natural environment is maintained or enhanced.
 3.2.4.6 The values of significant indigenous vegetation and significant habitats of indigenous fauna are protected.
 3.2.4.7 The survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities are maintained or enhanced.

[Not subject to the Env Court interim decisions – Topic 4]

<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The requested RVZ enable diversification for a small part of the property, to the benefit of the entire property. Such benefit may include pest and wilding pine control, riparian planting and native planting.	Diversification through the two requested RVZs is likely to lead to improved management of the large land resource.	Nil.	There is no uncertain or insufficient information as about the subject matter of the provisions.

3.2.5 The retention of the District's distinctive landscapes. (addresses Issues 2 and 4)
 3.2.5.x The District's Outstanding Natural Features and Outstanding Natural Landscapes and their landscape values and landscape capacity are identified.
 3.2.5.xx Within the Rural Zone, new subdivision, use and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless:
 a. where the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are specified in Schedule 21.22, those values are protected;
 b. where the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are not specified in Schedule 21.22, the values identified according to SP [x.x.x.y] [the intended new SP on assessment methodology] are protected.
 3.2.5.xxx In locations other than in the Rural Zone, the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development.
 3.2.5.1 The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.
 3.2.5.1A In each Exception Zone located within Outstanding Natural Features and Outstanding Natural Landscapes, any application for subdivision, use and development is provided for:
 a. to the extent anticipated by that Exception Zone;
 b. on the basis that any additional subdivision, use and development not provided for by that Exception Zone protects landscape values.

[Updated to take account of Env Court interim decisions – Topic 1 & 2]

<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The requested RVZ's on Loch Linnhe Station are both located within the wider ONL. Both areas have been identified as having some capacity to absorb some change, provided that change is appropriately managed. The landscape sensitivity mapping prepared by Mr Espie and the accompanying RVZ rules	The two requested RVZ's on Loch Linnhe Station both protect the landscape values of the zones (through the landscape sensitivity and related rules) and the wider ONL by consolidating development to two small areas of the property, and controlling the effects of	Nil.	There is no uncertain or insufficient information as about the subject matter of the provisions.

(including listed discretions and standards) ensure the wider ONL is retained by focusing development opportunities to two small areas within the property. The RVZ's, in this context, are seen as an efficient and effective method in enabling diversification and alternative income streams.	built form through the resource consent process.		
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3.2.6 The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety. (addresses Issues 1 and 6)

[Updated to take account of Env Court interim decisions – Topic 1]

<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The requested RVZ's on Loch Linnhe Station enables the lease holders to provide for their own social, cultural and economic wellbeing and their health and safety.	Nil.	Nil.	There is no uncertain or insufficient information as about the subject matter of the provisions.

Natural Environment

3.3.17 Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, referred to as Significant Natural Areas (SNAs). (relevant to S.O. 3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.4.3 and 3.2.4.4)

3.3.18 Protect SNAs and encourage enhanced indigenous biodiversity outcomes. (relevant to S.O. 3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.1.2, 3.2.4.3 and 3.2.4.4)

3.3.19 Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity is safeguarded; and natural character is maintained or enhanced as far as practicable. (relevant to S.O. 3.2.1.8, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 and 3.2.5.2)

[Not subject to the Env Court interim decisions – Topic 4]

<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The requested RVZ's on Loch Linnhe Station do not affect any significant indigenous vegetation or protected natural areas.	Significant indigenous vegetation or protected natural areas are protected elsewhere on the property.	Nil.	There is no uncertain or insufficient information as about the subject matter of the provisions.

Rural Activities

3.3.20 Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with_ significant nature conservation values or degrade the existing character of rural landscapes. (relevant to S.O. 3.2.1.7, 3.2.5.1 and 3.2.5.2)

a. protection of the landscape values of Outstanding Natural Features or Outstanding Natural Landscapes;

b. maintenance of the landscape character and maintenance or enhancement of the visual amenity values of Rural Character Landscape; or

c. maintenance of significant conservation values or Ngai Tahu values, interests or customary resources.

3.3.24 Ensure that the effects of cumulative subdivision and development for the purposes of Rural Living does not compromise:

- a. the protection of the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;
- b. the maintenance of the landscape character of Rural Character Landscapes; and
- c. the maintenance or enhancement of the visual amenity values of Rural Character Landscapes.

3.3.26 That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District. (relevant to S.O. 3.2.1.8, 3.2.4.1 and 3.2.4.3)

[Updated to take account of Env Court interim decisions – Topic 1]

<i>Efficiency & Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
The two requested RVZ's on Loch Linnhe Station do not prevent farming activities from continuing on the property. The requested zones do not adversely affect any SNCV or degrade the character of the rural landscape. The RVZ's, in this context, are seen as an efficient and effective method in enabling diversification and alternative income streams.	The two requested RVZ's on Loch Linnhe Station both protect the landscape values of the zones (through the landscape sensitivity and related rules) and the wider ONL by consolidating development to two small areas of the property, and controlling the effects of built form through the resource consent process.	Nil	There is no uncertain or insufficient information as about the subject matter of the provisions.

That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District.

<i>Efficiency & Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
The two requested RVZ's on Loch Linnhe Station require resource consent for any development or subdivision. The Council retains over these matters.	Nil.	Nil.	There is no uncertain or insufficient information as about the subject matter of the provisions.

Landscapes

3.3.29 Identify the District's Outstanding Natural Features Landscapes and Outstanding Natural Landscapes Features on the District Plan maps. (relevant to S.O.3.2.5.1)

3.3.30x Avoid adverse effects on the landscape values of the District's Outstanding Natural Features and Outstanding Natural Landscapes from residential subdivision, use and development where there is little capacity to absorb change.

[Updated to take account of Env Court interim decisions – Topic 1]

<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The requested Homestead RVZ at Loch Linnhe Station already contains two residential activities. The submitter seeks that one further residential dwelling is permitted at the requested Wye Creek RVZ. The purpose of this is so that owners can move to the northern part of the property. It is our assessment that this can be achieved without any adverse effects on the ONL. The requested Wye Creek RVZ facilitates this happening and is therefore an efficient and effective method.	The requested Wye Creek RVZ can absorb limited development without adversely affecting the wider ONL.	Nil.	There is no uncertain or insufficient information as about the subject matter of the provisions.

Chapter 5 – Tangata Whenua

Queenstown Lakes District Council will recognise and provide for Ngāi Tahu as a partner in the management of the District's natural and physical resources through the implementation of this District Plan. The Council will actively foster this partnership through meaningful collaboration, seeking formal and informal advice, providing for Ngāi Tahu's role as kaitiaki, and protecting its values, interests and customary resources. Ngāi Tahu's values, interests and customary resources in this context do not extend to the commercial interests of companies owned or controlled by Ngāi Tahu.

5.4.1 Objective - Consultation with tangata whenua occurs through the implementation of the Queenstown Lakes District Plan Policies			
5.3.1.1 Ensure that Ngāi Tahu Papatipu Rūnanga are engaged in resource management decisionmaking and implementation on matters that affect Ngāi Tahu values, rights and interests, in accordance with the principles of the Treaty of Waitangi.			
5.3.1.2 Actively foster effective partnerships and relationships between the Queenstown Lakes District Council and Ngāi Tahu Papatipu Rūnanga.			
5.3.1.3 When making resource management decisions, ensure that functions and powers are exercised in a manner that takes into account 5 iwi management plans.			
5.3.1.4 recognise that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water sites, wāhi tapu, tōpuni and			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The relevant iwi management plans have been considered above. Further consultation with iwi may occur through the development of the zone.	Nil.	Nil.	There is no uncertain or insufficient information about the subject matter of the provisions.

5.4.5 Objective - Wāhi tūpuna and all their components are appropriately managed and protected.			
5.4.5.1 Identify wāhi tūpuna and all their components on the District Plan maps and protect them from the adverse effects of subdivision, use and development.			
5.4.5.2 Identify threats to wāhi tūpuna and their components in this District Plan.			
5.4.5.3 Enable Ngai Tahu to provide for its contemporary uses and associations with wāhi tūpuna.			
5.4.5.4 Avoid where practicable, adverse effects on the relationship between Ngāi Tahu and the wāhi tūpuna.			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)

Wāhi tūpuna has been identified the Wye Creek end of the site under Stage 3. The extent of the area has been challenged in a sperate submission.	Nil.	Nil.	There is no uncertain or insufficient information as about the subject matter of the provisions.
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Chapter 6 – Landscapes

The purpose of this chapter is to provide greater detail as to how the landscape, particularly outside urban settlements, will be managed in order to implement the strategic objectives and policies in Chapter 3. This chapter needs to be read with particular reference to the objectives in Chapter 3, which identify the outcomes the policies in this chapter are seeking to achieve.

The relevant Chapter 3 objectives and policies are identified in brackets following each policy. Landscapes have been categorised to provide greater certainty of their importance to the District, and to respond to regional policy and national legislation.

Categorisations of landscapes will provide decision makers with a basis to consider the appropriateness of activities that have adverse effects on those landscapes.

6.3.3.1 Recognise that subdivision and development is inappropriate on Outstanding Natural Features and in Outstanding Natural Landscapes unless: a. landscape values are protected; and b. in the case of any subsequent subdivision or development, all buildings and other structures and all changes to landform or other physical changes to the appearance of land will be reasonably difficult to see from beyond the boundary of the site in question.			
Efficiency & Effectiveness ^(a)	Benefits ^(b)	Costs ^(b)	Risk Acting/Not Acting ^(c)
These objectives and policies would still be relevant to the majority of Loch Linnhe Station. However, they would no longer be relevant to the two small RVZs requested on Loch Linnhe Station. Such protection would instead come from the Chapter 46 objectives and policies. Those objectives and policies are seen as an efficient and effective method of protection landscape values of the wider ONL.	The bulk of Loch Linnhe Station will retain Rural zoning with an ONL classification.	Nil.	There is no uncertain or insufficient information as about the subject matter of the provisions.

6.3.3.3 For working farms within Outstanding Natural Features and Outstanding Natural Landscapes: a. recognise that viable farming involves activities that may modify the landscape; and b. enables those activities in a way that is consistent with protecting the values of Outstanding Natural Features and Outstanding Natural Landscapes.			
Efficiency & Effectiveness ^(a)	Benefits ^(b)	Costs ^(b)	Risk Acting/Not Acting ^(c)

Farming is a permitted activity within the requested RVZs on Loch Linnhe Station.	Nil.	Nil.	There is no uncertain or insufficient information as about the subject matter of the provisions.
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6.3.3.5 Maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present.			
<i>Efficiency & Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
The vast majority of Loch Linnhe Station would still be classified as an ONL and retain a sense of openness. This policy would no longer be relevant to the two small RVZs requested on Loch Linnhe Station. Such protection would instead come from the Chapter 46 objectives and policies. Those objectives and policies are seen as an efficient and effective method of protection landscape values of the wider ONL.	Nil.	Nil.	There is no uncertain or insufficient information as about the subject matter of the provisions.

Chapter 46 – Rural visitor Zone

<p>46.2.1 Objective – Visitor accommodation, commercial recreation and ancillary commercial activities within appropriate locations that maintain or enhance the values of Outstanding Natural Landscapes.</p> <p>46.2.1.1 Provide for innovative and appropriately located and designed visitor accommodation, including ancillary commercial activities and onsite staff accommodation, recreation and commercial recreation activities where the landscape values of the District’s Outstanding Natural Landscapes will be maintained or enhanced.</p> <p>46.2.1.2 Provide for tourism related activities within appropriate locations in the Zone where they enable people to access and appreciate the District’s landscapes, provided that landscape quality, character, visual amenity values and nature conservation values are maintained or enhanced.</p> <p>46.2.1.3 Encourage the enhancement of nature conservation values as part of the use and development of the Zone.</p> <p>46.2.1.4 Recognise the remote location of Rural Visitor Zones and the need for visitor industry activities to be self-reliant by providing for services or facilities that are directly associated with, and ancillary to visitor accommodation activities, including onsite staff accommodation.</p> <p>46.2.1.5 Ensure that the group size, nature and scale of commercial recreation activities do not degrade the level of amenity in the surrounding environment.</p>

46.2.1.6 Ensure that any land use or development not otherwise anticipated in the Zone, protects or enhances landscape values and nature conservation values.			
46.2.1.7 Avoid residential activity within the Rural Visitor Zone with the exception of enabling onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities.			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
Loch Linnhe Station is in excess of 3700ha in area and is entirely classified as ONL. The submission seeks two small Rural Visitor Zones be located at either end of the Station to enable continued farming and diversification into small scale tourism and visitor accommodation activities to generate alternative income stream (which will ultimately result in better protection of the ONL through disposable income to undertake pest and weed control etc). The RVZ is a specialist zone with its purpose aimed at achieving this within a rural environment. It is therefore a very efficient and effective method in achieving this objective for Loch Linnhe Station.	<p>The landscape sensitivity mapping produced by Mr Espie will mean that the bulk of development within the zones will still be required to go through a RD activity consent. However, some development around the existing homestead area will be a controlled activity. This is seen as more enabling than the Rural zone provisions.</p> <p>Tourism, in particular small-scale high-end visitor accommodation, can access this part of the ONL in a controlled manner.</p> <p>Diversification enables funding for positives such as preserving and enhancing the nature conservation values of the property.</p> <p>The proposed zone provisions ensure development is of a small scale, relative to the respective character of both proposed areas.</p>	Nil.	There is no uncertain or insufficient information as about the subject matter of the provisions.

46.2.2 Objective – Buildings and development that have a visitor industry related use are enabled where landscape character and visual amenity values are maintained or enhanced.			
46.2.2.1 Protect the landscape values of the Zone and the surrounding Rural Zone Outstanding Natural Landscapes by:			
<ul style="list-style-type: none"> a. providing for and consolidating buildings within the Rural Visitor Zone in areas that are not identified on the District Plan maps as a High Landscape Sensitivity Area, nor within an area of Moderate – High Landscape Sensitivity; b. ensuring that buildings within areas identified on the District Plan maps as Moderate – High Landscape Sensitivity are located and designed and adverse effects are mitigated, to ensure landscape values are maintained or enhanced; and c. avoiding buildings within areas identified on the District Plan maps as High Landscape Sensitivity Areas. 			
46.2.2.2 Land use and development, in particular buildings, shall maintain or enhance the landscape character and visual amenity values of the Rural Visitor Zone and surrounding Outstanding Natural Landscapes by:			
<ul style="list-style-type: none"> a. controlling the colour, scale, design, and height of buildings and associated infrastructure, vegetation and landscape elements; and 			

b. in the immediate vicinity of the Homestead Area at Walter Peak, and the Homestead Area at Arcadia provide for a range of external building colours that are not as recessive as required generally for rural environments, but are sympathetic to existing development.

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

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

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

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

46.2.2.6 Ensure development can be appropriately serviced through:

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

<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The owners of Loch Linnhe Station have a desire to expand tourism and visitor accommodation activities on their station to diversify and supplement income from traditional farming. The RVZ is designed to do this. As such it is an efficient and effective method for Loch Linnhe Station.	The two requested RVZ's on Loch Linnhe Station both protect the landscape values of the zones (through the landscape sensitivity and related rules) and the wider ONL by consolidating development to two small areas of the property, and controlling the effects of built form through the resource consent process. Both zones can be adequately serviced.	<i>Nil.</i>	There is no uncertain or insufficient information as about the subject matter of the provisions.