

**QUEENSTOWN-LAKES DISTRICT COUICL
PROPOSED DISTRICT PLAN HEARING – STREAM 2**

IN THE MATTER

of a hearing on submissions to the Proposed District Plan (Stream 2) pursuant to clause 8B of the First Schedule to the Resource Management Act 1991

NEW ZEALAND TUNGSTEN MINING LIMITED

Submitter

BUNGY NZ LIMITED AND PAUL HENRY VAN ASCH

Submitter

WOODLOT PROPERTIES LIMITED

Submitter

DAVID BROOMFIELD

Submitter

J AND R HADLEY

Submitter

TEMPLE PEAK STATION

Submitter

**EVIDENCE OF CAREY VIVIAN
(PLANNER)
26 February 2016**

1. Qualifications and Experience

- 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 + Espie Limited, a resource management and landscape planning consultancy based in Queenstown. I have been practising as a resource management planner for twenty-one years, having held previous positions with Davie Lovell-Smith in Christchurch; and the Queenstown Lakes District Council (QLDC), 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.

2. Purpose and Scope of this Evidence

- 2.1 The purpose of this evidence is to assist the Hearings Panel on matters within my expertise of resource management planning in relation to the following submissions:

Chapter 21 Rural

- NZ Tungsten Mining Limited (519)
- Bungy NZ Limited and Paul Henry van Asch (489)
- Woodlot Properties Limited (501)
- David Broomfield (500)

Chapter 22 – Rural Residential and Lifestyle

- J and R Hadley (674)
- Temple Peak Station (486)

- 2.2 The following submissions are included in the Notice of Hearing but are appropriately deferred until mapping hearing as they do not specifically do not seek changes to the Chapter 21 or 22 provisions:

- Kipke (431)
- Bamford (492)

- Jeremy Bell Investments (820)
- Scott (477)
- Hindle and Wright (476)
- Lake Wakatipu Station and Review 17 Limited (478)
- Martin MacDonald (1064)
- Martin MacDonald and Sonya Anderson (451/454)
- Swan (494)
- Hanson (473)
- Conway (467)
- Schist Holdings limited and BNZL Properties Limited (488)
- Williamson (499 and 1206)

2.3 This evidence is restricted to the parts of the submissions which relate to Chapter 21 Rural Areas and Chapter 22 Rural Residential and Lifestyle Areas. Attached to this evidence as **Attachment A** is updated zone provisions for the Chapter 21 Rural Areas with Mr Barr's (referenced as **CBXX**) and my recommended changes (referenced as **CXX**) shown. **Attachment B** does the same for the Chapter 22 Rural Residential and Rural Lifestyle Zone.

2.4 In accordance with the Memorandum of Commissioner Nugent (dated 25 January 2016) attached as **Attachment C** is an evaluation sufficient to satisfy the requirements of section 32AA of the RM Act for provisions I support modification to.

3. Background

3.1 I note for the record in preparing this evidence I have had the benefit in reading the section 42A reports produced by Mr Barr.

3.2 In preparing this evidence I am mindful of the matters the Panel must consider as set out in Colonial Vineyard vs. Marlborough District Council [2014] NZEnvC55. 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 recognized by an iwi authority;

(f) Does not have regard to trade competition (section 74(3)).

3.3 I confirm, to the best of my knowledge, that (a) and (c) are of most relevance to the hearing of these particular chapters of the PDP. I confirm the recommendations contained in this evidence all assist the Council to carry out its functions so as to achieve the purpose of the Act.

4. NZTML Submission

4.1 NZTML have sought a number changes to the PDP to recognise the importance of exploration and mining activities within the District. NZTML hold two exploration permits and a prospecting permit within the district, and have been exploring since 2001. They also have resource consent to undertake exploration drilling in the Mt Alfred area and currently have a resource consent application being processed by Council to conduct drilling within the Whakaari Conservation Area, (RM151033 prepared by Davis Consulting limited).

4.2 NZTML have comprehensively submitted on the PDP with submission points spanning Chapter 2 Definitions, Chapter 3 Strategic Directions Objectives and Policies, Chapter 6 Landscape Objectives and Policies, Chapter 21 Rural Zone Objectives, Policies and Rules, Chapter 26 Historic heritage provisions; Chapter 30 Energy and Utilities Objectives and Policies; and Chapter 35 Temporary Activities Objectives, Policies and Rules. For the benefit of the panel members that did not sit on the Chapter 2 and 6 hearings, I record that I have already presented evidence in relation to those submission points sought by NZTML on those higher order issues. A copy of my evidence is available on the Council website: <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-1b/Pre-Lodged-Evidence-and-Legal-Submissions/0519-1287-New-Zealand-Tungsten-Mining-Limited-T01B-Carey-Vivian-Evidence-C-16-03-22.pdf>

4.3 The Otago Regional Policy Statement (ORPS) is particularly relevant to the submission of NZTML. Under section 75(3)(c) of the RMA the PDP must give effect to the ORPS. Part 3.3 of the ORPS discusses the regional economy and the importance mining (among other things) has played in the regions development:

3.3 Regional Economy

The use of Otago's natural and physical resources (e.g. land and water) has, since the 1860's, supported primary production activities. Mining, farming, horticulture, viticulture and forestry have formed the basis of Otago's development and continue to be major sources of revenue.

4.4 This theme is continued in Part 3.4 of the ORPS where it, importantly, recognises that rehabilitation of mine sites may produce land of higher quality than which existed prior to mining:

3.4 Natural and Physical Features

Otago's early wealth and development was largely due to gold mining. Today, both alluvial and hard rock mining, such as Macraes mining operation, occurs in the region and contributes to the regional economy. Modern mining practices, if properly managed and controlled, significantly reduce adverse effects on water, air and soil resources in comparison with the old practices. In some instances rehabilitation of mined areas may produce land of higher quality than that which existed prior to mining. While Otago's economy is heavily dependent on primary industry sectors, the winning and processing of minerals in the region provides further opportunities for diversification and economic development.

- 4.5 Part 5.1 recognises that mining, alongside farming, horticulture and forestry, have historically formed the basis of Otago's development and remain the major sources of revenue to the region:

5.1 Introduction

...
Mining, farming, horticulture and forestry have historically formed the basis of Otago's development and remain the major sources of revenue. Tourism and recreation are now major areas of economic activity and viticulture is growing in importance.

- 4.6 Part 5.3 recognises the resource management issues relevant to the regional land asset. Those of particular relevance to mining in the QLD include the following:

Issue

5.3.3 Otago's water resources may be adversely affected by land activities.

Explanation

The use of Otago's land resources can adversely affect adjacent water resources, causing changes to water quality and quantity which can create downstream impacts. Such effects include increased slope instability leading to increased sedimentation, decreased water quality through land runoff and increased stormwater runoff from paved areas and areas with changed vegetation cover. Beds and banks of water bodies can be destabilised through activities such as gravel extraction and instream mining.

Issue

5.3.4 Otago's outstanding natural features and landscapes are threatened by inappropriate subdivision, use and development.

Explanation

Much of Otago's natural character is derived from its natural features and landscapes. The Resource Management Act 1991 requires that in achieving the purpose of the Act, recognition and provision shall be made for the protection of Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development. This protection is required in order to ensure that those features and landscapes will always be a part of Otago and that they will be there for future generations to enjoy and as the basic resource for recreation and tourism.

Issue

5.3.4 Landuse activities can adversely affect ecological, amenity and intrinsic values associated with Otago's significant indigenous vegetation and significant habitat of indigenous fauna.

Explanation

Otago's significant indigenous vegetation and significant habitat of indigenous fauna are an important and integral part of the region's character which may be affected by landuse practices. Overgrazing by sheep and noxious animal pests, recreational uses and a decline in natural habitats such as tussock grasslands and native wetlands, forests and shrublands may place pressure on Otago's natural and cultural heritage.

Issue

5.3.7 Access to mineral resources may be compromised through the inappropriate location of other development activities above or in close proximity to the mineral resource.

Explanation

Minerals are an important resource for the people and communities of Otago in providing for their present and future well being, both through the direct economic benefits derived from the extraction of gold and other minerals, and through the use of substances such as aggregates, shingle and coal for roading, building and fuel uses. However, unlike other activities which may have a range of locations in which they can be undertaken, minerals are fixed, and therefore the extraction of minerals for use and development is also fixed. Mineral resources can only be utilised in the location in which they are found and their future use and development can be compromised by the location of other land developments.

4.7 These issues are proposed to be managed through the following objectives:

Objective

5.4.1 To promote the sustainable management of Otago's land resources in order:

- (a) To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and
- (b) To meet the present and reasonably foreseeable needs of Otago's people and communities.

In order to meet the present and reasonably foreseeable needs of Otago's communities, sustained regional growth and development relies inherently on the sustainable management of land resources. Maintaining and enhancing the primary productive capacity and life-supporting capacity of Otago's land resource is necessary to ensure that the needs of future generations are able to be met while safeguarding existing primary productive systems.

Objective

5.4.2 To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.

Objective

5.4.3 To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.

Objective

5.4.5 To promote the sustainable management of Otago's mineral resources in order to meet the present and reasonably foreseeable needs of Otago's communities.

4.8 And the following policies:

Policy

5.5.3 To maintain and enhance Otago's land resource through avoiding, remedying or mitigating the adverse effects of activities which have the potential to, among other adverse effects:

- (a) Reduce the soil's life-supporting capacity
- (b) Reduce healthy vegetative cover
- (c) Cause soil loss
- (d) Contaminate soils
- (e) Reduce soil productivity
- (f) Compact soils
- (g) Reduce soil moisture holding capacity.

Policy

5.5.4 To promote the diversification and use of Otago's land resource to achieve sustainable landuse and management systems for future generations.

Policy

5.5.6 To recognise and provide for the protection of Otago's outstanding natural features and landscapes which:

- (a) Are unique to or characteristic of the region; or
- (b) Are representative of a particular landform or land cover occurring in the Otago region or of the collective characteristics which give Otago its particular character; or
- (c) Represent areas of cultural or historic significance in Otago; or
- (d) Contain visually or scientifically significant geological features; or
- (e) Have characteristics of cultural, historical and spiritual value that are regionally significant for Tangata Whenua and have been identified in accordance with Tikanga Maori.

Policy

5.5.8 To recognise known mineral deposits and to consider the potential for access to those mineral resources to be compromised or removed by other alternative land development.

4.9 I acknowledge that Issue 5.3.7 and Policy 5.5.8 are about reverse sensitivity and tailored more towards large open-cast mining in the region such as at Macrae's Flats. At a much smaller scale it could be relevant to aggregate mining in the QLD. However, I see it as lesser of an issue given the Rural Area is regulated against all forms of development (except pastoral farming).

4.10 For the record, I note that a decision on the Proposed Regional Policy Statement (PRPS) has been heard and decisions on submissions are due this year. The notified PRPS contains the following Objectives and Policies relevant to mining activities in the region:

Objective 4.3

Sufficient land is managed and protected for economic production

Policy 4.3.6

Managing locational needs for mineral and gas exploration, extraction and processing
Recognise the needs of mineral exploration, extraction and processing activities to locate
where the resource exists, and manage them by:

- a) Giving preference to avoiding their location in:
 - i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; or
 - ii. Outstanding natural features, landscapes and seascapes; or
 - iii. Areas of outstanding natural character; or
 - iv. Outstanding water bodies; or
 - v. Areas subject to significant natural hazard risk; and
- b) Restricting the establishment of those activities in areas used for mineral and gas exploration, extraction and processing that may result in reverse sensitivity effects.

Objective 4.5

Adverse effects of using and enjoying Otago's natural and built environment are minimised.

Policy 4.5.6

Managing adverse effects from mineral and gas exploration, extraction and processing
Minimise adverse effects from the exploration, extraction and processing of minerals, by:

- a) Giving preference to avoiding their location in:
 - i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and
 - ii. Outstanding natural features, landscapes and seascapes; and
 - iii. Areas of outstanding natural character; and
 - iv. Outstanding water bodies; and
 - v. Areas subject to significant natural hazard risk;
- b) Where it is not possible to avoid locating in the areas listed in a) above, avoiding significant adverse effects of the activity on those values that contribute to the significant or outstanding nature of those areas; and
- c) Avoiding adverse effects on the health and safety of the community; and
- d) Remedying or mitigating adverse effects on other values; and
- e) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and,
- f) Reducing unavoidable adverse effects by
 - i. Staging development for longer term activities; and
 - ii. Progressively rehabilitating the site, where possible.
- g) Considering the use of offsetting, or compensatory measures, for residual adverse effects; and
- h) Applying a precautionary approach to assessing the effects of the activity, where there is scientific uncertainty, and potentially significant or irreversible adverse effects.

Definitions (See Comments [C86], [C88], [C90], [C92] and [C93] Attachment A)

- 4.11 Mr Barr has addressed that part of NZTML submission that deals with the definitions of Mining Activity, Prospecting and Exploration in paragraphs 21.11 to 21.17 of his 42A report.

Mining and Mining Activity Definition

4.12 NZTML submission point **519.2** seeks a new definition of “Mining” is added as follows:

“Mining

- (a) means to take, win, or extract, by whatever means,—
 - (i) a mineral existing in its natural state in land; or
 - (ii) a chemical substance from a mineral existing in its natural state in land; and
- (b) includes—
 - (i) the injection of petroleum into an underground gas storage facility; and
 - (ii) the extraction of petroleum from an underground gas storage facility; but
- (c) does not include prospecting or exploration for a mineral or chemical substance referred to in paragraph (a)”

4.13 And submission point **519.3** seeks a new definition of “Mining Activity” is added as follows:

Mining Activity

- (a) means operations in connection with mining, exploring, or prospecting for any mineral; and
- (b) includes, when carried out at or near the site where the mining, exploration, or prospecting is undertaken,—
 - (i) the extraction, transport, treatment, processing, and separation of any mineral or chemical substance from the mineral; and
 - (ii) the construction, maintenance, and operation of any works, structures, and other land improvements, and of any related machinery and equipment connected with operations; and
 - (iii) the removal of overburden by mechanical or other means, and treatment of any substance considered to contain any mineral; and
 - (iv) the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations; and

4.14 Mr Barr has recommended changes to the proposed definition of “Mining” consistent with submission point **519.3** in his section 42A report, including changing adding the word “Activity” to “Mining”.

4.15 I agree with Mr Barr’s recommendation contained in **Comment [CB87] of Attachment A** however consider the words “exploring” and “prospecting” should be deleted from (a) and (b) as those activities are separately defined. I also consider a statement that “Mineral, extraction, extraction or extractive industries shall have the same meaning” should be included in this definition as these terms appear to be used interchangeable through the PDP.

4.16 I therefore recommend that NZTML submission point **519.3** is accepted in part by adopting a definition of “Mining Activity” as per **Comment [C88] of Attachment A** attached to this evidence.

- 4.17** Mr Barr does not specifically address submission point **519.2** which seeks a definition of “Mining” be included in the PDP. I consider it is important to include this definition in the PDP as it clearly states what Mining is in New Zealand consistent with the definition of the Crown Minerals Act. I appreciate that some aspects of this mining definition are not relevant to this District, as it is unlikely we have underground gas storage facilities. However for consistency purposes the full definition should be included, even though aspects of it possibly are not relevant to this District. I note that it is not unusual to have definitions describing an industry/use as well as an activity in District Plans. For example, the PDP contains separate definitions for “Commercial” and “Commercial Activity”.
- 4.18** Accordingly I recommend that NZTML submission point **519.2** is accepted in part by adopting a definition of “Mining” as per **Comment [C86] of Attachment A** attached to this evidence.

Mineral Prospecting

- 4.19** With respect to the “Mineral Prospecting” definition the NZTML submission seeks a fourth bullet point under the definition to prospecting to include “taking small samples by low impact mechanical methods”. Mr Barr states that he does not know what NZTMIL are seeking to by the inclusion of “low impact mechanical methods” and recommends those words are omitted. I agree with Mr Barr. It is unnecessary to include them as the list is not exhaustive.
- 4.20** I recommend that NZTML submission point **519.6** is accepted in part by adopting a definition of “Mineral Prospecting” as per **Comment [C90] of Attachment A** attached to this evidence.

Mineral Exploration

- 4.21** Mr Barr addresses the requested definition of “Mineral Exploration” at paragraphs 21.20 and 21.21 of his section 42A Report however does not discuss it in any detail (except in relation to proposed rules). Mr Barr does however recommend the definition be included in the PDP as per the draft Rural Zone rules attached to his section 42A report. I support that recommendation for the reason that mineral exploration is different to mineral prospecting which is different to mining. The Definitions are also consistent with the Crown Minerals Act, which regulates what can be done and when. As such, mineral exploration should be separately defined.
- 4.22** I recommend the NZTML submission point **519.1** is accepted in part by adopting a definition of “Mineral Exploration” as per **Comment [C92] of Attachment A** attached to this evidence.

Mining Building

- 4.23 NZTML also requested a definition for “Mining Building” be inserted into the PDP to mean “a building (as defined) necessary for the undertaking of mining activities”. At paragraph 21.19 of his section 42A report Mr Barr recommends that this request is rejected because mining is a discretionary activity, therefore creating a disjunction between removing standards for all buildings and mining buildings.
- 4.24 In my opinion, traditional rural activities (including mining) are expected elements of the rural character in a rural landscape and hence do not offend landscape character. This proposition is supported by the inclusion of Rule 21.4.30(d) which permits the mining of aggregate for farming activities provide the total volume does not exceed 1000 m³ in any one year. As such, mining buildings necessary for the undertaking of mining activities do not have the same issues associated with them as other buildings, such as residential, visitor accommodation or commercial activities. They can, in my opinion, be treated differentially to those other buildings in much the same way as Farm Buildings are. For this reason I consider the addition of the words “Excludes buildings for any form of accommodation” should be added to the proposed definition.
- 4.25 I accordingly recommend that NZTML submission point 519.4 is accepted by adopting a definition of “Mining Building” as per **Comment [C93] of Attachment A** attached to this evidence.

Rural Zone – Purpose (Comment [C1] of Attachment A)

- 4.26 NZTML submission point 519.33 seeks the following statement is added to the Rural Zone – purpose:
- "Mining activity, including exploration and drilling, have often existed within rural areas which may be subject to a landscape classification. These activities can provide significant ongoing economic and social benefits to the district where the environmental effects are managed appropriately. Many of the natural and outstanding landscapes in the District have already been significantly modified through mining activity and this adds to the special character of particular landscapes."*
- 4.27 The submission states the Zone Purpose as set out creates a heavy emphasis on the importance of agriculture and farming activities. The District Plan should recognise that other activities which must exist in the rural areas should also be adequately provided for where they are sensitive to the characteristics of the rural areas, and where they contribute to the higher order provisions of the Proposed Plan, such as the emphasis on a resilient and strong economy in Chapter 3.
- 4.28 I consider the Zone Purpose does favour farming over other traditional rural activities such as mining. In my opinion, these traditional rural activities combined are expected elements of rural character in a rural landscape and hence do not offend landscape character. I consider the amendment sought by

NZTML is therefore important to recognise the contribution other activities have made to the value of the zone. I do consider that the paragraph sought is amended to refer to exactly what type of mining exists in the district.

- 4.29 I therefore recommend that submission point 519.33 by NZTML is accepted in part by adding the a paragraph to the Rural Zone purpose as detailed in **Comment [C1] of Attachment A** attached to this evidence.

Policy 21.2.4.2 (Comment [C8] Attachment A)

- 4.30 NZTML submission point 519.34 supports Policy 21.2.4.2 in part. This policy seeks to control the location and type of non-farming activities in the Rural Zone, to minimise conflict with activities that may not be compatible with permitted or established activities.

- 4.31 The submission notes that mining is the highest-value use of land and that land owner consent is always needed. Mining would only therefore go ahead if it is a better use of land than some other activity. The submission states that in practice, mining and farming can work well together. The submission also notes that mining is a temporary use of land and when it is completed mining companies put the land back as best they can with time doing the rest. In the case of farmland, the submission states that the result is usually more highly productive farmland.

- 4.32 The NZMtl submission seeks an amendment to Policy 21.2.4.2 as follows:

Manage ~~Control~~ the location and type of non-farming activities in the Rural Zone, to *manage* ~~minimise~~ conflict with activities that may *or may* not be compatible with permitted or established activities.

- 4.33 I consider some of the proposed changes sought by the submitter have merit.

- 4.34 Firstly, I agree with the substitution of the word “Control” with “Manage”, although I consider the policy reads better if it was worded “To manage ...”.

- 4.35 Secondly, I disagree the word minimise needs to be replaced with “manage” as this is already implied at the start of the policy. I consider the policy would read better if the words “in order to” was inserted before the word “minimise”. I consider “minimise” is appropriate in this context as it is possible that a non-farming activity is appropriate to proceed even though a slight conflict prevails.

4.36 Thirdly, I disagree with the insertion of the words “or may”. If an activity is compatible with permitted or established activities then there is no conflict to manage or avoid.

4.37 I recommend that NZTML submission point **519.34** is accepted in part by amending Objective 21.2.4.2 as detailed in **Comment [C8] of Attachment A** attached to this evidence.

Objective 21.2.5 (Comment [C13] Attachment A)

4.38 NZTML submission point **514.35** supports Objective 21.2.5 with amendment.

4.39 NZTML submitted it is not clear how this objective interacts with other objectives relating to specific activities, e.g. farming. Development proposals should be considered on their merits, on their likely effects on the environment, and proposals for their management. The original wording discriminates arbitrarily against mining, compared to other activities, which is against the letter and spirit of the RMA.

4.40 NZTML seeks to amend this policy as follows:

~~Recognise for and provide~~ *for* opportunities for mining activities ~~providing the location, scale and effects would not degrade~~ *while avoiding, remedying, or mitigating the adverse effects on significant* amenity, water, landscape and indigenous biodiversity values.

4.41 I consider some of the proposed changes sought by the submitter have merit.

4.42 I firstly agree with the requested change to the start of the policy, as the proposed wording does not make sense.

4.43 Secondly I agree with requested change to delete the words “providing the location, scale and effects would not degrade” with “while avoiding, remedying, or mitigating the adverse effects on significant” for the reasons the word “providing” does not make sense and the requested relief more effects based.

4.44 I recommend that NZTML submission point **519.35** is accepted, by amending Objective 21.2.5 (in combination with other changes recommended by Mr Barr), as detailed in **Comment [C13] of Attachment A** attached to this evidence.

Policy 21.2.5.1 (Comment [C16] Attachment A)

4.45 NZTML submission point **519.36** supports this policy with amendment.

4.46 NZTML submitted as worded, this provision is excessively restrictive. This policy should better reflect the known mineral resources existing in the region.

4.47 NZTML seeks that Policy 21.2.5.1 is amended as follows:

Recognise the importance and economic value of locally sourced *mined* high-quality gravel, rock and other minerals ~~for road making and construction activities, and the importance of the local economic and export contribution from the mining of other minerals, including gold and tungsten.~~

4.48 I agree with the NZTML submission that proposed policy is restrictive and should be amended to reflect the known minerals existing in the region.

4.49 Mr Barr has recommended this policy be amended as follows:

Have regard to the importance and economic value of locally sourced mined high-quality gravel, rock and other minerals including gold and tungsten

4.50 I support Mr Barr's recommended changes and see no need to reference to export contribution. I therefore recommend that NZTML submission point **519.36** be accepted in part by amending Policy 21.2.5.1 as detailed in **Comment [C16] of Attachment A** attached to this evidence.

New Objective and Policies (Comments [C9], [C10], [C18], [C20] and [C24] Attachment A)

4.51 NZTML submission **519.37 - 43** seeks a new Objective and Policies are adopted that recognise the existence of mining activities within the Rural Zones. The submission states that currently the Proposed Plan does not recognise the importance of mining which can be carried out with acceptable environmental impacts. NZTML submission seeks add the following new Objective and Policies:

Objective

Recognise that the Queenstown Lakes District contains mineral deposits that may be of considerable social and economic importance to the district and the nation generally, and that mining activity and associated land restoration can provide an opportunity to enhance the land resource, landscape, heritage and vegetation values. [519.37]

Policies

Provide for Mining Buildings where the location, scale and colour of the buildings will not adversely affect landscape values. [519.38]

Identify the location and extent of existing or pre-existing mineral resources in the region and encourage future mining activity to be carried out in these locations. [519.39]

Enable mining activity, including prospecting and exploration, where they are carried out in a manner which avoids, remedies or mitigates adverse effects on the environment. [519.40]

Encourage the use of off-setting or environmental compensation for mining activity by considering the extent to which adverse effects can be directly offset or otherwise compensated, and consequently reducing the significance of the adverse effects. [519.41]

Manage any waste heaps or long term stockpiles to ensure that they are compatible with the forms in the landscape. [519.41]

Encourage restoration to be finished to a contour sympathetic to the surrounding topography and revegetated with a cover appropriate for the site and setting. [519.41]

Recognise that the ability to extract mineral resources can be adversely affected by other land use, including development of other resources above or in close proximity to mineral deposits. [519.42]

Recognise that exploration, prospecting and small-scale recreational gold mining are activities with low environmental impact. [519.43]

4.52 Mr Barr considers these submissions in paragraph's 21.6 and 21.10 of his section 42A report where he opines the existing objectives and policies are balanced in that they acknowledge the economic benefits derived from mining and locational requirements and constraints while ensuring the PDP has appropriate provisions in place to provide for the use of and safeguard the natural and physical resources.

4.53 I disagree with Mr Barr. While proposed Objective 21.2.5 considers the adverse effects of Mining and Mineral Exploration Activities there is no Objective in the Rural Area that recognises the importance of mineral deposits in the District. Not doing so, in my opinion, is inconsistent with Issue 5.3.7, Objective 5.4.5 and Policy 5.58 of the RPS.

4.54 I consider the new objective should be in an amended form as set out below:

Objective

~~Acknowledge~~ ~~Recognise that the Queenstown-Lakes District contains mineral deposits that may be of considerable social and economic importance to the district and the nation generally, and that mining activity and associated land restoration can provide an opportunity to enhance the land resource, landscape, heritage and vegetation values.~~ [519.37]

4.55 I consider reference to land restoration is adequately dealt with under Policy 21.2.5.3 and there is no need to repeat under this new Objective.

4.56 I therefore recommend that NZTML submission point **519.37** is accepted in part, by adopting a new objective as detailed in **Comment [C9] of Attachment A** attached to this evidence.

4.57 With respect to the requested policies the only policy I consider that needs to be under this Objective is that requested by submission point **519.42** which seeks:

Recognise that the ability to extract mineral resources can be adversely affected by other land use, including development of other resources above or in close proximity to mineral deposits.

4.58 Again I note this policy is consistent with Policy 5.5.8 of the RPS. Accordingly I recommend that NZTML submission point **519.42** is accepted in part, by adopting a new policy as detailed in **Comment [C10] of Attachment A** attached to this evidence.

4.59 With respect to the policy requested by submission point **519.38** for reasons expressed previously in regard to the definition of Mining Buildings I consider it appropriate to provide for mining buildings as stated in the proposed policy. Accordingly I recommend that NZTML submission point **519.38** is accepted by adopting a new policy under Objective 21.2.5 as detailed in **Comment [C18] of Attachment A** attached to this evidence.

4.60 With respect to the policy requested by submission point **519.39** I agree with Mr Barr that that policy is neither appropriate or necessary.

4.61 With respect to policy requested by submission point **519.40** I consider these issues are adequately dealt with under Objective 21.2.5.

4.62 With respect to the policy requested by submission point **519.41** (in relation to environmental compensation) Mr Barr considers this at paragraph 21.8 of his section 42A report where he states that off-setting is provided for in the Indigenous Vegetation Chapter "because off-setting is related to biodiversity and therefore does not need to be repeated in these provisions". Similarly, Mr Barr notes that environmental compensation in the broader sense, where it relates to landscape and visual amenity and not related to indigenous biodiversity is already identified in Landscape Assessment Matter 21.7.3.3(e).

4.63 Mr Barr recommends the following amendments to Policy 33.2.1.8:

Where the adverse effects of an activity on indigenous biodiversity values cannot be avoided, remedied or mitigated, consideration will be given to whether there has been any biodiversity offset proposed and the extent to which any offset will result in no net loss and preferably, a net indigenous biodiversity gain.

4.64 Assessment Matter 21.3.3.7(e) states "*In considering whether there are any positive effects in relation to a proposed development, remedying or mitigating continuing adverse effects of past subdivision and*

development, the Council shall take the following matters into account: ... where adverse effects cannot be avoided, mitigated or remedied, the merits of compensation.”

4.65 I agree with Mr Barr that if Policy 33.2.1.8 is adopted then the off-setting of bio-diversity does not need to be repeated. However I disagree that off-setting is only related to biodiversity. Off-setting could equally relate to heritage, landscape, recreate or amenity values. As such I consider Assessment Matter 21.3.3.7(e) is not sufficient, especially since it is not derived from a policy in the Plan. As such, I consider Assessment Matter 21.3.3.7(e) alone, without being backed up by a policy, is a weak method.

4.66 For that reason I support the imposition of new environmental compensation policy specific to mining as requested by NZTML. I recommend the wording be slightly amended from that which was requested in the submission by replacing the word “encourage “ with “consider” and inserting the policy under Objective 21.2.5.

“Consider the use of off-setting or environmental compensation for mining activity by considering the extent to which adverse effects can be directly offset or otherwise compensated, and consequently reducing the significance of the adverse effects.”

4.67 With respect to the policy requested by submission point **519.41** (in relation to waste heaps and stockpiles) I consider this is an important policy that should fall under Objective 21.2.5.

4.68 With respect to the policy requested by submission point **519.41** (in relation to restoration) I consider this policy duplicates Policy 21.2.5.3 and is therefore unnecessary.

4.69 With respect to the policy requested by submission point **519.43** I consider this policy duplicates Policy 21.2.5.2 and is therefore unnecessary.

4.70 Accordingly I recommend:

- (i) that submission points **519.41** (in relation to environmental compensation and in relation to waste heaps and stockpiles) is accepted in part by adopting two new policies under Objective 21.2.5.1 as detailed in **Comments [C20] and [C24] of Attachment A** attached to this evidence.

And:

- (ii) that submission points **519.39, 519.40, 519.41** (in relation to restoration) and **519.43** are rejected.

Policy 21.2.5.3 (Comment [C19] Attachment A)

- 4.71** NZTML submission point **519.44** supports in part this policy.
- 4.72** The submission also notes that this policy is already a requirement of the RMA. The language should be amended to reflect RMA terminology and purpose.
- 4.73** The submission seeks that **Policy 21.2.5.3** is amended as follows.

~~Ensure~~ Encourage that during and following the conclusion of mineral extractive activities, sites are progressively rehabilitated in a planned and co-ordinated manner, to enable the establishment of a land use appropriate to the area.

- 4.74** I disagree with NZTML's submission. The word "encourage" implies that rehabilitation is optional. "Ensure" implies it is not optional.
- 4.75** Consequential to Mr Barr's recommendation to include new or amended definitions for mining, exploration and prospecting I also suggest that the term "mineral extractive activities" be replaced with "mining" in this policy. I also recommend the word "progressively" is deleted and rehabilitation is already ensures in a "planned and coordinated manner".
- 4.76** As such I recommend NZTML submission point **519.44** is rejected and Policy 21.2.5.3 is adopted with a consequential amendment as per **Comment [C19] of Attachment A** attached to this evidence.

Policy 21.2.5.4 (Comment [C23] Attachment A)

- 4.77** NZTML submission point **519.45** supports this policy with amendment as follows:

Ensure potential adverse effects of large-scale extractive activities (including mineral exploration *where applicable*) are avoided or remedied *or mitigated*, particularly where those activities have potential to degrade landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water.

- 4.78** Mr Barr has recommended the submission be accepted by including the words "or mitigated" as per **Comment [CB22]** of Attachment A. I agree with that recommendation.

4.79 Mr Barr does not, however, recommend the words “where applicable” be added to the policy. The difficulty with not adding the words “where applicable” is that some small-scale mining and exploration activities are a permitted activity. By deleting the words “large scale” from the policy, all mining and exploration activities are now subject to the policy.

4.80 An alternative is to word the policy as follows:

“Ensure potential adverse effects of mining and exploration activities (above what is permitted) are avoided, remedied or mitigated ...”

4.81 Consequential to Mr Barr’s recommendation to include new or amended definitions for mining, exploration and prospecting I also suggest that the term “extractive” be replaced with “mining” for consistency in this policy.

4.82 As such I recommend NZTML submission point **519.45** is accepted in part and Policy 21.2.5.4 is adopted as per **Comment [C23] of Attachment A** attached to this evidence.

Policy 21.2.12.7 (Comment [C41] Attachment A)

4.83 NZTML submission point **519.46** opposes this policy for the reason the wording of these assessment matters should be amended to better reflect RMA purpose and terminology. NZTML seeks that Policy 21.2.12.7 is amended as follows:

Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided, remedied, or mitigated.

4.84 The Section 42A report accepts this part of the submission. I agree with that assessment and for brevity adopt that analysis.

4.85 I recommend that NZTML submission point **156.46** is accepted and Policy 21.2.12.7 is adopted as per **Comment [C41] of Attachment A** attached to this evidence.

Provision 21.3.3.7 (Comment [C45] Attachment A)

4.86 NZTML submission point **519.47** opposes this policy for the reason the wording of these assessment matters should be amended to better reflect RMA purpose and terminology.

4.87 The submission seeks that Provision 21.3.3.7 is amended as follows:

The existence of a farm building either permitted or approved by resource consent under Table 4 - Farm Buildings shall not be considered the permitted baseline for residential or other non-farming activity development within the Rural Zone.

4.88 A similar provision to this exists in the ODP as a consequence of Environment Court decision C177/2002 where the Court directed the Council modify the [then] PDP by insertion of the following provision:

“The existence of a farm building approved under Rule 5.3.3.2(x) shall not be considered permitted baseline for development in the Rural General Zone.”

4.89 In my opinion, there are significant differences between the ODP and the PDP which alleviates the concern expressed in C177/2002 with respect to the conversion of farm buildings into other uses.

4.90 The ODP only managed buildings in the Rural General Zone. It did not restrict the use of buildings so that farm buildings could be converted to other activities, such as residential activities. The PDP is different as Rule 21.4.5 ensures that the use of land or buildings for “residential activity” is a discretionary activity. To that extent the concern raised in Environment Court decision C177/2002 isn’t as quite the same.

4.91 However, deleting the words “or other non-farming activity” from this provision does open up the conversion of farm buildings permitted baseline arguments to other uses other than residential, such as tourist activities which form part of a farming operation. As such I consider it is appropriate to amend the provision so it refers to “development” generally as per the ODP. Consequential to submission point 519.4 and 519.48 I also recommend the words “and Mining Buildings” be added after “Farm Buildings”.

4.92 I recommend that the submission of NZMTL 159.47 is accepted and Provision 21.3.3.7 is adopted as per **Comment [C45] of Attachment A** attached to this evidence.

Table 3 Standards for Structures and Buildings (Comment [C53], [C57] and [C58] of Attachment A).

4.93 NZTML submission point 519.48 supports Rule 21.5.17 in part. The submission seeks this Rule is amended to recognise the existence of mining activities in the rural zone.

4.94 NZTML seeks that Rule 21.5.17 is amended as follows:

“Standards for Structures and Buildings

The following standards apply to structures and buildings, except Farm Buildings and Mining Buildings“

4.95 As stated previously, traditional rural activities (including mining) are expected elements of the rural character in a rural landscape and hence do not offend landscape character. This proposition is supported by the inclusion of Rule 21.4.30(d) which permits the mining of aggregate for farming activities provided the total volume does not exceed 1000m³ in any one year. As such, mining buildings necessary for the undertaking of mining activities do not have the same issues associated with them as other buildings, such as residential, visitor accommodation or commercial activities. They can, in my opinion, be treated differentially to those other buildings in much the same way as farm buildings are. For this reason I consider the exclusion from Standards for Structures and Buildings is appropriate for Mining Buildings.

4.96 Consequential to this, I consider the words “and Mining Buildings” should also be added to Table 4 Standards for Farm Buildings as detailed in **Comment [C57] and [C58] of Attachment A** attached to this evidence. This ensures that farm buildings and mining buildings are treated the same.

4.97 I recommend that NZMTL submission point **159.48** is accepted and Table 3 and 4 header is adopted as per **Comment [C53], [57] and [58] of Attachment A** attached to this evidence.

21.5.18 Table 4 - Standards for Farm Buildings (Comment [C60] Attachment A)

4.98 NZTML submission point **519.49** opposes this standard and considers it should not apply to containers.

4.99 NZTML seek Standard 21.5.18 be amended so that containers located within ONF's are exempt from Rule 21.5.18.2 in much the same way as they would be exempt from ONL's under Rule 21.5.18.4.

4.100 I agree with the submitter that provision could be made for small farm buildings (and mining buildings in accordance with my recommendations above) such as a shipping container in ONF's as a permitted activity provided all other criteria are met.

4.101 I recommend that the submission of NZMTL **156.49** is accepted and Provision 21.3.3.7 is adopted as per **Comment [C60] of Attachment A** attached to this evidence.

Assessment Matter 21.7.1 Comment [C74] Attachment A

- 4.102** NZTML submission point **519.50** opposes this assessment matter. The submission states that the assessment matters which relate to this heading are all relevant only to the Wakatipu Basin. The presumption that development is inappropriate in almost all circumstances in ONLs/ONFs is a presupposition developed from an Environment Court decision which was relevant to the Wakatipu Basin only (as is stated in the Operative District Plan).
- 4.103** NZTML seeks assessment matter 21.7.1 is amended to include reference to the Wakatipu Basin.
- 4.104** Mr Barr recommends in his section 42A report that this Assessment Matter is amended as follows:

“These assessment matters shall be considered with regard to the following principles because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the Wakatipu Basin, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes.”

- 4.105** While I agree with that recommendation, it does raise the uncertainty of what exactly constitutes the Wakatipu Basin. For example, Glenorchy and Kingston could be argued to be included in the Wakatipu Basin. That is exactly why the Environment Court defined the Wakatipu Basin in decision C180/99.
- 4.106** To resolve this uncertainty I consider the assessment matter should include a consequential amendment as follows:

“... Wakatipu Basin (the extent of which is defined by the Environment Court in C180/99), and inappropriate ... “

- 4.107** I recommend NZMTL submission point **156.20** is accepted and Assessment Matter 21.7.1 is adopted as per **Comment [C74] of Attachment A** attached to this evidence.

Rule 21.7.2 (Comment [C78], [C79] and [C80] Attachment A)

- 4.108** NZTML submission point **519.51** supports in part Rural Landscape Classification Assessment Matter 21.7.2, in particular the following provisions:

21.7.2 RLC assessment matters

Policy 21.7.2.4

- b. the proposed development is likely to be visually prominent such that it detracts from private views;

Policy 21.7.2.5

development, including access, is located within the parts of the site where they will be least visible from public and private locations;

Policy 21.7.2.7 Cumulative effects of development on the landscape:

Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values. The Council shall be satisfied;

- a. the proposed development will not further degrade landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of valued quality, character and openness due to the prevalence of residential or non-farming activity within the Rural Landscape.
- b. where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development, whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.

4.109 NZTML submission however states that the wording of these assessment matters should be amended to better reflect RMA purpose and terminology.

4.110 The submission also states that any criteria which has been repeated multiple times throughout this policy should be deleted as it may create ambiguities and skew the weighting of these particular matters for consideration.

4.111 With respect to Assessment Matter 21.7.2.7, NZTML submit (b) in particular is unclear and may create inconsistencies with case law and the approach for decision makers to have regard to the future environment, the permitted baseline, and cumulative effects of development. This is not an appropriate policy for a District Plan and it should be removed from this section.

4.112 NZTML seeks assessment matter 21.7.2 is amended as follows:

Delete the following from Policy 21.7.2.4;

AND;

~~b. the proposed development is likely to be visually prominent such that it detracts from private views;~~

AND;

Delete the following from Policy 21.7.2.5;

~~development, including access, is located within the parts of the site where they will be least visible from public and private locations;~~

Delete Policy 21.7.2.7;

- 4.113 As stated in my evidence on Hearing Stream 1B, NZTML hold two exploration permits and a prospecting permit within the district, and have been exploring since 2001. They also have resource consent to undertake exploration drilling in the Mt. Alfred area and currently have a resource consent application being processed by Council to conduct drilling within the Whakaari Conservation Area, (RM151033 prepared by Davis Consulting Limited).
- 4.114 This assessment matter relates to Rural Landscape Classification. That Landscape Classification is restricted to the valley floor in the Wakatipu Basin between Queenstown and Arrowtown and towards Wye Creek (plus the Upper Clutha). It does not affect the land area of exploration permits held by NZTML.
- 4.115 As such NZTML submission point 519.51 is rejected.

Rule 21.4.30 Activity Table 1 (Comment [C47] to [C50] Attachment A)

- 4.116 NZTML submission point 519.52 opposes Rule 21.4.30 in Activity Table 1 as they consider the rules are contradictory.
- 4.117 NZTML seeks that Rule 21.4.30 is amended as follows:
- a. Mineral prospecting *and exploration*
 - b. Mining by means of hand-held, non-motorised equipment and suction dredging,
 - c. *motorised mining*, where the total motive power of any dredge does not exceed 10 horsepower (7.5 kilowatt); and
 - d. ~~The activity will not be undertaken on an Outstanding Natural Feature*.~~

- 4.118 Mr Barr addresses this part of the submission in Paragraph 21.21 of his 42A report where he states:

“Relevantly, NZTM seek that exploration is added to the list of permitted activities in Rule 21.4.30, and it appears as though the controlled activity rule for 'mineral exploration' is removed (Rule 21.4.31) because the submission is silent on this matter in terms of relief sought⁷². On this basis I accept the addition of the definition of 'exploration' but I do not support the removal of the controlled activity rules that restrict exploration to 20m³ in any one hectare. I recommend Rule 21.4.31 is retained, along with Rule 21.4.32 that makes any other mining, including exploration over 20m³ per hectare a discretionary activity.”

- 4.119 I agree with Mr Barr the relief sought by NZTML is a little confusing.

- 4.120** As I understand the situation “prospecting” is a permitted activity anywhere in the Rural Area except upon ONF’s. Within ONF’s, prospecting requires a discretionary activity resource consent.
- 4.121** Exploration that does not involve more than 20 m³ in volume in any one hectare is a Controlled Activity (including within ONF’s). Exploration that exceeds 20 m³ in volume in any one hectare is a discretionary activity.
- 4.122** NZTML seeks exploration is listed as a Permitted Activity. However, as Mr Barr has correctly identified, NZTML have not requested the deletion of Rule 21.4.31. I accept this and as such agree with Mr Barr that there is no point in adding “and exploration” to 21.4.30(a).
- 4.123** I note that the wording of Rule 21.4.31 could be improved as follows:

“Mineral Exploration that does not involve more than 20m³ of excavation (surface or sub-surface) ~~in volume~~ in any one hectare.”

as the rule as currently worded does not specify what the measure is in relation to.

- 4.124** With respect to Proposed Rule 21.4.30(b) NZTML seek to split the rule into non-motorised as motorised mining. This does not appear to be addressed in Mr Barr’s section 42A report. In my opinion the change sought clarifies the rule and accordingly is appropriate.
- 4.125** With respect to 21.4.30(e) NZTML seek this provision be deleted from this rule. I support that submission for the following reason that in my view (a) and (b) are small scale activities that usually occur in river valleys (as opposed to steep sided mountains).
- 4.126** 21.4.30(c) is however larger scale and permitted on annual basis. Those activities potentially may adversely affect the landscape integrity of an Outstanding Natural Feature over time. To that extent I consider (c) and (d) should be combined, thereby excluding (d) from (a) and (b).
- 4.127** I therefore recommend that the submission of NZMTL **159.52** is accepted and Rule 21.4.30 Activity Table 1 Rule 21.4.30 and 21.4.31 are adopted as per **Comments [C47] to [50] of Attachment A** attached to this evidence.

5. Bungy NZ Limited and Paul Henry Van Asch (BNZL)

Rule 21.5.21 (Comment [C61] of Attachment A)

- 5.1 BNZL submission point 489.1 opposes Rule 21.5.21 as proposed.
- 5.2 BNZL submit that they have a significant interest in the long term sustainability of commercial recreational activities within the District. They note that under the Operative District Plan small scale commercial recreation activities are a permitted activity so long as the activity is outdoors and limited to no more than 5 people in any one group. Otherwise it is a discretionary activity. The PDP however changes this doubling the 5 people per group to 10 people in any one group (Rule 21.5.21). BNZL and PHVA oppose such an increase.
- 5.3 BNZL concern is with the change in the number of permitted people per group with potential changes meaning the permitted activity can change from a small scale activity to potentially a large scale activity (without having to obtain resource consent). The larger the group is to manage, the greater the potential for adverse effects to accrue and the greater the impact on the recreation industry as a whole should something go seriously wrong.
- 5.4 BNZL submit that any commercial recreation activity which includes more than 5 people in one group should have to apply for a discretionary resource consent like any other operator has had to since 1998. This ensures matters such as impact, safety and cumulative effect of larger groups can be assessed.
- 5.5 BNZL seek that Rule 21.5.21 be amended by changing “10 people in any one group” to “5 people in any one group” and any consequential amendments required to give effect to this submission.
- 5.6 Since the introduction of this commercial recreation standard in 1998 I have prepared many resource consent applications for commercial recreational activities, including certificate of compliances for activities up to five people in any one group and discretionary resource consents for commercial recreation activities where the size of the group exceeds 5 people in any one group.
- 5.7 The threshold of 5 people in any one group worked well in my opinion. It enabled small scale commercial recreation activities such as rock climbing and mountaineering guiding and instruction to take place without the need to go through discretionary activity consent. However the words “in any one group” did not exclude a guiding company from having multiple groups at a crag or on a mountain. However the rule does require the instruction of guiding groups to be small in scale so as to give the appearance that it was simply a small group of friends recreating. In my opinion changing the standard

to 10 people in any one group would significantly change how those commercially guided groups are perceived and interact with other users in public recreation areas.

- 5.8 I also note the submitters have raised the issue that the larger the group the greater the potential safety risk. I agree with that statement. From my experience of applying for resource consents for commercial recreation activities where groups exceed 5 people in any one group safety issues is a key factor in the consideration of resource consent approval. From my experience, managing a group of five people is a lot easier than 10 people and that directly correlates to safety.
- 5.9 I recommend that the submission of BNZL 489.1 is accepted by amending Rule 21.5.21 as per **Comment [C61] of Attachment A** attached to this evidence.

6. Woodlot Properties Limited (WPL)

Rule 21.5.16 (Comment [C56] of Attachment A)

- 6.1 WPL opposes Rule 21.5.16 in its entirety for the reason it is inappropriate to impose a further discretionary resource consent process on built form within approved building platforms.
- 6.2 WPL submit that when reading these rules in conjunction with one another they are very confusing and uncertain. Accordingly they seek Rule 21.5.16 is deleted in its entirety.
- 6.3 Rule 21.4.9 enables a property owner to identify building platforms of not less than 70 m² and not greater than 1000m². Within the Rural Area of the District there are hundreds of approved building platforms. Many were approved at the maximum of 1000m² in area, some more, some less. In approving those building platforms the ODP required decision makers to apply the landscape assessment criteria. As such the landscape and visual effects of the entire proposed platform were assessed under the ODP.
- 6.4 Proposed Rule 21.5.16 now retrospectively imposes a restricted discretionary resource consent process, with wide ranging and subjective matters of discretion, on those landowners who have obtained or bought land with rights to develop a building platform to the maximum stated. Buildings in excess of 500m² in area are not unusual in the Rural Area, as often built form can include sheds, stables, etc.
- 6.5 In my opinion it is an unfair and unnecessary burden to impose a further restricted discretionary resource consent process on the owner of land who already has an approved building platform on their

land. Especially since the discretion reserved by the Council are wide ranging landscape and visual amenity effects that have already been assessed in approving the building platform. I understand the Council's concern, with going to a permitted regime for buildings within approved platforms, and thereby wanting to retain some control over the size of dwellings. However I consider that imposing a restriction on GFA could have an opposite effect of making built form higher where that is possible to avoid a further resource consent application. I recommend therefore retaining the rule but changing the status to a Controlled Activity with control restricted to external appearance, landscaping and mitigation of visual effects. This regime is similar to the controlled activity regime for all buildings within approved building platforms in the Rural General Zone under the ODP.

- 6.6** I recommend that the submission of WPL **501.14** is accepted by deleting Rule 21.5.16 as shown in **Comment [C56] of Attachment A** attached to this evidence.

7. D Broomfield (DB)

Rule 21.5.25 (Comment [64] of Attachment A)

- 7.1** The submitter opposes Rule 21.5.25 as it relates to the Tucker Beach Conservation area.
- 7.2** The submitter owns several properties in the Tucker Beach Road area. This area, as detailed in the submission, contains a number of Rural Living zones and is developing for those purposes. The submitter is concerned about the noise effects of helicopters on rural living amenity should an operator (most probably in conjunction with a jet boat service) utilise the Tucker Beach Wildlife Reserve (TBWR) for take-off and landings. The submitter seeks that helicopters landing within and taking off from the Tucker Beach Wildlife Reserve be a Non-Complying Activity (as opposed to Discretionary Activity as proposed).
- 7.3** By way of background, the TBWR was gazetted as a wildlife reserve in the 1970's. The reserve was to be used as a Quail hunting area, but I understand the Department of Conservation have never actually issued a permit to anyone to shoot Quail within the reserve.
- 7.4** In the early 2000's the submitter formed the Tucker Beach Wildlife Protection Society with the purpose of opposing a number of resource consent applications for companies wishing to extract gravel within the reserve. The end result of that process was all gravel extraction would only take place below the State Highway Bridge.

- 7.5 Proposed Rule 21.5.25.4 means that any helicopter land or take off will always be at least a Discretionary Activity within the TBWR as no point of the reserve is greater than 500 metres from a formed legal road or the notional boundary of residential unit or building platform not located on the same site.
- 7.6 However, in my opinion, the TBWR is unique within the Wakatipu Basin as a public conservation area given its proximity to a number of rural living activities and zones which surround the conservation land. The effects of helicopter noise therefore is far more difficult to manage through selected flight paths as from all directions the aircraft would have to pass over dwellings, approved platforms or rural living zones. In my opinion this justifies an exception to be made to this proposed rule to ensure that any helicopter movements are a considered on a Non-Complying basis.
- 7.7 I recommend that David Broomfield submission point **500.7** is accepted by amending Rule 21.5.16 as shown in **Comment [C64] of Attachment A** attached to this evidence.

8. Temple Peak Station Limited

Rule 22.4.17 (Comment [36] Attachment B)

- 8.1 TPSSL submission point **486.3** opposes Rule 22.4.1.7 in so far as “motor vehicle repair” are listed as a Prohibited Activity in the Rural Lifestyle Zone (RL Zone).
- 8.2 TPSSL submission notes that most farms located within the RL Zone undertake minor motor vehicle repairs on site with no adverse effects on the environment.
- 8.3 TPSSL submission also note that commercial and industrial activities are listed as a non-complying activity, so this Prohibited Activity status appears to be limited to private or farm motor vehicle repair only.
- 8.4 Temple Peak is in the unusual situation where a small portion of the station flats adjacent to Ree’s Valley Road are located within the RL Zone and the balance of the station is in the Rural Area. The majority of the farms buildings, including the homestead and sheds, are located within the RL Zone. The RL Zone has been in place since the decisions on the Operative District Plan were released in 1998.
- 8.5 Part of the normal farming operation includes motor vehicle repair within that part of the site zoned for Rural Lifestyle. Rule 22.4.17 prohibits that from occurring. In theory, every time a motor vehicle

needed repairing the owners of Temple Peak Station they would need to relocate the vehicle to part of their site within the Rural Area zone, which is away from their workshop.

- 8.6** Mr Barr considers this submission at paragraph 9.20 of his section 42A report. Mr Barr states that the maintenance and repair of private motor vehicles would be considered an activity ancillary to residential activities, and therefore provided as a permitted activity. I disagree. Rule 22.3.2.1 states “A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.” That is the exact reason why Mr Barr has recommended an exemption applies for commercial fish or meat processing as part of a permitted home occupation (**Comment [CB35] Attachment B**).
- 8.7** Non-commercial motor vehicle repairs are a prohibited activity in the Rural Residential, Rural Lifestyle, Residential, Airport Mixed Use, Large Lot Residential and Town Centre zones under the Proposed District Plan provisions. In my opinion this makes sense in densely populated urban areas, such as the Town Centre Zone. However it doesn't make sense, in my opinion, in RL Zones, where the non-commercial repair of motor vehicle is part of a rural activity.
- 8.8** I note for the record that if the repair of motor vehicles was to be done on a commercial basis then the activity would require a non-complying activity resource consent pursuant to Rule 22.4.16. I agree that it is appropriate to retain this rule for commercial activities. There is no need, in my opinion, to retain the prohibited activity status rule for the RL Zone.
- 8.9** I recommend TPSL submission point **486.3** is accepted by amending Rule 22.4.17 as per **Comment [C36] of Attachment B** attached to this evidence.

9. J and R Hadley

- 9.1** James and Rebecca Hadley (Hadley) are the trustees of Trusts that own properties at 505, 509 and 549 Speargrass Flat Road, Queenstown. These properties are all zoned Rural Residential (RR Zone) under the PDP.
- 9.2** Under the ODP these properties were also zoned RR, but were contained in the North Lake Hayes Sub-zone. The sub-zone included a number of specific rules relating to set backs and the ecology of Mill Creek, which runs through the zone and into the Lake Hayes. The submitters are concerned that the PDP does not include such provisions and overall relaxes the RR provisions.

22.1 Zone purposes (Comments [C1], [C3] and [C5] Attachment B)

- 9.3 Hadley submission point **674.1** seeks to amend the Zone Purpose to include reference to rural character and amenity values. They submit that the PDP does not describe or recognise the purpose of the RRZ in the same manner that the ODP does.
- 9.4 I agree with the submitter. The proposed RR zone purpose does not clearly and plainly state what the purpose of the RR Zone is. The purpose of the RR Zone is to provide for residential opportunities in rural settings so as to provide a type of residential amenity that is distinct from urban and suburban areas.
- 9.5 I accordingly recommend Hadley submission point **674.1** is accepted by amending 22.1 Zone Purpose as per **Comment [C1], [C3] and [C5] of Attachment B** attached to this evidence.

Objective 22.2.1 (Comment [C8] and [C12] to [c14] Attachment B)

- 9.6 Hadley submission point **674.2** opposes the proposed Objectives and Policies and seeks a review of them to uphold the purpose and intent of the RR Zone. The submitters submitted that the PDP has an obligation to ensure that the important values of rural character and amenity that differentiate the RR Zone from other residential zones are upheld and protected by the Objectives and Policies. They also submitted that no Objectives and Policies are included that protect the amenity within the RR Zones for residents.
- 9.7 I agree with their submission and recommend the following changes.
- 9.8 With respect to Objective 22.2.1, I agree with the changes proposed by Mr Barr in **Comment [CB7]** (see my **Comment [C8]**) that amends the Objective to include reference to maintenance and enhancement. The only change I recommend is the deletion of the word “visual” so as to make it reference to “amenity values” generally.
- 9.9 With respect to Policy 22.2.1.2 I agree with the changes proposed by Mr Barr in **Comment [CB10]** (see my **Comment [C12] Attachment B**) which amends the policy to include the maintenance of rural character and amenity of the RR and RL Zones.
- 9.10 With respect to Policy 22.2.1.3 I consider it is appropriate to add the words “and amenity” after the word “character” as shown in **Comment [C13] of Attachment B**. With respect to Policy 22.2.1.5 I consider it is appropriate to add the words “and amenity within the zones” after the word “landscape values” as shown in **Comment [C14] of Attachment B**. In my view the maintenance of the amenity that is

provided for residents of the RR and RL Zones is important. The purpose of having these zones is that they provide a different type of residential amenity than other residential zones. It follows that this form of amenity should not be able to be degraded by inappropriate activities.

- 9.11 Overall I recommend that the Hadley submission point **674.2** is accepted and Objective 22.2.1 and associated policies are amended as per **Comment [C8] and [C12] to [c14] of Attachment B.**

Objective 22.2.2 (Comment [C16] of Attachment B)

- 9.12 The Hadley submission point **674.9** opposes this objective. The submitters believe that visitor and community activities should in almost all cases not be included in the zone.

- 9.13 As I have discussed in relation to the zone purpose, clearly the predominant land uses within the RR and RL Zones should be rural land uses or rural living land use. I consider visitor and community activities may also be appropriate in some locations but they should not be predominant uses; they should be secondary to rural living. This is borne out by the existing RR and RL Zones; they are very much dominated by rural and rural living land uses.

- 9.14 Accordingly I recommend the Hadley submission point **674.9** is accepted and Objective 22.2.2 is amended as per **Comment [C16] of Attachment B.**

- 9.15 Consequential to my recommendation above, I consider the first Policy under Objective 22.2.2 should reflect the Objective and the Zone purpose; stating that farming and residential living activities are permitted. Community facilities are then better addressed in a separate Policy since they are not permitted activities and are a different subject. The notified Policy set out that depending upon location, scale and type, community facilities may be appropriate. I agree with the notified policy in this regard but consider that more clarity needs to be given in the policy that rural and rural living land uses should take priority and that the community facilities (the definition of which is broad) should not be provided for in locations or situations where the character and amenity that stems from rural living land uses will be degraded.

- 9.16 Accordingly I recommend as a consequential amendment to the Hadley submission point **674.9** that Policy 22.2.21 is amended as per **Comment [C17] and [C18] of Attachment B.**

- 9.17 I note Mr Barr recommends in Policy 22.2.2.4 that the word “intensive” is inserted before the words “visitor accommodation”. In my view, such an insertion is inappropriate as it could result in visitor accommodation which is out of proportion with the amenities of these zones. In my opinion, a more

appropriate insertion, a consequential amendment to submission point 674.9, is to add the words “small scale” before visitor accommodation and add the statement that that such activities are to maintain the character and amenity provided by the rural living areas.

- 9.18 Accordingly I recommend as a consequential amendment to the Hadley submission point **674.9** is accepted in part by amending Policy 22.2.2.4 as per **Comment [C21] of Attachment B**.

New Objective 22.2.8, Policies 22.2.81 and 2 and 22.7.2 Assessment Matter (Comment [C24], [C45] and [C52] Attachment B)

- 9.19 Consequential to the Hadley submission point 764.2 I note the maintenance of the life-supporting capacity of water within the RRZ and RLZ is given weight by the provisions of the Operative Plan (particularly via Objective 3 and its Policies). This issue is particularly relevant in relation to the north Lake Hayes Area due to the trout habitat value of Mill Stream. I cannot see that this issue will be any less relevant over the next decade than it has been during the life of the Operative Plan.

- 9.20 Accordingly I recommend the Hadley submission point **674.2** is accepted by re-instating an Objective, Policy and Assessment Matter from the ODP as per **Comments [C24], [C45] and [C52] of Attachment B**.

Rule 22.4.10 (Comment [C27] to [C30])

- 9.21 The Hadley submission point **674.10** seeks to impose more stringent standards and assessment matters for visitor accommodation within the sub-zones, including scale and intensity of the activity, effect on the character and amenity within the RRZ, noise, traffic and visual effects.

- 9.22 In my opinion, visitor accommodation facilities within a RRZ or RLZ have the potential to affect the amenity of residents and also to cause traffic and noise problems. The District Plan’s identification of specific sub-zones for these activities gives the community certainty (or at least considerable confidence) regarding where such facilities will appear.

- 9.23 In my opinion, the matters in which the Council has reserved control under Rule 22.4.10 is inadequate and should be amended as per **Comments [C26] to [C30] Attachment B** attached to my evidence. The reasons for the insertion of these words is as follows:

- These additional words of explanation have been added in order to give as much clarity as possible regarding the controls that are reserved in relation to visitor accommodation activities within the

identified sub-zones. The inclusion of the consideration of effects on the character and amenity of the relevant rural living area gives guidance regarding the individual aspects of a proposal that are to be examined (access, safety, car-parking, lighting).

- The ODP includes a scale and nature Site Standard that means that any non-residential or non-farming activity (such as visitor accommodation) becomes a Restricted Discretionary activity if it has a floor area of more than 40m² in the RRZ or 100m² in the RL Zone. This standard means that visitor accommodation activities (even within the identified subzones) are encouraged to be of a small scale and hence not significantly affect rural living character and amenity. Under the ODP if a visitor accommodation activity within an identified sub-zone exceeds the floor area standards mentioned above it becomes a restricted discretionary activity and the relevant assessment matters (8.3.2(x)) are considered. Under the PDP, the scale and nature Site Standard and Assessment Matters have been removed. Therefore visitor accommodation activities of much larger scale are enabled as controlled activities under the PDP. I therefore consider it to be particularly important that the matters of control associated with visitor accommodation within the identified sub-zones are clear and give weight to the character and amenity of the relevant rural living area.
- The additional wording that I suggest in relation to traffic congestion and the dominance of rural activities are taken from the scale and nature Assessment Matters of the ODP.

9.24 Accordingly I recommend that the Hadley submission point **674.10** is accepted in part by amending Rule 22.4.10 as per **Comments [C26] to [C30] Attachment B** attached to my evidence.

Rule 22.4.11 (Comment [C31] of Attachment B)

9.25 The Hadley submission point **674.7** supports Rule 22.4.11 as publicly notified. This rule requires a non-complying resource consent for visitor accommodation located outside of Visitor Accommodation Sub-Zones.

9.26 Mr Barr recommends changing the status of visitor accommodation outside VA sub-zones from Non-Complying to Discretionary at paragraph 9.3 of his section 42A report. He states that he is comfortable doing this because *“the policy framework and standards provide an adequate measure of whether a particular environment has capacity for the VA activity, subject to the merits of the proposal and sensitivity of the environment.”*

9.27 I disagree. Large scale visitor accommodation are urban activities that can have a significant adverse effect on rural amenity and character. The District is currently under pressure for large scale visitor

accommodation and that is likely to increase into the future. Under the definition of “Visitor Accommodation” homestay accommodation is a permitted activity up to five people, provided the house is registered and sites that historically were used for visitor accommodation within RR and RL Zones have been included in the form of Visitor Sub-Zones as a controlled activity. Therefore there is ample opportunity for small-scale visitor accommodation activities within RR and RL zones without adversely affecting the rural amenity and character that make those zones special. I consider anything above Permitted or Controlled Activities should remain a Non-Complying activity, sending a strong message that amenity and character in RR and RL Zones comes first and foremost.

- 9.28** I therefore recommend the Hadley submission point **674.7** is accepted and 22.4.11 is adopted as per Comment **[C31] of Attachment B**.

Rule 22.4.12 (Comment [C32] Attachment B

- 9.29** The Hadley submission point **674.11** opposes Rule 22.4.12 and seeks that Community Activities are a Non-Complying Activity in the RR and RL Zones. They submit that community activities require strong assessment standards so that the purpose of the zone is recognised and the rural character and amenity of the zone is maintained.
- 9.30** Mr Barr considers the Community Activity rule in relation to a submission by the Queenstown Congregation of Jehovah’s Witnesses (QCJW) in paragraphs 9.7 to 9.11 of his section 42A report. Mr Barr importantly says that community activities can disrupt the rural living character and amenity through large buildings, car parking, traffic, noise, and generally disrupt the coherence of the RR and RL zones. I agree with that statement.
- 9.31** Mr Barr also notes that the definition of Community Activity (quoted on page 21 of his report) covers a broad range of activities that have the potential to modify the environment. Mr Barr states that many of these matters relates to nature and scale and for that reason he considers Discretionary Activity status is the most appropriate method to manage the potential adverse effects of these activities.
- 9.32** I agree with Mr Barr that the definition of Community Activity is board and consider I many of the activities listed in the definition could have a major effect on the amenity and character of RR and RL Zones. I disagree with Mr Barr that the issue about nature and scale. I consider the issue is about urban activities wishing to relocate (which could be due to increasing size, costs, compliance) into the non-urban areas (as evidenced by QCJW submission) and the effects that has on character and amenity of those areas.

- 9.33 Mr Barr does not discuss the Hadley submission in relation to Community Activities.
- 9.34 In my view none of the listed Community Activities are necessary to be located within the RR and RL Zone. They can all occur within urban areas of the District. As stated above, I consider Community Activities should be a Non-Complying Activity, sending a strong message that amenity and character in RR and RL Zones comes first and foremost.
- 9.35 I therefore recommend the Hadley submission point **674.11** is accepted and Rule 22.4.11 is adopted as per **Comment [C32] of Attachment B** attached to this evidence.

Rule 22.4.13 (Comment [C33] and [C34] Attachment B)

- 9.36 The Hadley submission point **674.12** opposes Rule 22.4.13. The submission states that airports require strong assessment standards so that the purpose of the zone for rural living is recognised and the rural character and amenity of the zone is maintained.
- 9.37 Mr Barr addresses this rule at Paragraph 10.1 of his section 42A report (however again does not specifically consider the Hadley submission). Mr Barr states that he considers Discretionary Activity status is appropriate because these activities could be acceptable dependant on the location, scale and intensity of the activity. With respect to the RR Zone I disagree. Informal airports have significant potential to affect the character and amenity of the RR Zone due to noise and privacy. This is mainly due to the anticipated size of allotments within the RR Zone, most of which (at least in the Wakatipu Basin) have been developed to that density.
- 9.38 Mr Barr continues that informal airports should be able to be contemplated, subject to their merits according with the policy framework. For reasons expressed previously I disagree. To maintain the rural amenity and character of the RR Zones into the future activities such as informal airports should not be “contemplated” at all.
- 9.39 I accordingly recommend the Hadley submission point **674.12** (in combination with the submissions by Leece **126** and Byrch **243**) be accepted and Rule 22.4.13 is adopted as per **Comment [C33] and [C34] of Attachment B** attached to this evidence.

Rule 22.5.5 (Comment [C43] Attachment B)

- 9.40 It is noted that Mr Barr recommends a change to Rule 22.5.5 Setback from Roads by deleting reference to the 15 metre set back along Speargrass Flat Road. The default set back is 10 metres. Although the

Hadley's did not specifically submit on this point, their support for the rule is implicit in their submission where they say that the proposed RR Zone is more permissive than the same zone in the ODP and as such require strengthening in order to uphold the intention of the zone.

- 9.41** Mr Barr discusses Rule 22.5.5 in paragraphs 12.22 to 12.29 of his section 42A report. Mr Barr refers to submissions by Dalefield Trustee's in relation to the Rural Lifestyle Zone, John Borrell who seeks the setback be increased to 30 metres, and NZTA who seek the setback be increased to 20 metres for State Highways. No submitter seeks the 15 metres setback along Speargrass Flat Road be deleted.
- 9.42** As such I consider the amendment sought by Mr Barr to reduce the setback from 15 metres to 10 metres along Speargrass Flat Road to be out of scope.
- 9.43** I accordingly recommend the 15 metre set back is reinstated as per **Comment [C43] of Attachment B** attached to this evidence.

ATTACHMENT A

Key: Recommend changes to notified chapter are shown in underlined text for additions and ~~strike through text~~ for deletions. Dated 6 April 2016.

21 Rural Zone

21.1 Zone Purpose

The purpose of the Rural zone is to enable farming activities while protecting, maintaining and enhancing landscape values, nature conservation values, the soil and water resource and rural amenity.

A wide range of productive activities occur in the Rural Zone and because the majority of the District's distinctive landscapes comprising open spaces, lakes and rivers with high visual quality and cultural value are located in the Rural Zone, there also exists the desire for rural living, recreation, commercial and tourism activities.

One such productive activity is mining for gold (used for jewellery, investment, technology), tungsten (used for tool-making, heat and wear-resistant metal) and aggregates (used for roading and construction). These activities can provide significant ongoing economic and social benefits to the district where modern techniques ensure the environmental effects are managed appropriately. Many areas of the District have historically been modified through mining activity and this now adds to the special character of many landscapes.

Comment [C1]:

Ski Area sub zones are located within the Rural Zone. These sub zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area sub zones is to enable the continued development of Ski Area Activities as year round destinations within the identified sub zones where the effects of the development would be cumulatively minor.

Comment [CB2]: Submitters 610, 613, 615, FS1229.

In addition, the Rural Industrial Sub Zone includes established industrial activities that are based on rural resources or support farming and rural productive activities.

A substantial proportion of the Outstanding Natural Landscapes of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of farm properties that utilise the qualities that make them so valuable.

The Gibbston Valley is recognised as a Special Character Area for viticulture production and the management of this area is provided for in Chapter 23.

Pursuant to Section 86(b)(3) of the RMA, the following rules that protect or relate to water have immediate legal effect:

- 21.4.24 and all rules in Table 9: Activities on the surface of lakes and rivers.
- 21.5.4: Setback of buildings from water bodies.
- 21.5.7: Dairy farming grazing within the bed or margin of a water body.
- 21.4.30 (b) and 21.4.32: Suction dredge mining.

21.2 Objectives and Policies

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21.2.1 Objective - ~~Enable~~ Undertake a range of land uses including farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

Comment [CB3]: Submission 608 and grammatical change.

Policies

21.2.1.1 Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.

21.2.1.2 Provide for Farm Buildings associated with larger landholdings ~~of 100 hectares in area~~ where the location, scale and colour of the buildings will not adversely affect landscape values.

Comment [CB4]: Clarity and Submitter 437.

21.2.1.3 Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.

21.2.1.4 Minimise the dust, visual, noise and odour effects of activities by requiring facilities ~~them~~ to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.

Comment [CB5]: Clarity

21.2.1.5 Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or the night sky.

21.2.1.6 Avoid adverse cumulative impacts on ecosystem services and nature conservation values.

21.2.1.7 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua.

21.2.1.8 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.

21.2.2 Objective - Sustain the life supporting capacity of soils.

Policies

21.2.2.1 Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner.

21.2.2.2 Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.

21.2.2.3 Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of ~~recognised identified~~ wilding exotic trees with the potential to spread and naturalise.

Comment [CB6]: Grammatical amendment to make consistent with the S42a recommendations Wilding Exotic Trees Revised Chapter.

21.2.3 Objective - Safeguard the life supporting capacity of water through the integrated management of the effects of activities.

Policies

21.2.3.1 In conjunction with the Otago Regional Council, regional plans and strategies:

- Encourage activities that use water efficiently, thereby conserving water quality and quantity;
- Discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.

ATTACHMENT A

21.2.4 **Objective - ~~Manage Situations where sensitive activities conflict with existing and anticipated activities are managed in the Rural Zone.~~**

Comment [CB7]: Grammatical efficiency. Not necessary to identify the zone.

Policies

21.2.4.1 **~~New activities must R-~~recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.**

21.2.4.2 **~~To manage Control~~ the location and type of non-farming activities in the Rural Zone, ~~in order~~ to minimise or avoid conflict with activities that may not be compatible with permitted or established activities.**

Comment [C8]:

[New Objective]

Acknowledge the District contains mineral deposits that may be of considerable social and economic importance to the district and the nation generally.

Comment [C9]:

New Policy

Recognise that the ability to extract mineral resources can be adversely affected by other land use, including development of other resources above or in close proximity to mineral deposits.

Comment [C10]:

21.2.5 **~~Objective - Recognise for and provide opportunities for m Mineral extraction providing opportunities are provided for on the basis the location, scale and effects would not degrade amenity, water, wetlands, landscape and indigenous biodiversity values.~~**

Comment [CB11]: Grammatical change to read more like an outcome statement.

Comment [CB12]: Submitter 706.

~~Mining and Mineral Exploration are provided for on the basis that the adverse effects on significant amenity, water, wetland, landscape and indigenous biodiversity values are avoided, remedied, or mitigated.~~

Comment [C13]:

Policies

21.2.5.1 **~~Recognise Have regard to the importance and economic value of locally sourced mined high-quality gravel, rock and other minerals including gold and tungsten for road making and construction activities.~~**

Comment [CB14]: Grammatical correction.

Comment [CB15]: Submitter 519.

21.2.5.2 **~~Recognise Provide for exploration,~~ prospecting and small scale recreational gold mining as activities with limited environmental impact.**

Comment [C16]:

Comment [CB17]: Submitter 519

New Provide for Mining Buildings where the location, scale and colour of the buildings will not adversely affect landscape values.

Comment [C18]:

21.2.5.3 **~~Ensure that during and following the conclusion of mineral extractive mining activities, sites are progressively rehabilitated in a planned and co-ordinated manner, to enable the establishment of a land use appropriate to the area.~~**

Comment [C19]:

New Consider the use of off-setting or environmental compensation for mining activity by considering the extent to which adverse effects can be directly offset or otherwise compensated, and consequently reducing the significance of the adverse effects.

Comment [C20]:

21.2.5.4 **~~Ensure potential adverse effects of large-scale extractive mining and exploration activities (including mineral exploration above what is permitted) are avoided, or remedied or mitigated, particularly where those activities have potential to degrade landscape quality,~~**

Comment [CB21]: Submitter 706.

Comment [CB22]: Submitter 519

ATTACHMENT A

character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water.

Comment [C23]:

New Manage any waste heaps or long term stockpiles to ensure that they are compatible with the forms in the landscape.

Comment [C24]:

21.2.6 **Objective - ~~Encourage~~ The future growth, development and consolidation of existing Ski Areas Skiing Activities is encouraged within identified Ski Area Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.**

Comment [CB25]: Grammatical change to read more like an outcome statement.

Comment [CB26]: Grammatical change

Policies

21.2.6.1 Identify Ski Field Sub Zones and encourage Ski Area Activities to locate and consolidate within the sub zones.

21.2.6.2 Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.

21.2.6.3 Provide for the continuation of existing vehicle testing facilities within the Waiorau Snow Farm Ski Area Sub Zone on the basis the landscape and indigenous biodiversity values are not further degraded.

21.2.7 **Objective - ~~Separate activities sensitive to aircraft noise from existing airports through:~~**

- ~~• Wanaka: Retention of an area containing activities that are not sensitive to aircraft noise, within an airport's Outer Control Boundary, to act as a buffer between airports and activities sensitive to aircraft noise (ASAN).~~
- ~~• Queenstown: Retention of an area for Airport related activities or where appropriate an area for activities not sensitive to aircraft noise within an airport's Outer Control Boundary to act as a buffer between airports and other land use activities.~~

Retention of an area containing activities that are not sensitive to aircraft noise, within an airport's Outer Control Boundary, to act as a buffer between airports and Activities Sensitive to Aircraft Noise.

Comment [CB27]: Submitter 433.

Policies

21.2.7.1 Prohibit all new Activity Sensitive to Aircraft Noise (ASAN) on rural zoned land within the Outer Control Boundary (OCB) at Queenstown Airport and Wanaka Airport to avoid adverse effects arising from aircraft operations on future Activity Sensitive to Aircraft Noise (ASAN).

21.2.7.2 Identify and maintain areas containing activities that are not sensitive to aircraft noise, within an airport's outer control boundary, to act as a buffer between the airport and activities sensitive to aircraft noise.

21.2.7.3 Retain open space within the outer control boundary of airports in order to provide a buffer, particularly for safety and noise purposes, between the airport and other activities.

21.2.7.4 Require as necessary mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary and require sound insulation and mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.

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21.2.8 **Objective - ~~Avoid~~ Subdivision, use and development is avoided, remedied or mitigated in areas that are identified as being unsuitable due to identified constraints for development.**

Comment [CB28]: Grammatical change. Submitter 356.

Policies

21.2.8.1 ~~Assess subdivision and development proposals against the applicable District Wide chapters, in particular, the objectives and policies of the Natural Hazards and Landscape chapters. To ensure that any subdivision, use and development is undertaken on land that is appropriate in terms of the anticipated use, having regard to potential constraints including hazards and landscape.~~

Comment [CB29]: Submitter 433.

21.2.8.2 Prevent subdivision and development within the building restriction areas identified on the District Plan maps, in particular:

a. In the Glenorchy area, protect the heritage value of the visually sensitive Bible Face landform from building and development and to maintain the rural backdrop that the Bible Face provides to the Glenorchy Township.

b. In Ferry Hill, within the building line restriction identified on the planning maps.

21.2.9 **Objective - ~~Ensure commercial~~ A range of activities are undertaken on the basis they do not degrade landscape values, rural amenity, or impinge on farming and established activities.**

Comment [CB30]: Submitter 806.

Policies

21.2.9.1 Commercial activities in the Rural Zone should have a genuine link with the rural land and water resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.

Comment [CB31]: Clarity. Activities on the surface of water are deemed to be a use of land, however water is added for clarity.

21.2.9.2 ~~Avoid~~ Provide for the establishment of commercial, retail and industrial activities only where they se would degrade protect, maintain or enhance rural quality or character, amenity values and landscape values.

Comment [CB32]: Submitter 806 and FS1313.

21.2.9.3 Encourage forestry to be consistent with topography and vegetation patterns, to locate outside of the Outstanding Natural Features and Landscapes, significant natural areas and ensure forestry does not degrade the landscape character or visual amenity values of the Rural Landscape.

Comment [CB33]: Submitter 706.

21.2.9.4 Ensure forestry harvesting avoids adverse effects with regards to siltation and erosion and sites are rehabilitated to minimise runoff, erosion and effects on landscape values.

21.2.9.5 Limit exotic forestry to species that do not have any potential to spread and naturalise.

Comment [CB34]: Submitter 600.

21.2.9.6 Ensure traffic from commercial activities does not diminish rural amenity or affect the safe and efficient operation of the roading and trail network, or access to public places.

21.2.9.7 Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks Trail network on the basis landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.

Comment [CB35]: Submitter 671

21.2.10 **Objective - ~~Recognise the potential for a~~ Diversification of farming and other rural activities that utilises the natural or physical resources of farms and supports the sustainability of farming activities-natural and physical resources.**

Comment [CB36]: Multiple submitters.

21.2.10.1 Encourage revenue producing activities that can support the long term sustainability of farming and rural areas of in the district.

21.2.10.2 Ensure that revenue producing activities utilise natural and physical resources (including buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural values-resources.

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21.2.10.3 ~~Recognise~~ Have regard to the establishment of complementary activities such as tourism, commercial recreation or visitor accommodation located within farms where these may enable landscape values and indigenous biodiversity to be sustained in the longer term. ~~Such positive effects should be taken into account in the assessment of any resource consent applications.~~

21.2.11 **Objective - Manage the location, scale and intensity of informal airports.**

Policies

21.2.11.1 Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to minimise adverse effects on the surrounding rural amenity.

21.2.11.2 Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.

21.2.12 **Objective - ~~Protect, maintain or enhance~~ The surface of lakes and rivers and their margins are protected, maintained or enhanced.**

Policies

21.2.12.1 Have regard to statutory obligations, the spiritual beliefs, cultural traditions and practices of Tangata Whenua where activities are undertaken on the surface of lakes and rivers and their margins.

21.2.12.2 Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.

21.2.12.3 Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft in areas of high passive recreational use, significant nature conservation values and wildlife habitat.

21.2.12.4 ~~Recognise~~ Have regard to the whitewater values of the District's rivers and, in particular, the values of the Kawarau, Nevis and Shotover Rivers as ~~two three~~ of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.

21.2.12.5 Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins, with particular regard to places with nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.

21.2.12.6 Recognise and provide for the maintenance and enhancement of public access to and enjoyment of the margins of the lakes and rivers.

21.2.12.7 Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided, remedied or mitigated.

21.2.12.8 Encourage the development and use of marinas, jetties and moorings in a way that avoids ~~or, where necessary, remedies and/or~~ mitigates adverse effects on the environment.

21.2.12.9 Take into account the potential adverse effects on nature conservation values from the boat wake of commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.

Comment [CB37]: Grammatical change to read more like an outcome statement.

Comment [CB38]: Grammatical change

Comment [CB39]: Submitter 706.

Comment [CB40]: Submitter 519.

Comment [C41]:

Comment [CB42]: Submitter 194.

Comment [CB43]: Submitter 621 and grammatical correction.

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21.2.12.10 Ensure that the nature, scale and number of commercial boating operators and/or commercial boats on waterbodies do not exceed levels where the safety of passengers and other users of the water body cannot be assured.

21.2.13 **Objective - ~~Enable~~ Rural industrial activities within the Rural Industrial Sub Zones, that will support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.**

Comment [CB44]: Grammatical Change

Policies

21.2.13.1 Provide for rural industrial activities and buildings within established nodes of industrial development while protecting, maintaining and enhancing landscape and amenity values.

21.2.13.2 Provide for limited retail and administrative activities within the Rural Industrial Sub Zone on the basis it is directly associated with and ancillary to the Rural Industrial Activity on the site.

21.3 Other Provisions and Rules

21.3.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative District Plan (ODP).

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 ODP)	25 Earthworks (22 ODP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (14 ODP)
30 Utilities and Renewable Energy	31 Hazardous Substances (16 ODP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

21.3.2 Regional Council Provisions

21.3.2.1 In addition to any rules for mining, the Otago Regional Plan: Water, also has rules related to suction dredge mining.

21.3.3 Clarification

21.3.3.1 A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.

21.3.3.2 Where an activity does not comply with a standard listed in the standards tables, the activity status identified by the ~~Non-Compliance Status~~ column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

21.3.3.3 Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant resource consent, consent notice or covenant registered on the site ~~computer~~ freehold register.

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- 21.3.3.4 The Council reserves the right to ensure development and building activities are undertaken in accordance with the conditions of resource consent through monitoring.
- 21.3.3.5 Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent conditions.
- 21.3.3.6 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its discretion to the matters listed in the rule.
- 21.3.3.7 The existence of a farm building either permitted or approved by resource consent under Table 4 . Farm Buildings and Mining Buildings shall not be considered the permitted baseline for residential or other non-farming activity development within the Rural Zone.
- 21.3.3.8 The Ski Area and Rural Industrial Sub Zones, being Sub Zones of the Rural Zone, require that all rules applicable to the Rural Zone apply unless stated to the contrary.
- 21.3.3.9 Ground floor area means any areas covered by the building or parts of the buildings and includes overhanging or cantilevered parts but does not include pergolas (unroofed), projections not greater than 800mm including eaves, bay or box windows, and uncovered terraces or decks less than 1m above ground level.
- 21.3.3.10 Building platforms identified on a site's computer freehold register shall have been registered as part of a resource consent approval by the Council.
- 21.3.3.11 These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

Comment [C45]:

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

21.4 Rules - Activities

All activities, including any listed permitted activities shall be subject to the rules and standards contained in Tables 1 to 10.

Table 1 . Activities

Table 2 . Standards for all Activities

Table 3 . Structures and Buildings

Table 4 . Farm Buildings

Table 5 . Commercial Activities

Table 6 . Informal Airports

Table 7 . Ski Area Sub Zone

Table 8 . Rural Industrial Sub Zone

Table 9 . Surface of Lakes and Rivers

Table 10 . Closeburn Station

Rule	Table 1 – Activities Rural Zone	Activity
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Queenstown Lakes District Council Proposed District Plan 2015

Appendix 1 to section 42A Report for Chapter 21 Rural . 7/04/2016

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Rule	Table 1 – Activities Rural Zone	Activity
21.4.1	Any activity not listed in tables 1 to 10.	NC
	Farming Activities	
21.4.2	Farming Activity that complies with the standards in Table 2.	P
21.4.3	Construction or addition to farm buildings that comply with the standards in Table 4.	P
21.4.4	Factory Farming that complies with the standards in Table 2.	P
	Residential Activities, Subdivision and Development	
21.4.5	The use of land or buildings for residential activity except as provided for in any other rule.	D
21.4.6	One residential unit within any building platform approved by resource consent.	P
21.4.7	The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register, subject to compliance with the standards in Table 3.	P
21.4.8	The exterior alteration of any lawfully established building located outside of a building platform, subject to compliance with the standards in Table 3.	P
21.4.9	The identification of a building platform not less than 70m ² and not greater than 1000m ² .	D
21.4.10	The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule.	D
21.4.11	Domestic Livestock.	P
21.4.12	Residential Flat (activity only, the specific rules for the construction of any buildings apply).	P
	Commercial Activities	
21.4.13	Home Occupation that complies with the standards in Table 5.	P

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Rule	Table 1 – Activities Rural Zone	Activity
21.4.14	<p>Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site and that comply with the standards in Table 5.</p> <p>Except roadside stalls that meet the following shall be a permitted activity:</p> <ol style="list-style-type: none"> a. the ground floor area is less than 5m²; b. are not higher than 2.0m from ground level; c. the minimum sight distance from the stall/access shall be 200m; d. the minimum distance of the stall/access from an intersection shall be 100m; and, the stall shall not be located on the legal road reserve. <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • The location of the activity and buildings. • Vehicle crossing location, car parking. • Rural amenity and landscape character. 	C
21.4.15	Commercial activities ancillary to and located on the same site as recreational activities.	D
21.4.16	Commercial recreation activities that comply with the standards in Table 5.	P
21.4.17	Cafes and restaurants located in a winery complex within a vineyard.	D
21.4.18	Ski Area Activities within the Ski Area Sub Zone.	P
21.4.19	Ski Area Activities not located within a Ski Area Sub Zone, with the exception of <u>Passenger Lift Systems</u> , heli-skiing and non-commercial skiing.	NC
21.4.20	Visitor Accommodation.	D
21.4.21	Forestry Activities in Rural Landscapes.	D
21.4.22	Retail activities within the Rural Industrial Sub Zone that involve the sale of goods produced, processed or manufactured on site or ancillary to Rural Industrial activities that comply with Table 8.	P
21.4.23	Administrative offices ancillary to and located on the same site as Rural Industrial activities being undertaken within the Rural Industrial Sub Zone that comply with Table 8.	P
	Other Activities	
21.4.24	Activities on the surface of lakes and rivers that comply with Table 9.	P
21.4.25	Informal Airports that comply with Table 6.	P
21.4.26	Any building within a Building Restriction Area identified on the Planning Maps.	NC
21.4.27	Recreation and/or Recreational Activity.	P

Comment [CB46]: Submitter 407

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Rule	Table 1 – Activities Rural Zone	Activity
	Activities within the Outer Control Boundary at Queenstown Airport and Wanaka Airport	
21.4.28	New Building Platforms and Activities within the Outer Control Boundary - Wanaka Airport On any site located within the Outer Control Boundary, any new activity sensitive to aircraft noise or new building platform to be used for an activity sensitive to aircraft noise (except an activity sensitive to aircraft noise located on a building platform approved before 20 October 2010).	PR
21.4.29	Activities within the Outer Control Boundary - Queenstown Airport On any site located within the Outer Control Boundary, which includes the Air Noise Boundary, as indicated on the District Plan Maps, any new Activity Sensitive to Aircraft Noise.	PR
	Mining Activities, Mineral prospecting and Mineral Exploration	
21.4.30	The following mining and extraction activities are permitted: a. Mineral prospecting and exploration; and b. Mining by means of hand-held, non-motorised equipment and suction dredging ; and c. Motorised mining where the total motive power of any dredge does not exceed 10 horsepower (7.5 kilowatt); and d. The mining of aggregate for farming activities provided the total volume does not exceed 1000m ³ in any one year provided the mining does not take place within an ONF. e. The activity will not be undertaken on an Outstanding Natural Feature.	P
21.4.31	M Mineral Exploration that does not involve more than 20m ³ in any one hectare. Control is reserved to all of the following: <ul style="list-style-type: none"> The adverse effects on landscape, nature conservation values and water quality. Rehabilitation of the site is completed that ensures: <ul style="list-style-type: none"> the long term stability of the site. that the landforms or vegetation on finished areas are visually integrated into the landscape. water quality is maintained. that the land is returned to its original productive capacity. that the land is rehabilitated to indigenous vegetation where the pre-existing land cover immediately prior to the exploration, comprised indigenous vegetation in terms of Part 33.3.3.2 and 33.3.3.3. 	C
21.4.32	Any mining activity other than provided for in rules 21.4.30 and 21.4.31.	D

Comment [C47]:

Comment [C48]:

Comment [C49]:

Comment [C50]:

Comment [CB51]: Submitter 706.

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Rule	Table 1 – Activities Rural Zone	Activity
	Industrial Activities	
21.4.33	Rural Industrial Activities within a Rural Industrial Sub-Zone that comply with Table 8.	P
21.4.34	Buildings for Rural Industrial Activities that comply with Table 8.	P
21.4.35	Industrial Activities directly associated with wineries and underground cellars within a vineyard.	D
21.4.36	Other Industrial Activities.	NC

21.5 Rules - Standards

	Table 2 - General Standards.	Non-compliance
	The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated.	
21.5.1	<p>Setback from Internal Boundaries</p> <p>The minimum setback of any building from internal boundaries shall be 15m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Rural Amenity and landscape character. • Privacy, outlook and amenity from adjoining properties. <p>Except this rule shall not apply within the Rural Industrial Sub Zone. Refer to Table 8.</p>	RD
21.5.2	<p>Setback from Roads</p> <p>The minimum setback of any building from a road boundary shall be 20m, except, the minimum of any building setback from State Highway 6 between Lake Hayes and Frankton shall be 50m. The minimum setback of any building for other sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Rural Amenity and landscape character. • Open space. • The adverse effects on the proposed activity from noise, glare and vibration from the established road. 	RD
21.5.3	<p>Setback from Neighbours of Buildings Housing Animals</p> <p>The minimum setback from internal boundaries for any building housing animals shall be 30m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Odour. 	RD

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	Table 2 - General Standards. The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated.	Non-compliance
	<ul style="list-style-type: none"> • Noise. • Dust. • Vehicle movements. 	
21.5.4	<p>Setback of buildings from Water bodies</p> <p>The minimum setback of any building from the bed of a wetland, river or lake shall be 20m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Indigenous biodiversity values. • Visual amenity values. • Landscape and natural character. • Open space. • Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building. 	RD
21.5.5	<p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</p> <p>All effluent holding tanks, effluent treatment and effluent storage ponds, shall be located at least 300 metres from any formed road or adjoining property.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Odour. • Visual prominence. • Landscape character. • Effects on surrounding properties. 	RD
21.5.6	<p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</p> <p>All milking sheds or buildings used to house or feed milking stock shall be located at least 300 metres from any adjoining property or formed road.</p>	D
21.5.7	<p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</p> <p>Stock shall be prohibited from standing in the bed of, or on the margin of a water body.</p> <p>For the purposes of this rule:</p> <ul style="list-style-type: none"> • Margin means land within 3.0 metres from the edge of the bed. • Water body has the same meaning as in the RMA, and also includes any drain or water race that goes to a lake or river. 	PR
21.5.8	<p>Factory Farming (excluding the boarding of animals)</p>	D

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	Table 2 - General Standards. The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated.	Non-compliance
	Factory farming within 2 kilometres of a Residential, Rural Residential, Rural Lifestyle, Township, Rural Visitor, Town Centre, Local Shopping Centre or Resort Zone.	
21.5.9	<p>Factory Farming</p> <p>Factory farming of pigs where:</p> <p>21.5.9.1 the number of housed pigs exceeds 50 sows or 500 pigs of mixed ages; and/or</p> <p>21.5.9.2 any housed pigs are closer than 500m to a property boundary; and/or</p> <p>21.5.9.3 the number of outdoor pigs exceeds 100 pigs and their progeny up to weaner stage; and/or</p> <p>21.5.9.4 outdoor sows are not ringed at all times; and/or</p> <p>21.5.9.5 the stocking rate of outdoor pigs exceeds 15 pigs per hectare, excluding progeny up to weaner stage.</p>	NC
21.5.10	<p>Factory farming of poultry where:</p> <p>21.5.10.1 the number of birds exceeds 10,000 birds; and/or</p> <p>21.5.10.2 birds are housed closer than 300m to a site boundary.</p>	NC
21.5.11	Any factory farming activity other than factory farming of pigs or poultry.	NC
21.5.12	<p>Airport Noise – Wanaka Airport</p> <p>Alterations or additions to existing buildings, or construction of a building on a building platform approved before 20 October 2010 within the Outer Control Boundary, shall be designed to achieve an internal design sound level of 40 dB Ldn, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Table 5, Chapter 36. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Table 5, Chapter 36.</p>	NC
21.5.13	<p>Airport Noise – Alteration or Addition to Existing Buildings (excluding any alterations of additions to any non-critical listening environment) within the Queenstown Airport Noise Boundaries</p> <p>(a) Within the Queenstown Airport Air Noise Boundary (ANB) - Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn, within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either adhering to the sound insulation requirements in Table 4 of Chapter 36 and installation of mechanical ventilation to achieve the requirements in Table 5 of Chapter 36, or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.</p>	NC

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	Table 2 - General Standards. The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated.	Non-compliance
	(b) Between the Queenstown Airport Outer Control Boundary (OCB) and the ANB . Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Table 5 of Chapter 36 or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open. (c) Standards (a) and (b) exclude any alterations or additions to any non-critical listening environment.	
21.5.x	<u>Lighting and Glare</u> 21.5.13.1 <u>All fixed exterior lighting shall be directed away from adjoining sites and roads; and</u> 21.5.13.2 <u>No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.</u> 21.5.13.3 <u>There shall be no upward light spill.</u>	NC

Comment [CB52]: Submitter 568.

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	Table 3 – Standards for Structures and Buildings The following standards apply to structures and buildings, except Farm Buildings and Mining Buildings.	Non-compliance
21.5.14	Structures Any structure within 10 metres of a road boundary, which is greater than 5 metres in length, and between 1 metre and 2 metres in height, except for: 21.5.14.1 post and rail, post and wire and post and mesh fences, including deer fences; 21.5.14.2 any structure associated with farming activities as defined in this plan. Discretion is restricted to all of the following: <ul style="list-style-type: none"> • Effects on landscape character, views and amenity, particularly from public roads. • The materials used, including their colour, reflectivity and permeability. • Whether the structure will be consistent with traditional rural elements. 	RD
21.5.15	Buildings Any building, including any structure larger than 5m ² , that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following: All exterior surfaces* shall be coloured in the range of browns, greens or greys (except soffits), including; <ul style="list-style-type: none"> 21.5.15.1 Pre-painted steel and all roofs shall have a <u>light</u> reflectance value not greater than 20%; and, 21.5.15.2 All other surface** finishes shall have a <u>light</u> reflectance value of not greater than 30%. 21.5.15.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period. Discretion is restricted to all of the following: <ul style="list-style-type: none"> • External appearance. • Visual prominence from both public places and private locations. • Landscape character. • Visual amenity. <p><u>Except</u> this rule shall not apply within the Ski Area Sub Zones.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** <u>Includes</u> cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed to be suitably recessive and</p>	RD

Comment [C53]:

Comment [CB54]: Submitters 610 and 613.

Comment [CB55]: Submitter 608 and others.

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	Table 3 – Standards for Structures and Buildings	Non-compliance
	The following standards apply to structures and buildings, except Farm Buildings <u>and Mining Buildings</u> .	
	<u>have the same effect as achieving a light reflectance value of 30%.</u>	
21.5.16	<p>Building size</p> <p>The maximum ground floor area of any building shall be 500m².</p> <p><u>Discretion Control</u> is restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Landscaping. • Mitigation of visual effects. • Visual prominence from both public places and private locations. • Landscape character. • Visual amenity. • Privacy, outlook and amenity from adjoining properties. <p><u>Except this rule shall not apply within the Ski Area Sub Zones.</u></p>	RD_C
21.5.17	<p>Building Height</p> <p>The maximum height shall be 8m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Rural Amenity and landscape character. • Privacy, outlook and amenity from adjoining properties. • Visual prominence from both public places and private locations. 	RD

Comment [C53]:

Comment [C56]:

	Table 4 - Standards for Farm Buildings and Mining Buildings	Non-compliance
	The following standards apply to Farm Buildings <u>and Mining Buildings</u> .	
21.5.18	<p>The construction, replacement or extension of a farm building <u>or Mining Building</u> as a permitted activity is subject to the following:</p> <p>21.5.18.1 The landholding is greater than 100ha; and</p> <p>21.5.18.2 The density of all buildings on the site, inclusive of the proposed building(s) will be less than one farm building <u>per 50</u> 25 hectares on the site; and</p> <p>21.5.18.3 is not <u>If located within an Outstanding Natural Feature (ONF) is less than 3.5 metres in height and the ground floor area is not greater than 45m²; and</u></p> <p>21.5.18.4 If located within the Outstanding Natural Landscapes (ONL) is less than 4 metres in height and the ground floor area is not greater than 100m²; and</p>	RD

Comment [C57]:

Comment [C58]:

Comment [CB59]: Submitter 145.

Comment [C60]:

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Table 4 - Standards for Farm Buildings and Mining Buildings		Non-compliance
The following standards apply to Farm Buildings and Mining Buildings.		Comment [C57]:
21.5.18.5	Is less than 600 masl; and	
21.5.18.6	If located within the Rural Landscapes (RLC), is less than 5m in height and the ground floor area is not greater than 300m ² ; and	
21.5.18.7	Buildings shall not protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building.	
Discretion is restricted to all of the following: <ul style="list-style-type: none"> • Rural Amenity values. • Landscape character. • Privacy, outlook and rural amenity from adjoining properties. • Visibility, including lighting. • Scale. • Location. 		
21.5.19	Exterior colours of buildings: <ul style="list-style-type: none"> 21.5.19.1 All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits). 21.5.19.2 Pre-painted steel, and all roofs shall have a reflectance value not greater than 20%. 21.5.19.3 Surface finishes shall have a reflectance value of not greater than 30%. Discretion is restricted to all of the following: <ul style="list-style-type: none"> • External appearance. • Visual prominence from both public places and private locations. • Landscape character. • Visual amenity. 	RD
21.5.20	Building Height The maximum height for any farm building shall be 10m. Discretion is restricted to: <ul style="list-style-type: none"> • Rural amenity values. • Landscape character. • Privacy, outlook and amenity from adjoining properties. 	D

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	Table 5 - Standards for Commercial Activities	Non-Compliance
21.5.21	Commercial recreation activity undertaken on land, outdoors and involving not more than 5 40 persons in any one group.	D
21.5.22	<p>Home Occupation</p> <p>21.5.22.1 The maximum net floor area of home occupation activities shall be 150m²;</p> <p>21.5.22.2 No goods materials or equipment shall be stored outside a building;</p> <p>21.5.22.3 All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • The nature, scale and intensity of the activity in the context of the surrounding rural area. • Visual amenity from neighbouring properties and public places. • Noise, odour and dust. • The extent to which the activity requires a rural location because of its link to any rural resource in the Rural Zone. • Access safety and transportation effects. 	RD
21.5.23	<p>Retail Sales</p> <p>Buildings in excess of 25m² gross floor area to be used for retail sales identified in Table 1 shall be setback from road boundaries by a minimum distance of 30m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Landscape character and visual amenity. • Access safety and transportation effects. • On-site parking. 	RD
21.5.24	<p>Retail Sales</p> <p>Retail sales where the access is onto a State Highway, with the exception of the activities listed in Table 1.</p>	NC

Comment [C61]:

	Table 6 - Standards for Informal Airports	Non-Compliance
21.5.25	<p>Informal Airports Located on Public Conservation and Crown Pastoral Land</p> <p>Informal airports that comply with the following standards shall be permitted activities:</p> <p>21.5.25.1 Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation</p>	D

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Table 6 - Standards for Informal Airports		Non-Compliance	
<p>Act 1987;</p> <p>21.5.25.2 Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948;</p> <p>21.5.25.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities, <u>or the Department of Conservation or its agents;</u></p> <p>21.5.25.4 In relation to points (21.5.25.1) and (21.5.25.2), the informal airport shall be located a minimum distance of 500 metres from any <u>other zone, formed legal road</u> or the notional boundary of any residential unit or approved building platform not located on the same site.</p>			
	<p><u>21.5.25.5 In relation to point (21.5.25.1), any informal airport within the Tucker Beach Wildlife Reserve (legally described as Sections 92 and 97 Blk II Shotover Survey District) shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit or approved building platform not located on the same site.</u></p>	NC	
21.5.26	<p>Informal Airports Located on other Rural Zoned Land</p> <p>Informal Airports that comply with the following standards shall be permitted activities:</p> <p>21.5.26.1 Informal airports on any site that do not exceed a frequency of use of 3-2 flights* per day week;</p> <p>21.5.26.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;</p> <p>21.5.26.3 In relation to point (21.5.26.1), the informal airport shall be located a minimum distance of 500 metres from any <u>other zone, formed legal road</u> or the notional boundary of any residential unit of building platform not located on the same site.</p> <p>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</p>	D	

Comment [CB62]: Submitter 373.

Comment [CB63]: Multiple Submitters.

Comment [C64]:

Comment [CB65]: Multiple submitters.

Table 7 – Standards for Ski Area Activities within the Ski Area Sub Zones		Activity
21.5.27	<p>Construction, relocation, addition or alteration of a building.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Location, external appearance and size, colour, visual dominance. • Associated earthworks, access and landscaping. • Provision of water supply, sewage treatment and disposal, electricity and 	C

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	Table 7 – Standards for Ski Area Activities within the Ski Area Sub Zones	Activity
	<p>communication services (where necessary).</p> <ul style="list-style-type: none"> • Lighting. 	
21.5.28	<p>Ski tows and lifts <u>Passenger Lift Systems</u>.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • The extent to which the ski tow or lift or building <u>passenger lift system</u> breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes. • Whether the materials and colour to be used are consistent with the rural landscape of which the <u>passenger lift system</u> will form a part. • Balancing environmental considerations with operational characteristics. 	C
21.5.29	<p>Night lighting.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Hours of operation. • Duration and intensity. • Impact on surrounding properties. 	C
21.5.30	<p>Vehicle Testing.</p> <p>In the Waioarau Snow Farm Ski Area Activity Sub Zone; the construction of access ways and tracks associated with the testing of vehicles, their parts and accessories.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Gravel and silt run off. • Stormwater, erosion and siltation. • The sprawl of tracks and the extent to which earthworks modify the landform. • Stability of over-steepened embankments. 	C
21.5.31	<p>Retail activities ancillary to Ski Area Activities.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Location. • Hours of operation with regard to consistency with ski-area activities. • Amenity effects, including loss of remoteness or isolation. • Traffic congestion, access and safety. • Waste disposal. • Cumulative effects. 	C
<u>21.5.X</u>	<u>Visitor Accommodation.</u>	<u>RD</u>

Comment [CB66]: Submitter 407

Comment [CB67]: Submitter 407

Comment [CB68]: Submitter 407

Comment [CB69]: Submitter 572

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	Table 7 – Standards for Ski Area Activities within the Ski Area Sub Zones	Activity
	<p><u>Discretion is restricted to all of the following:</u></p> <ul style="list-style-type: none"> • <u>Scale and intensity and whether these would have adverse effects on amenity, including loss of remoteness or isolation.</u> • <u>Location, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any).</u> • <u>Parking.</u> • <u>Provision of water supply, sewage treatment and disposal.</u> • <u>Cumulative effects.</u> 	

	Table 8 – Standards for activities within the Rural Industrial Sub Zone	Non-Compliance
21.5.32	<p>Buildings</p> <p>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p>All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits), including;</p> <p>21.5.32.1 Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and,</p> <p>21.5.32.2 All other surface finishes shall have a reflectance value of not greater than 30%.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Visual prominence from both public places and private locations. • Landscape character. • Visual amenity. 	RD
21.5.33	<p>Building size</p> <p>The maximum ground floor area of any building shall be 500m².</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Visual prominence from both public places and private locations. • Visual amenity. • Privacy, outlook and amenity from adjoining properties. 	RD
21.5.34	<p>Building Height</p>	RD

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	Table 8 – Standards for activities within the Rural Industrial Sub Zone	Non-Compliance
	<p>The maximum height for any industrial building shall be 10m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> rural amenity and landscape character. privacy, outlook and amenity from adjoining properties. 	
21.5.35	<p>Setback from Sub Zone Boundaries</p> <p>The minimum setback of any building within the Rural Industrial Sub Zone shall be 10m from the Sub Zone boundaries.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> The requirement for landscaping to act as a buffer between the Rural Industrial Sub-Zone and neighbouring properties and whether there is adequate room for landscaping within the reduced setback. Rural amenity and landscape character. Privacy, outlook and amenity from adjoining properties. 	RD
21.5.36	<p>Retail Activities</p> <p>Retail activities including the display of items for sale shall be undertaken within a building and shall not exceed 10% of the building's total floor area.</p>	NC
21.5.37	<p>Lighting and Glare</p> <p>21.5.37.1 All fixed exterior lighting shall be directed away from adjoining sites and roads; and</p> <p>21.5.37.2 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, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.</p> <p>21.5.37.3 There shall be no upward light spill.</p>	NC

Comment [CB70]: Drafting matter and Issue 13.

	Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers	Activity
21.5.38	<p>Jetboat Race Events</p> <p>Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge not exceeding 6 race days in any calendar year.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> The date, time, duration and scale of the jetboat race event, including its proximity to other such events, such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity. Adequate public notice is given of the holding of the event. 	C

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	Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers	Activity
	<ul style="list-style-type: none"> Reasonable levels of public safety are maintained. 	
21.5.39	<p>Commercial non-motorised boating activities</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> Location, S scale and intensity of the activity. Amenity effects, including loss of privacy, remoteness or isolation. Congestion and safety, including effects on other commercial operators and recreational users. Waste disposal. Cumulative effects. Parking, access safety and transportation effects. 	RD
21.5.40	<p>Jetties and Moorings in the Frankton Arm</p> <p>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan Maps.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> Whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands. Whether the structure causes an impediment to craft manoeuvring and using shore waters. The degree to which the structure will diminish the recreational experience of people using public areas around the shoreline. The effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect. Whether the structure will be used by a number and range of people and craft, including the general public. The degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design. 	RD
21.5.41	<p>Structures and Moorings</p> <p>Any structure or mooring that passes across or through the surface of any lake or river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers.</p>	D
21.5.42	<p>Structures and Moorings</p> <p>Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying.</p>	NC

Comment [CB71]: Submitter 621.

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	Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers	Activity
21.5.43	<p>Commercial boating activities</p> <p>Motorised commercial boating activities.</p> <p>Note: Any person wishing to commence commercial boating activities could require a concession under the QLDC Navigation Safety Bylaw. There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and Tucker Beach until 1 April 2009 with four rights of renewal of five years each</p>	D
21.5.44	<p>Recreational and commercial boating activities</p> <p>The use of motorised craft on the following lakes and rivers is prohibited, except where the activities are for emergency search and rescue, hydrological survey, public scientific research, resource management monitoring or water weed control, or for access to adjoining land for farming activities.</p> <p>21.5.44.1 Hawea River.</p> <p>21.5.44.2 Commercial boating activities on Lake Hayes.</p> <p>21.5.44.3 Any tributary of the Dart and Rees rivers (except the Rockburn tributary of the Dart River) or upstream of Muddy Creek on the Rees River.</p> <p>21.5.44.4 Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.</p> <p>21.5.44.5 Dingle Burn and Timaru Creek.</p> <p>21.5.44.6 The tributaries of the Hunter River.</p> <p>21.5.44.7 Hunter River during the months of May to October inclusive.</p> <p>21.5.44.8 Motatapu River.</p> <p>21.5.44.9 Any tributary of the Matukituki River.</p> <p>21.5.44.10 Clutha River - More than six jet boat race days per year as allowed by Rule 21.5.38.</p>	PR
	Standards: Surface of Lakes and Rivers	Non-Compliance
21.5.45	<p>Boating craft used for Accommodation</p> <p>Boating craft on the surface of the lakes and rivers used for accommodation, unless:</p> <p>21.5.45.1 the craft is only used for overnight recreational accommodation; and</p> <p>21.5.45.2 the craft is not used as part of any commercial activity; and</p> <p>21.5.45.3 all effluent is contained on board the craft and removed.</p>	NC

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	Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers	Activity
21.5.46	<p>No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:</p> <p>21.5.46.1 be closer than 200 metres to any existing jetty;</p> <p>21.5.46.2 exceed 20 metres in length;</p> <p>21.5.46.3 exceed four berths per jetty, of which at least one berth is available to the public at all times;</p> <p>21.5.46.4 be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty resides.</p>	NC
21.5.47	<p>The following activities are subject to compliance with the following standards:</p> <p>21.5.47.1 Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft shall only operate between the hours of 0800 to 2000. <u>Except: Public transport ferry activities.</u></p> <p>21.5.47.2 Lake Wanaka, Lake Hawea and Lake Wakatipu - Commercial jetski operations shall only be undertaken between the hours of 0800 to 2100 on lakes Wanaka and Hawea and 0800 and 2000 on Lake Wakatipu.</p> <p>21.5.47.3 Dart and Rees Rivers - Commercial motorised craft shall only operate between the hours of 0800 to 1800, except that above the confluence with the Beansburn on the Dart River commercial motorised craft shall only operate between the hours of 1000 to 1700.</p> <p>21.5.47.4 Dart River . The total number of commercial motorised boating activities shall not exceed 26 trips in any one day. No more than two commercial jet boat operators shall operate upstream of the confluence of the Beansburn, other than for tramper and angler access only.</p>	NC

Comment [CB72]: Submitters 621, 383, 766, 806.

	Table 10 Closeburn Station: Activities	Activity
21.5.48	<p>The construction of a single residential unit and any accessory building(s) within lots 1 to 6, 8 to 21 DP 26634 located at Closeburn Station.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • External appearances and landscaping, with regard to conditions 2.2(a), (b), (e) and (f) of resource consent RM950829. • Associated earthworks, lighting, access and landscaping. • Provision of water supply, sewage treatment and disposal, electricity and telecommunications services. 	C

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	Closeburn Station: Standards for Buildings and Structures	Non-compliance
21.5.49	<p>Setback from Internal Boundaries</p> <p>21.5.49.1 The minimum setback from internal boundaries for buildings within lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 2 metres.</p> <p>21.5.49.2 There shall be no minimum setback from internal boundaries within lots 7 and 22 to 27 DP300573 at Closeburn Station.</p>	D
21.5.50	<p>Building Height</p> <p>21.5.50.1 The maximum height for any building, other than accessory buildings, within Lots 1 and 6 and 8 to 21 DP 26634 at Closeburn Station shall be 7m.</p> <p>21.5.50.2 The maximum height for any accessory building within Lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 5m.</p> <p>21.5.50.3 The maximum height for any building within Lot 23 DP 300573 at Closeburn Station shall be 5.5m.</p> <p>21.5.50.4 The maximum height for any building within Lot 24 DP 300573 at Closeburn Station shall be 5m.</p>	NC
21.5.51	<p>Residential Density</p> <p>In the Rural Zone at Closeburn Station, there shall be no more than one residential unit per allotment (being lots 1-27 DP 26634); excluding the large rural lots (being lots 100 and 101 DP 26634) held in common ownership.</p>	NC
21.5.52	<p>Building Coverage</p> <p>In lots 1-27 at Closeburn Station, the maximum residential building coverage of all activities on any site shall be 35%.</p>	NC

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21.6 Non-Notification of Applications

Any application for resource consent for the following matters shall not require the written consent of other persons and shall not be notified or limited-notified:

- 21.6.1 **Controlled activity retail sales of farm and garden produce and handicrafts grown or produced on site (Rule 21.4.14), except where the access is onto a State highway.**
- 21.6.2 **Controlled activity mineral exploration (Rule 21.4. 31).**
- 21.6.3 **Controlled activity buildings at Closeburn Station (Rule 21.5.48).**

21.7 Assessment Matters (Landscapes)

- 21.7.1 **Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).**

These assessment matters shall be considered with regard to the following principles because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the zone Wakatipu Basin (the extent of which is defined by the Environment Court in C180/99), and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes:

- 21.7.1.1 ~~The assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases.~~
- 21.7.1.2 Existing vegetation that:
 - a. was either planted after, or, self-seeded and less than 1 metre in height at 28 September 2002; and,
 - b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:
 - as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
 - as part of the permitted baseline.
- 21.7.1.3 Effects on landscape quality and character

In considering whether the proposed development will maintain or enhance the quality and character of Outstanding Natural Features and Landscapes, the Council shall be satisfied of the extent to which the proposed development will affect landscape quality and character, taking into account the following elements:

- a. Physical attributes:
 - Geological, topographical, geographic elements in the context of whether these formative processes have a profound influence on landscape character;
 - Vegetation (exotic and indigenous);
 - The presence of waterbodies including lakes, rivers, streams, wetlands.
- b. Visual attributes:
 - Legibility or expressiveness . how obviously the feature or landscape demonstrates its formative processes;

Comment [CB73]: Submitters: Spark Trading NZ Ltd (191) J McQuilkin (345), Hogans Gully Farm Ltd (456), Powernet (251), Willowridge Developments Ltd (249), Darby Planning LP (608). and linkage with Council's reply to the Landscape Chapter s42A recommendations.

Comment [C74]:

Comment [CB75]: Submitter Spark Trading NZ Ltd (191) J McQuilkin (345), Hogans Gully Farm Ltd (456), Powernet (251), Willowridge Developments Ltd (249), Darby Planning LP (608)

And linkage with Council's reply to the Landscape Chapter s42A recommendations.

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- Aesthetic values including memorability and naturalness;
 - Transient values including values at certain times of the day or year;
 - Human influence and management . settlements, land management patterns, buildings, roads.
- c. Appreciation and cultural attributes:
- Whether the elements identified in (a) and (b) are shared and recognised;
 - Cultural and spiritual values for tangata whenua;
 - Historical and heritage associations.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

- d. In the context of (a) to (c) above, the degree to which the proposed development will affect the existing landscape quality and character, including whether the proposed development accords with or degrades landscape quality and character, and to what degree.
- e. any proposed new boundaries will not give rise to artificial or unnatural lines (such as planting and fence lines) or otherwise degrade the landscape character.

21.7.1.4 Effects on visual amenity

In considering whether the potential visibility of the proposed development will maintain and enhance visual amenity, values the Council shall be satisfied that:

- a. the extent to which the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places. In the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, cycling, equestrian and other means of access;
- b. the proposed development will not be visually prominent such that it detracts from public or private views of and within Outstanding Natural Features and Landscapes;
- c. the proposal will be appropriately screened or hidden from view by elements that are in keeping with the character of the landscape;
- d. the proposed development will not reduce the visual amenity values of the wider landscape (not just the immediate landscape);
- e. structures will not be located where they will break the line and form of any ridges, hills and slopes;
- f. any roads, access, lighting, earthworks and landscaping will not reduce the visual amenity of the landscape.

21.7.1.5 Design and density of Development

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

- a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);
- b. there is merit in clustering the proposed building(s) or building platform(s) within areas that are least sensitive to change;

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- c. development, including access, is located within the parts of the site where it would be least visible from public and private locations;
- d. development, including access, is located in the parts of the site where it has the least impact on landscape character.

21.7.1.6 Cumulative effects of subdivision and development on the landscape

Taking into account whether and to what extent existing, consented or permitted development (including unimplemented but existing resource consent or zoning) may already have degraded:

- a. the landscape quality or character; or,
- b. the visual amenity values of the landscape.

The Council shall be satisfied the proposed development, in combination with these factors will not further adversely affect the landscape quality, character, or visual amenity values.

21.7.2 Rural Landscape Classification (RLC)

These assessment matters shall be considered with regard to the following principles because in the Rural Landscapes the applicable activities are inappropriate unsuitable in many locations:

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

21.7.2.2 Existing vegetation that:

- a. was either planted after, or, self seeded and less than 1 metre in height at 28 September 2002; and,
- b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:
 - as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
 - as part of the permitted baseline.

21.7.2.3 Effects on landscape quality and character:

The following shall be taken into account:

- a. where the site is adjacent to an Outstanding Natural Feature or Landscape, whether and the extent to which the proposed development will adversely affect the quality and character of the adjacent Outstanding Natural Feature or Landscape;
- b. whether and the extent to which the scale and nature of the proposed development will degrade the quality and character of the surrounding Rural Landscape;
- c. whether the design and any landscaping would be compatible with or would enhance the quality and character of the Rural Landscape.

21.7.2.4 Effects on visual amenity:

Whether the development will result in a loss of the visual amenity of the Rural Landscape, having regard to whether and the extent to which:

- a. the visual prominence of the proposed development from any public places will reduce the visual amenity of the Rural Landscape. In the case of proposed development

Comment [CB76]: Submitter: submitters Spark Trading NZ Ltd (191) J McQuilkin (345), Hogans Gully Farm Ltd (456), Powernet (251), Willowridge Developments Ltd (249), Darby Planning LP (608), 497 and linkage with Council's reply to the Landscape Chapter s42A recommendations.

Comment [CB77]: Linkage with Council's reply to the Landscape Chapter s42A recommendations.

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which is visible from unformed legal roads, regard shall be had to the frequency and intensity of the present use and, the practicalities and likelihood of potential use of these unformed legal roads as access;

- b. the proposed development is likely to be visually prominent such that it detracts from private views;
- c. any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from or obstruct views of the Rural Landscape from both public and private locations;
- d. the proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations;
- e. any proposed roads, boundaries and associated planting, lighting, earthworks and landscaping will reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns;
- f. boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units.

Comment [C78]:

21.7.2.5 Design and density of development:

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

- a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);
- b. there is merit in clustering the proposed building(s) or building platform(s) having regard to the overall density and intensity of the proposed development and whether this would exceed the ability of the landscape to absorb change;
- c. development, including access, is located within the parts of the site where they will be least visible from public and private locations;
- d. development, including access, is located in the parts of the site where they will have the least impact on landscape character.

Comment [C79]:

21.7.2.6 Tangata Whenua, biodiversity and geological values:

- a. whether and to what extent the proposed development will degrade Tangata Whenua values including Tōpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features will have.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

21.7.2.7 Cumulative effects of development on the landscape:

Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values. The Council shall be satisfied;

- a. the proposed development will not further degrade landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of valued quality, character and openness due to the prevalence of residential or non-farming activity within the Rural Landscape.

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- b. where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development, whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.

Comment [C80]:

21.7.3 **Other factors and positive effects, applicable in all the landscape categories (ONF, ONL and RLC)**

- 21.7.3.1 In the case of a proposed residential activity or specific development, whether a specific building design, rather than nominating a building platform, helps demonstrate whether the proposed development is appropriate.
- 21.7.3.2 Other than where the proposed development is a subdivision and/or residential activity, whether the proposed development, including any buildings and the activity itself, are consistent with rural activities or the rural resource and would maintain or enhance the quality and character of the landscape.
- 21.7.3.3 In considering whether there are any positive effects in relation to the proposed development, or remedying or mitigating the continuing adverse effects of past subdivision or development, the Council shall take the following matters into account:
 - a. whether the proposed subdivision or development provides an opportunity to protect the landscape from further development and may include open space covenants or esplanade reserves;
 - b. whether the proposed subdivision or development would enhance the character of the landscape, or protects and enhances indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status;
 - c. any positive effects including environmental compensation, easements for public access such as walking, cycling or bridleways or access to lakes, rivers or conservation areas;
 - d. any opportunities to retire marginal farming land and revert it to indigenous vegetation;
 - e. where adverse effects cannot be avoided, mitigated or remedied, the merits of any compensation;
 - f. whether the proposed development assists in retaining the land use in low intensity farming where that activity maintains the valued landscape character.

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Recommended amendments to definitions relevant to the activities within Chapter 21.

Issue 7: Ski Area Activities within the Ski Area Subzones

Passenger Lift Systems	Means any mechanical system used to convey or transport passengers within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers.
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Comment [CB81]: Submitter 407

Ski Area Activities	<p>Means the use of natural and physical resources for the purpose of providing for establishing, operating and maintaining the following activities and structures:</p> <ul style="list-style-type: none"> (a) recreational activities either commercial or non commercial (b) chairlifts, t-bars and rope tows to facilitate commercial recreational activities <u>passenger lift systems</u>. (c) use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities. (d) activities ancillary to commercial recreational activities, <u>including avalanche safety, ski patrol, formation of snow trails and terrain.</u> (e) <u>Installation and operation of snow making infrastructure including reservoirs, pumps and snow makers.</u> (f) in the Waiorau Snow Farm Ski Area Sub Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.
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Comment [CB82]: Submitter 613

Comment [CB83]: Submitter 407

Comment [CB84]: Submitter 613.

Comment [CB85]: Submitter 613.

Issue 14: Mining Activity

Mining	<p>Mining</p> <ul style="list-style-type: none"> (a) means to take, win, or extract, by whatever means,— <ul style="list-style-type: none"> (i) a mineral existing in its natural state in land; or (ii) a chemical substance from a mineral existing in its natural state in land; <p style="text-align: center;">and</p> (b) includes— <ul style="list-style-type: none"> (i) the injection of petroleum into an underground gas storage facility; and (ii) the extraction of petroleum from an underground gas storage facility;
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	<p style="text-align: center;">but</p> <p>(c) does not include prospecting or exploration for a mineral or chemical substance referred to in paragraph (a)</p>
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Comment [C86]:

Mining Activity	<p>Means the use of land and buildings for the primary purpose of the extraction, winning, quarrying, excavation, taking and associated processing of minerals and includes prospecting and exploration.</p> <p><u>Means:</u></p> <p><u>(a) operations in connection with mining, exploring, or prospecting for any mineral; and</u></p> <p><u>(b) when carried out at or near the site where the mining, exploration, or prospecting is undertaken, -</u></p> <p style="padding-left: 40px;"><u>(i) the extraction, transport, treatment, processing, and separation of any mineral or chemical substance from the mineral; and</u></p> <p style="padding-left: 40px;"><u>(ii) the construction, maintenance, and operation of any works, structures, and other land improvements, and of any related machinery and equipment connected with the operations; and</u></p> <p style="padding-left: 40px;"><u>(iii) the removal of overburden by mechanical or other means, and the stacking, deposit, storage, and treatment of any substance considered to contain any mineral; and</u></p> <p style="padding-left: 40px;"><u>(iv) the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations.</u></p> <p><u>Mineral extraction, extraction or extractive activities shall have the same meaning.</u></p>
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Comment [C87]: Submitter 519.

Comment [C88]:

Mineral Prospecting	<p>Means any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes the following activities:</p> <ul style="list-style-type: none"> • Geological, geochemical, and geophysical surveys; • The taking of samples by hand or hand held methods; • Aerial surveys.
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Comment [C89]: Submitter 519

Comment [C90]:

Mineral Exploration	<p>Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling.</p>
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Comment [C891]: Submitter 519

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	<p>dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning.</p>
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Comment [C92]:

Mining Building	<p>Means a building (as defined) necessary for the undertaking of mining activities. Excludes buildings for any form of accommodation.</p>
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Comment [C93]:

ATTACHMENT B

Key: Recommend changes to notified chapter are shown in underlined text for additions and ~~strike through text~~ for deletions. Dated 6 April 2016.

22 Rural Residential and Rural Lifestyle

22.1 Zone Purpose

The purpose of the Rural Residential and Rural Lifestyle zones is to provide for low density residential opportunities in a rural setting as an alternative to the suburban living areas of the District. These areas provide a type of amenity for residents that is distinct from suburban amenity and generally includes privacy, rural outlook, rural character, spaciousness, ease of access, clean air and quietness. The zone provisions have been formulated to provide for and maintain this form of amenity for residents.

Comment [C1]:

The Rural Residential and Rural Lifestyle zones provide residential living opportunities on the periphery of urban areas and within specific locations amidst the Rural ~~z~~Zone. In both zones a minimum allotment size is necessary to maintain the character and quality of the zones and, ~~where applicable, a buffer edge between urban areas, or the open space,~~ ecological value, rural and natural landscape values of the surrounding Rural Zone.

Comment [CB2]: Submitter 238 and FS1255.38

Comment [C3]:

While development is anticipated in the Rural Residential and Rural Lifestyle zones, the district is subject to natural hazards and, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards at the time of subdivision or the identification of building platforms. Some areas such as Makarora have been identified as areas subject to natural hazards and provisions are provided to manage natural hazards at these locations.

Comment [CB4]: Submitter 383. Relates to clarification.

Rural Residential Zone

The Rural Residential zone generally provides for development at a density of up to one residence every 4000m². Some Rural Residential areas are located within visually or ecologically sensitive landscapes. As such, additional Additional provisions such as increased set back distances apply to development in some areas (such as the northern end of Lake Hayes) to enhance landscape values, indigenous vegetation, ecological values, the quality of living environments within the zone and to manage the visual effects of the anticipated development from outside the zone. Particularly from surrounding rural areas, lakes and rivers. The potential adverse effects of buildings are controlled by bulk and location, colour and lighting standards and, where required, design and landscaping controls imposed at the time of subdivision.

Comment [C5]:

Rural Lifestyle Zone

The Rural Lifestyle zone provides for rural living opportunities, having a development density of one residential unit per hectare with an overall density of one residential unit per two hectares across a subdivision. Building platforms are identified at the time of subdivision to manage the sprawl of buildings, manage adverse effects on landscape values and to manage other identified constraints such as natural hazards and servicing. The potential adverse effects of buildings are controlled by height, colour and lighting standards.

The Deferred Rural Lifestyle (Buffer) zone east of Dalefield Road places limits on the expansion of rural lifestyle development at that location.

The ~~Hawthorn Triangle~~ Rural Lifestyle Zone bordered by Speargrass Flat, Lower Shotover and Domain Roads defines an existing settlement of properties. The adjoining Rural Lifestyle zoned areas within the Wakatipu Basin identify the potential for further limited residential development, within the density limits set out in the provisions.

Many of the Rural Lifestyle zones are located within sensitive parts of the district, distinctive landscapes. While residential development is anticipated within these zones, provisions are included to manage the visual prominence of buildings, control residential density and generally discourage commercial activities. Building location is controlled by the identification of building platforms, bulk and

Comment [CB6]: Check amendments to the SD chapter re this word.

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location standards and, where required, design and landscaping controls imposed at the time of subdivision.

Pursuant to Section 86(b)(3) of the RMA, the following rule that protects or relates to water has immediate legal effect:

- 22.5.6: Setback of buildings from water bodies.

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22.2 Objectives and Policies

22.2.1 **Objective** - ~~Maintain and enhance~~ The district's landscape quality, character and visual amenity values are maintained and enhanced while enabling rural living opportunities in areas that can absorb development avoid detracting from these landscapes.

Comment [CB7]: Submitters 497, 513, 515, 522

Comment [C8]:

Policies

22.2.1.1 Ensure the visual prominence of buildings is avoided, remedied or mitigated particularly development and associated earthworks on prominent slopes, ridges and skylines.

Comment [CB9]: Submitters 497, 513, 515, 522

22.2.1.2 Set minimum density and building coverage standards in order to maintain so the open space, natural and rural qualities of the District, distinctive rural living character, amenity and landscapes values are not reduced.

Comment [CB10]: Submitter 238

Comment [CB11]: Submitters 497, 513, 515, 522

22.2.1.3 Allow for flexibility of the density provisions, where design-led and innovative patterns of subdivision and residential development, roading and planting would enhance the character and amenity of the zone and the District's landscapes.

Comment [C12]:

Comment [C13]:

22.2.1.4 Manage anticipated activities that are located near Outstanding Natural Features and Outstanding Natural Landscapes so that they do not diminish the qualities of these landscapes and their importance as part of the District's landscapes.

22.2.1.5 Maintain and enhance landscape values and the amenity within the zones by controlling the colour, scale, location and height of permitted buildings and in certain locations or circumstances require landscaping and vegetation controls.

Comment [C14]:

22.2.1.6 Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or the night sky.

22.2.1.7 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping.

22.2.1.8 Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.

Comment [CB15]: Submitter 438

22.2.2 ~~Objective~~ - ~~Ensure Within the Rural Residential and Rural Lifestyle Zones predominant land uses are rural, residential and where appropriate, visitor and community activities.~~

Within the Rural Residential and Rural Lifestyle Zones ensure predominant land uses are rural and residential, while providing for some visitor and community activities as secondary activities where it can be demonstrated that those activities are of principal benefit to the adjacent rural living activities.

Comment [C16]:

Policies

22.2.2.1 Provide for residential living and farming as permitted activities, and recognise that depending on the location, scale and type, community activities may be compatible with and enhance the Rural Residential and Rural Lifestyle Zones.

Comment [C17]:

New Recognise that depending on the location, scale and type, community activities may in some instances be compatible with and enhance the Rural Residential and Rural Lifestyle Zones, while in other instances these activities may degrade the important rural amenity of residents within the rural living areas. As such, these activities will only be appropriate

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where they accord with the character and amenity of the rural living area, do not create inappropriate traffic and noise effects and have a demonstrable benefit to the local community.

Comment [C18]:

22.2.2.2 Any development, including subdivision located on the periphery of residential and township areas, shall avoid undermining the integrity of the urban rural edge and where applicable, the urban growth boundaries.

22.2.2.3 Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, ~~so that would diminish the amenity, rural living quality and character of the Rural Residential and Rural Lifestyle zones are not diminished and the vitality of the Districts commercial zones is not undermined.~~

Comment [CB19]: Submitter 764 and multiple submitters seeking VA is not non-complying. Refer Appendix 2.

22.2.2.4 Encourage ~~intensive~~ low density visitor accommodation only within the specified visitor accommodation subzone areas and control the scale and intensity of these activities in order to maintain the character and amenity provided by the rural living areas.

Comment [CB20]: Submitter 764

Comment [C21]:

22.2.2.5 The bulk, scale and intensity of buildings used for visitor accommodation activities are to be commensurate with the anticipated development of the zone and surrounding residential activities.

22.2.3 **Objective - ~~Manage~~ n New development and adequately manages natural hazards risk.**

Comment [CB22]: Submitter 764

Policies

22.2.3.1 Parts of the Rural Residential and Rural Lifestyle zones have been, and might be identified in the future as susceptible to natural hazards and some areas may not be appropriate for residential activity if the natural hazard risk cannot be adequately managed.

22.2.4 **Objective - ~~Ensure~~ n New development does not exceed available capacities for servicing and infrastructure.**

Comment [CB23]: Grammar

Policies

22.2.4.1 Discourage new development that requires servicing and infrastructure at an adverse cost to the community.

22.2.4.2 Ensure traffic generated by new development does not compromise road safety or efficiency.

22.2.5 **Objective - ~~Manage situations where~~ sSensitive activities conflicting with existing and anticipated rural activities are managed.**

Policies

22.2.5.1 Recognise existing and permitted activities, including activities within the surrounding Rural Zone might result in effects such as odour, noise, dust and traffic generation that are established, or reasonably expected to occur and will be noticeable to residents and visitors in rural areas.

22.2.6 **Objective - Bob's Cove Rural Residential sub-zone - To create comprehensively-planned residential development with ample open space and a predominance of indigenous vegetation throughout the zone.**

22.2.6.1 Ensure at least 75% of the zone is retained as undomesticated area and at least 50% of this area is established and maintained in indigenous species such that total indigenous vegetation cover is maintained over that area.

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- 22.2.6.2 Ensure there is open space in front of buildings that remains generally free of vegetation to avoid disrupting the open pastoral character of the area and the lake and mountain views.
- 22.2.7 Objective - Bob's Cove Rural Residential Zone - To maintain and enhance the ecological and amenity values of the Bob's Cove Rural Residential zone.**
- 22.2.7.1 To ensure views of Lake Wakatipu and the surrounding landforms from the Glenorchy-Queenstown Road are retained through appropriate landscaping and the retention of view shafts.
- 22.2.7.2 To ensure the ecological and amenity values of Bob's Cove are retained and, where possible, enhanced through:
- appropriate landscaping using native plants;
 - restricting the use of exotic plants;
 - removing wilding species;
 - providing guidance on the design and colour of buildings;
 - maintaining view shafts from the Queenstown-Glenorchy Road.

22.2.8 Objective – Safeguard the Life Supporting Capacity of Water through the integrated management of the effects of activities

22.2.8.1 To safeguard the life-supporting capacity of water through the integrated management of the effects of activities, in particular to maintain and enhance the water quality of Mill Stream north of Lake Hayes due to its importance in relation to trout habitat.

22.2.8.2 In respect of the Rural residential Zone at the north of Lake Hayes:

- (a) Minimise erosion of phosphorus-rich soil.
- (b) Require run-off from buildings, roads and other impervious surfaces to be buffered or treated before entering Mill Creek or Lake Hayes.
- (c) Protect and encourage the further creation of wetlands and ponds in the vicinity of Mill Creek as a means of removing nutrients prior to entering waterbodies.
- (d) Ensure that land use activities are considered in terms of effects on the quality of the receiving waters.
- (e) Require a land disturbance strategy to be provided where any earthworks are being undertaken in association with a land use activity or subdivision.
- (f) Require a landscaping plan to be provided with any land use consent application.

Comment [C24]:

22.3 Other Provisions and Rules

22.3.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative District Plan (ODP).

1 Introduction	2 Definitions	3 Strategic Direction
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4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 ODP)	25 Earthworks (22 ODP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (14 ODP)
30 Utilities and Renewable Energy	31 Hazardous Substances (16 ODP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

22.3.2 Clarification

- 22.3.2.1 A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.
- 22.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the ~~Non-Compliance Status~~ column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity
- 22.3.2.3 Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant land use consent, consent notice or covenant registered on the site's computer freehold register.
- 22.3.2.4 The Council reserves the right to ensure development and building activities are undertaken in accordance with the conditions of resource and subdivision consent through monitoring.
- 22.3.2.5 Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent or subdivision.
- 22.3.2.6 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its discretion to the matters listed in the rule.
- 22.3.2.7 Ground floor area means any areas covered by the building or parts of the buildings and includes overhanging or cantilevered parts but does not include pergolas (unroofed), projections not greater than 800mm including eaves, bay or box windows, and uncovered terraces or decks less than 1m above ground level.
- 22.3.2.8 Building platforms identified on a site's computer freehold register shall have been registered as part of a resource consent approval by the Council.
- 22.3.2.9 Sub zones, including the Visitor Accommodation Sub Zone, being a subset of the respective Rural Residential and Rural Lifestyle zones require that all rules applicable to the respective zone apply, unless specifically stated to the contrary.
- 22.3.2.10 In addition to Tables 1 and 2, the following standards apply to the areas specified:
- Table 3: Rural Lifestyle Deferred and Buffer Zones
 - Table 4: Rural Residential Zone at Forest Hill.
 - Table 5: Rural Residential Bob's Cove and Sub Zone.
 - Table 6: Ferry Hill Rural Residential Sub Zone.
 - Table 7: Wyuna Station Rural Lifestyle Zone.

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

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

22.3.3 Exemption

The standards pertaining to the colours and materials of buildings in Table 2 do not apply to soffits or, doors that are less than 1.8m wide.

22.4 Rules - Activities

	Table 1: Activities Rural Residential and Rural Lifestyle Zones	Activity
22.4.1	Any other activity not listed in Tables 1-7.	NC
22.4.2	Rural Residential Zone: The construction and exterior alteration of buildings.	P
22.4.3	Rural Lifestyle Zone: 22.4.3.1 The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register. 22.4.3.2 The exterior alteration of buildings located outside of a building platform not exceeding 30% of the ground floor area of the existing building in any ten year period. Non-compliance with rule 22.4.3.2 is a restricted discretionary activity. Discretion is restricted to all of the following: <ul style="list-style-type: none">• External appearance.• Visibility from public places.• Landscape character.• Visual amenity. 22.4.3.3 The identification of a building platform for the purposes of a residential unit <u>except where identified by Rule 27.5.1.1.</u>	P P D
22.4.4	Makarora Rural Lifestyle Zone: The construction of buildings located within a building platform approved by resource consent, or identified on the computer freehold register. Control is reserved to the avoidance or mitigation of the effects of natural hazards as set out in the matters of control in part 22.7.	C
	Rural Residential and Rural Lifestyle Zones	

Comment [CB25]: Clarification in response to submissions rejecting this rule.

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	Table 1: Activities Rural Residential and Rural Lifestyle Zones	Activity
22.4.5	Residential Activity.	P
22.4.6	Residential Flat (activity only, the specific rules for the construction of any buildings apply).	P
22.4.7	Farming Activity.	P
22.4.8	Home Occupation that complies with the standards in Table 2.	P
22.4.9	<p>Home Occupation activity involving retail sales limited to handicrafts or items grown or produced on the site.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Privacy on neighbouring properties. • scale and intensity of the activity. • Traffic generation, parking, access. • Noise. • Signs and Lighting. 	C

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	Table 1: Activities Rural Residential and Rural Lifestyle Zones	Activity
22.4.10	<p>Visitor accommodation within a visitor accommodation subzone, including the construction or use of buildings for visitor accommodation.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> Effects on the character and amenity of the relevant rural living area. The bulk and scale of buildings in the context of the scale of residential buildings in the surrounding area. Access, traffic, safety and transportation effects including consideration of levels of traffic congestion or reductions of levels of traffic safety which are inconsistent with the classification of the adjoining road. The extent to which the activities on the relevant site remain dominated by rural activities, rather than by activities which are not associated with, or incidental to, rural activities. Car Parking. Noise effects in the context of the existing noise environment of the rural living area. Signs and Lighting. Landscaping to mitigate effects associated with buildings, infrastructure and car parking areas. Where buildings are located near water bodies, ensuring the buildings are compatible with the scenic and amenity values, habitat values and water quality of any waterbodies. Whether the building will be located in an area subject to natural hazards including the effects of any mitigation to manage the location of the building. 	C
22.4.11	Visitor accommodation outside of a visitor accommodation subzone, including the construction or use of buildings for visitor accommodation.	NC
22.4.12	Community activity.	∅ NC
22.4.13	Informal airports <u>in the Rural Lifestyle Zone</u>	D
New	<u>Informal airports in the Rural Residential Zone</u>	NC
22.4.14	Informal Airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.	P
22.4.15	Any building within a Building Restriction Area that is identified on the planning maps.	NC
22.4.16	Any other commercial or Industrial activity.	NC

Comment [C26]:

Comment [C27]:

Comment [C28]:

Comment [C29]:

Comment [C30]:

Comment [C31]:

Comment [C32]:

Comment [C33]:

Comment [C34]:

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	Table 1: Activities Rural Residential and Rural Lifestyle Zones	Activity
22.4.17	<p><u>(a) The following activities shall be prohibited in the Rural Residential Zone:</u></p> <p>Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, or any activity requiring an Offensive Trade Licence under the Health Act 1956.</p> <p><u>(b) The following activities shall be prohibited in the Rural Lifestyle Zone:</u></p> <p>Panelbeating, spray painting, motor vehicle dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, or any activity requiring an Offensive Trade Licence under the Health Act 1956.</p> <p>Except commercial fish or meat processing in the Rural Lifestyle Zone where undertaken as part of a permitted home occupation in terms of Rule 22.5.7.</p>	PR

Comment [CB35]: Submitter 127

Comment [C36]:

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22.5 Rules - Standards

	Table 2: Standards Rural Residential and Rural Lifestyle Zones	Non-compliance:
22.5.1	<p>Building Materials and Colours</p> <p>All buildings, including any structure larger than 5m², new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape:</p> <p>Exterior colours of buildings:</p> <p>22.5.1.1 All exterior surfaces* shall be coloured in the range of black, browns, greens or greys;</p> <p>22.5.1.2 Pre-painted steel, and all roofs shall have a <u>light</u> reflectance value not greater than 20%;</p> <p>22.5.1.3 Surface finishes** shall have a <u>light</u> reflectance value of not greater than 30%.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties. • Whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building. • The size and height of the building where the subject colours would be applied. <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	RD
22.5.2	<p>Building Coverage (Rural Residential Zone only)</p> <p>The maximum ground floor area of any building shall be 15% of the net site area.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • The effect on open space, character and amenity. • Effects on views and outlook from neighbouring properties. • Ability of stormwater and effluent to be disposed of on-site. 	RD
22.5.3	<p>Building Size</p> <p>The maximum <u>ground floor area</u> size of any building shall be 500m².</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Visual dominance. • The effect on open space, rural <u>living</u> character and amenity. 	RD

Comment [CB37]: Submitter 497 and others.

Comment [CB38]: Clarification.

Comment [CB39]: FS1255

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	<ul style="list-style-type: none"> Effects on views and outlook from neighbouring properties. Building design and reasons for the size. 	
22.5.4	<p>Setback from internal boundaries</p> <p>The minimum setback of any building from internal boundaries shall be:</p> <p>22.5.4.1 Rural Residential zone - 6m</p> <p>22.5.4.2 Rural Lifestyle zone - 10m</p> <p>22.5.4.3 Rural Residential zone at the north of Lake Hayes - 15m</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> Visual dominance. The effect on open space, rural living character and amenity. Effects on privacy, views and outlook from neighbouring properties. Reverse sensitivity effects on adjacent properties. Landscaping. 	RD
22.5.5	<p>Setback from roads</p> <p>The minimum setback of any building from a road boundary shall be: 10m, except in the Rural Residential zone at the north of Lake Hayes, the minimum setback from Speargrass Flat Road shall be 15m.</p> <p>22.5.5.1 Rural Lifestyle Zone: 20m</p> <p>22.5.5.2 Rural Residential Zone: 10m</p> <p>except that in the Rural Residential zone at the north end of Lake Hayes the minimum setback from Speargrass Flat Road shall be 15 metres.</p> <p>22.5.5.3 Rural Residential Zone where the road is a State Highway: 15m</p>	NC
22.5.6	<p>Setback of buildings from water bodies</p> <p>The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> Water quality and habitat values. Any indigenous biodiversity values. Visual amenity values. Landscape character. Open space. Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building. <p>Except this rule does not apply to the visitor accommodation sub zones.</p>	RD

Comment [CB40]: Submitter 444.

Comment [CB41]: FS 1255

Comment [CB42]: Submitter 367

Comment [C43]:

Comment [CB44]: Submitter 719

Comment [C45]:

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22.5.7	<p>Home Occupation</p> <p>Home occupation activities shall comply with the following:</p> <p>22.5.7.1 No more than one full time equivalent person from outside the household shall be employed in the home occupation activity.</p> <p>22.5.7.2 The maximum number of vehicle trips* shall be:</p> <p style="margin-left: 20px;">a. Heavy Vehicles: 2 per week</p> <p style="margin-left: 20px;">b. other vehicles: 10 per day</p> <p>22.5.7.3 Maximum net floor area:</p> <p style="margin-left: 20px;">a. Rural Residential Zone: 60m²</p> <p style="margin-left: 20px;">b. Rural Lifestyle Zone: 150m²</p> <p>22.5.7.4 Activities and the storage of materials shall be indoors</p> <p>*A vehicle trip is two movements, generally to and from a site.</p>	D
22.5.8	<p>Building Height</p> <p>The maximum height for any building is 8 metres.</p>	NC
22.5.9	<p>Glare</p> <p>22.5.9.1 All fixed exterior lighting shall be directed away from adjacent roads and sites.</p> <p>22.5.9.2 Activities on any site shall not result in more than a 3 lux spill (horizontal and vertical) of light to any other site, measured at any point within the boundary of the other site.</p> <p>22.5.9.3 There shall be no upward light spill.</p>	NC
22.5.10	<p>Heavy Vehicle Storage</p> <p>No more than one heavy vehicle shall be stored or parked outside, overnight on any site for any activity.</p>	NC
22.5.11	<p>Residential Density: Rural Residential Zone</p> <p>22.5.11.1 Not more than one residential unit per 4000m² net site area.</p> <p><u>In the Rural Residential zone at the north of Lake Hayes:</u></p> <p>22.5.11.2 <u>for allotments less than 8000m² in size, there shall be only one residential unit;</u></p> <p>22.5.11.3 <u>for allotments equal to or greater than 8000m² there shall be no more than 1 residential unit per 4000m², on average.</u></p>	NC
22.5.12	<p>Residential Density: Rural Lifestyle Zone</p> <p>22.5.12.1 One residential unit located within each building platform.</p> <p>22.5.12.2 On sites less than 2ha there shall be only one residential</p>	NC

Comment [CB46]: Submitter 26.

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	<p>unit.</p> <p>22.5.12.3 On sites equal to or greater than 2 hectares there shall be no more than one residential unit per two hectares on average. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.</p>	
22.5.13	<p>Visitor Accommodation in the Rural Lifestyle Zone Visitor Accommodation Subzone.</p> <p>Building Coverage:</p> <p>The maximum building coverage shall be 10% and on sites greater than 1ha the maximum building coverage shall be 10% or 2500m², whichever is the lesser.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • The scale and intensity of the activity and the extent to which it is compatible with surrounding activities. • The effect on open space, character and amenity. • Effects on views and outlook from neighbouring properties. • Ability of stormwater and effluent to be disposed of on-site. 	RD
21.5.X	<p><u>Fire Fighting water and access: Rural Residential Zone</u></p> <p><u>New buildings where there is no reticulated water supply or it is not sufficient for fire-fighting water supply shall provide the following provision for firefighting:</u></p> <p><u>22.5.x.1 A water supply of 20,000 litres and any necessary couplings.</u></p> <p><u>22.5.x.2 A hardstand area adjacent to the firefighting water supply capable of supporting fire service vehicles.</u></p> <p><u>22.5.x.3 Firefighting water connection point within 6m of the hardstand and 90m of the dwelling.</u></p> <p><u>22.5.x.4 Access from the property boundary to the firefighting water connection capable of accommodating and supporting fire service vehicles.</u></p> <p><u>Discretion is restricted to all of the following:</u></p> <ul style="list-style-type: none"> • <u>The extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply.</u> • <u>The accessibility of the firefighting water connection point for fire service vehicles.</u> • <u>Whether and the extent to which the building is assessed as a low fire risk.</u> 	RD

Comment [CB47]: Submitter 438.

Table 3: Rural Lifestyle Deferred and Buffer zones		Non-compliance:
22.5.14	The erection of more than one non-residential building.	NC
22.5.15	In each area of the Deferred Rural Lifestyle zones east of Dalefield Road up to two residential allotments may be created with a single residential	D

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	building platform on each allotment.	
22.5.16	The land in the Deferred Rural Lifestyle (Buffer) zone shall be held in a single allotment containing no more than one residential building platform.	D
22.5.17	In the Deferred Rural Lifestyle (Buffer) zone, apart from the curtilage area, the land shall be maintained substantially in pasture. Tree planting and natural revegetation shall be confined to gullies and watercourses, as specified in covenants and on landscape plans.	D
22.5.18	In the Buffer zone, the maximum building height in the building platform shall be 6.5m.	NC

Table 4: Rural Residential Forest Hill		Non-compliance:
22.5.19	Indigenous Vegetation The minimum area on any site to be retained or reinstated in indigenous vegetation shall be 70 percent of the net site area. For the purpose of this rule net area shall exclude access to the site, consideration of the risk of fire and the building restriction area	NC
22.5.20	Building Restriction The building restriction area adjoining the Queenstown-Glenorchy Road, shall be retained and/or reinstated in indigenous vegetation.	NC

Table 5: Rural Residential Bob's Cove and sub-zone		Non-compliance:
22.5.21	Building Height (sub zone only) Maximum building height is 6m. The matters of discretion are listed in provision 22.5.1.32.	RD
22.5.22	Setback from roads Buildings shall be setback a minimum of 10m from roads, and 15m from Glenorchy . Queenstown Road.	NC
22.5.23	Open space (sub zone only) Those areas that are set aside as %open space+ shall not contain any vegetation of a height greater than 2 metres, such that the vegetation does not disrupt the open pastoral character or the views of the lake and mountains beyond. The matters of discretion are listed in provision 22.5.32.	RD
22.5.24	Residential Density The maximum average density of residential units shall be 1 residential unit per 4000m ² calculated over the total area within the zone.	D
22.5.25	Boundary Planting: sub zone only 22.5.25.1 Where the 15 metre Building Restriction Area adjoins a	RD

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	<p>development area, it shall be planted in indigenous tree and shrub species common to the area, at a density of one plant per square metre.</p> <p>22.5.25.2 Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, such indigenous planting shall be established to a height of 2 metres and shall have survived for at least 18 months prior to any residential buildings being erected.</p> <p>The matters of discretion are listed in provision 22.5.32.</p>	
22.5.26	<p>Building setbacks</p> <p>Buildings shall be located a distance of 10m from internal boundaries.</p> <p>The matters of discretion are listed in provision 22.5.32.</p>	RD
22.5.27	<p>Building setbacks and landscaping</p> <p>Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, all landscaping to be undertaken within this distance on the subject property shall consist of native species in accordance with the assessment criteria in provision 22.5.32, subject to the requirement below:</p> <p>22.5.27.1 All landscaping within 15 metres of the Glenorchy-Queenstown Road shall be planted prior to the commencement of the construction of the proposed building.</p> <p>22.5.27.2 All landscaping from 15 metres to 50 metres from the Glenorchy-Queenstown Road shall be established within the first planting season after the completion of the building on the site.</p> <p>The matters of discretion are listed in provision 22.5.32.</p>	RD
22.5.28	<p>Building setbacks: sub zone only</p> <p>No building shall be erected within an area that has been identified as Undomesticated Area.</p>	NC
22.5.29	<p>Landscaping: sub zone only</p> <p>Where development areas and undomesticated areas have not been identified as part of a previous subdivision, at least 75% of the total area of the zone shall be set aside as %Undomesticated Area+ and the remainder as %Development Area+; and at least 50% of the undomesticated areas shall be retained, established, and maintained in indigenous vegetation with a closed canopy such that this area has total indigenous litter cover.</p> <p>This rule shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.</p> <p>Such areas shall be identified and given effect to by way of covenant, as part of any land use consent application.</p>	NC
22.5.30	<p>Indigenous vegetation: sub zone only</p> <p>At least 50% of the undomesticated area within the zone shall be retained, established, and maintained in indigenous vegetation with a closed canopy, such that complete indigenous litter cover is maintained</p>	NC

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	Table 6: Ferry Hill Rural Residential Sub Zone Refer to Part 22.7.2 for the concept development plan	Non-compliance:
22.5.33	<p>Density</p> <p>There shall be no more than one residential unit per lot.</p>	NC
22.5.34	<p>Building Height</p> <p>The maximum building height shall be 6.5m for lots 9-15 on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. Chimney and ventilation structures may be 7.2m high in this sub-zone.</p>	D
22.5.35	<p>Building Location</p> <p>The location of buildings shall be in accordance with the Concept Development Plan for the Ferry Hill Rural Residential sub-zone, in rule 22.7.2.</p>	D
22.5.36	<p>Design Standards</p> <p>Within Lots 9-15 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone:</p> <p>22.5.36.1 The roof pitch shall be between 20° and 30° and roof dormers and roof lights are to be incorporated in the roof pitch;</p> <p>22.5.36.2 Roof finishes of buildings shall be within the following range: Slate shingle, cedar shingle, steel roofing (long run corrugated or tray) in the following colours, or similar, only: Coloursteel colours New Denim Blue, Grey Friars, Ironsand or Lignite;</p> <p>22.5.36.3 Wall claddings of buildings shall be within the following range: cedar shingles, natural timber (clear stain), painted plaster in the following colours or equivalent: Resene 5YO18, 5B025, 5B030, 4GR18, 1B55, 5G013, 3YO65, 3YO20; stone cladding provided the stone shall be limited to Otago schist only and all pointing/mortar shall be recessed.</p>	D
22.5.37	<p>Landscaping</p> <p>22.5.37.1 Any application for building consent shall be accompanied by a landscape plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme.</p> <p>22.5.37.2 The landscape plan shall ensure:</p> <p style="margin-left: 20px;">a. That the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner which enhances naturalness; and</p> <p style="margin-left: 20px;">b. That residential development on sites adjoining Tucker Beach Road is subject to screening.</p> <p>22.5.37.3 Plantings at the foot of, on, and above the escarpment within lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include</p>	D

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	indigenous trees, shrubs, and tussock grasses.	
22.5.37.4	Plantings on Lots 1 . 17 may include, willow (except Crack Willow), larch, maple as well as indigenous species.	
22.5.37.5	The erection of solid or paling fences is not permitted.	

Table 7: Wyuna Station Rural Lifestyle Zone		Non-compliance:
22.5.38	The identification of any building platforms or construction of dwellings prior to the granting of subdivision consent that has assessed policies 27.7.1, 27.7.8.1 and 27.7.8.2.	PR

22.6 Rules - Non-Notification of Applications

Any application for resource consent for the following matters shall not require the written consent of other persons and shall not be notified or limited-notified:

22.6.1 Controlled activity Home occupation (Rule 22.4.9), except where the access is onto a State Highway.

Comment [CB50]: Submitter 719.

22.6.2 Controlled activity Visitor Accommodation within a Visitor Accommodation subzone (Rule 22.4.10).

22.7 Rules - Assessment Matters

22.7.1 Controlled Activities – Natural Hazards Makarora Rural Lifestyle Zone

22.7.1.1 The likelihood of the building being subject to the effects of any natural or other hazard, the degree to which the hazard could result in damage, destruction and/or loss of life, and the need to avoid or mitigate any potential damage or danger from the hazard.

22.7.1.2 Any potential adverse effects on other land that may be caused by the anticipated land use activities as a result of the effects of natural or other hazards.

22.7.1.3 Any need for conditions to avoid or mitigate potential damage or danger from the hazard, such as the provision of works, location and type of services, minimum floor heights and locations for buildings, and location and quantity of fill or earthworks.

22.7.1.4 Whether a minimum floor height should be specified for buildings in situations where inundation is likely and damage to structures could occur, but the land may not be suitable for filling.

22.7.1.5 In relation to flooding and inundation from any source, the Council shall have regard to the following:

- a. The effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining or downstream land;
- b. Any proposed boundary drainage to protect surrounding properties;
- c. Any effect of such filling or boundary drainage on the natural character or hydrological functions of wetlands;

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- d. The adequacy of existing outfalls and any need for upgrading;
- e. Any need for retention basins to regulate the rate and volume of surface run-off.

22.7.1.6 In relation to erosion, falling debris, slope instability or slippage:

- a. The need for certification by a Registered Engineer that any building site is suitable for the erection of buildings designed in accordance with NZS 3604;
- b. Any need for registration of covenants on the Certificate of Title;
- c. Any need for conditions relating to physical works to limit the instability potential.

22.7.2 Development at the north end of Lake Hayes

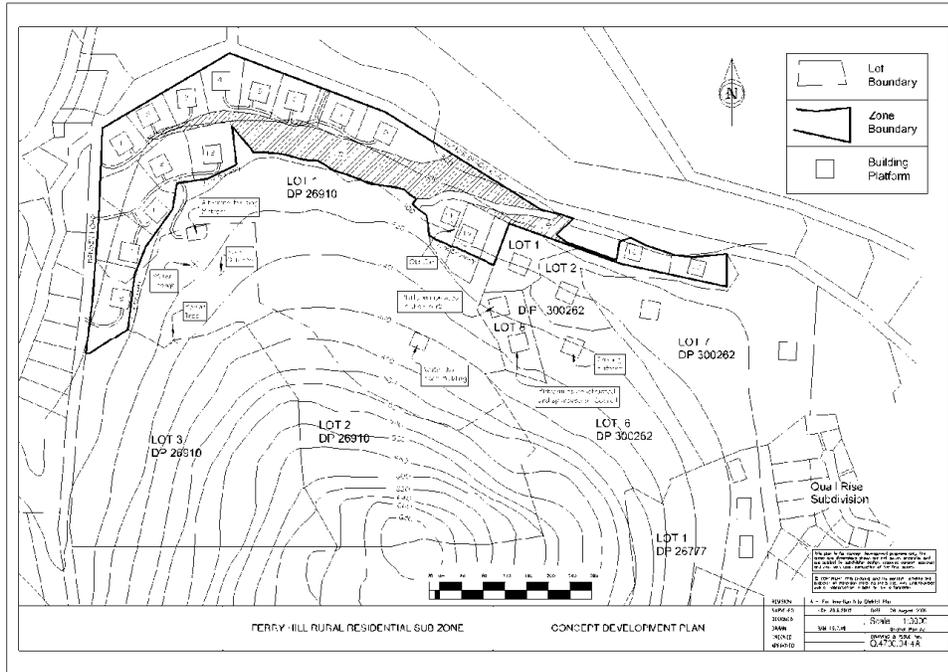
In the Rural Residential zone at the north of Lake Hayes, whether and the extent to which:

- (a) There is an opportunity to enhance the amenity values of the area through methods such as landscaping, the provision of open space areas, and the protection of highly visible areas.
- (b) The proposed development is complementary or sympathetic to existing or proposed landscaping on adjacent properties.
- (c) Appropriate riparian planting is proposed within the setback from Mill Creek;
- (d) The proposed earthworks will result in increased sedimentation of Mill Creek and Lake Hayes that will have an adverse effect on their nature conservation values;
- (e) The proposed earthworks are consistent with the natural topography of the area;
- (f) The proposed earthworks will cause excessive nuisance to neighbours as a result of dust or run-off;
- (g) Any of the adverse effects identified in (a) - (f) above can be avoided or mitigated by appropriate conditions of consent (for example; voluntary covenants, consent notices and other restrictive mechanisms)
- (h) Any buildings or associated works located within the setback from Mill Creek will have an adverse effect on the fisheries values and water quality of Mill Creek and Lake Hayes.

Comment [C51]:

22.7.2 Rural Residential Ferry Hill Sub Zone Concept Development Plan

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Attachment C

In accordance with the Memorandum of Commissioner Nugent (dated 25 January 2016) the following is an evaluation sufficient to satisfy the requirements of section 32AA of the RM Act for provisions I recommend modification to in my primary evidence.

Section 32AA of the RMA states:

“32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement), or the decision on the proposal, is publicly notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

(3) In this section, proposal means a proposed statement, plan, or change for which a further evaluation must be undertaken under this Act.”

Chapter 21 – Rural Zone

Policy 21.2.4.2 (Comment [C8] Attachment A)	
Costs	No cost. The purpose of the changes is to clarify the intent of the policy.
Benefits	The intent of the policy is clarified.
Effectiveness / Efficiency	The proposed policy is both effective and efficient in managing the location and type of activities in the Rural Area, without hindering economic growth or employment. Clarifying the wording of the proposed policy also creates efficiencies in administration.

New Objective (Comment [C9] Attachment A)	
Appropriateness	This proposed objective recognises the District contains mineral deposits of considerable economic and social importance to the district and nation. It is appropriate to recognise this fact in achieving the sustainable management of this resource in accordance with the purpose of the RM Act.
Costs	There are no costs associated with recognising this fact.
Benefits	There are benefits in recognising this fact in terms of future employment or economic growth.
Effectiveness / Efficiency	The proposed objective is efficient and effective in achieving its purpose of recognising the District contains mineral deposits that are of social and economic value to the district and nation.

New Policy (Comment [C10] Attachment A)	
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Costs	Adoption of this policy could result in a cost to other land uses.
Benefits	Consistency with the RPS. Addresses reverse sensitivity issues associated with mining.
Effectiveness / Efficiency	The proposed policy is effective and efficient in recognising future reverse sensitivity issues.

Objective 21.2.5 (Comment [C13] Attachment A)	
Appropriateness	An effects based mining objective is appropriate in achieving the sustainable management of natural resources in accordance with the purpose of the RM Act.
Costs	Possible that minor or temporary adverse effects on amenity, water, wetland, landscape and indigenous biodiversity values may result.
Benefits	Improved wording and understanding over the notified objective. Social and economic benefits to the district, region and nation. Possible employment opportunities, including specialist work. Less reliance on tourism industry.
Effectiveness / Efficiency	The proposed objective is both efficient and effective in setting a high standard for future mining activities in the district into the future.

Policy 21.2.5.1 (Comment [C16] Attachment A)	
Costs	I rely on Mr Barr's evaluation.
Benefits	I rely on Mr Barr's evaluation.
Effectiveness / Efficiency	I rely on Mr Barr's evaluation.

New Policy (Comment [C18] Attachment A)	
Costs	No cost to the environment.
Benefits	Mining buildings are appropriately located and coloured to fit into the landscape.
Effectiveness / Efficiency	The proposed policy is both efficient and effective in achieving Objective 21.2.5. The effects on landscape values are addressed.

Policy 21.2.5.3 (Comment [C19] Attachment A)	
Costs	No cost to the environment.
Benefits	Adds clarity. Reduces unnecessary verbiage.
Effectiveness / Efficiency	The proposed policy is both efficient and effective in achieving Objective 21.2.5.

New Policy (Comment [C20] Attachment A)	
Costs	Environmental compensation does not avoid or mitigate adverse effects.
Benefits	Adverse effects may be remedied through environmental compensation. Allows consideration of environmental compensation.
Effectiveness / Efficiency	The proposed policy enables off-setting or environment compensation to be considered as a means of addressing adverse effects of mining. It is efficient and effective in that it does not require it. The proposed policy is both efficient and effective in achieving Objective 21.2.5.

Policy 21.2.5.4 New Policy (Comment [C23] Attachment A)	
Costs	No cost to the environment.
Benefits	Adds clarity.

Effectiveness / Efficiency	Reduces unnecessary verbiage. The proposed policy is both efficient and effective in achieving Objective 21.2.5.
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New Policy (Comment [C24] Attachment A)	
Costs	No cost to the environment.
Benefits	Ensures waste heaps or long term stockpiles are compatible with forms in the landscape.
Effectiveness / Efficiency	Clarifies intent, making consistent administration more efficient. The proposed policy is both efficient and effective in achieving Objective 21.2.5.

Policy 21.2.12.7 (Comment [C41] Attachment A)	
Costs	I rely on Mr Barr's evaluation.
Benefits	I rely on Mr Barr's evaluation.
Effectiveness / Efficiency	I rely on Mr Barr's evaluation.

Rule 21.4.30 (Comment [C47] to [C50] Attachment A)	
Costs	Some small scale mining activities within ONF's permitted.
Benefits	Clarifies intent of the rule. Mineral prospecting remains a permitted activity. Mineral exploration dealt with in a separate rule. Larger scale mining of aggregates for farming activities within ONF's remains a discretionary activity.
Effectiveness / Efficiency	The proposed policy is both efficient and effective in achieving Objective 21.2.5 and associated policies. Larger scale mining activities remain regulated by Rule 21.4.32.

Rule 21.5.16 (Comment [C56] Attachment A)	
Costs	Proposed rule encourage taller building in the Rural Area.
Benefits	Houses in excess of 500 m2 in area can still be constructed within approved building platforms with some degree of certainty.
Effectiveness / Efficiency	Houses can effectively and efficiency utilise building platform. House height can be reduced.

Rule 21.5.18 (Comment [C58] and [C60] Attachment A)	
Costs	No cost to the environment.
Benefits	Small scale mining buildings are treated the same as farm buildings. Tight restrictions in terms of mining buildings within ONF's. Non-compliance with standard requires restricted discretionary activity consent.
Effectiveness / Efficiency	Small mining activities can occur in the Rural Area without need to obtain resource consent. Permitted activities are effectively regulated. The proposed rule is both efficient and effective in achieving the relevant objectives and policies.

Rule 21.5.21 (Comment [C61] Attachment A)	
Costs	The cost of not changing the rule could be decreased client safety, which could adversely affect the entire adventure tourism industry.

Benefits	Reducing the threshold to 5 people ensure groups remain small and consistent with non-commercial recreation. Threshold of 5 people has a proven track record.
Effectiveness / Efficiency	The threshold of 5 people is effective and efficient in permitting small scale commercial recreation activities consistent with Objective 21.2.9.

New Rule 21.5.25.5 (Comment [C64] Attachment A)	
Costs	No cost to the environment.
Benefits	The uniqueness of the Tucker Beach conservation area is recognised and provided for.
Effectiveness / Efficiency	Non-complying activity status is both effective and efficient in protecting the amenity values of surrounding rural living activities in that location.

Chapter 22 – Rural Residential and Rural Lifestyle Zone

Objective 22.2.1 (Comment [C8] Attachment B)	
Appropriateness	I rely on Mr Barr's evaluation.
Costs	I rely on Mr Barr's evaluation.
Benefits	I rely on Mr Barr's evaluation.
Effectiveness / Efficiency	I rely on Mr Barr's evaluation.

Policy 22.2.1.2 (Comment [C12] Attachment B)	
Costs	I rely on Mr Barr's evaluation.
Benefits	I rely on Mr Barr's evaluation.
Effectiveness / Efficiency	I rely on Mr Barr's evaluation.

Policies 22.2.1.3 and 22.2.1.5 (Comment [C13] and [C14] Attachment B)	
Costs	No cost to the environment.
Benefits	Ensures the amenity values of the zone are considered in accordance with Objective 22.2.1.
Effectiveness / Efficiency	The proposed change is both efficient and effective in achieving Objective 21.2.1.

Objective 22.2.2 (Comment [C16] Attachment B)	
Appropriateness	The changes sought to this Objective are appropriate avoiding, remedying or mitigating adverse effects of commercial activities on rural residential activities consistent with the purpose of the RM Act.
Costs	There are no costs to the environment.
Benefits	Visitor and community activities will only seek to located within the RR and RL Zones where those activities are of principal benefit to the rural living activities. Other activities will be discouraged.
Effectiveness / Efficiency	The proposed objective will be efficient and effective in discouraging visitor and community development that is not necessary or appropriate to locate within RR and RL zones.

Policy 22.2.2.1 (Comments [C17] and	
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[C18] Attachment B)	
Costs	There are no costs to the environment.
Benefits	The plan clearly details the intent of the zone, that is to provide for residential living and farming as permitted activities. The new policy clearly recognises that that community activities may have positive and negative effects, and should accord with the character and amenity of the rural living area.
Effectiveness / Efficiency	The policies are efficient and effective in giving primacy to rural living and farming activities consistent with Objective 22.2.2.

Policy 22.2.2.4 (Comment [C21] Attachment B)	
Costs	Reference to “intensive visitor accommodation” result in significant adverse effects on the character and amenity of the zone.
Benefits	Reference to “Low density Visitor Accommodation” appropriately signals smaller scale development consistent with the character and density of the RR and RL zones.
Effectiveness / Efficiency	The proposed amendment is efficient and effective in ensuring visitor accommodation remain small scale consistent with the intent of the sub-zones.

New Objective and Policy 22.2.8.1 and 2 (Comment [C24] Attachment B)	
Appropriateness	The proposed objective is appropriate in achieving the purpose of the RM Act and in exercising the function of Council.
Costs	There are no costs to the environment.
Benefits	The proposed objective duplicates the objective contained in the ODP, with particular reference in the proposed policies to Mill Stream as it passes through the head of Lake Hayes.
Effectiveness / Efficiency	The proposed objective and policies have a proven track record of being effective and efficient in sustaining the life supporting capacity of Mill Stream and other waterways that pass through RR and RL Zones.

Rule 22.4.10 (Comment [C26] to [C30] Attachment B)	
Costs	Without the proposed amendments there are potentially significant costs, through lack of control, on the character and amenity of the rural living environment.
Benefits	The proposed amendments ensure character and amenity effects are considered when developing visitor accommodation sub-zones.
Effectiveness / Efficiency	Retaining controlled activity status over development within the sub-zones ensures certainty for the developer and the community. The proposed change is both efficient and effective in achieving Policy 22.2.2.4.

Rule 22.4.11 (Comment [C31] Attachment B)	
Costs	There is no cost to the environment for the proposed amendment.
Benefits	Retaining non-complying status sends a strong message that RR and RL Zones are predominantly for rural living and farming in accordance with policy 22.2.2.1. Non-complying activity status ensures the section 104D test is applied.

Effectiveness / Efficiency	Retaining non-complying status for visitor accommodation outside of the sub-zones efficiently and effectively discourages visitor accommodation that could adversely affect the character and Amenity of the RR and RL Zones. The proposed change is both efficient and effective in achieving Policy 22.2.2.1.
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Rule 22.4.12 (Comment [C32] Attachment B)	
Costs	No cost to the environment. Retaining discretionary activity status could result in significant cost to the environment in terms of adverse effects on character and amenity of the RR and RL Zones.
Benefits	Non-complying activity status ensures the section 104D test is applied. Discourages community activities from trying to locate within RR and RL Zones.
Effectiveness / Efficiency	Changing the status of community activities to non-complying efficiently and effectively discourages community activities to establish in RR and RL Zones. The proposed change is both efficient and effective in achieving proposed Objective 22.2.2.

Rule 22.4.13 (Comment [C33] and [C34] Attachment B)	
Costs	Retaining discretionary activity status for informal airports in the RR Zone could result in significant adverse effects on rural character and amenity.
Benefits	The proposed non-complying activity status sends a clear message that informal airports in the RR Zone are inappropriate.
Effectiveness / Efficiency	Changing the status of informal airports to non-complying efficiently and effectively discourages informal airports to establish in RR and RL Zones. The proposed change is both efficient and effective in achieving proposed policy 22.2.2.3.

Rule 22.5.5 (Comment [C43] Attachment B)	
Costs	No cost to the environment.
Benefits	Proposal reinstates what was publicly notified and no submission sort to delete.
Effectiveness / Efficiency	The proposed change effectively and efficiently enables predominant farming activities in the RL Zone consistent with policy 22.2.2.1.

Rule 22.5.6 (Comment [C45] Attachment B)	
Costs	No cost to the environment.
Benefits	The proposed change ensures water quality and habitat values are considered should a development locate closer than 20 metres to a river, lake or wetland.
Effectiveness / Efficiency	The proposed change is effective and efficient in considering the effects of development on water quality and habitat values consistent with proposed Objective 22.2.8.