

Upper Clutha Environmental Society

Proposed District Plan-Entire Plan

Evidence of Julian Haworth

1. Nature of Submissions and Evidence

1. These submissions and evidence are written by Julian Haworth, secretary/treasurer of the Upper Clutha Environmental Society.
2. I am giving these submissions and evidence on behalf of the Upper Clutha Environment Society. I express both the opinions of the wider Society and my own opinions on resource management issues where appropriate. My evidence involves matters of fact.
3. I am aware that Council ordinarily requires witnesses who express opinions to be qualified as experts. While I acknowledge that I have no formal planning or landscape qualifications I have sixteen years practical knowledge of the implementation of the QLDC's Operative District Plan (ODP). I have been involved in preparing and presenting submissions and evidence on a number of variations and plan changes and on well over a hundred subdivision and/or land use resource consent applications in the Queenstown Lakes District.
4. I believe that over the last twenty two years on the committee of the Society I have gained sufficient expert knowledge on resource management, planning and landscape issues to be able to express an opinion that will be useful and can be given weight to on matters pertaining to the District Plan review.
5. This belief is based on a combination of extensive local and background knowledge, knowledge of the local landscape, familiarity with the ODP (especially the rural sections) and its relationship with the Resource Management Act. My expertise has been acknowledged in the Environment Court.
6. I have given evidence at a number of Environment Court hearings over the last twenty years and I am familiar with the Court's decisions following from these hearings, including decisions wrote and/or modified the District Plan.
7. I have lived in the Upper Clutha for twenty seven years. I have sixteen years experience of the visitor industry in the Upper Clutha having owned and run my own accommodation business in Wanaka.
8. I have a degree in Business Studies and successfully completed the exams of the Chartered Institute of Management Accountants in the UK in 1979. I worked professionally as an accountant for ten years.
9. I have read the Code of Conduct contained in the Court's practice note and I have complied with this in preparing this evidence.
10. I have not omitted to consider material facts known to me that would alter or detract from my opinions expressed in this evidence.
11. I have read most of the evidence put forward by Council in relation to the Proposed District Plan (PDP) and some of the submissions put forward by other submitters.

2. Plan Structure

12. While this evidence is given in relation to the “Entire Plan” submission stream the Society’s interest in the District Plan review is limited by its submissions to any matter that relates in any way to subdivision and/or development in the Rural Zone. The amendments and structural changes to the PDP described in this evidence are limited to that issue.
13. I note the point raised in relation to general submissions in the s.42A report:
- “6.4. These general submissions are fundamentally problematic in that it is not possible to understand what changes are likely to follow if the relief they seek were agreed. Although they are arguably “on” the plan in that they seek changes to the notified provisions/plan through deleting whole chapters, they raise important issues of fairness in that they are so unspecific as to any specific amendments to chapters except for withdrawing them in their entirety. That there is a real risk that people affected by any amendments that were made to provisions would be denied an effective opportunity to participate in the review process.”*
14. The author raises an important issue here, especially in relation to the issue of specificity and fairness. In order that all parties to the District Plan review are able to fairly contemplate the amendments and structure sought, this evidence describes in detail the specific amendments and structure proposed. The attached Appendices A-F illustrate exact details of the outcome sought.
15. It is important to note that all of the issues addressed in this evidence and in Appendices A-F have been raised in evidence by the Society at earlier District Plan hearings. This evidence and Appendices A-F give specificity to the Society’s evidence in a manner that can be easily understood by all parties. For this reason there can be no question that other parties “are being denied an effective opportunity to participate in the review process.”
16. Some of the wording of provisions suggested in evidence given at previous hearings has been modified to better reflect the intent of the amendment suggested in that earlier evidence, but the intent has not been changed.
17. It is also worthy of note here that the Society’s position on the District Plan review compared with that stated in this evidence is likely to change¹. This stems from its further submission:

“In light of the proposed changes to the RMA, and in particular the new s.95A the Society has changed its position from its Primary Submissions and now requests that all Rural Zone subdivision and development become a non-complying activity. (This is contingent on the new s.95A becoming law.)

This is because the changes proposed to S.95A of the Act mean that NO residential subdivision and/or development will be able to be publicly notified regardless of adverse effects. This means that the checks and balances of public submission and the ability to appeal to the Environment Court will be removed completely from ALL residential subdivisions and developments.”

2.1 Strategic Direction Chapter

18. Many of the changes to the structure of the Rural Zone objectives, policies, assessment matters and rules proposed in the PDP flow from the introduction of the Strategic Direction chapter.
19. The S.32 Strategic Direction report says (my underline)²:

¹ This will depend on the final wording of s.95A in the government’s amendments

“The ODP places substantial weight on protection of landscapes, and managing the effects of inappropriate subdivision and development..... The ODP has adopted a largely ‘effects-based’ approach to regulating subdivision and development. This provides flexibility and the opportunity for development or subdivision to be considered on its merits, but it can also result in uncertainty and difficulty in managing cumulative effects. Fundamentally, however, the landscape provisions in the ODP are considered to function well.”

20. I see considerable merit in this analysis. It would seem to support the retention of the ODP with some strengthening of the cumulative effects provisions. But this is not the course of action chosen. Instead a Strategic Direction chapter is included in the plan as part of a new plan structure; objectives, policies and assessment matters are majorly rewritten.

21. The reasons for the inclusion of a Strategic Direction chapter and new PDP structure were explained in the s.32 Strategic Direction Report where it said³ (my underline):

“Without these [Strategic Direction] objectives, the PDP would lack a clear direction and an integrated statement as to the planning and resource management aspirations for the District.....Retention of the status quo approach was considered. The status quo is represented by the ‘Sustainable Management’ chapter of the ODP. This chapter is dominated by unfocussed and very lengthy preamble and is unwieldy, and does not set a strong and direct policy framework.”

22. I agree that the existing ODP Part 3-Sustainable Management serves little purpose. For this reason I support its deletion. I suggest that it is replaced by a modified version of the PDP Chapter 1-Introduction (Appendix A).

23. However, and crucially, the comment above that the “status quo is represented by the Sustainable Management chapter of the ODP...[that] does not set a strong and direct policy framework” is both completely wrong and misleading; the writer does not understand the ODP. In fact a strong policy framework is found in Part 4-District Wide and Part 5-Rural of the ODP; this is what represents the status quo.

24. The ODP is clear and focused in expressing the planning and resource management aspirations for the district. For instance the first objective in Part 4 states⁴:

“Objective:

Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.”

25. Dovetailing in with this there follows a strong rural policy framework in Part 4.1 Natural Environment; Part 4.2 Landscape and Visual Amenity and Part 5.2 Rural Areas. These policies are proposed to be replaced by objectives and policies contained in Goals 3.2.4 and 3.2.5 that appear to me to be significantly weaker. This is of particular concern to me. These changes threaten the protection of landscape values; they are unnecessary and counterproductive.

26. The objectives and policies and assessment matter framework in the ODP has already been traversed on many occasions by Council and the Environment Court

2 Page 10

3 Page 18

4 ODP Part 4.2.5

and in my experience of numerous hearings I can remember no meaningful criticism as to the effectiveness of these objectives, policies and assessment matters; the operative rural provisions are reasonably effective and efficient in their current form; deficiencies are easily able to be addressed by amendments.

27. The rationale behind the Strategic Direction chapter is further explained in the S.32 Landscape Evaluation Report where it says⁵:

“The existing suite of objectives and policies would benefit from clarification, consolidation and require linkage to the proposed strategic directions chapter.”

28. And in the s.42A Strategic Direction and Urban Development report⁶ where it says:

“Without such a [Strategic Direction] chapter, there is the risk that individual chapters that deal primarily with a specific singular issue or geography will lack overall cohesion or integration.”

29. I’m not entirely sure what this means. It seems to me that if the relevant objectives and policies are positioned in relevant chapters, per the ODP, then this represents a more logical, cohesive (and more user friendly) approach than moving them out into a separate chapter. I disagree with the s.42A report where it says that the Strategic Direction chapter is a “meaningful tool for decision makers”⁷. A number of the goals, objectives and policies are vapid.

30. Other reasons for the changes to the structure of the PDP are explained in the S.32 Landscape Evaluation Report⁸ and in the “Broad options considered to address issues” report⁹:

31. The first reason given is:

“the objectives and policies do not align with the Proposed Strategic Directions chapter.”

32. As with the quotes above, this is a circular argument. If there is no Strategic Direction chapter included in the plan then the existing ODP objectives and policies, that are serving the community and district well, do not need to be rewritten, truncated or jettisoned as is proposed.

33. The s42A Landscapes report explains in several places (In the Executive Summary and Para. 4.5 for instance) that the Strategic Direction chapter objectives and policies are “higher-order provisions”. It is unclear how much additional weight the rural-related elements in the Strategic Direction chapter are to be accorded and to what extent the rural objectives, policies, assessment matters and rules in Chapter 6-Landscapes and Chapter 21-Rural are to be subordinated to this chapter. It concerns me that, for instance, the assessment matters may not be given sufficient weight when assessing resource consent applications under the proposed structure.

34. If the PDP becomes operative I believe that it may take several years (and possibly a number of cases before the Court) before it becomes clear what weight is to be accorded the rural provisions in the Strategic Direction chapter. This is not an efficient course of action compared with amending the existing provisions.

35. The S.32 Strategic Direction report states¹⁰:

5 Page 15

6 Paragraphs 8.1 to 8.10

7 Paragraph 8.6

8 Page 24 Management of the District’s Landscapes

9 Page 24

“A number of elements espoused in the Strategic Directions chapter build on existing approaches in the ODP, so there is often not a radical change in policy direction.”

36. In effect this says that the ODP already contains strategic direction provisions that are not radically changed by the introduction of the Strategic Direction chapter. I believe the existing provisions are adequate and effective. Indeed they are better than those proposed.
37. It is unlikely that any rural district plan provisions would have been more effective in controlling adverse effects on rural landscape values than those in the ODP in the face of the rampant development pressure experienced in the district, especially in Wakatipu and Upper Clutha Basins, in the period the ODP has been operative. Improvements to the existing provisions by means of amendment (rather than the PDP major restructuring and rewriting) will further increase their effectiveness. I suggest in this evidence amendments that will bolster the effectiveness of the operative objectives, policies, assessment matters and rules (Appendices C-F).
38. Para. 12.6 of the s.42A Strategic Directions and Urban Development report says:
- “An alternative option for the Strategic Direction chapter may have been to only provide high level objectives. Then, objectives and policies in the lower order chapters would have ‘fleshed out’ these high level objectives. However, whilst this is a potentially valid alternative plan making approach (and I have read the Independent Hearing Panel’s decision on the Christchurch Replacement District Plan that preferred this approach)...”*
39. I think that weight should be accorded the fact that the Hearing Panel in Christchurch rejected a Strategic Development chapter approach, preferring only “high-level objectives”.
40. My reading of the Strategic Direction chapter is that, while there are certainly some useful elements, it has been cobbled-together without clear purpose. I see it as more logical to delete the entire chapter while moving those elements that have utility to relevant parts of the plan as described in this evidence and shown in Appendices A-F.
41. Perhaps the worst flaw of many in the Strategic Direction chapter is that it is likely to be ignored by applicants and commissioners. An applicant picking up the District Plan for a rural subdivision and development application would surely first go to the Landscape chapter, then to the Rural chapter and then to the Subdivision and Development chapter, by which time rural provisions in the nebulous Strategic Direction chapter would seem secondary and of little consequence.
42. For clarity I note that the Society sought the deletion of the Strategic Direction chapter in its original submissions.

2.2 Landscape Chapter

43. I do see some merit in splitting-out landscape provisions into a separate chapter as proposed in the PDP Chapter 6. Landscape values are a fundamental issue in this district. I have separated out the landscape part of the ODP, Part 4.2 Landscape and Visual Amenity, as shown in my Appendix D.

2.3 Landscape Categorisations

44. The March 2015 Draft Review Summary of issues stated¹¹:

“The proposed changes intend to make it clearer where subdivision and development in the rural areas may be appropriate.”

45. I agree that the PDP succeeds in this objective where the landscape categories are reduced from 5 to 3. Consolidating the landscape categorisations into 3 types will result in a simplified plan that will be easier to use. I have consolidated the landscape categorisations in Appendices D and E.

2.4 Positive Effects and Other Matters

46. There is merit where the PDP proposes to apply the Positive Effects and Other Matters to all 3 proposed landscape categories¹² rather than just to Outstanding Natural Landscape Wakatipu Basin (see Appendix E pages 20 and 24).

2.5 Extraneous Text

47. There is merit where the PDP proposes to delete all text in Operative District Plan parts 4, 5 and 15 relating to “Explanation and Principal Reasons for Adoption” and “Implementation Methods” (Appendices C, D, and E). These sections are of limited utility and cloud reading of the plan as the objectives and policies, rules and assessment matters are largely self-explanatory. (An option would be to retain them in a separate appendix.)
48. It can be seen in Appendices C, D and E that, compared with the Operative District Plan, when the sections described above are removed large swathes of text are taken out of the plan making it easier to read.

2.6 Outcome

49. The combination of the changes made in 2.1-2.5 described above will simplify the plan and make the rural provisions more user-friendly, efficient and effective while not necessitating a major rewrite and restructure.

2.7. Appendices A-F Detailed Explanation of Amendments

50. The Appendices A-F are based on text taken verbatim from the ODP, the majority of this text being rolled-over unchanged. I have incorporated amendments to the ODP text reflecting the changes suggested in this evidence (Appendices A-F)¹³. Many of these amendments are derived from changes proposed by Council in the PDP.
51. I propose a revised District Plan structure as follows¹⁴:

Operative District Plan	Proposed District Plan	Final District Plan
	Chapter 1 Introduction	Chapter 1 Introduction retained but amended to include elements of Part 2 and Chapter 3

¹¹ Page 2

¹² Part 21.7.3 in the PDP

¹³ Where I refer to “UCES suggested change” in the appendices these are changes suggested in UCES’s evidence.

¹⁴ I use “Part” for ODP and “Chapter” for PDP

Part 2 Information and Interpretation deleted. Parts transferred to Chapter 1.	Chapter 2 Definitions retained	Chapter 2 Definitions retained
	Chapter 3 Strategic Direction text deleted	
Part 3 Sustainable Management text deleted.		Sustainable Management now addressed in Chapter 1
Part 4 District Wide Issues retained and becomes Chapter 3 excluding Landscape section		Chapter 3 text is deleted and is replaced by Part 4 District Wide Issues excluding Part 4a Landscapes
	Chapter 6 Landscapes text deleted	Chapter 6 Landscapes text is deleted and replaced by Part 4a Landscapes split out from Part 4
Part 5 Rural Areas retained and becomes Chapter 21	Chapter 21 Rural text is deleted	Chapter 21 Rural text is deleted and is replaced by Part 5 Rural Areas
Part 15 Subdivision, Development and Financial Contributions	Chapter 27 Subdivision and Development	Chapter 27 Subdivision and Development text is deleted and is replaced by Part15 Subdivision and Development

52. The current chapter numbering for the PDP is retained but the rural-related content in the PDP is replaced by rolled-over ODP content with amendments. This is best understood by reference to Appendices A-F.
53. All other non-rural related PDP chapters are also assumed to be retained with the same numbering; this evidence does not address those chapters.
54. Part 3 Sustainable Management in the ODP serves little purpose, as noted by witnesses for Council. I agree with Council witnesses that this should be deleted. The issue of sustainable management is addressed well in the PDP's Chapter 1-Introduction.

7.1 Appendix A Chapter 1-Introduction

55. On page 1 of Appendix A the first amendment is to move Part 3.1 of the Strategic Direction chapter to Part 1.1. I see value in this text but believe it to be better located in the introduction to the plan.
56. The next amendment on page 1 is to add the text:
- “Management of these special qualities is addressed in relevant chapters in the plan”*
57. This is to contextualize the first amendment above.
58. The next amendment on page 1 is to add the text:
- “The District Plan requires the following three wider goals to be met in order to enable the community’s social, economic and cultural well being”*
59. This amendment is made to introduce the transfer of the three goals referred to.

60. The next amendment (on pages 1-4) is to add the three goals from Part 3.2.1 of the Strategic Direction chapter. I see merit in these three goals but they are much better positioned in the plan's introduction.
61. The next amendment, on pages 6-8, deletes PDP 1.6.9 and replaces this by rolling over ODP 1.5.3. This is because the Status of Activities description is more accurate in the ODP and does not require amendment. Some amendments have been required to the text to reflect the amendment from five landscape categories to three landscape categories, that is to one district wide category of ONL/ONF and the deletion of Other Rural Landscape.
62. The next amendment, on page 9, is made to reflect the fact that within ONL/ONF consent for development should only be granted in exceptional cases (see 5.4.2.2.1 Appendix E, page 18). Given this criteria, it must follow that:

“non- notification will only occur in very exceptional cases”

63. The next (and final) amendment, on page 10, deletes PDP 1.7.6 and replaces this by rolling over Part 2.1.7 of the ODP. This is because the ODP provisions are better worded and make it clear that it is mandatory to identify a building outline.

7.2 Appendix B-Chapter 3 Strategic Direction Chapter

64. I have argued above that the Strategic Direction chapter should be deleted and that parts that have merit should be moved to more relevant and logical positions in the plan. I will describe here the amendments needed to accomplish this.
65. The first amendment (page 1) is to move Part 3.1 to the Chapter 1 Introduction chapter as described above.
66. The next amendment (page 1) is to move the Goal 3.2.1 and associated objectives and policies to Chapter 1 Introduction as described above, except for policy 3.2.1.3.2. I see some merit in policy 3.2.1.3.2 where it addresses climate change and so have moved this to both 4.1.3 in Appendix C pages 2 and 3 to 4.8.3.4.4 in Appendix C, page 21.
67. The next amendment (page 3) is to move Goal 3.2.2 The Strategic and Integrated Management of Urban Growth, to replace Part 4a.5.7 Urban Edges (Appendix D, page 6) except for Objective 3.2.2.2 which is deleted as the ODP contains provisions for this matter.
68. In relation to this issue the S.32 Strategic Direction report states¹⁵:
- “Urban Growth Boundaries will be utilised as a tool to contain urban development within defined limits, and support the efficiency of infrastructure, aiming to increase the viability of public transport and minimise reliance on fossil fuels, and avoid sprawl into rural or natural landscapes.”*
69. It can be seen from this statement that Goal 3.2.2 has considerable merit in that it will help prevent needless sprawl into the Rural Zone.
70. The next amendment is to move Goal 3.2.3 A Quality Built Environment Taking Into Account the Character of Individual Communities, to Chapter 1 Introduction, pages 2 and 3.

15 Page 4

71. The next amendment (page 3) is to delete Goal 3.2.4 The protection of our natural environment and ecosystems (except for 3.2.4.7). This is because there are already adequate provisions addressing this goal in Parts 4 and 4a of the ODP (Appendices C and D).
72. The next amendment (page 4) is to move Objective 3.2.4.7 relating to public access to Part 4.4.3 of the ODP (Appendix C, page 8). Promoting public access in this manner has merit.
73. The next amendment (page 4) is to move Objective 3.2.4.8 to 4.1.4 Objective 3 (Appendix C, page 4). This has merit as it reflects a need to recognise climate change.
74. The next amendment (page 4) is to move Policy 3.2.4.8.1 to 4.1.4.1 Policy 3.1 (Appendix C, page 4). This energy and greenhouse gas policy fits well here.
75. The next amendment (page 4) is to delete almost all of Goal 3.2.5 Our distinctive landscapes are protected from inappropriate development, because there are already more than adequate (and better) provisions for this goal in Part 4 and Part 5 of the ODP (Appendices C, D and E). Only 3.2.5.3.1 is retained and this is moved to Appendix D, top of page 7, Urban Growth policy.
76. The next amendment (page 5) is to transfer Goal 3.2.6 Enable a safe and healthy community that is strong, diverse and inclusive for all people, to Chapter 1 Introduction. This goal has merit but is a better fit right at the start of the plan so that people reading it get a clear message of its intent.
77. The next amendment (page 5) is to delete the Goal 3.2.7 Council will act in accordance with the principles of the Treaty of Waitangi and in partnership with Ngai Tahu, as there is already provision for this matter in Part 4.3 of the ODP (Pages 4-15 onwards).

7.3 Appendix C-Chapter 3 (Part 4 District Wide Issues)

78. Appendix C is the text of Part 4 of the ODP amended for issues discussed in this evidence. My suggestion is that this becomes Chapter 3 of the plan per the table above. The landscape part of Part 4 (Part 4.2) has been separated out (Appendix D, discussed below).
79. Where the Society is not involved in an issue in Part 4 I have removed text; where this has been done this is stated each time in the appendix.
80. The first amendment (half way down page 1) is to highlight that the Landscape and Visual Amenity section has been moved to a separate chapter, becoming Chapter 6 (Part 4a).
81. At the bottom of page 2 I have deleted text as “extraneous”. Such deletions take place on multiple occasions in Appendices C, D and E. I will not comment further on such deletions as they are self-explanatory.
82. The next amendment (pages 2 and 3) is the introduction of Climate Change provisions derived from PDP 3.2.1.3.2. I believe it is logical to locate this here.
83. The next amendment (page 4) is to delete Implementation Methods, Explanation and Principal Reasons for Adoption and Environmental Results Anticipated sections. While these sections have some merit, they clog up the reading of the

District Plan with large tracts of text¹⁶. There are multiple deletions of these sections throughout this appendix and in Appendix F. If comparison is made with the text that is in the ODP it can be seen that these deletions greatly simplify and increase the user-friendliness of Parts 4 and 5 of the ODP.

84. The next amendment (page 4) is to include the Climate Change objective transferred from PDP 3.2.4.8.
85. The next amendment (page 8) is to include the public access objective from PDP 3.2.4.7.
86. The next amendment (page 21) is to include the Climate Change policy from PDP 3.2.1.3.2.

7.4 Appendix D-Chapter 6 Landscape (Part 4a Landscape)

87. Appendix D is the text of Part 4.2 of the ODP amended for issues discussed in this evidence. My suggestion is that this becomes Chapter 6 of the plan per the table above. It has been separated out from Part 4 District Wide Issues. I support the approach taken in the PDP where Landscape is highlighted as a key issue by means of a separate chapter.
88. The first amendment (apart from self-explanatory minor text amendments) is on page 2 where in the “Activities” section I have moved up Farming and also Recreation and Visitor Activity to emphasise the importance of these activities to the district and their potential impact on rural landscape.
89. The next amendment (pages 3 and 4) in the “Issues” section is to make the amendments necessary to reflect the collapsing of the landscape categories from five to three as proposed in the PDP. I see considerable merit in this-it can be seen throughout this appendix how this reduction greatly simplifies the ODP.
90. The next amendment (page 4) is the addition of the text:

“Additional objectives and policies contained in Part 4 District Wide must also be addressed where relevant in conjunction with these objectives and policies (Change made due to separation out of Landscape Chapter)”
91. This amendment is necessary in order to point out that as well as addressing Landscape objectives and policies, there are objectives and policies in the District Wide chapter that must also be addressed.
92. The next amendment (middle of page 4) is in the Objectives and Policies-1. Future Development part and adds a new policy (d):

“(d) To recognise that subdivision and/or development in the Rural Zone, specifically residential development, has a finite capacity if the district’s landscape quality character and amenity values are to be sustained.”
93. This policy is derived from the notified PDP 6.3.2.1. I believe this is an important additional new policy that Council identified when writing the PDP. Recognising the finite nature of the rural landscape resource is consistent with provisions in the Act. There is no such policy in the ODP.

¹⁶ The text could be moved to a District Plan appendix for reference purposes.

94. This is an example (of many shown in Appendices A-F) where Council has identified a new policy that enhances the plan, and the way such a policy can be easily incorporated into the ODP without the need for the major rewrite/restructuring proposed.
95. The next amendments in the Objectives and Policies (pages 4 and 5) are made in order to reflect the collapsing of the landscape categories from five to three. I have added the following text at the start of the ONL/ONF and Rural Landscapes sections:
- “Subdivision and development proposals located within the Outstanding Natural Landscape, or on Outstanding Natural Features are to be assessed against the assessment matters in Part 5.4 because subdivision and/or development is inappropriate in almost all locations, meaning successful applications will be exceptional cases. (derived from notified PDP 6.3.1.3)”*
- “Subdivision and/or development proposals located within the Rural Landscape are to be assessed against the assessment matters in Part 5.4 because subdivision and/or development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters. (derived from notified PDP 6.3.1.4)”*
96. These amendments are taken from policies contained in the notified PDP. (The numbering “Part 5.4” referred to is the old ODP numbering-obviously this would change for the numbering contained in the PDP when Part 5 becomes Chapter 21.)
97. The next amendment (page 5) is to include the following policy in the Rural Landscape section:
- (c) Have regard to the adverse effects from subdivision and/or development on the open landscape character where it is open at present. (from notified PDP 6.3.5.6)*
98. This amendment is made to permit the assessment of loss of openness within Rural Landscape. This important issue was discussed in my evidence at earlier District Plan hearings. It bolsters the ODP Policy 4.2.5.17 that requires that effects on “open character” are minimised in all rural landscapes.
99. The next amendments (pages 5 and 6) are to move up the policy list the “Avoiding Cumulative Degradation” and “Structures” policies in order to emphasise the importance of these issues. Text changes have been made to the “Structures” policy to reflect the reduced landscape categories.
100. The next amendments (page 6) are to the Urban Development policy. Amendments have been made to reflect the reduction in landscape categories. A further amendment is made where the following text is added:
- (d) Concentrate development within existing urban areas, promoting higher density development that is more energy efficient and supports public transport to limit increases in greenhouse gas emissions in the District. (from notified PDP 3.2.4.8.1)*
101. This policy has merit and fits well here in the ODP.
102. The next amendments (pages 6 and 7) delete the ODP’s Urban Edges Policy and replace this with the objectives and policies contained in the notified PDP 3.2.2.1.
103. The final amendment (page 7) adds text from PDP Policy 3.2.5.3.1 as follows:

..direct urban development to be within these UGB's where they apply, or within existing rural townships. (final sentence added-copied from notified PDP 3.2.5.3.1)

104. These provisions are an improvement on the ODP provisions and are supported by maps in the PDP showing Urban Growth Boundaries.

7.5 Appendix E Chapter 21 Rural (Part 5 Rural Areas)

105. This appendix relates to rural areas. My suggestion is that this becomes Chapter 21 of the plan per the table above.

106. There are various minor amendments not described here that relate to clarifications or reflect renaming, renumbering and restructuring. The first amendment of consequence (page 1) is the inclusion of the following text:

Subdivision and/or development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained. (derived from PDP policy 6.3.2.1)

107. While I realise that this text has also been included in the landscape chapter, this issue is of such fundamental importance that I believe it warrants restating at the start of the Rural chapter.

108. The next amendment (page 3) modifies Policy 1.5 in the Objective 1 Character and Landscape Value section. The following text is added to the policy:

Residential buildings proposed on the grounds that they are allied to and necessary for rural productive activity shall be subject to exactly the same landscape assessment as any other proposed residential building that is not allied to or necessary for rural productive activity. (Change necessary in light of Glentarn decision)

109. This amendment, made in light of the Glentarn decision. It is included to reinforce the primacy of landscape values to the district; 50 ha "farms" should not be used to justify residential buildings.

110. The next amendment (page 6) in the Ski Area sub-Zones, is made because of the reduction in landscape categories.

111. The next amendment (page 7) relates to Controlled Activities. It sets the floor area size for new buildings or additions to buildings at below 350m² to remain a controlled activity and is derived from PDP 21.5.16, though with dimensions reduced from 500m². On page 9 an amendment is made in the Discretionary activity section on the same issue where buildings or additions above 350m² become a discretionary activity.

112. The next amendment also page 7 relates to Controlled Activities-Commercial activities Limited to Retail sales, where "wine grown on-site" is added. This is derived from a sensible amendment made in 21.4.14 of the PDP. An amendment relating to the same issue is made on page 10.

113. The next amendment (page 14) relates to Commercial Recreational Activities and increases the permitted number of people per group from five to ten. This is an amendment proposed in PDP 21.5.21.

114. The next amendment (lower down page 14) is in relation to Farm Buildings and deletes the word “replaced”. It seems onerous to me to prevent a farmer from being able to replace a farm building that has deteriorated.
115. The next amendment (page 15) also concerns farm buildings but also relates to the reduction in landscape categories. Under the ODP no new farm buildings are permitted at all in the Outstanding Natural Landscape Wakatipu Basin landscape category. This seems onerous to me. Under the suggested amended provisions farm buildings are subject to the rules shown at the bottom of page 15, and are also subject to the assessment matters in Part 5.4.2 (page 18). While this marginally weakens landscape protection in the Outstanding Natural Landscape around the Wakatipu Basin, it puts in place consistent and fairer district-wide provisions relating to farm buildings.
116. The next amendment (page 17) adds the following text to Part 5.4.1:
- The assessment matters are not exhaustive and do not exclude consideration of other relevant matters not addressed by them. (as explained by counsel for Council, legal Right of Reply 3/6/16)*
117. This amendment is made to make it clear that on a case by case basis the plan needs to be flexible enough to consider other matters that have not been included in the assessment matters when assessing an application. I agree with the conclusion reached by the right of reply here¹⁷.
118. The next amendment (bottom of page 19 and page 20) is to the ONL/ONF Cumulative Effects assessment matter and adds the words “Council shall be satisfied that these adverse cumulative effects”. This more rigorous “shall be satisfied wording” is taken from PDP 21.7.1.6.
119. The next amendment (page 20) is also to the ONL/ONF Cumulative Effects assessment matter and adds the words “consented, permitted”. Again this is derived from PDP 21.7.1.6 and clarifies the fact that permitted development or consented development not yet in place needs to be assessed in conjunction with existing and potential development when assessing the level of cumulative effects in a vicinity.
120. The next amendment (pages 20) is to delete the Positive Effects section relating to ONL/ONF. This is moved to page 24 where there is now a single Positive Effects and Other Matters section that relates to all landscape categories, as proposed in the PDP. This simplifies the plan and makes it more user-friendly.
121. The next amendment (pages 20-21) is to delete the Outstanding Natural Landscape District Wide landscape category per the PDP.
122. The next amendment (bottom of page 22) is to add the following text to the Form and Density of Development assessment matter:
- (iv) there is merit in clustering the proposed building(s) or building platform(s) within areas that are least sensitive to change; where clustered development is assessed as appropriate and consented this shall be conditional on the balance of the subject site being covenanted against further subdivision and/or development in perpetuity. (derived from PDP 21.7.2.5(b))*
123. The addition of this text, or similar which several years ago the Court suggested Council should have included in the plan, would have helped alleviate some of the unsightly development sprawl that has been permitted in Rural Landscape areas in

¹⁷ Page 9, paragraph 4.5

the Wakatipu Basin and Upper Clutha Basin. By inclusion now it will still be a useful tool in this regard.

124. The next amendment (page 23) is to the Rural Landscape Cumulative Effects assessment matter. The words “and openness” and “Council shall be satisfied that” are taken from PDP 21.7.2.7. The issues of openness and the more rigorous “shall be satisfied” wording have been discussed in evidence given by me at earlier District Plan hearings. I have also added “in combination have been” (derived from 21.7.1.6) as this seems logical and should appear in the cumulative effects assessment for both ONL/ONF and Rural Landscape.

125. The next amendment (page 23) is made to bullet point (iii) of the Cumulative Effects assessment matter where I have added the words “such that no further development at all can be accommodated.” This is to drive home the way cumulative effects analysis should work.

126. The next amendment (page 23) is also made to bullet point (iii) of the Cumulative Effects assessment matter and is made in response to the findings of the Wakatipu Basin Floor Study and an Upper Clutha Basin Floor Study, assuming this takes place. The text added is:

This assessment matter to be amended to include a mandatory cumulative effects analysis derived from Dr. Read’s landscape character and approved building platform maps-April 2016, Wakatipu Basin, the Wakatipu Basin Floor Study and a similar Upper Clutha Basin Floor Study maps not yet prepared. This may include a spatial development tool.)

127. The next amendment (page 23) adds a new bullet point as follows:

(v) whether further development as proposed will 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 within the Rural Landscape.(derived from PDP 21.7.2.7(a))

128. Again this has been included largely to reflect the contentious issue of whether openness should be protected in the Rural Landscape as discussed in my earlier evidence to these District Plan hearings.

129. The next amendment (top of page 24) is to delete text that defines different criteria to the Wakatipu Basin Rural Landscape versus the rest of the district with regard to the definition of a “vicinity”. The Upper Clutha Basin, for example, has a great deal of complex and fine-grained Rural Landscape; this makes it erroneous to only apply this definition to the Wakatipu Basin.

130. The next amendment (page 24) is the relocating of the ODP Positive Effects and Other Matters to the end of the Landscape Assessment Matters, making this applicable all landscapes, not just to Outstanding Natural Landscape Wakatipu Basin per the ODP. This is consistent with these provisions applying to all landscape types per 21.7.3 of the PDP, though I have rolled-over the ODP provisions rather than adopt those in 21.7.3.

131. The final amendment (pages 24 and 25) is to delete the Other Rural Landscape assessment matters per the PDP.

7.6 Appendix F-Chapter 27 Subdivision and Development (Part 15 Subdivision and Development and Financial Contributions)

132. My suggestion is that this becomes Chapter 27 of the plan per the table above.
133. Only limited parts of this chapter relate to subdivision and/or development in the Rural Zone and so are within the scope of the Society's appeal. I have included the parts of Part 15 that are relevant and are sought to be rolled-over.
134. Apart from this there are only minor amendments such as the renaming of zones.

Appendix A

Chapter 1 Introduction

1.1 Purpose

The purpose of the preparation, implementation and administration of this District Plan is to assist the Queenstown Lakes District Council to carry out its functions in order to achieve the purpose of the Resource Management Act (RMA) 19911.

The purpose of the RMA2 is to promote the sustainable management of natural and physical resources.

In the RMA, sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- Sustaining the potential of natural and physical resources (excluding minerals), to meet the reasonably foreseeable needs of future generations; and
- Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Sustainable management of the Queenstown Lakes District’s special qualities will be ensured by the careful management of growth, land use and development. These special qualities include:

- Dramatic alpine landscapes free of inappropriate development
- Clean air and pristine water
- Vibrant and compact town centres
- Compact and connected settlements that encourage public transport, biking and walking
- Diverse, resilient, inclusive and connected communities
- A district providing a variety of lifestyle choices
- An innovative and diversifying economy based around a strong visitor industry
- A unique and distinctive heritage
- Distinctive Ngai Tahu values, rights and interests

(ABOVE SECTION MOVED FROM 3.1 NOTIFIED PDP)

Management of these special qualities is addressed in relevant chapters in the plan (TEXT ADDED).

The District Plan requires the following three wider goals to be met in order to enable the community’s social, economic and cultural well being: (TEXT ADDED).

3.2.1.1 Goal - Develop a prosperous, resilient and equitable economy.

Objective 3.2.1.1 Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand’s premier alpine resorts and the District’s economy.

Policies

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3-2-1-1 Provide a planning framework for the Queenstown and Wanaka central business areas that enables quality development and enhancement of the centres as the key commercial hubs of the District, building on their existing functions and strengths.

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3-2-1-2 Avoid commercial rezoning that could fundamentally undermine the role of the Queenstown and Wanaka central business areas as the primary focus for the District's economic activity.

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3-2-1-3 Promote growth in the visitor industry and encourage investment in lifting the scope and quality of attractions, facilities and services within the Queenstown and Wanaka central business areas.

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Objective 3-2-1-2 Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas in the District.

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Policies

3-2-1-1 Avoid commercial rezoning that would fundamentally undermine the key local service and employment function role that the larger urban centres outside of the Queenstown and Wanaka central business areas fulfil.

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3-2-1-2 Reinforce and support the role that township commercial precincts and local shopping centres fulfil in serving local needs.

3-2-1-3 Avoid non-industrial activities occurring within areas zoned for Industrial activities.

Objective 3-2-1-3 Enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.

Policies

3-2-1-1 Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification.

3-2-1-2 Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change and energy and fuel pressures.
Moved to 4.8.3.4.4

Objective 3-2-1-4 Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests.

Objective 3-2-1-5 Maintain and promote the efficient operation of the District's infrastructure, including designated Airports, key roading and communication technology networks.

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3-2-3-2 Goal - A quality built environment taking into account the character of individual communities,

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Objective 3-2-3-1 Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.

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3-2-3-1 Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in character in certain locations.

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3-2-3-2 That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.

3-2-3-3 Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.

Objective 3-2-3-2 Protect the District's cultural heritage values and ensure development is sympathetic to them.

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Policies 3-2-3-1 Identify heritage items and ensure they are protected from inappropriate development.

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3-2-6-3 Goal - Enable a safe and healthy community that is strong, diverse and inclusive for all people.

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Objective 3-2-6-1 Provide access to housing that is more affordable.

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Policies

3-2-6-1 Provide opportunities for low and moderate income Households to live in the District in a range of accommodation appropriate for their needs.

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3-2-6-2 In applying plan provisions, have regard to the extent to which minimum site size, density, height, building coverage and other controls influence Residential Activity affordability.

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Objective 3-2-6-2 Ensure a mix of housing opportunities.

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3-2-6-1 Promote mixed densities of housing in new and existing urban communities.

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3-2-6-2 Enable high density housing adjacent or close to the larger commercial centres in the District.

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3-2-6-3 Explore and encourage innovative approaches to design to provide access to affordable housing.

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Objective 3-2-6-3 Provide a high quality network of open spaces and community facilities.

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3-2-6-1 Ensure that open spaces and community facilities are accessible for all people.

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3-2-6-2 That open spaces and community facilities are located and designed to be desirable, safe, accessible places.

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Objective 3-2-6-4 Ensure planning and development maximises opportunities to create safe and healthy communities through subdivision and building design.

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Policies

3.2.6-1 Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting "Crime Prevention Through Environmental Design".

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3.2.6-2 Ensure Council-led and private design and development of public spaces and built development maximises the opportunity for recreational and commuting walking and cycling.

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1.2 Legal Framework

Obligation to Comply with the Act

1.2.1 No person may use land in a manner that contravenes a rule in the District Plan, unless they have existing use rights or a resource consent granted by the Council (Sections 9, 10 and 10A). In the context of the Act such use includes the use of the surface of lakes and rivers (Section 10A).

1.2.2 No person may subdivide land unless expressly allowed by a rule in the District Plan, a National Environmental Standard or a resource consent (Section 11).

Existing Use Rights

1.2.3 Sections 10 and 10A of the Act provide for the existing and continued use of land and the surface of water in a manner which contravenes a rule in the District Plan, subject to the following:

- Land may be used in a manner that contravenes a rule in a district plan or proposed district plan if either:
 - The use was lawfully established before the rule became operative or the proposed plan was notified; and
 - The effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified:

Or:

- The use was lawfully established by way of a designation; and
- The effects of the use are the same or similar in character, intensity, and scale to those which existed before the designation was removed.

1.2.4 Existing use rights do not apply if:

- The use of land has been discontinued for a continuous period of more than 12 months, unless the Council has granted an extension by way of application; or
- Reconstruction, alteration or extension of any building that contravenes a rule in the District Plan increases its degree of non-compliance.

Enforcement

1.2.5 The Council will use its powers under Part 12 of the Act in requiring persons to cease or not commence activity which is or is likely to:

- Contravene the Act, any regulations, a rule in the District Plan, or any resource consent; or
- Be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the environment.

1.2.6 Under the Act, the Council has recourse to several enforcement tools, including enforcement orders, abatement notices, prosecutions for offences, and the power to enter and inspect land in respect of ascertaining compliance, seizing and obtaining evidence, and carrying out emergency works.

1.3 Cross Boundary Issues

The District sits within the Otago Region, and has borders with the Canterbury, West Coast and Southland Regions, and Southland, Central Otago, Waitaki and Westland Districts.

Cross-boundary issues refer to situations where an activity takes place on or near a territorial boundary or where the effects of a particular activity impact on the territory of an adjacent authority.

1.3.1 The following procedure will be followed for cross-boundary issues:

- Council will consider whether any resource consents are required from any other consent authorities.
- Reference to the provisions of the Act that relate to joint hearings will be made where an activity requires consent from two or more authorities.
- Applicants for resource consent for activities which might have effects on an adjoining territory will be encouraged to consult with that authority.

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1.4 Environmental Monitoring

1.4.1 The Council has responsibilities for gathering information, monitoring and maintaining records on resource management matters. These responsibilities will allow the Council to consider refinements to the content of the Plan as well as enabling the community to be informed about how the Plan's provisions are performing. The monitoring process of the Council has three components:

- Compliance with the provisions of the Plan and compliance with conditions of consent. In particular the Council will monitor compliance with approved resource consents.
- The state of the environment.
- The suitability and effectiveness of the provisions of the Plan.

1.4.2 Monitoring of the Plan will reflect the grouping of chapters within each Part being:

- Part One Introduction
- Part Two Strategic Matters
- Part Three Urban Environment
- Part Four Rural Environment
- Part Five District Wide Matters

Part Six Special Zones

Part Seven Maps

1.5 Review Procedures/Changes to the Plan

1.5.1 The Act requires that the Queenstown Lakes District Council have at all times, a District Plan. The Council is obliged to commence a full review of its District Plan not later than 10 years after this Plan becomes operative. It is, therefore envisaged this document will be in force for at least the next decade.

However, as changes occur to the environment it may be desirable to make amendments to this Plan in order to respond to new issues and conditions. This can be done either in part by introducing a Plan Change or in full by way of a total review.

1.5.2 Any person may apply for a change to this Plan, or the Queenstown Lakes District Council may itself initiate a change.

1.6 How to use this Plan

1.6.1 The Plan is arranged in seven Parts (see para 1.4.2 above).

1.6.2 The key to using the Plan is to start with the maps. Firstly, identify the site to which any development relates. Zone information will be shown, as well as any other resources or restrictions.

1.6.3 Secondly, refer to the relevant Chapter for the zone provisions (objectives, policies and rules) or District Wide Matters. Development may breach several rules across more than one Chapter and all will need to be addressed.

1.6.4 Thirdly, if resource consent is required to undertake an activity, complete the relevant application documents provided by Council and include the information required (see below).

Definitions

1.6.5 Definitions are provided within this Plan and have specific meanings. Generally, plain English interpretations of words are encouraged but there are definitions included within the Resource Management Act, and other legislation such as the Building Act.

In this Plan where a word or phrase has been expressly defined, it has primacy over other definitions elsewhere.

Resource Consents

1.6.6 The District Plan provides for two types of resource consent: land use and subdivision. Various resource consents and permits are also issued by the Otago Regional Council particularly in relation to the use of beds of lakes and rivers.

1.6.7 An application for resource consent must be made in accordance with the Act. Forms and accompanying information for land use and subdivision consent are available from the Council offices or on the Council's website. An Assessment of Effects on the

Environment and other relevant information prepared in accordance with Schedule 4 of the Act must also be provided.

1.6.8 Applications may be made by anyone, however for complex matters, professional assistance may be required.

Status of Activities

~~1.6.9 Within the Plan, different levels of activity that relate to the development of land or subdivision are used to set rules. These are:~~

~~Permitted activities are allowed by the Plan without resource consent, providing they comply in all respects with the rules specified in the Plan.~~

~~Controlled activities require resource consent. They shall comply with standards in the Plan and will be assessed according to those matters in the District Plan over which the Council has reserved control. The Council must generally grant consent to a controlled activity, but in granting consent the Council may impose conditions that relate only to those matters specified.~~

~~Restricted Discretionary activities require resource consent but the Council will have limited its discretion to certain stated matters. Applications can be granted or refused.~~

~~Discretionary activities require resource consent, and may be subject to standards specified in the Plan. All effects of the proposal can be considered by Council and the application can be granted or refused~~

~~Non-complying activities are those which are not anticipated in the Plan. A resource consent is required and may be granted or refused:~~

~~Prohibited activities are those which a rule in the Plan expressly prohibits in the District or a particular zone. No application may be made for such activities and no resource consent will be granted:~~

1.6.9 Status of Activities (Replaces PDP 1.6.9.with ODP Part 1.5.3)

Within the context of this District Plan, "activity" shall involve the use of land (and the surface of water), and/or the erection and/or use of buildings or structures thereon.

Activities have been grouped according to their common characteristics, based on the premise that there is no need to distinguish between activities of similar environmental effects. For example, "residential activity" includes a range of uses from detached dwellings to apartments.

Within each zone, these activities are further classified according to their status under the Act, being either: permitted; controlled; discretionary; noncomplying or prohibited.

i Permitted activities are allowed by the Plan without a resource consent, providing they comply in all respects with the rules specified in the Plan. In respect of any particular zone, these rules include both the relevant site and zone standards.

ii Controlled activities require a resource consent. They shall comply with standards in the Plan and will be assessed according to those matters in the District Plan over which the Council has reserved control. The Council must grant consent to a controlled activity, but in granting consent the Council may impose conditions relating to matters specified.

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iii Discretionary activities require a resource consent, and may be subject to standards specified in the Plan. Activities have been afforded such status:

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(i) where there is a potential that they may not be suitable in all locations in a zone; or

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(ii) where the effects of the activity on the environment are so variable that it is not possible to prescribe appropriate standards to cover all circumstances in advance of an application; or

(iii) because in or on outstanding natural landscapes and features the relevant activities are inappropriate in almost all locations within the zone, particularly within the Wakatipu Basin or

in the Inner Upper Clutha Area; or

(iv) because in visual amenity landscapes rural landscapes the relevant activities are inappropriate in many locations; or

(v) because in other rural landscapes the relevant activities may

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be inappropriate because the amenities of the neighbours will be significantly affected

(v) because, in the residential subzones of the Three Parks Zone, the potential effects of non-residential activities are so variable that it is not appropriate to prescribe standards to cover all circumstances and that, whilst such activities will be inappropriate in many circumstances those uses that preserve or enhance residential amenity and sustainability are likely to be acceptable.

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Alternatively, activities may be listed as permitted activities but cannot meet all the site standards for that zone, in which case they shall be discretionary activities only in respect of those matters of non-compliance. The Council may grant or refuse consent for a discretionary activity and, if granting consent, may impose conditions.

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iv Non-complying activities are those which contravene a rule in the District Plan. A resource consent is required for a non-complying activity. The Council may grant or refuse consent to a non-complying activity and, if granting consent, may impose conditions.

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v Prohibited activities are those which a rule in the Plan expressly prohibits in the District or a particular zone. No application may be made for such activities and no resource consent will be granted.

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(Changes made above to reflect change from 5 to 3 landscape classifications)

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Zones and District Wide Rules

1.6.10 The District is split into several zones to allow different provisions to apply to each. This allows development in each zone to be reflective of the effects anticipated by this Plan. District Wide Matters apply over all zones.

National and Regional Rules

1.6.11 In addition to the District provisions within this Plan, the RMA also requires national level Policies and Standards to be applied. Similarly the Regional Council has its

own rules which cover several Districts. These additional high level provisions will be referred to where practicable to do so. Users of the Plan are responsible to ensure that other such provisions are met.

Designations and Heritage Orders

1.6.12 Part 8 RMA defines those authorities that have power to become a requiring authority and provide for their works through designations in the District Plan.

1.6.13 A heritage order is a provision in the District Plan to give effect to a requirement made by a heritage protection authority.

A heritage order is issued to protect features or places of special interest, character, intrinsic or amenity value or visual appeal and such area of land surrounding these places as is necessary to protect and afford reasonable enjoyment of them. No person may undertake work in a manner contrary to the heritage order.

Consultation

1.6.14 An applicant may need to undertake consultation with parties affected by the proposal. The level of consultation depends on the effects or impacts of the proposal. The process of consultation allows people to understand the proposal and, done properly, can reduce the time delays and costs of resource consents.

Special consultation procedures may apply to activities, which affect sites or values of significance to the tangata whenua. An applicant is advised to refer to any consultation documents or Iwi Management Plans, which the Council may have available.

Notification

1.6.15 The Council may decide whether to publicly notify an application for resource consent for an activity.

1.6.16 Council must publicly notify the application if:

- It decides that the activity will have or is likely to have adverse effects on the environment that are more than minor; or,
- The applicant requests public notification; or,
- A rule in the Plan, or National Environmental Standard (NES) requires public notification.

1.6.17 Despite the above, Council must not publicly notify the application if;

- A rule in this Plan, or NES standard precludes public notification of the application; and,
- The applicant has not requested public notification.

1.6.18 Despite the above, Council may publicly notify an application if it decides that special circumstances exist in relation to the application. In the case of residential subdivision and/or development within Outstanding Natural Landscape or on Outstanding Natural Features non-notification will only occur in very exceptional cases. *[change necessary given]*

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1.7 Information to be submitted

1.7.1 For the Council to process an application for resource consent an applicant must provide adequate information to enable the effects of the activity to be assessed in accordance with the RMA and any assessment matters set out in the District Plan. The amount of detailed information needed depends on the type of resource consent.

1.7.2 Where the Council considers insufficient information has been supplied further information will be requested and the application or plan change will not be processed until the information is supplied.

1.7.3 Different types of applications require different details to be included with the application. Schedule 4 RMA details all information requirements for resource consents and is not repeated here. Guidance on this information is available from Council on the web pages associated with Resource Consents and may change from time to time.

1.7.4 Further information may also be required from an applicant where it is considered necessary to better understand the nature of the activity, the effect it may have on the environment, or the ways in which adverse effects may be mitigated. The Council may also commission a report, at the applicant's expense, on any matters raised in relation to the application, or on any environmental assessment or effects. However, before commissioning such a report it shall notify the applicant.

Designations

1.7.5 The following additional information shall be submitted with a Notice of a Requirement (NOR):

- Details of the Order in Council or empowering legislation which allows the applicant to be a requiring authority, including any specified terms or conditions attached to the Order in Council.
- A statement of how the requirement meets Part 2 of the Act.
- A statement of the objectives the project or work is aiming to achieve.
- The degree to which the requirement meets the objectives and policies of the Plan.
- The relationship of the work to, or effect on, any relevant provisions of national or regional policy statements and regional plans.
- Details of land ownership, acquisition and site clearance.
- The proposed sequence and timing of the work, clearly identifying any part which may not be commenced or completed within 5 years time.
- Proposals for the use and maintenance of those parts of the land which will not be developed for 5 years or more, in particular, identification of those buildings and structures which could continue to be used and maintained in the meantime.
- Identification of any other designation or heritage order applying to the site, whether it has been given effect to and the effect the requirement may have on the existing designation or heritage order.

Building Outline

1.7.6 ~~Council may request that any application to establish a building is accompanied by the erection of poles or other similar devices to identify the bulk of the proposed building to be erected on the site. The poles are to be in place prior to site assessment and must remain in place until the Council has completed the application.~~

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Any applicant for resource consent to establish a building in the Rural General and the Rural Living Zones shall erect poles or other similar devices to identify the bulk of the proposed building to be erected on the site. The poles are to be in place prior to site assessment and must remain in place until the Council has completed the application. Poles or other similar devices may also be required for new development in other zones at the discretion of the Council.

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(PDP wording replaced by rolling-over ODP Part 2.1.7 wording)

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Costs

1.7.7 The Council policy involves cost recovery in respect of applications for Resource Consents or Plan Changes. Deposits will be required for all Resource Consents and Plan Change requests. In general terms the costs recovered will include:

- Any public notices.
- Council officer's time.
- Postage and distribution costs.
- Costs for hearing time.
- Costs of any independent reports required by the Council.

Resource Consent process

1.7.8 The process for making, lodging, vetting and processing resource consent applications is deliberately not included in this Plan. This process is subject to change and amendments and details are available on the Council's website or direct from the Resource Consent Team.

Appendix B

Chapter 3-Strategic Direction Chapter

3.1 Purpose This chapter sets out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the Queenstown Lakes District's special qualities:

- Dramatic alpine landscapes free of inappropriate development
- Clean air and pristine water
- Vibrant and compact town centres
- Compact and connected settlements that encourage public transport, biking and walking
- Diverse, resilient, inclusive and connected communities
- A district providing a variety of lifestyle choices
- An innovative and diversifying economy based around a strong visitor industry
- A unique and distinctive heritage
- Distinctive Ngai Tahu values, rights and interests

(Above section moved to Chapter 1 Introduction)

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This direction is provided through a set of Strategic Goals, Objectives and Policies which provide the direction for the more detailed provisions related to zones and specific topics contained elsewhere in the District

3.2 Goals, Objectives and Policies

3.2.1 Goal – Develop a prosperous, resilient and equitable economy- *(Moved to Chapter 1 Introduction)*

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Objective **3.2.1.1** Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand's premier alpine resorts and the District's economy:

Policies **3.2.1.1.1** Provide a planning framework for the Queenstown and Wanaka central business areas that enables quality development and enhancement of the centres as the key commercial hubs of the District, building on their existing functions and strengths.

3.2.1.1.2 Avoid commercial rezoning that could fundamentally undermine the role of the Queenstown and Wanaka central business areas as the primary focus for the District's economic activity.

3.2.1.1.3 Promote growth in the visitor industry and encourage investment in lifting the scope and quality of attractions, facilities and services within the Queenstown and Wanaka central business areas.

Objective **3.2.1.2** Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas in the District:

Policies **3.2.1.2.1** Avoid commercial rezoning that would fundamentally undermine the key local service and employment function role that the larger urban centres outside of the Queenstown and Wanaka central business areas fulfil.

3.2.1.2.2 Reinforce and support the role that township commercial precincts and local shopping centres fulfil in serving local needs.

3.2.1.2.3 Avoid non-industrial activities occurring within areas zoned for Industrial activities.

Objective **3.2.1.3** Enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.

Policies **3.2.1.3.1** Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification.

3.2.1.3.2 Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change and energy and fuel pressures. **(moved to ODP Part 4.8.3.4.4 (Appendix C page 21))**

Objective **3.2.1.4** Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests.

Objective **3.2.1.5** Maintain and promote the efficient operation of the District's infrastructure, including designated Airports, key roading and communication technology networks.

3.2.2 Goal – The strategic and integrated management of urban growth (Moved to ODP-Part 4a.5.7(Appendix D, page 6))

Objective **3.2.2.1** Ensure urban development occurs in a logical manner:

- to promote a compact, well designed and integrated urban form;
- to manage the cost of Council infrastructure; and
- to protect the District's rural landscapes from sporadic and sprawling development.

Policies **3.2.2.1.1** Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jack's Point), Arrowtown and Wanaka.

3.2.2.1.2 Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs.

3.2.2.1.3 Manage the form of urban development within the UGBs ensuring:

- Connectivity and integration with existing urban development;
- Sustainable provision of Council infrastructure; and

• Facilitation of an efficient transport network, with particular regard to integration with public and active transport systems

3.2.2.1.4 Encourage a higher density of residential development in locations close to town centres, local shopping zones, activity centres, public transport routes and non-vehicular trails.

3.2.2.1.5 Ensure UGBs contain sufficient suitably zoned land to provide for future growth and a diversity of housing choice.

3.2.2.1.6 Ensure that zoning enables effective market competition through distribution of potential housing supply across a large number and range of ownerships, to reduce the incentive for land banking in order to address housing supply and affordability.

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~~**3.2.2.1.7** That further urban development of the District's small rural settlements be located within and immediately adjoining these settlements.~~

Objective ~~**3.2.2.2**~~ Manage development in areas affected by natural hazards.

~~*;(above section moved to pages 6 and 7 Appendix D 4a.5.7 to replace ODP objective and policy that is deleted)*~~

Policies ~~**3.2.2.2.1**~~ Ensure a balanced approach between enabling higher density development within the District's scarce urban land resource and addressing the risks posed by natural hazards to life and property.

~~**3.2.3 Goal – A quality built environment taking into account the character of individual communities** *(Moved to Chapter 1 Introduction)*~~

Objective ~~**3.2.3.1**~~ Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.

Policies ~~**3.2.3.1.1**~~ Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in character in certain locations.

~~**3.2.3.1.2** That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.~~

~~**3.2.3.1.3** Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.~~

Objective ~~**3.2.3.2**~~ Protect the District's cultural heritage values and ensure development is sympathetic to them.

Policies ~~**3.2.3.2.1**~~ Identify heritage items and ensure they are protected from inappropriate development.

~~**3.2.4 Goal – The protection of our natural environment and ecosystems** *(Deleted, apart from where shown below)*~~

Objective ~~**3.2.4.1**~~ Promote development and activities that sustain or enhance the life supporting capacity of air, water, soil and ecosystems.

Objective ~~**3.2.4.2**~~ Protect areas with significant Nature Conservation Values.

Policies ~~**3.2.4.2.1**~~ Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, referred to as Significant Natural Areas on the District Plan maps and ensure their protection.

~~**3.2.4.2.2** Where adverse effects on nature conservation values cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative.~~

Objective ~~**3.2.4.3**~~ Maintain or enhance the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities.

Policies ~~**3.2.4.3.1**~~ That development does not adversely affect the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities

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Objective ~~3.2.4.4~~ Avoid exotic vegetation with the potential to spread and naturalise.

~~Policies 3.2.4.4.1 That the planting of exotic vegetation with the potential to spread and naturalise is banned.~~

Objective ~~3.2.4.5~~ Preserve or enhance the natural character of the beds and margins of the District's lakes, rivers and wetlands.

~~Policies 3.2.4.5.1 That subdivision and / or development which may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins be carefully managed so that life-supporting capacity and natural character is maintained or enhanced.~~

Objective ~~3.2.4.6~~ Maintain or enhance the water quality and function of our lakes, rivers and wetlands.

~~Policies 3.2.4.6.1 That subdivision and / or development be designed so as to avoid adverse effects on the water quality of lakes, rivers and wetlands in the District.~~

Objective ~~3.2.4.7~~ Facilitate public access to the natural environment.

~~Policies 3.2.4.7.1 Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development. (Moved to ODP Part 4.3.3 Objective 4)~~

Objective ~~3.2.4.8~~ Respond positively to Climate Change. (Moved to ODP Part 4.1.4 Objective 3)

~~Policies 3.2.4.8.1 Concentrate development within existing urban areas, promoting higher density development that is more energy efficient and supports public transport, to limit increases in greenhouse gas emissions in the District. (Moved to ODP-4.1.4 Objective 3)~~

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~~**3.2.5 Goal – Our distinctive landscapes are protected from inappropriate development. (Deleted except for 3.2.5.3.1; retain ODP provisions)**~~

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Objective ~~3.2.5.1~~ Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.

~~Policies 3.2.5.1.1 Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps, and protect them from the adverse effects of subdivision and development.~~

Objective ~~3.2.5.2~~ Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.

~~Policies 3.2.5.2.1 Identify the district's Rural Landscape Classification on the district plan maps, and minimise the effects of subdivision, use and development on these landscapes.~~

Objective ~~3.2.5.3~~ Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.

~~Policies 3.2.5.3.1 Direct urban development to be within Urban Growth Boundaries (UGB's) where these apply, or within the existing rural townships. (Moved to Appendix D top of page 7)~~

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Objective ~~3.2.5.4~~ Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.

Policies **3.2.5.4.1** Give careful consideration to cumulative effects in terms of character and environmental impact when considering residential activity in rural areas:

3.2.5.4.2 Provide for rural living opportunities in appropriate locations:

Objective **3.2.5.5** Recognise that agricultural land use is fundamental to the character of our landscapes:

Policies **3.2.5.5.1** Give preference to farming activity in rural areas except where it conflicts with significant nature conservation values:

3.2.5.5.2 Recognise that the retention of the character of rural areas is often dependent on the ongoing viability of farming and that evolving forms of agricultural land use which may change the landscape are anticipated:

3.2.6 Goal – Enable a safe and healthy community that is strong, diverse and inclusive for all people. *(Moved to Chapter 1 Introduction)*

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Objective **3.2.6.1** Provide access to housing that is more affordable:

Policies **3.2.6.1.1** Provide opportunities for low and moderate income Households to live in the District in a range of accommodation appropriate for their needs:

3.2.6.1.2 In applying plan provisions, have regard to the extent to which minimum site size, density, height, building coverage and other controls influence Residential Activity affordability:

Objective **3.2.6.2** Ensure a mix of housing opportunities:

Policies **3.2.6.2.1** Promote mixed densities of housing in new and existing urban communities:

3.2.6.2.2 Enable high density housing adjacent or close to the larger commercial centres in the District:

3.2.6.2.3 Explore and encourage innovative approaches to design to provide access to affordable housing:

Objective **3.2.6.3** Provide a high quality network of open spaces and community facilities:

Policies **3.2.6.3.1** Ensure that open spaces and community facilities are accessible for all people:

3.2.6.3.2 That open spaces and community facilities are located and designed to be desirable, safe, accessible places:

Objective **3.2.6.4** Ensure planning and development maximises opportunities to create safe and healthy communities through subdivision and building design:

Policies **3.2.6.4.1** Ensure Council led and private design and development of public spaces and built development maximises public safety by adopting “Crime Prevention Through Environmental Design”:

3.2.6.4.2 Ensure Council led and private design and development of public spaces and built development maximises the opportunity for recreational and commuting walking and cycling:

~~**3.2.7 Goal – Council will act in accordance with the principles of the Treaty of Waitangi and in partnership with Ngai Tahu. (Deleted-retain ODP provisions in Part 4.3)**~~

~~Objective **3.2.7.1** Protect Ngai Tahu values, rights and interests, including taonga species and habitats, and wahi tupuna.~~

~~Objective **3.2.7.2** Enable the expression of kaitiakitanga by providing for meaningful collaboration with Ngai Tahu in resource management decision making and implementation.~~

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Appendix C

Suggested Proposed District Plan- District Wide Issues

4. District Wide Issues (Becomes Chapter 3)

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4.1 Natural Environment

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4.1.1 Introduction

The natural environment of the District consists of a variety of systems including rivers, lakes, downland basins, wetlands, bush remnants, uplands, mountains and shorelines. This combination plays a significant role in the quality of life in the District by providing recreation, economic, residential, conservation and servicing opportunities.

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Over recent years there has been increasing recognition of the value of the natural environment with respect to its values and qualities. In particular there has been a strong recognition of the value of the District's visual resource and landscapes and indigenous character and the importance of these to the community's well being, living environments and as a foundation for the visitor industry.

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Where development is undertaken regard needs to be given to the District's indigenous biodiversity, the life supporting capacity of air, water and soil and the visual resource.

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4.1.2 Resources, Activities and Values

The resources and values of the natural environment of the District and the activities that interact with those resources and values are described in various parts of this District Plan, namely:

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• ~~Part 4a Section 2 Landscape and Visual Amenity~~ (Now separate chapter per PDP-Chapter 6)

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• Part 4 Section 3 Takata Whenua

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• Part 4 Section 4 Open Space and Recreation

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• Part 4 Section 6 Surface of Lakes and Rivers

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• Part 4 Section 8 Natural Hazards

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• Part 4 Section 10 Earthworks

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• Part 5 Rural Issues, Objectives and Policies

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4.1.3 Issues

Additional relevant issues are found in the following Parts of the District Plan:

Landscape and Visual Amenity - **Part 4.2a**

Takata Whenua - **Part 4.3**

Surface of Lakes and Rivers - **Part 4.6**

Natural Hazards - **Part 4.8**

Earthworks - **Part 4.10**

Rural Areas - **Part 5.3**

i Nature Conservation Values

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The nature conservation values within the District, namely the indigenous flora and fauna and the natural character of the lakes and rivers and other natural features are continuing to be modified.

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The District is subject to pressures from growth, development and everyday living. The quality of life in the District cannot be sustained unless the protection of the natural resources from which that quality derives are protected.

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Despite continuing modification since the arrival of humans, the District has a diverse range of habitats - forests, shrubland, alpine herbfields, tussock grasslands, lakes and rivers - supporting an array of indigenous plants and animals. The upland areas to the west still contain many areas dominated by indigenous vegetation. Near the main divide beech forest predominates with snow tussocks on the upper slopes above the bush line, and alpine plants on the tops. Many of these upland areas to the west of the District form part of Mount Aspiring National Park. Other mountainous areas such as the lower McKerrow Range and the Dingle Burn area adjacent to Lake Hawea are also in Department of Conservation stewardship. There are no major threats to the beech forest or alpine ecosystems in these areas although adverse influences are exerted on individual species by introduced pests such as deer, possums, and rodents.

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To the east, the downland lake basins have undergone more extensive modification. Maori settlement did occur around the inland lake basin areas and also during this time much of the original podocarp and beech forests in the basins were destroyed by fire. The arrival of European settlers and the introduction of sheep in the 1860's led to major burning of native vegetation and scrub to enable stock to graze. Settlers began planting a wide variety of exotic trees such as firs, larch, pines, poplar, willow, hawthorn, gorse and broom. However, there are some significant remaining pockets of indigenous vegetation, particularly dominated with Kanuka.

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Generally areas above 1070m are among the least modified environments in the District. Due to thin and infertile soils and severe climatic factors, establishment and growth rates in plant life are slow, and these areas are sensitive to modification. In addition, these areas have high natural character and are frequently visually vulnerable.

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The braided riverbeds of the District are important as habitat to fish, including trout and salmon, and birdlife, such as the rare banded dotterels, wrybill plover and black fronted terns. All these birds nest on the riverbeds.

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The National Water Conservation (Kawarau) Order (which includes Lake Wakatipu and its tributaries) recognises the outstanding ecological, scenic, and recreational characteristics of these lakes and rivers.

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Lake Hawea has no Council reserve land as the raising of the lake for electricity purposes has submerged the previous Crown land strips. Nevertheless, provision exists for walking between the low and high water marks when lake levels permit. The margins of the rivers, streams, lakes and wetlands are recognised as being critical areas, not only in providing habitat, but also acting as a buffer to the lakes and rivers from land use activities.

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The Council has a responsibility under the Act to recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous animals. The Council wishes to protect and maintain these areas as having significant nature conservation value so that they may be enjoyed by future generations.

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ii Air Resources

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The use of land and the management of land use activities can and does adversely affect air quality within the District. The Regional Council has the principal role in the control and management of emissions of contaminants to air. However, the District Council is responsible for achieving integrated management of the effects of the use of land, including the effects of land use on air resources. The Council also has powers under the Local Government and Health Acts to promulgate bylaws in relation to air quality.

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The nature of the basins and valleys and the occurrence of still air conditions in winter can result in smoke accumulating with associated concerns relating to visual amenity and health risks. Air emissions from vehicles can also accumulate in and around the settlements. Reduced use of vehicles through consolidation of urban development can assist in reducing such emissions. (extraneous)

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iii Climate Change

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1.14 To consider taking appropriate esplanade reserves of adequate width to protect the natural character and nature conservation values around the margins of any of the District's rivers, lakes, wetlands and streams should any subdivision occur of small lots or any development for residential, recreational or commercial purposes.

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1.15 To identify areas, in co-operation with land occupiers and owners, the Regional Council, conservation and recreation organisations, for the setting aside of esplanade reserves or strips.

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1.16 To encourage and promote the regeneration and reinstatement of indigenous ecosystems on the margins of lakes, rivers and wetlands.

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1.17 To encourage the retention and planting of trees, and their appropriate maintenance.

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1.18 To manage and protect the sensitive alpine environments by avoiding, remedying or mitigating any adverse effects of development.

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1.19 To identify for inclusion in Appendix 5, areas of significant indigenous vegetation and significant habitats of indigenous fauna.

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1.20 That following the completion of a schedule of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and its formal inclusion within the Plan, there will be a review of site standards (a) (i), (ii) and (iii) of Rule 5.3.5.1(x) to determine whether or not these standards within the Rule are required in all the circumstances.

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~~Implementation Methods, Explanation and Principal Reasons for Adoption deleted (or moved to new Appendix).~~

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Objective 2- Air Quality

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Maintenance and improvement of air quality.

Policies:

2.1 To ensure that land uses in both rural and urban areas are undertaken in a way which does not cause noxious, dangerous, offensive or objectionable emissions to air.

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~~Implementation Methods, Explanation, Principal Reasons for Adoption and Environmental Results Anticipated deleted (or moved to new Appendix).~~

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~~Objective 3-Respond Positively to Climate Change (from PDP 3.2.4.8)~~

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~~Policies:~~

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~~3.1 Concentrate development within existing urban areas, promoting higher density development that is more energy efficient and supports public transport, to limit increases in greenhouse gas emissions in the District. (from PDP 3.2.4.8.1)~~

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~~[4.2 Landscape and Visual Amenity moved to separate chapter per PDP]~~

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4.23 Takata Whenua

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~~Content deleted for clarity. Society not involved in this issue.~~

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4.34 Open Space and Recreation

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4.34.1 Resources, Activities and Values

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i Recreational Activities within the District

The District provides a wide range of recreational opportunities. Its outstanding natural environment of lakes, rivers, mountains and basins provide an ideal setting for a variety of outdoor recreational activities. These are internationally recognised as the basis for the District's importance as a visitor destination, as well as encouraging residents to settle in the District. The climate is conducive to outdoor recreation and its proximity to Mt Aspiring and Fiordland National Parks provides further opportunities for outdoor recreation. Within the townships, there are opportunities for indoor recreational and community activities, such as libraries, swimming pools, community halls, as well as outdoor venues for more formal sporting activities.

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Open space is an important recreational and community resource. It can provide visual relief and amenity amongst the developed residential and commercial environments; opportunities for education regarding the natural environment; as well as active use (e.g. walking and cycling) and passive use (e.g. children's play, picnicking, sitting and contemplation) for both residents and visitors.

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The District's abundant lakes and rivers provide the basis for both private and commercial recreational activities.

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ii Functions of Open Space and Recreation Areas

Most areas of reserve and public land can be divided into the following categories:

- (a) visual amenity (such as gardens and tree plantings, areas of indigenous vegetation and views).
- (b) children's play (such as play equipment and neighbourhood parks).
- (c) active sports (such as team sports, running, skiing, tramping, golf and water sports).
- (d) passive use of open space (such as sitting, picnicking, enjoying a view).
- (e) waterfront access (such as lakeside and riverside walkways and beaches, access to lakes and rivers for fishing, picnicking and water-based sports).
- (f) linkages (such as walking tracks and cycle ways).
- (g) built facilities (such as halls, clubrooms, swimming pools and libraries).
- (h) heritage sites and features.
- (i) nature conservation (such as water margins, wetlands and indigenous vegetation).
- (j) commercial opportunities (such as heliskiing, bungy jumping and guided nature walks).

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iii Significance of Open Space and Recreation Areas

Open space and recreation areas will also vary in their significance to residents and visitors to the District. Some areas will be of importance to the whole District or even of regional or national importance. These include the National Park, scenic and recreation reserves, the lakes, rivers and mountains, which attract people to the District.

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Other areas will be of importance to the local community. These include the sportsfields and playgrounds, community halls and areas of open space and planting. Within the larger townships of the District there are also neighbourhood areas such as children's playgrounds and walkways.

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4.34.2 Issues

i Public Access to and Along the Lakes and Rivers

Opportunities for public access to and along lakes and rivers is not adequate in all localities to provide for the current and foreseeable needs of residents of and visitors to the District.

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The maintenance and enhancement of public access to and along the lakes and rivers is a matter of national importance under the Act. The setting aside of public reserve along the banks of lakes and rivers has the functions of providing for public access and waterfront activities, protecting nature conservation values of the margins, and maintenance of water quality and aquatic habitats.

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Means available under the Act include designations, provision at the time of subdivision for esplanade reserves or strips, or access strips or the establishment of esplanade or access strips by agreement with landowners.

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These may be sufficient to provide for public access along and to lakes and rivers, but may be less effective in protecting the natural values of such areas.

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The District Plan can also be used to implement rules to control the effects of activities, which are likely to adversely affect the natural values of the margins of lakes and rivers.

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~~Although the maintenance and enhancement of public access to and along lakes and rivers is a matter of national importance under the Act, public access to lakes and rivers in some exceptional circumstances may not always be possible. (extraneous)~~

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ii Environmental Effects of Recreation Activities

Recreational activities may have positive and adverse effects on the amenities of their surrounding environment and on the enjoyment of people partaking of other recreational activities in the vicinity.

These may include effects:

- on adjoining residential areas;
- on wildlife;
- on waahi tapu, waahi taoka and mahika kai values;
- on motorised vehicles and parking areas;
- on indigenous vegetation;
- on people wishing to use reserves and other open space areas;
- on public health, water quality and the pleasantness of an area.

iii Effects on the Range and Quality of Recreational Opportunities

Residents of and visitors to the District currently have the opportunity for a wide range of recreational experiences. However, conflicts do occur between such activities with a loss or degradation of the quality and range of recreational opportunities available, particularly those involving remote experiences or peace and tranquillity.

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Residents in the District and visitors require a range of recreation opportunities to meet their needs.

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Individuals who come to the District principally for adventure recreation, may also seek opportunities to pursue more passive types of recreation in tranquil surroundings. Equally some visitors come to the District mainly to enjoy the scenery and natural environment. Peace and a feeling of remoteness are often qualities sought by these people.

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iv Contributions Towards Public Open Space from Subdivision and Development

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The subdivision and development of land creates the opportunity for various activities to be established, the more common one being residential and visitor accommodation. If communities continue to grow in size and population through subdivision and building development, without providing for the recreation and open space needs of the community, adverse environmental effects will become apparent.

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These include:

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- A lack of neighbourhood parks in new subdivisions;
- An inadequacy of neighbourhood parks in areas with growing numbers of units/town houses, where infill housing and redevelopment is taking place;

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- Overcrowding of existing active recreation and sporting areas and facilities throughout the District, as a result of increased resident and visitor population, including waterfront areas, walkways and cycle ways;

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- Lack of visual relief in the form of green open space and plantings among the built environment either residential or business;

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- Lack of open space for the leisure needs of workers in, and visitors to, the District's town centres and business areas.

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v Litter and Waste

Wherever people gather for outdoor recreational activity, there is the potential for litter and human effluent to be disposed of in a way which adversely affects public health, water quality and the pleasantness of an area. Where recreational sites are frequently used and in public ownership, the Council or other community groups have usually provided toilet and rubbish disposal facilities. This is the case around the District's popular lakeshore areas, for example. More isolated sites can pose difficulties with the disposal of litter and effluent and, where use is repeated or frequent, the above adverse effects can arise.

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4.3.3 Objectives and Policies

Objective 1 – Provision of Reserves

Avoid, remedy or mitigate the adverse effects on public open spaces and recreational areas from residential growth and expansion, and from the development of visitor facilities.

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Policies:

1.1 To require provision of public open space and recreation reserves through subdivision and development by the imposition of development contributions via the Council's Long Term Community Plan Development Contributions Policy.

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(i) additional neighbourhood parks, District sportsfields and active recreation areas (including waterfront areas, walkways and cycle ways) needed as a result of additional household, visitor accommodation and business growth across the District,

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(ii) additional open space needed for visual relief and plantings among the built environment and for the leisure requirements of people to the District's town centres and business areas.

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1.2 To ensure that, where a subdivision or development creates a site on either side of Oban Street south of Mull Street a 5 metre wide strip of land shall be taken adjacent to the road (allowing for an accessway) as Local Purpose Reserve, except that:

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Where a Local Purpose Reserve has already been taken as part of a previous subdivision, no further land shall be taken from those sites as a part of any further subdivision or development

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Where a beautification strip is provided within the Glenorchy Township Zone at the time of subdivision or development, the Council shall offset the value of this land against the development contribution payable under the Local Government Act 2002.

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Objective 2 - Environmental Effects

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Recreational activities and facilities undertaken in a way which avoids, remedies or mitigates significant adverse effects on the environment or on the recreation opportunities available within the District.

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Policies:

2.1 To avoid, remedy or mitigate the adverse effects of commercial recreational activities on the natural character, peace and tranquillity of the District.

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2.2 To ensure the scale and location of buildings, noise and lighting associated with recreational activities are consistent with the level of amenity anticipated in the surrounding environment.

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2.3 To ensure the adverse effects of the development of buildings and other structures, earthworks and plantings in areas of open space or recreation on the District's outstanding natural features and landscapes or significant natural conservation values are avoided, remedied or mitigated.

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2.4 To avoid, remedy or mitigate any adverse effects commercial recreation may have on the range of recreational activities available in the District and the quality of the experience of people partaking of these opportunities.

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2.5 To ensure the development and use of open space and recreational facilities does not detract from a safe and efficient system for the movement of people and goods or the amenity of adjoining roads.

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2.6 To maintain and enhance open space and recreational areas so as to avoid, remedy or mitigate any adverse effects on the visual amenity of the surrounding environment, including its natural, scenic and heritage values.

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2.7 To avoid, remedy or mitigate the adverse effects of commercial recreation activities on the District's indigenous vegetation.

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Objective 3 - Effective Use

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Effective use and functioning of open space and recreational areas in meeting the needs of the District's residents and visitors.

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Policies:

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3.1 To recognise and avoid, remedy or mitigate conflicts between different types of recreational activities, whilst at the same time encouraging multiple use of public open space and recreational area wherever possible and practicable.

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3.2 To ascertain and incorporate the needs of communities by encouraging effective public participation in the design, development and management of public open space and recreational areas.

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3.3 To encourage and support increased use of private open space and recreational facilities in order to help meet the recreational needs of the District's residents and visitors, subject to meeting policies relating to the environmental effects of recreational activities and facilities.

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Objective 4-Public Access

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Facilitate public access to the natural environment. (from PDP 3.2.4.7)

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Policies:

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4.1 Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.

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Objective 4.5- Esplanade Access

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A level of public access to and along the District's rivers, lakes and wetlands, adequate to provide for the current and foreseeable recreational and leisure needs of residents and visitors to the District.

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Policies:

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4.5.1 To negotiate access strips to lakes and rivers.

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4.5.2 To acquire, where practicable, at the time of subdivision or other appropriate opportunity, esplanade reserves of adequate width to provide for public access and the protection of water quality and nature conservation values.

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4.5.3 To take, where practicable, esplanade reserves of adequate width to provide for public access and the protection of conservation values along the margins of any of the District's lakes, wetlands, rivers and streams

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should any subdivision occur of lots of less than 4 hectares in area or any development for residential, recreational or commercial purposes.

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45.4 To consider, where practicable, the setting aside of esplanade strips, for the purpose of public access, where practicable, whenever subdivision occurs of lots of more than 4 hectares in area, along the margins of lakes and rivers.

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45.5 To have regard to any adverse effects along the margins of the District's lakes, rivers and wetlands when considering resource consents.

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45.6 To recognise that public access to lakes and rivers in some exceptional circumstances may not always be possible, including access to areas of waahi tapu or areas of mahika kai value or access to defence areas during temporary military training activities.

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45.7 To consider the need for vehicle parking at public access points along esplanade reserves, esplanade strips, marginal strips and access strips when the purpose of those reserves and strips is for public access or recreation and are adjacent to arterial roads.

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4.56 Surface of Lakes and Rivers

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4.56.1 Resources, Activities and Values

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~~The very name of the District—Queenstown Lakes—indicates the central role played by the lakes and rivers in the existence of the District. (extraneous)~~

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The lakes and rivers provided sources of food and natural resources and pathways across the island for the takata whenua of the area. They also formed pathways for early European explorers and settlers. The rivers brought with them the gold that swelled population numbers in the District. The lakes and rivers have long been the focus of recreation and enjoyment for New Zealanders and overseas visitors.

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The outstanding natural environment of the District is dominated by mountains, lakes and rivers. The abundant and varied lakes and rivers provide the basis for a wide range of recreational opportunities, both private and commercial, from jet-boating and rafting to angling, picnicking and swimming. The changing moods and aspects of the lakes and rivers, particularly combined with the District's other magnificent scenery, provide ceaseless opportunities for viewing, contemplation and enjoyment. These lakes and rivers are nationally and internationally recognised as one of the principal bases for the District's importance as a visitor destination, as well as one of the reasons for residents to settle and stay in the area.

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~~The lakes and rivers of Queenstown Lakes District all flow into the Clutha River. The three major lake catchments of Wakatipu, Wanaka and Hawea feed the Clutha River, joined by the Cardrona River and other smaller streams before the Clutha leaves the District. With the District's excellent climate, the lakes and rivers are very popular for a wide range of recreational activities. (extraneous)~~

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The rivers and lakes are also outstanding natural features, with high natural and scenic values, providing habitats for a range of indigenous and acclimatised bird and fish species.

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The Kawarau River is a major tributary of the Clutha River, draining Lake Wakatipu from the head of the Frankton Arm. The river flows through almost continuous gorges, with long sections of white water at the Nevis Bluff Rapids. Hydro-electric development was proposed, but in its 1991 submission on the Proposed Water Conservation Order, Electricorp confirmed that there are no longer any intentions to build dams on the

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main stem of the Kawarau. The large volume and steep fall of the Kawarau, two characteristics that made it a candidate for hydro-electric development, also make it a valued recreational and scenic resource. This river is one of the few remaining unmodified whitewater rivers in New Zealand. The main recreational uses are rafting, bungee jumping, jetboating, kayaking and more recently body-surfing. The river is used intensively for commercial recreation but because of its width and the different requirements of the various boating activities there are little conflicts between the activities. Jetboats operate from the Frankton Arm down to the confluence with the Arrow River. Below that point the rapids are too rough for commercial jetboating but suitable for rafting, surfing and kayaking. Fishing is important from the outlet from Lake Wakatipu to the confluence with the Shotover River.

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ii Lake Wakatipu lies to the west of the Remarkable Ranges and is a long, narrow "S"-shaped lake with a barren and windswept appearance.

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The main rivers flowing into the lake are the Dart, the Rees, and the Greenstone, while there is only one outflow, the Kawarau River leaving the lake from Frankton Arm. (*extraneous*)

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Lake Wakatipu is a popular holiday and visitor destination, adjoining the towns of Queenstown, Glenorchy and Kingston. All forms of recreational boating are undertaken on the lake. The shores of the lake are popular for lakeside picnicking, swimming and passive recreation. The lake is extensively used for recreational fishing both from the lakeshores and by boat. Commercial use of the lake has increased enormously over the last 20 years, with jetboat operations, small boats for hire, lake cruising and fishing guiding and paragliding.

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iii The Dart and Rees Rivers enter the head of Lake Wakatipu from the north. The Dart River originates near Mt Aspiring. It is a glacial river flowing through a number of short gorges before entering Lake Wakatipu over braided river flats. The Rees River lies between the Forbes and Richardson Mountains, joining the lakeshore near Glenorchy. The Rees is a popular fishing venue for local and overseas anglers. The Dart main stem with its highly braided nature and discoloured water, due to glacial melt, is not a highly regarded fishery. The Dart is used by commercial jetboat, rafting and kayaking operators and along much of its upper reaches it runs alongside the Dart-Rees track, a popular tramping route. Both rivers are scenically attractive.

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iv The Von, Lochy, Greenstone and Caples Rivers are all tributaries to Lake Wakatipu, flowing into the lake from the west and south. The Greenstone flows from the Livingstone Mountains. In its lower reaches it joins the Caples River, a small shallow flowing waterbody in a grassy river valley. These rivers flow into the lake just west of Pigeon Island. The Von and Lochy Rivers are situated further to the south-east, the Von entering Lake Wakatipu near Mt Nicholas Station, and the Lochy at Halfway Bay. These rivers are all remote and at present provide a wilderness experience and very good fly fishing. The rivers are not used for commercial boating operations at present. Inaccessibility and their limited size is likely to continue to be a deterrent to motorised and even non-motorised use of these rivers. Their scenic quality has been described as at least impressive, and in the case of the Greenstone River, exceptional.

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v The Shotover River is divided into a number of sections, each of which have different resource characteristics and activities.

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(a) The Upper Shotover is that section of the river above the Edith Cavell Bridge. The Shotover flows south from the Harris and Richardson Mountains, through the rapids of Skippers Canyon.

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(b) Shotover Canyon is defined as that stretch between the Edith Cavell Bridge and Tucker Beach. In two sections, the river is deeply incised into spectacular, narrow, rock gorges separated by a more open river section.

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A commercial jetboating business started on this stretch of the river in 1965. In 1986 the Shotover Jet Company obtained the rights to the sole use of this section of the river until 2004 through the provisions of the Lakes District Waterbodies Authority (Shotover River) Empowering Act 1985. After the Earnslaw, the Shotover Jet carries the most passengers of any of the commercial operators using waterbodies in the District. Trips are made everyday weather permitting, with boats departing every 15 minutes. There is only one section on the river where the boats can pass in safety. Up to four boats, 2 in tandem, operate on this stretch of the river at the same time using a strict protocol controlling passing to avoid collisions.

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A sole concession was issued for the Shotover Canyon section of the river on the grounds that it is unsafe to have more than one operator. Commercial and private jetboaters, rafters and canoeists are excluded unless they have the company's permission. Jetboaters are the most affected as the river in this section is generally not sufficiently exciting for rafting or kayaking. Private jetboaters are provided for insofar as the company

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allows private boats to follow one of the Shotover jetboats up from Tucker Beach. Although the Shotover Canyon does not have very exciting kayaking water, it still provides a pleasant recreational experience for novice and intermediate canoeists. Canoeists cannot venture onto the water until the commercial jetboating has finished for the day. By that time there is often insufficient daylight for the canoe/kayak trip. (c) **The Lower Shotover** is defined as that section below Tucker Beach to the confluence with the Kawarau - a few kilometres below the Lake Wakatipu outlet. It is highly braided and very shallow except during high flows. Because it does not contain any white water it is not attractive for rafting or kayaking but it is suitable for jetboating.

Several rafting operators conduct raft trips from Deep Creek in summer, and from the Boulders in winter, to a point just above the Edith Cavell Bridge. At present only one commercial jetboater operates from Deep Creek up to the Skippers Bridge. Above this there are regular commercial rafting, kayaking and river bug trips. While there is 17km of boating in Skippers Canyon, difficult rapids make jetboat passage difficult at either end. Bungy jumping from the Skippers Bridge and the pipeline bridge are recent attractions, with the need for a boating operator to recover people after the jumps.

vi Lake Hayes lies in a shallow depression created by glacial action, which also formed the surrounding landscape. The main inflow to the lake is Mill Creek draining the Wakatipu Basin to the north of Lake Hayes. Hayes Creek drains the lake to the south into the Kawarau River.

Lake Hayes is a regionally important wildlife habitat for native and introduced birds. It is also an important fishery, particularly for brown trout and perch. Mill Creek provides spawning beds for brown trout and is also a valuable food source. Fly fishing is the predominant type of fishing on the lake, although trolling for fish is permitted provided no mechanical device is used. Motorised boats are permitted on Lake Hayes, which is popular for swimming, picnicking, yachting, rowing, wind-surfing and canoeing.

vii The Clutha River flows east from Lake Wanaka outlet to the junction with the Hawea and Cardrona Rivers at Albert Town, then through large bends to the District boundary below the Luggate bridge. The river is wide and deep, flowing swiftly from bank to bank, with easy rapids. It is one of the few uncontrolled river outlets in the country from a large lake.

It provides a scenic natural environment with a sense of remoteness, yet is readily accessible from Wanaka. The Clutha is a nationally important trout fishery, with the Deans Bank area between the Wanaka outlet and Albert Town being recognised internationally for trout angling (both brown and rainbow trout). The river is a recreational fishery of high use, valued for its above average catch rate and fish size, as well as for its scenic qualities. It is also a nationally important trout spawning area.

Two commercial jetboat operations use the river from Lake Wanaka to below Albert Town. The Clutha is also popular for private, recreational jetboating. Although it is not exciting for experienced jetboaters, the Clutha River is easily navigable by the average boater. Rafting, kayaking, canoeing, drift diving and bodysurfing are popular with private recreationalists and school groups, with limited, but growing commercial kayaking, rafting and bodysurfing. These commercial operations rely on the grandeur of the river and the peaceful scenic surroundings for the experience offered to their clients. Swimming is mostly limited to an area between an island and the true right bank at Albert Town above the bridge. The riverbank walkway between Outlet and Albert Town is a popular route for walking, picnicking and mountain biking. For Albert Town residents, the Clutha is part of the scenic view from many riverside properties and the camping area.

viii Lake Wanaka is a large, deep, glacial lake with a surface area of 180km², running generally northwards from the township of Wanaka at Roys Bay. The main inflows to the lake are the Makarora River at the north end and the Matukituki River at the south-west side. Generally steep-sided and narrow, the lake opens out into a series of large bays and inlets containing shallower water in the southern reaches of the lake.

Lake Wanaka is an extremely popular holiday area and is of growing popularity for permanent residence and retirement. All forms of recreational boating are undertaken on the lake. A marina in Roys Bay adjoins the boat launching ramps. The area is popular for lakeside picnicking, camping, swimming and passive recreation.

Walking tracks are maintained around the lakeside from beyond Waterfall Creek to the Lake Outlet. Commercial use of the lake includes jetboat operations; launches for lake cruises and guided fishing; hire of jet-skis and small boats; and paragliding; mostly concentrated on and near the main jetty in Roys Bay. Recreational fishing is primarily for brown and rainbow trout and quinnnet salmon, by trolling, spin and fly fishing.

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ix Lake Hawea is a medium-sized, deep, glacial lake with a surface area of 138km², running generally northwards from the township of Lake Hawea. It is separated from Lake Wanaka by a narrow 1.6km wide ridge known as "The Neck". Main inflows to the lake are the Hunter River at the north end and the Dingle Burn and Timaru Creek at the eastern side. The lake has been dammed at its outflow to the Hawea River and is used as a storage lake for the Roxburgh hydro-electric station. The lake level has been raised significantly above its natural level, although lake levels have varied markedly over recent years, with severe dust problems at times.

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Lake Hawea is a popular holiday area and is growing in popularity for permanent residence and retirement. It provides a scenic setting for the township of Lake Hawea, lakeside rural properties and camping areas. A variety of recreational boating activities take place on the lake. Lake Hawea is particularly popular for experienced wind-surfers in high winds. Lakeside picnicking, swimming and passive recreation is principally undertaken on the main beach at Lake Hawea township and around the motor camp. Fishing for brown and rainbow trout and quinnat salmon is largely of a recreational nature.

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x The Hawea River - Flow in the Hawea River is controlled by the dam at the outlet from Lake Hawea. The normal summer flow is now low and the river is braided in places, particularly near its confluence with the Clutha River. When water is being released from the dam, white water rapids and pressure waves are created. The Hawea River is a popular and important trout fishery, despite the alterations to river flows as a result of the dam. The river provides spawning grounds for brown and rainbow trout. At normal low flow the river is predominantly used for fly-fishing. Being a shallower and gentler river than the Clutha River, the Hawea is well used by family groups for picnicking, camping, swimming and floating. Rafting, kayaking, canoeing, drifting and bodysurfing are popular with private recreationalists and school groups, with limited commercial bodysurfing and kayaking. A jet sprint course was recently established adjacent to the main river in the river bed towards the Clutha River confluence.

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xi The Makarora, Young and Wilkin Rivers - The Makarora River flows from the Main Divide into the head of Lake Wanaka. Thick bush encloses the river in its upper reaches within Mt Aspiring National Park. The river opens out into river flats and becomes shallow and braided in its lower reaches before the lake. The Makarora's two main tributaries, the Young and Wilkin Rivers flow east from the National Park. The Wilkin River leaves the Park at Kerrin Forks, from where it flows more placidly over a shingle bed through grassy flats to the Makarora. The Wilkin and Young Rivers support nationally significant trout fisheries of sufficient quality to attract anglers seeking a scenic, wilderness fishing experience. Both are important trout spawning rivers. Commercially guided angling occurs on the Young and Wilkin Rivers. Commercial jetboat operations are limited to the lower Makarora River and the lower Wilkin River to Kerrin Forks.

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Commercial jetboats are also used by trampers and anglers for access. Private, recreational jetboating is typical on the lower Makarora, and lower Wilkin Rivers to Kerrin Forks. The upper Makarora River is used for limited commercial kayaking. The Makarora and Wilkin Rivers have occasionally been rafted.

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xii The Hunter River, Dingle Burn and Timaru Creek - The Hunter River flows from the Main Divide to the head of Lake Hawea. Most of the river flows over shingle river flats, becoming braided and very shallow in its lower section before entering the lake. The Hunter River is regarded as a nationally important fishery. It is valued for its remoteness, scenic beauty and solitude. Only the river mouth can be reached without a boat. The Hunter River is an important spawning area for Lake Hawea. It may be jetboated up to Fergusson Creek. The river is potentially available for rafting and kayaking, but access is difficult to the upper reaches. The Dingle Burn and Timaru Creek also feed Lake Hawea on the eastern side of the lake. These are both small streams. The Dingle Burn flows through extensive areas of indigenous forest and is a significant angling river, and valued for its remoteness.

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xiii The Matukituki and Motatapu Rivers - The Matukituki River flows from Mt Aspiring to the south-western shore of Lake Wanaka. The West Branch contains exciting white water with steep bouldery rapids. From about the confluence of the East and West Branches the river becomes very braided and shallow to the lake. The entire valley has impressive scenic values. The Motatapu River is the main tributary of the Matukituki. The lower reaches are easy and shallow.

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The Matukituki River is an interesting jetboating river close to Wanaka township and is often used by boaters over the summer period. It offers scenic boating and is exciting, but without major rapids. The Matukituki

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River is a significant trout fishery, including important spawning areas. The braided nature of the river allows, but does not ensure, separation of anglers and boats. There is excellent white water kayaking immediately above the limit for jetboating on the Matukituki River at the branch of the east-west confluence to Raspberry Hut (and has been recorded as far as the end of the road). Below this point the river is a popular scenic kayaking trip for less experienced canoeists.

Similarly, the Motatapu River is popular for easy kayaking in its lower reaches. Rafting and drifting are undertaken on the easier sections of both rivers. A growing commercial kayaking operation is established on the Matukituki River.

xiv The Cardrona River flows from the Crown Range to join the Clutha River at Albert Town opposite the Hawea River confluence. The River's flow is often low, with water extracted from the lower reaches for irrigation. The flow sometimes ceases in its lowest reaches in the summer. The river valley and its small tributaries were subject to extensive gold mining in the early 1860's, with some mining still continuing at times. The Cardrona is popular with family groups for picnicking, camping, swimming and floating, particularly in the lower reaches.

xv Water Conservation (Kawarau) Order 1993

A Water Conservation Order has been drafted for the Kawarau catchment, which includes the Kawarau main stem, and catchments such as the Nevis, Shotover, Lochy, Von, Dart and Rees rivers, and Lake Wakatipu. It provides for the preservation of waters in their natural state and for the protection of outstanding characteristics of other waters not in their natural state. There is a high proportion of conservation land within the sub-region including Mount Aspiring National Park and numerous reserves. The headwaters of the Nevis catchment include areas of wetland and water bodies with a low degree of modification at high altitudes, and a scenic white water gorge in the lower end.

4.56.2 Issues

Activities on the surface of lakes and rivers can and do have adverse effects on the amenity of their surrounding environment, the quality and enjoyment of recreational activities, natural and wildlife conservation values, and public health and safety.

The continued pleasantness, integrity, diversity and safety of the lakes and rivers are essential to the economic welfare of the District and to the enjoyment of the District's natural resources by residents and visitors both now and in the future. Overcrowding and over-use of the lakes and rivers can result in adverse effects, which could undermine the characteristics valued in the District's lakes and rivers.

The District Plan must seek to promote the sustainable management of the District's lakes and rivers, in a way which enables their use and enjoyment, but also protects their functioning for future generations and avoids or mitigates any adverse effects of their use.

The District Council has responsibility under Section 31(e) of the Resource Management Act 1991, to control any actual or potential effects of activities in relation to the surface of water on the District's rivers and lakes, for the purpose of giving effect to the Act. The Council must also recognise and provide for those matters of national importance under Section 6 of the Act, relative to the District's rivers and lakes. This entails not only the preservation of the natural character of the lakes and rivers, but also the protection of areas of significant indigenous vegetation, significant habitats of indigenous fauna, and the recognition of the relationship between Maori culture and traditions with the District's lakes and rivers. Section 7 of the Act also requires the Council to have particular regard to the maintenance and enhancement of amenity values and the quality of the environment, and the protection of the habitat of trout and salmon.

Historically safety and navigation on inland lakes and rivers have been controlled under the Harbours Act 1950 and the Water Recreation Regulations 1979. In 1983, by Order in Council, the Lakes District Waterways Authority was established to administer lakes and rivers in the District. The Order in Council gave the authority power to make bylaws under the Harbours Act 1950 for the safety of navigation. Recreational activities on the District's lakes and rivers are varied and intensive. The following potential adverse effects of water based recreational activities, have been identified:

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- degradation of natural conservation and wildlife values;
- conflict with other recreational activities;
- noise;
- reduction in navigational safety;
- litter and other wastes generated in the area;
- alienation of areas of the shoreline with recreational facilities and structures.

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Where it is intended to occupy the beds of lakes or rivers vested in the Crown, it is necessary to obtain the approval of the appropriate agency, being the government department responsible for the management of the beds of lakes and rivers.

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i Natural Conservation and Wildlife Values

The potential for conflict between natural conservation and wildlife values and recreational activities is considerable on several of the District's lakes and rivers. Most of the District's rivers are important fish spawning and/or nursery rearing areas for the river and lake fisheries. The noise, vibration and wash from jetboats and the wash from rafts may disturb fish and spawning areas and affect angling success and the fisheries generally. The extent to which boating disturbance affects the fishery as a whole has not been fully investigated by research. Jetboating is already limited on the Rees River between April and July inclusive in order to protect fish spawning areas.

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The braided riverbeds of the Dart and Rees Rivers provide outstanding habitat for at least 20 species of bird. The District's lakes and rivers also provide a diverse habitat for many species of birds, which live near and depend upon the lakes and rivers for survival. They may be disturbed by noise, vibration and wash from regular and increasing recreational activities. In particular the wrybill plover and the black-fronted tern, which use the shingle banks of the riverbed for nesting and rearing young. There is concern that jetboating, particularly major jetboat events during October to December, can endanger nesting birds and fledglings by swamping the nests and immature birds. However, the evidence regarding this at present is still inconclusive, with surveyed changes to riverbed bird populations being generally what would be expected for a dynamic braided river environment.

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Lake Hayes suffers from eutrophication (nutrient enrichment). The poor water quality is as a result of the physical characteristics of the land and soil resource and the effects of land-use practices over a long period of time. The recreational and wildlife values of the lake and its surroundings are dependent on the maintenance of good water quality.

Refer also Policies Part 5.1

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ii Conflicts between Different Recreational Activities

Because of the intensity of use and the popularity of the District's lakes and rivers, the potential for conflict between the various users of the lakes and rivers is significant. Overall, the specific requirements of the different activities mean that potentially incompatible activities are often naturally separated. However, there is potential for conflict between the expectations of the various water users and some forms of control are needed to ensure that the different users are able to satisfy their needs. It is also recognised that recreational users, e.g. trampers and fishers, sometimes use jetboats to access recreation areas.

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There are three broad categories of lakes and rivers which provide complementary recreational opportunities throughout the District:

- wilderness resources, with outstanding natural characteristics in terms of wild and scenic beauty; aesthetic coherence; biological diversity; ecosystem form, function and integrity; sense of isolation; and recreational amenity; and
- multiple use resources which offer a semi-wilderness experience; and
- resources which are close to population centres and which provide for active recreation in a non-wilderness context.

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There are numerous examples of the conflicts that can occur between the different water-based recreational activities. Primarily the conflicts involve the noise and disturbance from motorised craft adversely affecting the recreational experiences of more passive users of the lakes and rivers, such as anglers, walkers, picnickers, swimmers and kayakers. Noise and wash from jetboats on the rivers, for example, may cause disturbance to other recreational users at all river levels. Although it passes quickly, the noise from jetboats can be a significant detraction. This is particularly so where the noise detracts from an otherwise peaceful and scenic atmosphere of the river valleys and from a sense of remoteness.

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Where the Dart River adjoins the Rees/Dart tramping track, jetboating use of these upper stretches of the river has resulted in conflicts with the remote recreational experience of trampers on the track. In the Von, Lochy, Greenstone and Caples Valleys, increased use of helicopters to transport anglers and trampers is likely to detract from the wilderness values sought by other users of these more distant lakes and rivers. On the Clutha River, multiple use of the river by various users has been tried in the past with speed and time limits for motorised craft. However, there may be no potential for multiple use of this river in a way that is acceptable to all parties. Jetboating, even with speed and time restrictions, may inevitably adversely affect such a nationally regarded fishery or the experience sought by users of that significant waterbody.

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The complex speed and time limits also create uncertainty for river users and enforcement difficulties for the Council. Where different water users become concentrated, such as in the more accessible bays and arms of the lakes, the potential for conflict between the various users increases.

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The main bodies of the three large lakes are exposed and not heavily used. However, activities are concentrated in and around Frankton Arm, Queenstown Bay and adjoining bays on Lake Wakatipu; the southern bays of Lake Wanaka, particularly Roys Bay; and the southern end of Lake Hawea. As a relatively small and enclosed area, the Frankton Arm faces conflicts between the different boating users. ~~These problems are not always present as the lake is only used intensively over the summer holiday period. (no longer valid)~~ Roys Bay is an area of intensive recreational activity, with a concentration of commercial boating activities as well as a mix of private active and passive recreation. This has resulted in concerns about congestion, loss of enjoyment particularly for more passive lake users, and the adequacy of existing rules separating the different activities. The adequacy of the existing controls separating boating and other activities is also a matter of concern at Lake Hawea, where lakeshore and water activities are concentrated at the main beach at Lake Hawea township and the Hawea camping ground.

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iii Noise

Special events such as races, having consent of the Council, which are limited in duration and frequency, are exempt from all noise limits. Noise from motorised craft on the water affects all people on the water or near the margins. Due again to the intensity of use and the popularity of the District's lakes and rivers, there are several areas where concerns have arisen regarding the adverse effects of lake and river noise. ~~Where the rivers or lakes are large, there is separation between boating and other users on the boatable waters; and there is little or no development alongside the water margins, there are few concerns regarding noise. This is generally the case with the main bodies of the large lakes and the main stems of the wider rivers, such as the lower Shotover, the Matukituki and the Makarora. (no longer valid)~~

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Frankton Arm, which is surrounded by residential development and is used for both commercial and private recreational boating, is subject to noise from some motorised craft. The main area of concern for residents is not the temporary peak in noise levels over the brief summer holiday period, but the continual exposure to the noise of the commercial jetboats en route to the Kawarau River. Their noise is also a concern in the upper reaches of that river, where it is close to a growing area of residential development.

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Lakes Wanaka (in Roys Bay) and, to a lesser extent, the southern end of Lake Hawea are also areas of intensive boating activity in close proximity to residential areas and other activities. Noise from motorised boats and personal watercraft in Roys Bay is causing some disturbance to other water and lakeside users and Wanaka township generally. Similarly, the main water-ski lane at the Lake Hawea main beach is in front of residential properties, with some noise disturbance. ~~In these cases, the noise effects generally occur only during the busy summer period. (no longer valid)~~ However, that is also the time when many of the residential properties are

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The Wanaka Lakeside Reserves and Lakeshore Management Plan also establishes a framework for the distribution of facilities, structures and commercial activities around the lakeshore of Roys Bay and its environs. The need for, and location of, further marina berths, both in Frankton Arm and in Roys Bay, are matters of concern to local residents, in terms of their visual impact, associated congestion and loss of public access to the foreshore. Both of these Management Plans are continually being reassessed and detailed design studies being undertaken for specific areas of the foreshore in terms of the Management Plans.

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vii Differentiation between Private and Commercial Users

The waterbodies of the Queenstown-Lakes District are extensively used for both commercial and private recreational activities. In some cases there is uncertainty as to whether a boating activity is commercial or private. The current Bylaw differentiates between private and commercial water users. The rationale behind this differentiation is entirely safety-orientated, and is likely to be continued to be enforced through a local navigational safety bylaw, rather than the District Plan.

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All motorised boats, for example, make noise, cause wash and travel at high speeds affecting the environment in the same way. Similarly, all rafts and kayaks require putting in and out of the water and intrude to some degree into the wilderness qualities of remote areas. At some times of the year, particularly in summer, the commercial operators can be outnumbered by the private boats, with the commercial operators being predictable, known elements and the private boaters being more of a concern with respect to safety and consideration of others. However, at other times of the year and on many waterbodies, the numbers of commercial operators completely outnumber the private users, such that the effect of private boating is insignificant by comparison.

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There appear to be two reasons for distinguishing between private and commercial operators in terms of their environmental effects. These reasons, however, will not apply to all activities or to all waterbodies:

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(a) Firstly, on some waterbodies, such as the Shotover, Kawarau and Dart Rivers, the number of boating trips undertaken by the commercial operators totally outnumbers any private recreational use. The adverse effects from surface of water activities on these waterbodies is substantially as a result of the numbers of commercial trips and the continuation of these trips throughout the year. Private recreational use alone would be minor and seasonal with little potential for adverse effects on the surrounding environment.

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(b) Secondly, some of the commercial boats, such as jetboats, hovercraft, steamship, are quite different from recreational boats with greater potential for adverse effects on the surrounding environment. The commercial jetboats, for example, are mostly significantly larger boats with more powerful engines. Their noise has the potential to have effects upon the environment.

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Enforcing controls through the District Plan on private recreational water users would also be difficult unless such controls clearly permit or prohibit activities with simple, enforceable performance standards. It would not be practical to require private boat owners to obtain resource consents before going out fishing or cruising on the waterbodies. Controls over private water users need to specify clearly what activities can and cannot take place on each waterbody without resource consents being involved, and what performance standards must be met.

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4.56.3 Objectives and Policies

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Objectives

Recreational activities undertaken in a manner which avoids, remedies or mitigates, their potential adverse effects on:

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- *natural conservation values and wildlife habitats,*
- *other recreational values,*
- *public health and safety,*
- *takata whenua values, and*
- *general amenity values.*

Policies:

1 To identify the different types of lakes and rivers in the District and the different recreational experiences offered by these lakes and rivers, in terms of:

(a) outstanding natural characteristics, wild and scenic beauty, aesthetic coherence, biological diversity, ecosystem form, function and integrity, sense of isolation and recreational amenity;

(b) multiple use and proximity to population centres.

2 To enable people to have access to a wide range of recreation experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.

3 On each lake and river, to provide for the range of recreational experiences and activities which are most suited to and benefit from the particular natural characteristics.

4 To avoid or mitigate the adverse effects of frequent, large-scale or intrusive activities such as those with high levels of noise, vibration, speed and wash.

5 To avoid the adverse effects of motorised craft in areas of high passive recreational use, significant nature conservation values and wildlife habitat.

6 To ensure that any controls that are imposed on recreational activities through the District Plan are certain, understandable and enforceable, given the transient nature of many of the people undertaking activities on the District's lakes and rivers and the brief, peak period of private recreational activity.

7 To avoid and protect the environment from the adverse noise effects of motorised watercraft.

8 To avoid the adverse effects of activities by discouraging their development on:

- Von, Lochy, Greenstone and Caples Rivers
- Timaru Creek and Dingle Burn
- Hunter River
- Young River

9 To recognise the whitewater values of the District's lakes and rivers and, in particular, the values of the Kawarau River as one of the few remaining major unmodified whitewater rivers in New Zealand, and to support any measures to protect this characteristic of rivers.

10 To protect the special qualities of the Clutha River upstream of Albert Town bridge and those recreational activities which benefit from those characteristics.

11 To reduce the adverse effects of noise and intrusion on the remote characteristics of the Dart/Rees tramping track and to retain safe operating conditions between river users on the upper reaches of the Dart River.

12 To avoid adverse effects on the public availability and enjoyment of the margins of the lakes and rivers.

13 To ensure that the location, design and use of structures and facilities which pass across or through the surface of any lake and river or are attached to the bank of any lake and river, are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided or mitigated.

14 To ensure the availability of the Shotover River for private craft with regard to commercial operations and safety issues.

15 To avoid unnecessary duplication of resource consent procedures between the District and Regional Councils.

16 To encourage the use and development of marinas and marina activities in a way which avoids and, where necessary, remedies and mitigates adverse effects resulting from marina activities on the environment.

17 To ensure that the number of commercial boating operators and/or boats on waterbodies does not exceed levels where the safety of passengers cannot be assured.

Refer to Policy 9 and 10 of Part 4.3 Takata Whenua

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4.67 Solid and Hazardous Waste Management

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4.78 Natural Hazards

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4.89 Urban Growth

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4.89.1 Introduction

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The manner and rate in which urban growth occurs has a major bearing on resource use, social and economic well being and environmental quality. The District has faced major changes in the past as a result of cyclical urban growth pressures.

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The District is a desirable place to live and work in, as witnessed by continued population growth. The people and communities who make up the District are facing new and different challenges. The fundamental consideration is to ensure continued growth is managed in a way which sustains the District's resources, character and amenities.

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4.89.2 Issues

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The Council can play an important role in the sustainable management of growth as it relates to other important District wide issues, including protection and enhancement of the landscape and avoiding the adverse effects of development on the natural and physical resources of the District. It is not possible to be precise about the level of growth to be planned for, but increased growth is anticipated in:

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- i tourism and visitor numbers
- ii hotels and visitor accommodation
- iii housing demand
- iv increased range and scale of retail activity
- v increased demand for educational and recreational facilities such as schools.

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The District Plan anticipates that most of the growth will occur within the existing and proposed residential zoned areas. This growth will comprise both residential and visitor accommodation units. Urban growth will result in changes to the natural and built environment and has the potential to affect the character of the District in terms of its impact on landscape amenity, provision of infrastructure, and the social and economic well being of the community.

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The principal issues identified are:

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- (a) the management of urban growth in order to protect water resources and ground water recharge, safeguard the life supporting capacity of soils, wetlands and air, avoid natural hazards including sheer slopes and flood plains and protect and enhance landscape values and visual amenity.
- (b) the lifestyle preferences of the District's present and future population.
- (c) the effects of urban growth on the identity, cohesion, and economic and social well being of the existing residential, farming and settlement communities.
- (d) the effects of expanding visitor accommodation development on the retention of residential housing and neighbourhoods.
- (e) the provision of efficient public transport services for the benefit of both residents and visitors.
- (f) how best to accommodate urban growth.
- (g) the effect on energy use.
- (h) the effect on access to facilities and services, i.e. health, education and shops.
- (i) the effect on the major infrastructure resources such as the airports, sewerage, treatment works, landfills, recreation facilities.
- (j) the needs of the takata whenua. (Refer to Section 4.3)

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4.89.3 Objectives and Policies

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Objective 1 - Natural Environment and Landscape Values

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Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.

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Policies

1.1 To ensure new growth occurs in a form which protects the visual amenity, avoids urbanisation of land which is of outstanding landscape quality, ecologically significant, or which does not detract from the values of margins of rivers and lakes.

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1.2 To ensure growth does not adversely affect the life supporting capacity of soils unless the need for this protection is clearly outweighed by the protection of other natural or physical resources or important amenity values.

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Objective 2 - Existing Urban Areas and Communities

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Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic well being.

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Policies:

2.1 To ensure new growth and development in existing urban areas takes place in a manner, form and location which protects or enhances the built character and amenity of the existing residential areas and small townships.

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2.2 To cluster growth of visitor accommodation in certain locations so as to preserve other areas for residential development.

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2.3 To protect the living environments of existing low-density residential areas by limiting higher density development opportunities within these areas.

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Objective 3 - Residential Growth

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Provision for residential growth sufficient to meet the District's needs.

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Policies

3.1 To enable urban consolidation to occur where appropriate.

3.2 To encourage new urban development, particularly residential and commercial development, in a form, character and scale which provides for higher density living environments and is imaginative in terms of urban design and provides for an integration of different activities, e.g. residential, schools, shopping.

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3.3 To provide for high density residential development in appropriate areas.

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3.4 To provide for lower density residential development in appropriate areas and to ensure that controls generally maintain and enhance existing residential character in those areas.

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Objective 4 - Business Activity and Growth

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A pattern of land use which promotes a close relationship and good access between living, working and leisure environments.

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Policies:

4.1 To promote town centres, existing and proposed, as the principal foci for commercial, visitor and cultural activities.

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4.2 To promote and enhance a network of compact commercial centres which are easily accessible to, and meet the regular needs of, the surrounding residential environments.

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4.3 To recognise and promote the established commercial character of the Commercial Precinct which contributes to its ability to undertake commercial, health care and community activities without adversely affecting the character and amenity of the surrounding environment.

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4.4 Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change and energy and fuel pressures. (from notified PDP policy 3.2.1.3.2)

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Objective 5 - Visitor Accommodation Activities

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To enable visitor accommodation activities to occur while ensuring any adverse effects are avoided, remedied or mitigated.

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Policy:

5.1 To manage visitor accommodation to avoid any adverse effects on the environment.

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5.2 To avoid, remedy or mitigate adverse effects of letting of residential units for short-term accommodation on residential coherence and amenity through a registration process and standards.

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5.3 To ensure that the costs and regulatory obligations of visitor accommodation activities are appropriately borne and complied with by visitor accommodation providers.

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Objective 6 – Frankton

Integrated and attractive development of the Frankton Flats locality providing for airport operations, in association with residential, recreation, retail and industrial activity while retaining and enhancing the natural landscape approach to Frankton along State Highway No. 6.

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Policies:

6.1 To provide for the efficient operation of the Queenstown airport and related activities in the Airport Mixed Use Zone.

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6.2 To provide for expansion of the Industrial Zone at Frankton, away from State Highway No. 6 so protecting and enhancing the open space and rural landscape approach to Frankton and Queenstown.

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Objective 7-Sustainable Management of Development

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The scale and distribution of urban development is effectively managed.

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Policies:

7.1 To enable urban development to be maintained in a way and at a rate that meets the identified needs of the community at the same time as maintaining the life supporting capacity of air, water, soil and ecosystems and avoiding, remedying or mitigating any adverse effects on the environment.

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7.2 To provide for the majority of urban development to be concentrated at the two urban centres of Queenstown and Wanaka.

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7.3 To enable the use of Urban Growth Boundaries to establish distinct and defensible urban edges in order to maintain a long term distinct division between urban and rural areas.

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7.4 To include land within an Urban Growth Boundary where appropriate to provide for and contain existing and future urban development, recognising that an Urban Growth Boundary has a different function from a zone boundary.

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7.5 To avoid sporadic and/or ad hoc urban development in the rural area generally. To strongly discourage urban extensions in the rural areas beyond the Urban Growth Boundaries.

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7.6 To take account of the following matters when defining an Urban Growth Boundary through a plan change:

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7.6.1 Part 4 district – wide objectives and policies and Part 4a Landscape objectives and policies.

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7.6.2 The avoidance or mitigation where appropriate of any natural hazard, contaminated land or the disruption of existing infrastructure.

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7.6.3 The avoidance of significant adverse effects on the landscape, the lakes and the rivers of the district.

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7.6.4 The efficient use of infrastructure, including transport infrastructure, and its capacity to accommodate growth.

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7.6.5 Any potential reverse sensitivity issues, particularly those relating to established activities in the rural area.

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7.7 To ensure that any rural land within an urban growth boundary is used efficiently and that any interim, partial or piecemeal development of that land does not compromise its eventual integration into that settlement.

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7.8 To recognise existing land use patterns, natural features, the landscape and heritage values of the District and the receiving environment to inform the location of Urban Growth Boundaries.

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Objective 8 – Wanaka Airport

Maintain and promote the on-going operation of the airport while managing reverse-sensitivity effects on surrounding land uses.

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Policies

8.1: Ensure appropriate noise boundaries are established and maintained to enable operations at Wanaka Airport to continue and to expand over time.

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8.2: To prohibit all new activity sensitive to aircraft noise within the Outer Control Boundary in the Rural Zone around Wanaka Airport.

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4.910 Affordable and Community Housing

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4.101 Earthworks

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4.101.1 Resources, Activities and Values

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The topography of the Queenstown Lakes District often means that land modification, through earthworks, generally precedes the development of land. Some modification of the natural landscape is inevitable in order to provide safe and stable building platforms and roads with a suitable gradient. For example, in Queenstown, extensive excavation is often required to enable the further development of steep land. This has the potential to cause problems in terms of stability of adjacent properties, run-off and de-watering. Filling may also be used to increase the height of building platforms. This has the potential to alter the natural form of the landscapes, and has the potential to adversely affect the amenity values of neighbouring properties, and can alter drainage patterns.

Earthworks have the potential to alter landforms, landscapes and natural features to such an extent that the identity, amenity values and character of an area can be changed permanently. Therefore, while earthworks are temporary, their effects are often both significant and long term.

4.101.2 Issues

Sediment and soil run-off associated with earthworks have the potential to adversely affect water quality and the amenity values of neighbouring properties.

The direct results of sediment run-off include damage to neighbouring properties, the blocking of drains and the sedimentation of waterways. The factors that affect the amount of sediment run-off are rainfall, soil erodability, slope length and slope gradient. The closer the earthworks operation locates to a waterway, the more immediate the potential impact.

Earthworks, either through excavation or filling, have the potential to permanently alter the natural shape and form of the landscape, particularly in areas of Outstanding Natural Features and Outstanding Natural Landscapes.

Potential adverse effects from earthworks on landforms and landscapes range from the widespread practice of remodelling the land for subdivisions, cut and fill operations, to more minor earthworks such as ground contouring for building platforms or driveways. Cut and fill operations can adversely affect privacy, cause physical domination and over-shadowing if located too close to neighbouring property boundaries, and have the potential to permanently alter the form and shape of Outstanding Natural Features and Outstanding Natural Landscapes.

Earthworks, including filling and excavation, have the potential to affect land instability and the potential for flooding.

Earthworks activities have the potential to weaken soil structure and exacerbate soil instability, subsidence, and soil erosion. This may be caused by incorrectly placed excavated fill, unsupported excavations, inherent weak rock strata combined with steep slopes, or steep slopes stripped of vegetation. Excavations close to the boundary also have the potential to reduce the overall stability of the soil of the adjacent property. Particularly in Queenstown, the excavation of sites to develop building platforms has the potential to undermine neighbouring properties.

Earthworks may also cause or exacerbate flooding by altering the natural profile of landforms, including the modification of stormwater run-off channels and catchment topography. The effects of modifying the landscape, if carried out inappropriately may cause downstream flooding and inundation. Further, by placing impervious structures beneath ground level, the potential for flooding is increased through the process of 'de-watering'.

Earthworks have the potential to adversely affect amenity values by creating noise and dust emissions.

Earthworks activities can emit high levels of noise, vibrations and dust. Dust emissions can cause irritation to people living nearby, and in some cases can cause adverse health effects such as asthma. Earthworks operations cause noise emissions through the use of large machinery, vehicle movements and in some cases blasting. These are particularly disturbing to amenity values if they occur early in the morning or late at night.

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Earthworks can disturb cultural heritage sites, including Waahi Tapu and Waahi Taoka, and archaeological sites.

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Waahi Tapu and Waahi Taoka and archaeological sites in the District can be destroyed through the excavation and filling of land. A process of identifying these sites needs to be established so that the adverse effects of earthworks can be avoided.

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Earthworks associated with tracking on highly visible slopes have the potential to adversely affect amenity values and permanently alter the landform.

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4.101.3 Objectives and Policies

Objectives

To avoid, remedy or mitigate the adverse effects from earthworks on:

(a) Water bodies

(b) The nature and form of existing landscapes and landforms, particularly in areas of Outstanding Natural Landscapes and Outstanding Natural Features.

(c) Land stability and flood potential of the site and neighbouring properties

(d) The amenity values of neighbourhoods

(e) Cultural heritage sites, including waahi tapu and waahi taoka and archaeological sites

(f) The water quality of the aquifers.

Policies:

1. To minimise sediment run-off into water bodies from earthworks activities through the adoption of sediment control techniques.
2. To avoid the location of earthworks in close proximity to water bodies. Where this cannot be avoided, to ensure that sediment control measures are put in place to minimise sediment run-off.
3. To minimise the area of bare soil exposed and the length of time it remains exposed.
4. To avoid or mitigate adverse visual effects of earthworks on outstanding natural landscapes and outstanding natural features.
5. To avoid earthworks including tracking on steeply sloping sites and land prone to erosion or instability. Where this cannot be avoided, to ensure techniques are adopted that minimise the potential to decrease land stability.
6. To protect the existing form and amenity values of residential areas by restricting the magnitude of filling and excavation.
7. To ensure techniques are adopted to minimise dust and noise effects from earthworks activities.
8. As far as practicable, to protect Waahi Tapu, Waahi Taoka, and other archaeological sites from potential disturbance resulting from earthworks.
9. To notify Kai Tahu ki Otago where earthworks are proposed in areas identified in either the District Plan or the Natural Resource Management Plan as significant to iwi.
10. To notify the NZ Historic Places Trust where proposed earthworks may affect archaeological sites.

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11. To ensure that work is suspended and Kai Tahu ki Otago and the NZ Historic Places Trust are notified when archaeological remains are observed or unearthed during earthworks activities.

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12. To avoid contaminating the water aquifers of the Queenstown Lakes District.

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4.11~~2~~ Monitoring, Review and Enforcement

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Appendix D

Draft Suggested Proposed District Plan- Landscape Chapter (Becomes Chapter 6)

4.2.4a Landscape and Visual Amenity (separated per notified PDP)

4a.2.1 Introduction

The District relies, in large part for its social and economic well being on the quality of the landscape image and environment and has included provisions in the District Plan to avoid development which would detract from the general landscape image and values. The District is a series of landscapes distinctive in their formation. Buildings, tree planting and roading can all change the character of an area and provides for social, recreation and economic activity.

Whilst the built environment is significant, important elements are those related more to the non-urban environment and the open space areas. These are generally:

- the rural hinterland;
- the semi-enclosed rural valleys and basins;
- the hill and mountain slopes;
- the ridgelines; and
- the lakes and rivers.

4a.2.2 Resources and Values

The District covers a vast, predominantly mountainous region. The mountains are rugged in appearance and form a dramatic backdrop to the valley floors and terraces. Remnant beech forest covers much of the higher reaches, while in the lower area the valley floors and terraces have been converted to pastoral land use and settlement. Most major settlements i.e. Queenstown, Kingston, Frankton, Glenorchy, Wanaka and Hawea, are situated on the lakeshores. The District has three main water bodies, being Lakes Wakatipu, Wanaka and Hawea. The Kawarau River drains Lake Wakatipu, and the Clutha River drains Lakes Wanaka and Hawea. Fast flowing mountain streams are characteristic of the headwaters of these lakes. Elsewhere in the District steep gorges have been created, most notably the Shotover and Kawarau Gorges. (extraneous)

The landscape of the District consists of a variety of landforms including mountain slopes, ice-sculptured rock, rocky islands, moraine, tailings, river delta, river flats, lake beaches, fans, scree slopes, terraces, river gorges, valley floors and lake basins.

All these landforms have distinctive visual characteristics which can be described in terms of:

- the underlying geology;
- landform type;
- water and drainage patterns;
- vegetation cover; and
- human activities and patterns.

The main components of the landscape are:

- **The Mountain Slopes** - The dominant characteristic of the mountain slopes are their pyramidal forms and angular lines. The ice-sculptured landforms, moraines and rocky islands are distinctive because of their sharply raised conical form. This characteristic is particularly well exemplified in the Cardrona Low Hills.

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- **The Terraces** - The middle or outwash terraces and the Cardrona Terraces are characterised by sloping flat surfaces, broken by regular drainage channels with a prominent vertical riser. The low terraces are generally variable in appearance because of farming influences. The predominant features of the low terraces are the gently raised sloping forms and straight lines.
- **The Flats, Fans and Deltas** - The dominant characteristic of fans, river flats, lake beaches and river delta is their flat or gently sloping form. In situations where the vegetation is consistent, texture is also important. River terraces generally have a flat form and are often characterised by their medium to coarse texture, which results from agricultural activities or the presence of settlement.
- **Vegetation Cover, Texture and Pattern** - The texture and pattern of the landscape is for the most part, determined by the vegetation cover. The mountain slopes which have retained their beech forest cover tend to have a consistent pattern and medium texture. Where the forest and native scrub remains in pockets, the pattern is more irregular and the texture is coarser. Mountains which are bare of most vegetation cover and have scree slopes, rock outcrops and tussock, are coarse in texture. The low terraces, river terraces and river flats have more varied vegetation cover, resulting from variation in land uses. The texture tends to be medium to coarse. Some terraces and fans which have relatively unmodified tussock grassland cover have a fine texture. River gorges generally have pockets of remnant bush and rock outcrops, giving a coarse texture.

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4a.2.3 Activities

The District covers a large geographical area and contains a wide range of activities. These may alter the landscape and affect the visual quality of the environment. If the characteristics of the activity and the landscape are similar then there will be visual harmony. If the characteristics of the activity and the landscape are different, then visual conflicts or adverse impacts can occur. In the context of the District a number of activities have the potential to impact adversely on the landscape and visual amenity.

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i Settlement - Structures may be visible in the landscape due to their form and colour. As the presence of structures increases, the apparent level of modification in a landscape and its overall quality may change. The popularity of the District means that there is a demand for new settlement areas and there are pressures for growth at most of the existing settlements. Uncontrolled expansion of settlements may change the existing landscape. The location and impact of new development must be managed to ensure that the changes that occur do so in a manner which respects the character of the landscape and avoids any adverse effects on the visual qualities of the landscape.

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viii Farming - Pastoral and arable production are significant land uses in the District, and the variety of enterprises is increasing. Diversification has meant horticulture and particularly viticulture has become a significant element of the visual landscape. *(moved up to prioritise)*

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ix-iii Recreation and Visitor Activity - The visual landscape has made this District a "special experience" for thousands of visitors and the permanent residents. Tourism and recreation have become central to the prosperity of the District, and this is likely to continue bringing increased pressure and demands on the landscape. *(moved up to prioritise)*

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iii-v Rural Structures - The visual impact of structures is increased when their form and colour contrast with the surroundings and when they are located in visually sensitive areas such as on skylines, ridges, hills, prominent slopes, or shorelines.

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iii-v Signs - Signs and advertising are visual aspects of development and can represent modification of the landscape. They are necessary as information providers, associated with tourism and recreation, but can interfere with the very landscape qualities they promote.

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iv-vi Roads and Tracks - The need for access to and within the District is paramount for agriculture, viticulture, tourism and local convenience. Roads are a significant part of the visitor experience, such as in Skippers Canyon and along the shorelines of lakes and rivers. Roads, particularly on prominent slopes may adversely affect landscape values.

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~~vii Utilities~~ - Additional settlement, whether scattered or consolidated, creates increased demands for electricity, communications, and other utilities. Utilities are seen as lines and forms in the landscape. Their location relative to existing patterns and visually sensitive areas and details of design are important in determining their effect on the landscape and control to prevent or mitigate adverse effects is required.

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~~viii Mining/Extraction~~ - Quarries and the disposal of waste may be directly associated with increases in development and settlement. Contrast in colour and form with the surrounding landscape makes these activities highly visible, and their presence can have an adverse effect on the quality of the landscape. Location, shape of the working area, and progressive restoration are important in reducing the visual impact of these activities.

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~~ix Tree Planting~~ - Diversification of farming practices, soil conservation, conversion of arable land into forestry production and amenity planting may alter the landscape.

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4a. 2.4 Issues

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The District's landscapes are of significant value to the people who live, work or visit the District, and need to be protected from inappropriate subdivision, development and use. Increasing development and activity makes the District's landscape particularly vulnerable to change.

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The landscapes of the district broadly fall into three separate categories - outstanding natural landscapes and features, visual amenity landscapes and other landscapes. The following significant resource management issues in respect of landscape generally, and by category, have been identified:

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(1) General Landscape Issues

The landscape provides both a backdrop to development as well as the economic base for much activity. Because of the quality of the landscape and the important role it plays in the District's economy it is necessary to ensure that subdivision, development and associated activities are managed to avoid, remedy or mitigate any adverse effects resulting from the pattern of development and the location, siting and appearance of buildings.

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~~The visual effect of subdivision, development and associated activities may be increased when the form and colour of structures contrast with the surroundings and when they are located in visually sensitive areas. The demand for housing and other developments in the rural area is growing and poor location, siting and appearance of these developments threaten to increase the level of inappropriate modification of the rural landscape. The hill and mountain slopes surrounding the lakes assume greater importance because of their role in providing a setting for the lakes. Likewise the views from roads within the District assume increasing importance as they give visual access to the mountains, lakes and landscape that, in turn, are integral to the economic wellbeing of the District, and provide a sense of place to both visitors and residents. (extraneous)~~

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(2) Protection of Outstanding Natural Landscapes and Features

The outstanding natural landscapes are the romantic landscapes – the mountains and the lakes - landscapes to which Section 6 of the Act applies. The key resource management issues within outstanding natural landscapes are their protection from inappropriate subdivision, use and development, particularly where activity may threaten the landscapes openness and naturalness.

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(3) Maintenance and Enhancement of ~~Visual Amenity~~ Rural Landscapes

The ~~Rural Landscapes~~ visual amenity landscapes are the landscapes to which particular regard is to be had under Section 7 of the Act. They are landscapes which wear a cloak of human activity much more obviously - pastoral (in the poetic and picturesque sense rather than the functional sense) or Arcadian landscapes with more houses and trees, greener (introduced) grasses and tend to be on the District's downlands, flats and terraces. The extra quality that these landscapes possess which bring them into the category of 'visual amenity landscape' is their prominence because they are: adjacent to outstanding natural features or landscapes; or

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landscapes which include ridges, hills, downlands or terraces; or a combination of the above (no longer valid).

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The key resource management issues for the Rural Landscapes ~~visual amenity landscapes~~ are managing adverse effects of subdivision and development (particularly from public places including public roads) to enhance natural character and enable alternative forms of development where there are direct environmental benefits.

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(4) Other Rural Landscapes (deleted per notified PDP)

The other rural landscapes are those landscapes with lesser landscape values (but not necessarily insignificant ones) which do not qualify as outstanding natural landscapes or visual amenity landscapes.

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4a. 2.5 Objectives and Policies

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Additional objectives and policies contained in Part 4 District Wide must also be addressed where relevant in conjunction with these objectives and policies. (Change made due to separation out of Landscape Chapter)

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Objective:

Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.

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Policies:

1 Future Development

(a) To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.

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(b) To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.

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(c) To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.

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(d) To recognise that subdivision and/or development in the Rural Zone, specifically residential development, has a finite capacity if the district's landscape quality, character and amenity values are to be sustained, (derived from notified PDP 6.3.2.1)

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2 Outstanding Natural Landscapes (District Wide/Greater Wakatipu)

(a) To maintain the openness of those outstanding natural landscapes and features which have an open character at present.

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(b) To avoid subdivision and development in those parts of the outstanding natural landscapes with little or no capacity to absorb change.

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(c) To allow limited subdivision and development in those areas with higher potential to absorb change.

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(d) To recognise and provide for the importance of protecting the naturalness and enhancing amenity values of views from public roads.

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3.2. Outstanding Natural Landscapes (Wakatipu Basin) and Outstanding Natural Features

(Amalgamation of ODP ONL(WB) and ONF provisions)

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-Subdivision and/or development proposals located within the Outstanding Natural Landscape, or on Outstanding Natural Features, are to be assessed against the assessment matters in Part 5.4, because subdivision and/or development is inappropriate in almost all locations, meaning successful applications will be exceptional cases, (derived from notified PDP 6.3.1.3)

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(a) To avoid subdivision and/or development on the outstanding natural landscapes and on and in the vicinity of the outstanding natural features of the District Wakatipu Basin unless the subdivision and/or development will not result in adverse effects which will be more than minor on:

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(i) *Landscape values and natural character; and*

(ii) *Visual amenity values*

- recognising and providing for:

(iii) *The desirability of ensuring that buildings and structures and associated roading plans and boundary developments have a visual impact which will be no more than minor, which in the context of the outstanding natural landscapes of the Wakatipu basin means reasonably difficult to see;*

(iv) *The need to avoid further cumulative deterioration of the District's Wakatipu basin's outstanding natural landscapes and outstanding natural features;*

(v) *The importance of protecting the naturalness and enhancing the amenity values of views from public places and public roads.*

(vi) *The essential importance in this area of protecting and enhancing the naturalness of the landscape.*

(b) *To maintain the openness of those outstanding natural landscapes and features which have an open character at present.*

(c) *To remedy or mitigate the continuing effects of past inappropriate subdivision and/or development.*

43. Rural Landscapes Visual Amenity Landscapes

Subdivision and/or development proposals located within the Rural Landscape are to be assessed against the assessment matters in Part 5.4, because subdivision and/or development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters, (derived from notified PDP 6.3.1.4).

(a) *To avoid, remedy or mitigate the adverse effects of subdivision and/or development on the visual amenity landscapes which are:*

- *highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and*
- *visible from public roads.*

(b) *Have regard to the adverse effects from subdivision and/or development on the open landscape character where it is open at present. (from notified PDP 6.3.5.6)*

(c) *To mitigate loss of or enhance natural character by appropriate planting and landscaping.*

(d) *To discourage linear tree planting along roads as a method of achieving (ba) or (db) above.*

5. Outstanding Natural Features (Deleted as amalgamated with ONL above)

To avoid subdivision and/or development on and in the vicinity of distinctive landforms and landscape features, including:

(a) *in Wakatipu; the Kawarau, Arrow and Shotover Gorges; Peninsula, Queenstown, Ferry, Morven and Slope hills; Lake Hayes; Hillocks; Camp Hill; Mt Alfred; Pig, Pigeon and Tree Islands;*

—unless the subdivision and/or development will not result in adverse effects which will be more than minor on:

(i) *Landscape values and natural character; and*

(ii) *Visual amenity values*

—recognising and providing for:

(iii) *The desirability of ensuring that buildings and structures and associated roading plans and boundary developments have a visual impact which will be no more than minor in the context of the outstanding natural feature, that is, the building etc is reasonably difficult to see;*

(iv) *The need to avoid further cumulative deterioration of the outstanding natural features;*

(v) *The importance of protecting the naturalness and enhancing the amenity values of views from public places and public roads;*

(vi) *The essential importance in this area of protecting and enhancing the naturalness of the landscape.*

84. Avoiding Cumulative Degradation (policy moved up to prioritise)

In applying the policies above the Council's policy is:

(a) *to ensure that the density of subdivision and development does not increase to a point where the benefits of further planting and building are outweighed by the adverse effect on landscape values of over domestication of the landscape.*

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(b) to encourage comprehensive and sympathetic development of rural areas.

95. Structures (changed for ONL(DW) and ORL deletion per notified PDP and moved up to prioritise)

To preserve the visual coherence of rural landscapes by:

(a) outstanding natural landscapes and features and visual amenity landscapes by:

- encouraging structures which are in harmony with the line and form of the landscape;
- avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;
- encouraging the colour of buildings and structures to complement the dominant colours in the landscape;
- encouraging placement of structures in locations where they are in harmony with the landscape;
- promoting the use of local, natural materials in construction.

(b) visual amenity landscapes

- by screening structures from roads and other public places by vegetation whenever possible to maintain and enhance the naturalness of the environment; and

(c) All rural landscapes by

- limiting the size of signs, corporate images and logos
- providing for greater development setbacks from public roads to maintain and enhance amenity values associated with the views from public roads.

6. Urban Development

(a) To avoid new urban development in the outstanding natural landscapes of Wakatipu basin and on outstanding natural features;

(b) To discourage urban subdivision and development in the other outstanding natural landscapes (and features) and in the visual amenity rural landscapes of the district.

(c) To avoid remedy and mitigate the adverse effects of urban subdivision and development where it does occur in the other outstanding natural landscapes of the district by:

–maintaining the open character of those outstanding natural landscapes which are open at the date this plan becomes operative;

–ensuring that the subdivision and development does not sprawl along roads. (changed due to ONL amalgamation)

(cd) To avoid remedy and mitigate the adverse effects of urban subdivision and development in visual amenity rural landscapes by avoiding sprawling subdivision and development along roads.

(d) Concentrate development within existing urban areas, promoting higher density development that is more energy efficient and supports public transport to limit increases in greenhouse gas emissions in the District.

(from notified PDP 3.2.4.8.1)

7. Urban Edges (deleted because superceded by policy 7 below)

To identify clearly the edges of:

- (a) Existing urban areas;
- (b) Any extensions to them; and
- (c) Any new urban areas

• by design solutions and to avoid sprawling development along the roads of the district.

7. Urban Growth (derived from notified PDP 3.2.2.1)

(a) Ensure urban development occurs in a logical manner:

- to promote a compact, well designed and integrated urban form
- to manage the cost of Council infrastructure; and
- to protect the District's rural landscapes from sporadic and sprawling development.

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(b) Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jack's Point), Arrowtown and Wanaka and direct urban development to be within these UGB's where they apply, or within existing rural townships. (final sentence added-copied from notified PDP 3.2.5.3.1)

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(c) Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs.

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(d) Manage the form of urban development within the UGBs ensuring:

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- Connectivity and integration with existing urban development;
- Sustainable provision of Council infrastructure; and
- Facilitation of an efficient transport network, with particular regard to integration with public and active transport systems

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(e) Encourage a higher density of residential development in locations close to town centres, local shopping zones, activity centres, public transport routes and non-vehicular trails.

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(f) Ensure UGBs contain sufficient suitably zoned land to provide for future growth and a diversity of housing choice.

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(g) Ensure that zoning enables effective market competition through distribution of potential housing supply across a large number and range of ownerships, to reduce the incentive for land banking in order to address housing supply and affordability.

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148. Utilities

To avoid, remedy or mitigate the adverse effects of utilities on the landscapes of the district by:

- avoiding siting utilities in outstanding natural landscapes or features in the Wakatipu Basin (except on Slope Hill in the vicinity of the current utilities)
- encouraging utilities to be sited away from skylines, ridgelines, prominent locations, and landscape features
- encouraging utilities to be co-located wherever possible
- encouraging utilities to be located along the edges of landforms and vegetation patterns
- encouraging or requiring the alignment and/or location of utilities to be based on the dominant lines in the landscape
- requiring that structures be as unobtrusive as is practicable with forms appropriate for the landscape and finished in low reflective colours derived from the background landscape
- requiring that transmission lines (where technically and economically feasible) be placed underground.

149. Forestry and Amenity Planting

Subject to policy 16, to maintain the existing character of openness in the relevant outstanding natural landscapes and features of the district by:

- (a) encouraging forestry and amenity planting to be consistent with patterns, topography and ecology of the immediate landscape.
- (b) encouraging planting to be located so that vegetation will not obstruct views from public roads and discouraging linear planting near boundaries of public roads.

1210. Transport Infrastructure

To preserve the open nature of the rural landscape by:

- encouraging the location of roads, car parks and tracks along the edges of existing landforms and vegetation patterns.

- encouraging shoreline structures, such as jetties, to be located only where they are visually contained by the topography, e.g. coves or bays.
- by encouraging imaginative roading designs including a range of carriageway widths, different surface materials, grass berms and protection of existing mature trees where these can enhance the quality of design and the visual experience.
- discouraging roads and tracks on highly visible slopes.
- requiring that all construction be with minimum cut and fill batters and that all batters be shaped in sympathy with, existing landforms.
- requiring that all disturbed areas be revegetated at the end of construction.
- encouraging where appropriate car parks to be screened from view.
- requiring the adverse effects of large expanses of hard surface car parks be avoided by planting and earthworks.

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1411. Mining

To maintain the rural or natural qualities of the landscape by:

- placing a limit on the size of the open area of any quarry, landfill site, refuse dump, or extraction site.
- encouraging the activity in suitable areas away from any visually sensitive locations.
- requiring that the area be progressively restored during the life of the operation.
- controlling the form of the open area and of any waste heaps or long term stockpiles to ensure that they are compatible with the forms in the landscape.
- requiring restoration to be finished to a contour sympathetic to the surrounding topography and revegetated with a cover appropriate for the site and setting.

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1412. Soil Conservation Planting

To minimise any adverse effects on the visual amenity by:

- encouraging the use of a limited range of species for soil conservation and planting.
- encouraging the use of existing native species for soil conservation and planting.

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1413. Retention of Existing Vegetation

To maintain the visual coherence of the landscape and to protect the existing levels of natural character by:

- (a) Encouraging the retention of existing indigenous vegetation in gullies and along watercourses;
- (b) Encouraging maintenance of tussock grass-lands and other nature ecosystems in outstanding natural landscapes.

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3 to Section 4.1 on nature conservation values.

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1414. Wilding Trees

To minimise the adverse effect of wilding trees on the landscape by:

- supporting and encouraging co-ordinated action to control existing wilding trees and prevent further spread.

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1415. Land Use

To encourage land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape.

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Implementation Methods, Other Methods and Explanation and Principal Reasons for Adoption and Environmental Results Anticipated deleted (or moved to new Appendix).

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Appendix E

Proposed District Plan-Rural Chapter

5 Rural Areas (Becomes Chapter 21)

Rural-General Zone, Ski Area Sub-Zones

5.1 Resource Management Issues

Discussion of additional relevant issues is found in the following Parts of the District Plan:

Natural Environment - Part 4.1

Landscape ~~and Visual Amenity~~ - Part 4.2a *(moved to separate chapter per notified PDP)*

Open Space and Recreation - Part 4.4

Surface of Lakes and Rivers - Part 4.6

Waste Management - Part 4.7

Natural Hazards - Part 4.8

Heritage - Part 13.1

Hazardous Substances - Part 16.1

i The Management of the Effects of Rural Activities on the Environment

By their nature, rural activities may have both beneficial and adverse effects. It is desirable to create conditions where beneficial effects (such as productive effects, employment, enhancement of the amenity/visual values, development of pleasant built form and soil retention) are maintained, developed and enhanced. It is also necessary to balance any adverse effects of these activities (such as noise from bird scaring or frost fighting devices) in order to maintain development and productive potential, while also supporting the life-supporting capacity of the air, water, soil, ecosystems and minerals.

Subdivision and/or development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained. *(derived from PDP policy 6.3.2.1)*

ii Sustaining the Life-Supporting Capacity of Soils and Vegetation

The life-supporting capacity of soils in the rural area can be lost or reduced as a result of intensive subdivision and building development or inappropriate land uses that significantly deplete, degrade or cover over the soil.

iii Protecting the Rural Amenity Values

All Rural Zones have particular amenity and environmental values, which are important to rural people. These include privacy, rural outlook, spaciousness, ease of access, clean air and, at times, quietness. However, because of the range of activities that necessarily occur in a rural area, there are levels of noise, dust, traffic generation and smell that are an integral part of rural amenity values. Provided that these effects do not constitute a genuine nuisance or a health risk, they must be accepted as anticipated components of rural amenity values. Where activities in a Rural Zone do cause a genuine nuisance or a health risk it is the role of Council to assist in mitigating any adverse effect that these activities may potentially create.

iv Safeguarding Water Resources

The quality and quantity of water and irrigation scheme infrastructure are essential for the cultural, social and economic well being of the District. However water resources are vulnerable to change because of the diversity of activities occurring in rural areas. Whilst the management of the quality and quantity of water resources is principally the responsibility of the Otago Regional Council, the Council considers it has a role in the integrated management of the effects of land-use activities to ensure the life-supporting capacity of water is safeguarded.

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The supply of irrigation water to users in the district is carried out by private companies, for example the Arrow Irrigation Company. The Council has a role in the integrated management of effects of land use activities to ensure that the supply of water resources and the irrigation infrastructure is not adversely affected by land use activities.

v Mineral Resources

The mineral resources of the District are important commercially. These resources include gold and other minerals, aggregates, shingle and coal. Minerals are also important historically with a number of mining sites and settlements having historic value. Mineral extraction, including gravel extraction and earthworks, has the potential to cause significant adverse effects on the environment.

vi The Management of Surface of Waterbodies

Surface of water rules are generally aimed at the protection of the natural, recreational and amenity characteristics of the different waterbodies of the District and the surrounding environment. Controls over water-based activities are considered to be necessary to ensure that any adverse effects on the wildlife, natural, recreational, visual, amenity values and safety values of the District's lakes and rivers are kept at a minor level. Commercial boating activities are to be subject to assessment through the resource consent process. Controls have differentiated between private and commercial operations in terms of their environmental effects, because commercial activities have the potential to be more regular, concentrated, numerous and continuous throughout much of the year, compared with private recreation; and because many of the craft used in commercial operations are larger and more capable of greater impacts upon the environment.

Frequent and regular use of waterbodies by commercial activities have the potential to conflict with other users or values of the waterbody or adjoining land – intruding into the experience sought by other users of affecting wildlife, amenity or natural conservation values. Public safety may also be compromised by a number of boating operators and/or boats using the same waterbody, where it is confined or has visibility limitations. Fishing guiding has been exempt from this requirement for resource consents for commercial boating activities because it has no more than a minor effect on its environment, it is dispersed across the waterbodies of the District, and does not result in concentrated effects in any one locality.

All structures or moorings on waterbodies are considered to require resource consent assessment, because of their ability to impact upon landscape, recreational safety and conservation values associated with a shoreline or shore waters. Use of all moored boats for permanent or long-term residence is of concern in relation to other lake and lakeshore users. Such concerns relate to visual impacts, effluent disposal and loss of public enjoyment of the adjoining lakeshore and waters, to the extent it is considered that such uses should be excluded. Refer also to Section 4.6 Surface of Waterbodies for reasons for policies and implementation methods.

5.2 Rural General and Ski Area Sub-Zone

- Objectives and Policies

Additional relevant objectives and policies relating to the following matters are found in the corresponding Parts of the District Plan:

- Natural Environment - Part 4.1
- Landscape ~~and Visual Amenity~~ - Part 4a-2
- Open Space and Recreation - Part 4.4
- Surface of Lakes and Rivers - Part 4.6
- Waste Management - Part 4.7
- Natural Hazards - Part 4.8
- Heritage - Part 13
- Hazardous Substances - Part 16

Objective 1 - Character and Landscape Value

To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.

Policies:

- 1.1 Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.
- 1.2 Allow for the establishment of a range of activities, which utilise the soil resource of the rural area in a sustainable manner.
- 1.3 Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.
- 1.4 Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.
- 1.5 Provide for a range of buildings allied to rural productive activity and worker accommodation, Residential buildings proposed on the grounds that they are allied to and necessary for rural productive activity shall be subject to exactly the same landscape assessment as any other proposed residential building that is not allied to or necessary for rural productive activity, (Change necessary in light of Glentarn decision).
- 1.6 Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.
- 1.7 Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.
- 1.8 Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.
- 1.9 Ensure adverse effects of new commercial Ski Area activities on the landscape and amenity values are avoided or mitigated.

Implementation Methods, Other Methods and Explanation and Principal Reasons for Adoption deleted (or moved to new Appendix).

Objective 2 - Life Supporting Capacity of Soils

Retention of the life supporting capacity of soils and/or vegetation in the rural area so that they are safeguarded to meet the reasonably foreseeable needs of future generations.

Policies:

- 2.1 Avoid, remedy or mitigate adverse effects of subdivision and/or development on the life-supporting capacity of the soils.
- 2.2 Enable a range of activities to utilise the range of soil types and microclimates.
- 2.3 Encourage the long-term retention of the capabilities of the District's soils through research and dissemination of relevant information to the community.
- 2.4 Encourage land management practices and activities, which avoid, remedy or mitigate adverse effects on soil and vegetation cover.
- 2.5 Encourage land users to monitor the condition of vegetation on their land by providing information and assistance, where practicable.

Implementation Methods, Other Methods and Explanation and Principal Reasons for Adoption deleted (or moved to new Appendix).

Objective 3 - Rural Amenity

Avoiding, remedying or mitigating adverse effects of activities on rural amenity.

Policies:

- 3.1 Recognise permitted activities in rural areas may result in effects such as noise, dust and traffic generation, which will be noticeable to residents in the rural areas.

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3.2 Ensure a wide range of rural land uses and land management practices can be undertaken in the rural areas without increased potential for the loss of rural amenity values.

3.3 To avoid, remedy or mitigate adverse effects of activities located in rural areas.

3.4 To encourage intensive and factory farming away from Rural Residential, Rural Lifestyle, Urban, Residential, or Business Zones, in order to minimise the potential for conflict between these zones.

3.5 Ensure residential dwellings are setback from property boundaries, so as to avoid or mitigate adverse effects of activities on neighbouring properties.

3.6 To require acoustic insulation of buildings located within the airport Outer Control Boundary, that contain critical listening environments

Implementation Methods, Other Methods and Explanation and Principal Reasons for Adoption deleted (or moved to new Appendix).

Objective 4 - Life Supporting Capacity of Water

To safeguard the life supporting capacity of water through the integrated management of the effects of activities

Policies

4.1 In conjunction with the Otago Regional Council:

- To encourage activities, which use water efficiently, thereby conserving water quality and quantity
- To discourage activities, which adversely affect the life supporting capacity of water and associated ecosystems.

4.2 To encourage buildings, earthworks and landscaping to be located or carried out a sufficient distance from irrigation infrastructure.

4.3 To encourage the piping and filling of existing open channel irrigation races where there is potential for buildings, earthworks or landscaping to interfere with the irrigation infrastructure.

Implementation Methods and Explanation and Principal Reason for Adoption deleted (or moved to new Appendix).

Objective 5 - Mineral Extraction

Mineral extraction, including prospecting and exploration, carried out in a manner which avoids, remedies or mitigates adverse effects on the environment.

Policies:

5.1 To ensure potential adverse effects of large-scale recreational extractive activities (including mineral exploration) on the rural environment are avoided, remedied or mitigated.

5.2 To ensure that during and after mining, sites are progressively rehabilitated in a planned and co-ordinated manner, to enable the establishment of a land use appropriate to the area.

5.3 To recognise prospecting and small-scale recreational gold mining as activities with limited environmental impact.

5.4 To recognise the importance of high quality gravel for roading within the District.

Implementation Methods and Explanation and Principal Reason for Adoption deleted (or moved to new Appendix).

Objective 6 -Ski Area Sub-Zone

To encourage the future growth, development and consolidation of existing Ski Areas, in a manner which mitigates adverse effects on the environment.

Policies:

6.1 To identify specialist sub-zoning for Ski Area activities.

6.2 To anticipate growth, development and consolidation of skifields within Ski Area Sub-Zones.

Implementation Methods and Explanation and Principal Reason for Adoption deleted (or moved to new Appendix).

Objective 7 - Buffer Land for Airports

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.

Policy

7.1 To retain a greenfields area within the Outer Control Boundary of airports in order to provide a buffer, particularly for safety and noise measures, between the airport and other activities.

7.2 To prohibit the location of any new activity sensitive to aircraft noise on land within the Outer Control Boundary around Wanaka Airport.

Implementation Methods and Explanation and Principal Reason for Adoption deleted (or moved to new Appendix).

Objective 8 – Building Line Restriction Area

To prevent development of the sensitive upper area of the Kirimoko Block (Building Line Restriction area) in Wanaka.

Policies

8.1 To protect the elevated, more visually sensitive upper area of the Kirimoko Block by limiting development to lower areas within the natural amphitheatre zoned Low Density Residential.

8.2 To maintain the open character of the building restriction area by promoting the planting of small native plants and shrubs.

8.3 To ensure the protection of the prominent ridgeline from development by restricting development to the Low Density Residential zoned area.

Objective 9 – Building Line Restriction Area – Bible Face

To protect the heritage value of the Bible Face landform by preventing building and development upon the Bible Face in Glenorchy.

Policies

9.1 To protect the visually sensitive Bible Face from development

9.2 To maintain the rural backdrop that the Bible Face provides to the Glenorchy township

Environmental Results Anticipated deleted (or moved to new Appendix)

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5.3 Rural General and Ski Area Sub-Zone - Rules

5.3.1 Zone Purposes

5.3.1.1 Rural General Zone

The purpose of the Rural General Zone is to manage activities so they can be carried out in a way that:

- protects and enhances nature conservation and landscape values;
- sustains the life supporting capacity of the soil and vegetation;
- maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone; and
- ensures a wide range of outdoor recreational opportunities remain viable within the Zone.
- protects the on-going operations of Wanaka Airport.

The zone is characterised by farming activities and a diversification to activities such as horticulture and viticulture. The zone includes the majority of rural lands including alpine areas and national parks.

5.3.1.2 Ski Area Sub-Zones

Ski Area Sub-Zones are located within the Rural General Zone. The purpose of these Sub-Zones is to enable the continued development of skifield activities within the identified boundaries, where the effects of those activities are anticipated to be cumulatively minor.

For the avoidance of doubt, Ski-Area Sub-Zones are excluded from the landscape classifications used in the Plan (ie: Outstanding Natural Landscapes ~~and Rural Landscapes (Wakatipu Basin), Outstanding Natural Landscapes (District Wide) or Visual Amenity Landscapes (deletion of ONL (DW) and VAL categories)~~

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Being only a sub-zone, all rules applicable to the Rural ~~General~~ Zone in the District Plan are applicable to the Ski Area Sub-Zones except where stated to the contrary.

5.3.2 District Rules

Attention is drawn to the following District Wide Rules, which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met then consent will be required in respect of that matter:

- (i) Heritage Protection - **Refer Part 13**
- (ii) Transport - **Refer Part 14**
- (iii) Subdivision, Development and Financial Contributions - **Refer Part 15**
- (iv) Hazardous Substances - **Refer Part 16**
- (v) Utilities - **Refer Part 17**
- (vi) Signs - **Refer Part 18**
- (vii) Relocated Buildings and Temporary Activities - **Refer Part 19**

Attention is also drawn to the need to obtain relevant consents from the Otago Regional Council relating to matters such as water use, discharge of contaminants to water, land or air, use of the beds of rivers and lakes, damming or diverting lakes and rivers, earthworks and vegetation clearance.

5.3.3 Activities

5.3.3.1 Permitted Activities

Any activity, which is not listed as a **Prohibited, Non-Complying, Discretionary or Controlled Activity** and which complies with all the relevant **Site and Zone Standards**, shall be a **Permitted Activity**.

5.3.3.2 Controlled Activities

The following shall be **Controlled Activities**, provided that they are not listed as a **Prohibited, Non-Complying or Discretionary Activity**; and they comply with all of the relevant **Site and Zone Standards**; and they have been evaluated under the assessment criteria in rule 5.4.

The matters in respect of which the Council has reserved control are listed with each Controlled Activity.

i Buildings

(a) The addition to or alteration of an existing building provided:

- (i) the addition or alteration does not increase the coverage of the building (calculated at the operative date of this District Plan) by more than 50 percent **and does not increase the floor area to more than 350 m²**; and
- (ii) the addition or alteration is contained within a residential building platform approved by resource consent;
- (iii) sub-clause (ii) above does not apply to additions or alterations to existing buildings within lots 1 to 6, 8 to 21 DP 26634 located at Closeburn Station. ***(derived from PDP 21.5.16)***

in respect of:

- (a) external appearance;
- (b) associated earthworks, access and landscaping;
- (c) provision of water supply, sewage treatment and disposal, electricity and telecommunication services.

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(b) The construction of any new building **with a floor area of 350 m² or less** contained within a residential building platform approved by resource consent; ***(derived from PDP 21.5.16)***

in respect of:

- (i) external appearance;
- (ii) associated earthworks, access and landscaping;
- (iii) provision of water supply, sewage treatment and disposal, electricity and telecommunication services.

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(c) Addition or alteration to any existing building or the construction of any new buildings associated with Ski Area Activities within Ski Area Sub-Zones

in respect of:

- (i) location, external appearance and size;
- (ii) associated earthworks, access and landscaping;
- (iii) provision of water supply, sewage treatment and disposal electricity and communication services (where necessary).

(d) Farm Buildings

The replacement or extension of an existing farm building or construction of a new farm building in respect of:

- (i) location anywhere within the property;
- (ii) external appearance;
- (iii) provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary).

(e) 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.

in respect of:

- (i) external appearances and landscaping, with regard to conditions 2.2(a), (b), (e) and (f) of resource consent RM950829;
- (ii) associated earthworks, access and landscaping;
- (iii) provisions of water supply, sewage treatment and disposal, electricity and telecommunications services.

ii Commercial Activities, limited to Retail Sales

All retail sales including:

- (a) farm and garden produce, reared or produced on-site;
- (b) handicrafts produced on the site; and

(c) wine grown on-site; and (derived from PDP 21.4.14)

(c) commercial activities associated with ski area activities within Ski Area Sub-Zones.

in respect of:

- (a) the layout of the site and location of buildings;
- (b) vehicle access; and
- (c) car parking.

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iii Commercial Recreation Activities

- (a) Ski tows and lifts within the Ski Area Sub-Zones as shown on the District Plan Maps, in respect of their location, external appearance, alignment and methods of construction; and
 (b) Night lighting in Ski Area Sub-Zones in respect of times, duration and intensity.

iv Mining

Limited to mineral exploration, which does not involve more than 20m³ in volume in any one hectare
 in respect of:

- (a) Terrain disturbance including vegetation clearance and volumes of material to be removed;
- (d) Rehabilitation of a site;
- (e) Siting of roads or any buildings; and
- (f) Dust and noise.

v Jetboat Race Events

Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge, in respect of the date, time and duration of the event, public notification of the holding of the event, and any measures to avoid adverse effects on residential and recreational activities in the vicinity of the river.

Note: Any more than six jetboat race days per year are Prohibited Activities in terms of Rule 5.3.3.5.

vi Additions and Alterations to Buildings within the Outer Control Boundary - Queenstown Airport

Any alteration or addition to a building or part of a building to be used for residential activities, visitor accommodation or community activities on any site located within the Outer Control Boundary as indicated on the District Plan Maps, in respect of the design, construction, orientation and location of the building to achieve adequate indoor sound insulation from aircraft noise.

vii Residential Flat

viii Earthworks

The following rules apply to all earthworks except:

- within the Ski Area Sub-Zone (as defined in this Plan);
- for earthworks approved as part of a subdivision where that subdivision has resource consent;
- for routine repair and maintenance of operational tracks; and
- for utility activities (as defined in this Plan, and as permitted or approved as per part 17, and excluding the development of access ways to the site containing the utility service).
- for earthworks approved as part of a resource consent for a residential building platform or a building.
- for earthworks approved as part of a resource consent for a farming building except for earthworks associated with access.

(a) Earthworks where the maximum area of bare soil exposed is between 1000m² and 2500m² per site within any one consecutive 12 month period.

(b) Earthworks where the maximum volume of earth moved is between 300m³ and 1000m³ per site within any one consecutive 12 month period.

ix Vehicle Testing

In the Waioarau Snow Farm Ski Area Sub zone the construction of access ways and tracks associated with the testing of vehicles, their parts and accessories.

In respect of measures taken to:

- avoid future gravel and silt run off;
- avoid fretting (ie stress fractures) of access ways and tracks;
- avoid incisions on access ways and tracks resulting from poor drainage; and
- stabilise over-steepened embankments.

5.3.3.3 Discretionary Activities

The following shall be **Discretionary Activities**, provided that they are not listed as a **Prohibited** or **Non-Complying** Activity and they comply with all of the relevant **Zone** Standards; and they have been evaluated under the assessment criteria in rule 5.4.

i Buildings or Building Platforms

(a) The addition, alteration or construction of:

(i) any building; and

(ii) any physical activity associated with any building such as roading, landscaping and earthworks: **Except** any buildings authorised pursuant to Rule 5.3.3.2(i).

(b) The identification of a building platform of not less than 70m² in area and not greater than 1000m² in area.

(c) The construction of any new building contained within a residential building platform approved by a resource consent that has a ground floor area of more than 350 m²; *(derived from 21.5.16- 350m² suggested)*

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ii Commercial Activities

(a) Commercial activities ancillary to and located on the same site as recreational activities, except commercial activities associated with ski area activities within Ski Area Sub-Zones.

(b) Cafes and restaurants located in a winery complex within a vineyard.

iii Visitor Accommodation

iv Surface of Lakes and Rivers

(a) Any structure or mooring which passes across or through the surface of any lake and river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers, except in those locations where such structures or moorings are shown on the District Plan Maps as being non-complying.

(b) Commercial boating activities.

Any person wishing to apply for a resource consent to commence commercial boating activities on the Shotover River between Edith Cavell Bridge and Tucker Beach should be aware that they also require a concession under the Lakes District Waterways Control Bylaw 1987 (or any replacement legislation). 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.

v Airports

Airports **other than** the use of land and water for:

(a) emergency landings, rescues and fire fighting;

(b) activities ancillary to farming activities.

vi Forestry Activities

vii Factory Farming

(a) Factory farming of pigs where:

(i) the number of housed pigs exceeds 50 sows or 500 pigs of mixed ages; and/or

(ii) any housed pigs are closer than 500m to a property boundary; and/or

(iii) the number of outdoor pigs exceeds 100 pigs and their progeny up to weaner stage; and/or

(iv) outdoor sows are not ringed at all times; and/or

(v) the stocking rate of outdoor pigs exceeds 15 pigs per hectare, excluding progeny up to weaner stage.

(b) Factory farming of poultry where:

(i) the number of birds exceeds 10,000 birds; and/or

(ii) birds are housed closer than 100m to a site boundary.

(c) Any factory farming activity other than factory farming of pigs or poultry.

viii Mining Activities

Mining **except for**:

(a) Mineral prospecting;

(b) Mineral exploration which does not involve bulk sampling exceeding 20m³ in volume in any one hectare;

(c) Mining by means of hand-held, non-motorised equipment and suction dredging, 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 1000m³ in any one year.

ix Ski Area Activities not located within a Ski Area Sub-Zone.

x Industrial Activities, limited to wineries and underground cellars within a vineyard.

xi Any activity, which is not listed as a Prohibited or Non-Complying Activity and which complies with all the relevant Zone Standards, but does not comply with one or more of the Site Standards, shall be a Discretionary Activity with the exercise of the Council's discretion being confined to the matter(s) specified in the standard(s) not complied with.

xii Structures

Any structure erected within 10 metres of a road boundary, which is greater or equal to 5 metres in length, and greater than or equal to 1 metre in height and less than 2 metres in height, except for:

- post and rail, post and wire and post and mesh fences, including deer fences;
- any structure associated with farming activities as defined in this plan;
- any structure that is erected in accordance with a landscaping plan associated with a subdivision consent or resource consent for a building, where that landscaping plan is approved as a condition on the resource consent.

The Council's discretion is restricted to the consideration of effects on views and amenity from public roads.

5.3.3.4 Non-Complying Activities

(a) The following shall be Non-Complying Activities, provided that they are not listed as a Prohibited Activity:

i Commercial Activities

Commercial activities, **except for:**

- (a) retail sales of farm and garden produce and wine grown, reared or produced on-site; or
- (b) retail sales of handcrafts produced on the site; or
- ~~(c) retail sales of wine produced on-site; or (derived from PDP 21.4.14)~~
- ~~(de)~~ commercial activities ancillary to and located on the same site as recreational activities; or
- ~~(ee)~~ commercial activities associated with ski area activities within Ski Area Sub-Zones; or
- ~~(fe)~~ cafes and restaurants located in a winery complex within a vineyard.

ii Surface of Lakes and Rivers

- (a) Boating craft on the surface of the lakes and rivers if used for accommodation, unless:
 - (i) the craft is only used for overnight recreational accommodation; and
 - (ii) the craft is not used as part of any commercial activity; and
 - (iii) all effluent is contained on board the craft.

(b) Structures or moorings passing 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.

iii Factory Farming (excluding the boarding of animals)

Factory farming within 2 kilometres of a Residential, Rural Residential, Rural Lifestyle, Township, Rural Visitor, Town Centre, Corner Shopping Centre or Resort Zone.

iv Power Generation Facilities

Power generation facilities outside the areas scheduled under Rule 20.2, other than small hydro (1.5 to 2 k) inverter based systems for residential and non-residential activities.

v Building Platforms

- (a) The identification of any building platform less than 70m² or greater than 1,000m² in area.

vi Any activity, which is not listed as a **Prohibited Activity** and which does not comply with one or more of the relevant **Zone Standards**, shall be a **Non-Complying Activity**.

vii Any planting within the Landscape Protection area (within Lots 3, 4 and 5) must be species which at maturity do not grow over 3m in height (Kirimoko Block, Wanaka).

viii Building Line Restriction Area – Bible Face – Glenorchy

No building shall be erected upon the Bible Face shown as the Building Restriction Area as shown on Map 25.

This rule excludes the following:

- (a) Structures such as gates, fencing and stiles necessary to facilitate public access or necessary for farming purposes; and
- (b) Works to enable community assets such as water tanks consented through the designation process.

5.3.3.5 Prohibited Activities

The following shall be Prohibited Activities:

i Surface of Lakes and Rivers

The use of the following lakes and rivers for the following specified activities shall be Prohibited Activities, except where the activities are for emergency search and rescues, hydrological survey, public scientific research, resource management monitoring and water weed control, and for access to adjoining land for farming activities

(a) **Hawea River** - Motorised craft, except:

- (1) on the one lawfully established jet-sprint course; as shown on the District Plan Maps
- (2) on six days in each year (including at least four (4) days in the months January to April, November and December) provided the following conditions are met:

- (i) The Jet Boat Association of New Zealand ("JBANZ") (JBANZ or one of the Otago and Southland Branches as its delegate) administers the activity on each day;
- (ii) The prior written approval of Central Otago Whitewater Inc is obtained if that organisation is satisfied that none of its member user groups are organising activities on the relevant days; and
- (iii) JBANZ gives two (2) calendar months written notice to the Council's Harbour-Master of both the proposed dates and the proposed operating schedule;
- (iv) The Council's Harbour-Master satisfies himself that none of the regular kayaking, rafting or other whitewater (nonmotorised) river user groups or institutions (not members of Central Otago Whitewater Inc) were intending to use the Hawea River on that day, and issues an approved operating schedule;
- (v) JBANZ carries out, as its expense, public notification on two occasions 14 and 7 days before the proposed jet boating;
- (vi) Public notification for the purposes of (v) means a public notice with double-size font heading in both the Otago Daily Times and the Southland Times, and written notices posted at the regular entry points to the Hawea River.

(b) **Lake Hayes** - Commercial boating activities.

(c) **Dart and Rees Rivers** - Motorised craft on any tributary of the rivers (except the Rockburn tributary of the Dart River) or upstream of Muddy Creek on the Rees River; and (d) Motorised craft on the Rees River during the months of May to October inclusive.

(e) **Makarora, Young and Wilkin Rivers** - Motorised craft on the Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.

(f) **Dingle Burn, Timaru Creek** and the tributaries of the Hunter River
 - Motorised craft on the Dingle Burn, Timaru Creek or any tributary of the Hunter River; and
 - Motorised craft on the Hunter River during the months of May to October inclusive.

(g) **Motatapu and Matukituki Rivers** - Motorised craft on the Motatapu River or any tributary of the Matukituki River.

(h) **Clutha River** - More than six jet boat race days per year.

ii 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) shall be a Prohibited Activity.

iii Activities within the Outer Control Boundary - Queenstown Airport

On any site located within the Outer Control Boundary, as indicated on the District Plan Maps, any new residential activities, visitor accommodation or community activities shall be Prohibited Activities.

iv Activities within the Kirimoko Block, Wanaka

Any building or development within the area of Landscape Protection that is protected by the building line restriction (as shown on the structure plan) other than development required for the creation of pedestrian or cycle access-ways.

5.3.4 Non-Notification of Applications

Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

(i) All applications for **Controlled Activities**.

(ii) Application for the exercise of the Council's discretion in respect of the following Site Standards:

(a) Access;

(b) Retail Sales;

(c) Tree Plantings; and

(d) Natural Hazards.

(e) Clearance of indigenous vegetation under site standard 5.3.5.1 (x) which is not of ecological significance in accordance with assessment criteria detailed in stage 3 (headed 'assessment') of Appendix 5.

(f) Consent applications under site standard 5.3.5.1 (xiii) will not be publicly notified unless special circumstances exist.

5.3.5 Standards

5.3.5.1 Site Standards

i Setback from Neighbours of Buildings Housing Animals

Minimum setback from internal boundaries for buildings housing animals shall be 30m.

ii Access

Each residential unit shall have legal access to a formed road.

iii Scale and Nature of Activities

The following limitations apply to all activities; other than farming, factory farming, forestry and residential activities, activities ancillary to ski area activities within Ski Area Sub-Zones, or those visitor accommodation activities which are Discretionary Activities:

(a) The maximum gross floor area of all buildings on the site, which may be used for the activities shall be 100m²;

(b) No goods, materials or equipment shall be stored outside a building; and

(c) All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building.

iv Retail Sales

Buildings in excess of 25m² gross floor area to be used for retail sales shall be setback from road boundaries by a minimum distance of 30m.

v Significant Indigenous Vegetation

In the areas identified on the District Plan Maps as being of significant indigenous vegetation, and included in Appendix 5 (other than within Ski Area Sub-Zones):

(a) no earthworks shall:

(i) exceed 1000m³ (volume) and/or 50m² (area) in any one hectare in any continuous period of 5 years; or
(ii) be located on slopes with an angle of greater than 20° (measured as an average slope angle over any 100m length of the slope on which the earthworks are to be carried out).

(b) no clearance of indigenous vegetation shall exceed 100m² in area in any one hectare in any continuous period of 5 years.

(c) there shall be no exotic tree or shrub planting.

(d) no buildings shall be erected.

The Council shall restrict the exercise of its discretion in relation to these matters to their effect on nature conservation values and the natural character of the rural environment.

Any area or part of an area, which is protected by way of a permanent protection mechanism registered on the title to the land, in terms of the Conservation Act, Reserves Act, Land Act, Queen Elizabeth II National Trust Act, Resource Management Act or other similar mechanism, shall be exempt from this rule.

vi Minimum Setback from Internal Boundaries

(a) The minimum setback from internal boundaries for buildings shall be 15m, except as provided for in (b) and (c) below.

(b) 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.

(c) There shall be no minimum setback from internal boundaries within lots 7 and 22 to 27 DP300573 at Closeburn Station.

vii Forestry and Shelterbelt Planting

(a) No forestry activity shall be undertaken within 20m of the boundary of a neighbouring property.

(b) No forestry or shelterbelt planting shall be undertaken in an alpine area with an altitude greater than 1070m.

viii Earthworks

The following limitations apply to all earthworks except:

- within the Ski Area Sub-Zone (as defined in this Plan);
- for earthworks approved as part of a subdivision where that subdivision has resource consent;
- for routine repair and maintenance of operational tracks;
- for utility activities (as defined in this Plan, and as permitted or approved as per part 17, and excluding the development of access ways to the site containing the utility service);
- for earthworks approved as part of a resource consent for a residential building platform or a building; and
- for earthworks approved as part of a resource consent for a farming building except for earthworks associated with access.

1. Earthworks

(a) Earthworks shall not exceed a maximum area of bare soil exposed of 2500m² per site, within any one consecutive 12 month period.

(b) Earthworks shall not exceed a maximum volume of moved earth greater than 1000m³ per site, within any one consecutive 12 month period.

(c) Where any earthworks are undertaken within 7m of a water body the total volume shall not exceed 20m³ (except for earthworks undertaken within a road designation for the purpose of establishing, upgrading and/or maintaining a State Highway network).

2. Height of cut and fill and slope

(a) No road, track or access way shall (other than the Arrow Irrigation Scheme and flood protection works) have an upslope cut or batter greater than 1 metre in height, measured vertically.

(b) All cuts and batters shall be laid back such that their angle from the horizontal is no more than 65 degrees unless previously determined.

(c) The maximum height of any fill shall not exceed 2 metres.

3. Environmental Protection Measures

(a) Any person carrying out earthworks shall:

(i) Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

(ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.

(b) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.

(c) Cut or fill shall not expose the groundwater aquifer (water bearing gravels) causing ponding or causing artificial drainage of the aquifer.

4. Protection of Archaeological sites and sites of cultural heritage

The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the District Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.

(a) Where any earthworks are undertaken in areas identified as Ngai Tahu Statutory Acknowledgement Areas the earthworks shall not exceed 50m² in area or 20m³ in volume, in any one consecutive 12 month period.

ix Commercial Recreation Activities ~~on Land, Outdoors~~(~~other than on the surface of lakes and rivers~~)

No commercial recreational activities shall be undertaken except where the scale of the recreation activity is limited to ten people in any one group.

~~(a) The recreation activity is outdoors;~~

~~(b) The scale of the recreation activity is limited to five people in any one group.~~

Provided that this does not apply to commercial recreational activities which are within Ski Area Sub-Zones as shown on the District Plan Maps. (from notified PDP 21.5.21)

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x Indigenous Vegetation

There shall be no clearance of indigenous vegetation except for:

(a) The clearance of indigenous vegetation that is:

- (i) Totally surrounded by pasture and other exotic species; and
- (ii) less than 0.5 hectares in area; and more than 200 metres from any other indigenous vegetation which is greater than 0.5 hectares in area; and
- (iii) less than 1070 metres above sea level; and
- (iv) more than 20 metres from a water body; and
- (v) not listed as a threatened species in Appendix 9.

(b) The clearance of indigenous vegetation for the operation and maintenance of existing roads, tracks, drains, utilities, structures and fence lines, excluding their expansion.

(c) The clearance of indigenous vegetation for the construction of public walkways up to 1.5 metres in width provided that it is not listed as a threatened species in Appendix 9.

(d) The clearance of indigenous trees that have been windthrown or are dead standing as a result of natural causes and have become dangerous to life or property.

The Council shall restrict the exercise of its discretion in relation to this matter to its effect on nature conservation, landscape and visual amenity values and the natural character of the rural environment.

xi Farm Buildings

(a) No farm building shall be ~~replaced~~, extended or constructed:

- (i) On any holdings (as defined) less than 100 hectares in area; or
- (ii) At a density of more than one farm building per 50 hectares; or
- (iii) On any land above 600 masl; or

(iv) Within ~~the Outstanding Natural Landscape—Wakatipu Basin~~ or on an Outstanding Natural Feature ~~within the Wakatipu Basin~~ as identified in the appropriate schedule of the District Plan; ~~or farm buildings shall be subject to the rules in i to iii above and shall be subject to the ONL/ONF assessment matters in 5.4.2.2.(1).~~
 (v) ~~On an Outstanding Natural Feature outside of the Wakatipu Basin as identified in the appropriate schedule of the District Plan, if:~~

- ~~• there is already a farm building within that holding (as defined) or if there is land within that holding (as defined) that is not on an Outstanding Natural Feature; or~~
- ~~• the site containing all or part of the Outstanding Natural Feature was not contained in a separate certificate of title prior to 10 June 2005. *suggested change*~~

(b) The existence of a farm building approved under Rule 5.3.3.2(i)(d) shall not be considered the permitted baseline for development within the Rural General zone.

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xii Alpine Environments

On any land with an altitude higher than 1070m above sea level:

- (a) There shall be no exotic tree or shrub planting.
- (b) There shall be no clearance of indigenous vegetation.

The Council shall restrict the exercise of its discretion to their effect on nature conservation values, the natural character of the rural environment and landscape and visual amenity values.

For the purpose of the clearance of indigenous vegetation by way of burning, the altitude limit of 1070 metres shall mean the average maximum altitude of any land to be burnt, averaged over north and south facing slopes.

xiii Planting of tree species with wilding potential

There shall be no planting of the following tree species:

- Contorta or lodgepole pine (*Pinus contorta*)
- Scots pine (*Pinus sylvestris*)
- Douglas fir (*Pseudotsuga menziesii*)
- European larch (*Larix decidua*)
- Corsican pine (*Pinus nigra*)
- Radiata Pine (*Pinus radiata*)

5.3.5.2 Zone Standards

i Building Height

- (a) The maximum height for any building, other than non-residential buildings ancillary to viticultural or farming activities, shall be 8m.
 - (b) The maximum height for any non-residential building ancillary to viticultural or farming activities shall be 10m.
 - (c) 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.
 - (d) The maximum height for any accessory building within Lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 5m.
 - (e) The maximum height for any building within Lot 23 DP 300573 at Closeburn Station shall be 5.5m.
 - (f) The maximum height for any building within Lot 24 DP 300573 at Closeburn Station shall be 5m.
- Refer to the definitions of Height and Ground Level.

ii Setback from Roads

The minimum setback from road boundaries for buildings shall be 20m, except that the minimum setback from State Highway 6 for buildings between Lake Hayes and Frankton shall be 50m.

iii Retail Sales

There shall be no retail sales from sites by way of access to any State Highway, except for

- (a) farm, wine and garden produce grown, reared or produced on the site; or
- (b) handicrafts produced on the site.

iv Surface of Lakes and Rivers

- (a) Motorised craft on the surface of lakes and rivers shall be operated and conducted such that a maximum sound level of 77 dB L_{A5max} is not exceeded, when measured and assessed in accordance with Appendix 2.
- (b) Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - No commercial motorised craft shall operate outside the hours of 0800 to 2000.
- (c) Lake Wanaka, Lake Hawea and Lake Wakatipu - No commercial jetski operations shall be undertaken outside the hours of 0800 to 2100 on lakes Wanaka and Hawea and 0800 and 2000 on Lake Wakatipu.
- (d) Dart and Rees Rivers - No commercial motorised craft shall operate outside the hours of 0800 to 1800, except that above the confluence with the Beansburn on the Dart River no commercial motorised craft shall operate outside the hours of 1000 to 1700.
- (e) Dart River – No commercial motorised boating activities shall result in the total number of commercial motorised boating activities exceeding 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 trampler and angler access only.

v Noise

- (a) Sound from non-residential activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within the notional boundary of any residential unit, other than residential units on the same site as the activity:
 - (i) daytime (0800 to 2000 hrs) 50 dB $L_{Aeq(15\ min)}$
 - (ii) night-time (2000 to 0800 hrs) 40 dB $L_{Aeq(15\ min)}$
 - (iii) night-time (2000 to 0800 hrs) 70 dB L_{AFmax}
- (b) Sound from non-residential activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.
- (c) The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.
- (d) The noise limits in (a) shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998.
For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.
- (e) When associated with farming and forestry activities, the noise limits in (a) shall only apply to sound from stationary motors and stationary equipment.
- (f) The noise limits in (a) shall not apply to sound from aircraft operations at Queenstown Airport.

vi Lighting

All fixed exterior lighting shall be directed away from adjacent sites and roads.

vii Airport Noise - Alteration or Addition to Existing Buildings within the Outer Control Boundary - Queenstown Airport

- (a) On any site located within the outer Control Boundary as indicated on the District Plan Maps, any alteration or addition to a building or part of a building to be used for residential activities, visitor accommodation or community activities shall be insulated from aircraft noise so as to meet an indoor design sound level of 40 dBA Ldn, except for non-critical listening environments where no special sound insulation is required.
- (b) This control shall be met in either of the following two ways:
EITHER:
 - (i) By providing a certificate from a recognised acoustic engineer stating that the proposed construction will achieve the internal design noise level.
 - OR
 - (ii) The building shall be constructed and finished in accordance with the provisions of Table 1 in part 5.3.5.2

viii Screening

Storage areas for waste materials, outdoor display areas and parking associated with commercial activities, wineries and other productive activities shall generally be positioned and managed to minimise any adverse visual effect.

ix Airport Noise - Wanaka Airport

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 2 of Appendix 13.

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 2 of Appendix 13.

x Residential Density

In the Rural General area 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.

xi Building Coverage

In lots 1-27 at Closeburn Station, the maximum residential building coverage of all activities on any site shall be 35%.

xii Building Line Restriction:

a. No residential unit shall be erected within that part of Lots 1 & 2 DP 26910 at Tucker Beach Road, as shown as "NO BUILD ZONE" on Paterson Pitts Partners Ltd Building Platform Locations Plan No Q.4700.04-3C and being adjacent to the Ferry Hill Rural Residential sub-zone shown on Planning map 31, which plan is reproduced at Page 5-43 of the District Plan.

5.3.6 Resource Consents - Assessment Matters

The assessment matters, which apply to the consideration of resource consents in the Rural Zones, are specified in 5.4.

5.4 Resource Consents-Assessment Matters-Rural Zones**5.4.1 General**

(i) The following Assessment Matters are methods or matters included in the District Plan, in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act. The assessment matters are not exhaustive and do not exclude consideration of other relevant matters not addressed by them. (as explained by counsel for Council, Legal Right of Reply 3/6/16)

(ii) In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant Assessment Matters set out in Clause 5.4.2 below. Except that assessment matters in 5.4.2(i)-(iv) do not apply to activities requiring resource consent in Ski Area Sub-zones.

(iii) In the case of Controlled and Discretionary Activities, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s) only, the assessment matters taken into account shall only be those relevant to that/these standard(s).

(iv) In the case of Controlled Activities, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.

(v) Where an activity is a Discretionary Activity because it does not comply with one or more relevant Site Standards, but is also specified as a Controlled Activity in respect of other matter(s), the Council shall also apply the relevant assessment matters for the Controlled Activity when considering the imposition of conditions on any consent to the discretionary activity.

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5.4.2 Assessment Matters

In considering whether or not to grant consent or impose conditions, the Council shall in addition to considering any other relevant matters apply the following terms and criteria:

5.4.2.1 Landscape Assessment Criteria - Process

There are three steps in applying these assessment criteria. First, the analysis of the site and surrounding landscape; secondly determination of the appropriate landscape category; thirdly the application of the assessment matters. For the purpose of these assessment criteria, the term “proposed development” includes any subdivision, identification of building platforms, any building and associated activities such as roading, earthworks, landscaping, planting and boundaries.

Step 1- Analysis of the Site and Surrounding Landscape

An analysis of the site and surrounding landscape is necessary for two reasons. Firstly it will provide the necessary information for determining a sites ability to absorb development including the basis for determining the compatibility of the proposed development with both the site and the surrounding landscape.

Secondly it is an important step in the determination of a landscape category – ~~i.e. whether the proposed site falls within an outstanding natural, visual amenity or other rural landscape.~~ **(extraneous)**

An analysis of the site must include a description of those existing qualities and characteristics (both negative and positive), such as vegetation, topography, aspect, visibility, natural features, relevant ecological systems and land use.

An analysis of the surrounding landscape must include natural science factors (the geological, topographical, ecological and dynamic components of the landscape), aesthetic values (including memorability and naturalness), expressiveness and legibility (how obviously the landscape demonstrates the formative processes leading to it), transient values (such as the occasional presence of wildlife; or its values at certain times of the day or of the year), value of the landscape to Tangata Whenua and its historical associations.

Step 2 - Determination of Landscape Category

This step is important as it determines which district wide objectives, policies, definitions and assessment matters are given weight in making a decision on a resource consent application.

The Council shall consider the matters referred to in Step 1 above, and any other relevant matter, in the context of the broad description of the three landscape categories in Part 4.2.4 of this Plan, and shall determine what category of landscape applies to the site subject to the application.

In making this determination the Council, shall consider:

- (a) to the extent appropriate under the circumstances, both the land subject to the consent application and the wider landscape within which that land is situated; and
- (b) the landscape maps in Appendix 8.

Step 3 - Application of the Assessment Matters

Once the Council has determined which landscape category the proposed development falls within, each resource consent application will then be considered:

First, with respect to the prescribed assessment criteria set out in Rule 5.4.2.2 of this section;

Secondly, recognising and providing for the reasons for making the activity discretionary (see para 1.5.3(iii) of the plan [p1/3]) and a general assessment of the frequency with which appropriate sites for development will be found in the locality.

5.4.2.2 Assessment Matters

(1) Outstanding Natural Landscapes (~~Wakatipu Basin~~) and Outstanding Natural Features –~~District wide.~~

These assessment matters should be read in the light of two further guiding principles. First that they are to be stringently applied to the effect that successful applications for resource consent will be exceptional cases.

Secondly, existing vegetation which:

(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 landscape (in which the proposed development is set) from roads or other public places - shall not be considered:

- (1) 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
 (2) as part of the permitted baseline.
 - nor shall removal of such vegetation be considered as a positive effect of any proposal.

(a) Effects on openness of landscape

In considering whether the proposed development will maintain the openness of those outstanding natural landscapes and features which have an open character at present when viewed from public roads and other public places, the following matters shall be taken into account:

- (i) whether the subject land is within a broadly visible expanse of open landscape when viewed from any public road or public place;
- (ii) whether, and the extent to which, the proposed development is likely to adversely affect open space values with respect to the site and surrounding landscape;
- (iii) whether the site is defined by natural elements such as topography and/or vegetation which may contain and mitigate any adverse effects associated with the development.

(b) Visibility of development

In considering the potential visibility of the proposed development and whether the adverse visual effects are minor, the Council shall be satisfied that:

- (i) the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places and 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, equestrian and other means of access; and
- (ii) the proposed development will not be visually prominent such that it dominates or detracts from public or private views otherwise characterised by natural landscapes; and
- (iii) the proposal can be appropriately screened or hidden from view by any proposed form of artificial screening, being limited to earthworks and/or new planting which is appropriate in the landscape, in accordance with Policy 4.2.5.11 (b).
- (iv) any artificial screening or other mitigation will detract from those existing natural patterns and processes within the site and surrounding landscape or otherwise adversely affect the natural landscape character; and
- (v) the proposed development is not likely to adversely affect the appreciation of landscape values of the wider landscape (not just the immediate landscape).
- (vi) the proposal does not reduce neighbours' amenities significantly.

(c) Visual coherence and integrity of landscape

In considering whether the proposed development will adversely affect the visual coherence and integrity of the landscape and whether these effects are minor, the Council must be satisfied that:

- (i) structures will not be located where they will break the line and form of any ridges, hills and any prominent slopes;
- (ii) any proposed roads, earthworks and landscaping will not affect the naturalness of the landscape;
- (iii) any proposed new boundaries will not give rise to artificial or unnatural lines or otherwise adversely (such as planting and fence lines) affect the natural form of the landscape.

(d) Nature Conservation Values

In considering whether the proposed development will adversely affect nature conservation values and whether these effects are minor with respect to any ecological systems and other nature conservation values, the Council must be satisfied that:

- (i) the area affected by the development proposed in the application does not contain any indigenous, ecosystems including indigenous vegetation, wildlife habitats and wetlands or geological or geomorphological feature of significant value;
- (ii) the development proposed will not have any adverse effects that are more than minor on these indigenous ecosystems and/or geological or geomorphological feature of significant value;
- (iii) the development proposed will avoid the establishment of introduced vegetation that have a high potential to spread and naturalise (such as wilding pines or other noxious species).

(e) Cumulative effects of subdivision and/or development on the landscape

In considering the potential adverse cumulative effects of the proposed development on the natural landscape with particular regard to any adverse effects on the wider values of the outstanding natural landscape or feature **Council shall be satisfied that these adverse cumulative effects** will be no more than minor, taking into account: ***(derived from PDP 21.7.1.6)***

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(i) whether and to what extent existing **consented, permitted** and potential development (ie. existing resource consent or zoning) may already have compromised the visual coherence and naturalness of the landscape; ***(derived from PDP 21.7.1.6)***

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(ii) where development has occurred, whether further development is likely to lead to further degradation of natural values or domestication of the landscape or feature such that the existing development and/or land use represents a threshold with respect to the site's ability to absorb further change;

(iii) whether, and to what extent the proposed development will result in the introduction of elements which are inconsistent with the natural character of the site and surrounding landscape;

(iv) whether these elements in (iii) above will further compromise the existing natural character of the landscape either visually or ecologically by exacerbating existing and potential adverse effects;

(v) where development has occurred or there is potential for development to occur (ie. existing resource consent or zoning), whether further development is likely to lead to further degradation of natural values or domestication of the landscape or feature.

Entire Positive Effects and Other Matters section moved below.

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(2) Outstanding Natural Landscapes (District-Wide) (deleted per notified PDP)

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These assessment matters should be read in the light of the further guiding principle that existing vegetation which:

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(a) was either

planted after; or

self seeded and less than 1 metre in height at

–28 September 2002; and

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(b) obstructs or substantially interferes with views of the landscape (in which the proposed development is set) from roads

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-shall not be considered:

(1) 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

(2) as part of the permitted baseline.

–nor shall removal of such vegetation be considered as a positive effect of any proposal.

(a) Potential of the landscape to absorb development

In considering the potential of the landscape to absorb development both visually and ecologically, the following matters shall be taken into account consistent with retaining openness and natural character:

(i) whether, and to what extent, the proposed development is visible from public places;

(ii) whether the proposed development is likely to be visually prominent to the extent that it dominates or detracts from views otherwise characterised by natural landscapes;

(iii) whether any mitigation or earthworks and/or planting associated with the proposed development will detract from existing natural patterns and processes within the site and surrounding landscape or otherwise adversely effect the natural landscape character;

(iv) whether, with respect to subdivision, any new boundaries are likely to give rise to planting, fencing or other land use patterns which appear unrelated to the natural line and form of the landscape; wherever possible with allowance for practical considerations, boundaries should reflect underlying natural patterns such as topographical boundaries;

(v) whether the site includes any indigenous ecosystems, wildlife habitats, wetlands, significant geological or geomorphologic features or is otherwise an integral part of the same;

(vi) whether and to what extent the proposed activity will have an adverse effect on any of the ecosystems or features identified in (v);

(vii) whether the proposed activity introduces exotic species with the potential to spread and naturalise.

(b) Effects on openness of landscape.

In considering the adverse effects of the proposed development on the openness of the landscape, the following matters shall be taken into account:

(i) whether and the extent to which the proposed development will be within a broadly visible expanse of open landscape when viewed from any public road or public place and 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, equestrian and other means of access; and

(ii) whether, and the extent to which, the proposed development is likely to adversely affect open space values with respect to the site and surrounding landscape;

(iii) whether the proposed development is defined by natural elements such as topography and/or vegetation which may contain any adverse effects associated with the development.

(c) Cumulative Effects on Landscape Values
In considering whether there are likely to be any adverse cumulative effects as a result of the proposed development, the following matters shall be taken into account:

(i) whether, and to what extent, the proposed development will result in the introduction of elements which are inconsistent with the natural character of the site and surrounding landscape;

(ii) whether the elements identified in (i) above will further compromise the existing natural character of the landscape either visually or ecologically by exacerbating existing and potential adverse effects;

(iii) whether existing development and/or land use represents a threshold with respect to the site's ability to absorb further change;

(iv) where development has occurred or there is potential for development to occur (ie. existing resource consent or zoning), whether further development is likely to lead to further degradation of natural values or inappropriate domestication of the landscape or feature.

(d) Positive Effects
In considering whether there are any positive effects associated with the proposed development the following matters shall be taken into account: (i) whether the proposed activity will protect, maintain or enhance any of the ecosystems or features identified in (a)(v) above;

(ii) whether the proposed activity provides for the retention and/or reestablishment of native vegetation and their appropriate management;

(iii) whether the proposed development provides an opportunity to protect open space from further development which is inconsistent with preserving a natural open landscape;

(iv) whether the proposed development provides an opportunity to remedy or mitigate existing and potential (ie. structures or development anticipated by existing resource consents) adverse effects by modifying, including mitigation, or removing existing structures or developments; and/or surrendering any existing resource consents;

(v) the ability to take esplanade reserves to protect the natural character and nature conservation values around the margins of any lake, river, wetland or stream within the subject site;

(vi) the use of restrictive covenants, easements, consent notices or other legal instruments otherwise necessary to realise those positive effects referred to in (i) – (v) above and/or to ensure that the potential for future effects, particularly cumulative effects, are avoided.

(23) Rural Visual Amenity Landscapes *(changed per notified PDP)*

These assessment matters should be read in the light of the further guiding principle that existing vegetation which:

(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 landscape (in which the proposed development is set) from roads or other public places

- shall not be considered:

(1) 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

(2) as part of the permitted baseline.

- nor shall removal of such vegetation be considered as a positive effect of any proposal.

(a) Effects on natural and pastoral character

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In considering whether the adverse effects (including potential effects of the eventual construction and use of buildings and associated spaces) on the natural and pastoral character are avoided, remedied or mitigated, the following matters shall be taken into account:

- (i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;
- (ii) whether and the extent to which the scale and nature of the development will compromise the natural or arcadian pastoral character of the surrounding Rural Visual Amenity Landscape;
- (iii) whether the development will degrade any natural or arcadian pastoral character of the landscape by causing over-domestication of the landscape;
- (iv) whether any adverse effects identified in (i) - (iii) above are or can be avoided or mitigated by appropriate subdivision design and landscaping, and/or appropriate conditions of consent (including covenants, consent notices and other restrictive instruments) having regard to the matters contained in (b) to (e) below;

(b) Visibility of Development

Whether the development will result in a loss of the natural or arcadian pastoral character of the landscape, having regard to whether and the extent to which:

- (i) the proposed development is highly visible when viewed from any public places, or is visible from any public road and 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, equestrian and other means of access; and
- (ii) the proposed development is likely to be visually prominent such that it detracts from public or private views otherwise characterised by natural or arcadian pastoral landscapes;
- (iii) there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from or obstruct views of the existing natural topography or cultural plantings such as hedge rows and avenues;
- (iv) the subject site and the wider Visual Amenity Landscape of which it forms part is enclosed by any confining elements of topography and/or vegetation;
- (v) any building platforms proposed pursuant to rule 15.2.3.3 will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;
- (vi) any proposed roads, earthworks and landscaping will change the line of the landscape or affect the naturalness of the landscape particularly with respect to elements which are inconsistent with the existing natural topography;
- (vii) any proposed new boundaries and the potential for planting and fencing will give rise to any arbitrary lines and patterns on the landscape with respect to the existing character;
- (viii) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units;
- (ix) the development constitutes sprawl of built development along the roads of the District and with respect to areas of established development.

(c) Form and Density of Development

In considering the appropriateness of the form and density of development the following matters the Council shall take into account whether and to what extent:

- (i) there is the opportunity to utilise existing natural topography to ensure that development is located where it is not highly visible when viewed from public places;
- (ii) opportunity has been taken to aggregate built development to utilise common access ways including pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);
- (iii) development is concentrated in areas with a higher potential to absorb development while retaining areas which are more sensitive in their natural or arcadian pastoral state;
- (iv) there is merit in clustering the proposed building(s) or building platform(s) within areas that are least sensitive to change; where clustered development is assessed as appropriate and consented this shall be conditional on the balance of the subject site being covenanted against further subdivision and/or development in perpetuity. (derived from PDP 21.7.2.5(b))
- (v) the proposed development, if it is visible, does not introduce densities which reflect those characteristic of urban areas.

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(vi) If a proposed residential building platform is not located inside existing development (being two or more houses each not more than 50 metres from the nearest point of the residential building platform) then on any application for resource consent and subject to all the other criteria, the existence of alternative locations or methods:

(a) within a 500 metre radius of the centre of the building platform, whether or not:

- (i) subdivision and/or development is contemplated on those sites;
- (ii) the relevant land is within the applicant's ownership; and

(b) within a 1,100 metre radius of the centre of the building platform if any owner or occupier of land within that area wishes alternative locations or methods to be taken into account as a significant improvement on the proposal being considered by the Council

- must be taken into account.

(vii) recognition that if high densities are achieved on any allotment that may in fact preclude residential development and/or subdivision on neighbouring land because the adverse cumulative effects would be unacceptably large.

(d) Cumulative effects of subdivision and/or development on the landscape

In considering whether and the extent to which the granting of the consent may give rise to adverse cumulative effects on the natural or arcadian pastoral character and openness of the landscape with particular regard to the inappropriate domestication of the landscape, Council shall be satisfied that the following matters ~~shall~~ in combination have been taken into account: *changes derived from notified PDP 21.7.2.7. and 21.7.1.6.*

(i) the assessment matters detailed in (a) to (d) above;

(ii) the nature and extent of existing development within the vicinity or locality;

(iii) whether the proposed development is likely to lead to further degradation or domestication of the landscape such that the existing development and/or land use represents a threshold with respect to the vicinity's ability to absorb further change such that no further development at all can be accommodated; *(This assessment matter to be amended to include a mandatory cumulative effects analysis derived from Dr. Read's landscape character and approved building platform maps-April 2016, Wakatipu Basin, the Wakatipu Basin Floor Study and a similar Upper Clutha Basin Floor Study maps not yet prepared. This may include a spatial development tool.)*

(iv) whether further development as proposed will visually compromise the existing natural and arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects;

(v) whether further development as proposed will 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 within the Rural Landscape, *(derived from PDP 21.7.2.7(a))*

(vi) the ability to contain development within discrete landscape units as defined by topographical features such as ridges, terraces or basins, or other visually significant natural elements, so as to check the spread of development that might otherwise occur either adjacent to or within the vicinity as a consequence of granting consent;

(vii) whether the proposed development is likely to result in the need for infrastructure consistent with urban landscapes in order to accommodate increased population and traffic volumes;

(viii) whether the potential for the development to cause cumulative adverse effects may be avoided, remedied or mitigated by way of covenant, consent notice or other legal instrument (including covenants controlling or preventing future buildings and/or landscaping, and covenants controlling or preventing future subdivision which may be volunteered by the applicant).

Note: For the purposes of this assessment matter the term "vicinity" generally means an area of land containing the site subject to the application plus adjoining or surrounding land (whether or not in the same ownership) contained within the same view or vista as viewed from:

- from any other public road or public place frequented by the public and which is readily visible from that public road or public place; or
- from adjacent or nearby residences.

The "vicinity or locality" to be assessed for cumulative effect will vary in size with the scale of the landscape i.e. when viewed from the road, this "vicinity", will generally be 1.1 kilometre in either direction, but may be

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~~halved in the finer scale landscapes of the inner parts of the Wakatipu basin, but greater in some of the sweeping landscapes of the upper Wakatipu and upper Clutha district. (suggested change for consistency of provisions across the district).~~

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(e) Rural Amenities

In considering the potential effect of the proposed development on rural amenities, the following matters the Council shall take into account whether and to what extent:

- (i) the proposed development maintains adequate and appropriate visual access to open space and views across arcadian pastoral landscapes from public roads and other public places; and from adjacent land where views are sought to be maintained;
- (ii) the proposed development compromises the ability to undertake agricultural activities on surrounding land;
- (iii) the proposed development is likely to require infrastructure consistent with urban landscapes such as street lighting and curb and channelling, particularly in relation to public road frontages;
- (iv) landscaping, including fencing and entrance ways, are consistent with traditional rural elements, particularly where they front public roads.
- (v) buildings and building platforms are set back from property boundaries to avoid remedy or mitigate the potential effects of new activities on the existing amenities of neighbouring properties.

(3) Positive Effects and Other Matters Applicable To All Rural Landscape Categories (moved from above-now applicable to all rural landscapes per notified PDP).

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(af) Positive Effects

In considering whether there are any positive effects in relation to remedying or mitigating the continuing adverse effects of past inappropriate subdivision and/or development, the following matters shall be taken into account:

- (i) whether the proposed activity will protect, maintain or enhance any of the ecosystems or features identified in (f) above which has been compromised by past subdivision and/or development;
- (ii) whether the proposed activity provides for the retention and/or reestablishment of native vegetation and their appropriate management, particularly where native revegetation has been cleared or otherwise compromised as a result of past subdivision and/or development;
- (iii) whether the proposed development provides an opportunity to protect open space from further development which is inconsistent with preserving a natural open landscape, particularly where open space has been compromised by past subdivision and/or development;
- (iv) whether the proposed development provides an opportunity to remedy or mitigate existing and potential adverse effects (ie. structures or development anticipated by existing resource consents) by modifying, including mitigation, or removing existing structures or developments; and/or surrendering any existing resource consents;

(bg) Other Matters

In addition to consideration of the positive effects (i) - (iv) in (fa) above, the following matters shall be taken into account, but considered with respect to those matters listed in ~~in (a) to (e)~~ the rural landscape categories above:

- (i) the ability to take esplanade reserves to protect the natural character and nature conservation values around the margins of any lake, river, wetland or stream within the subject site;
- (ii) the use of restrictive covenants, easements, consent notices or other legal instruments otherwise necessary to realise those positive effects referred to in (fa) (i) - (v) above and/or to ensure that the potential for future effects, particularly cumulative effects, are avoided.

(4) Other Rural Landscapes (deleted per notified PDP)

~~Where it has been determined that the proposed development is not within a ONL or VAL but otherwise within the Rural General zone consideration of the potential effects of the development shall include taking into account whether and the extent to which:~~

- ~~(i) the proposed development will be complementary or sympathetic to the character of adjoining or surrounding visual amenity landscape;~~
- ~~(ii) the proposed development will be visible from public roads or from neighbour's properties;~~

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- ~~(iii) the proposed development utilises existing topography or vegetation to integrate the development into the landscape and reduce its visibility;~~
- ~~(iv) the proposed development will adversely affect the naturalness and rural quality of the landscape through inappropriate landscaping including earthworks and planting as a result of any proposed mitigation or increased domestication;~~
- ~~(v) landscaping as a result of development maintains and/or enhances historic or cultural patterns although it is acknowledged that this assessment matter is not necessarily consistent with others e.g. (iii) and (iv) above or (vii) below;~~
- ~~(vi) the proposed development is complementary or sympathetic to, or can be co-ordinated with, existing or proposed development on adjoining or adjacent properties in terms of landscaping, roof design, roof materials and/or colours, and other external materials and/or colours;~~
- ~~(vii) the proposed development is designed and/or intended to be carried out in a comprehensive manner taking into account the topography of the site, the size and configuration of the property being developed, the extent and nature of existing or proposed development on adjoining or adjacent properties, and the opportunities for shared access and/or shared amenities;~~
- ~~(viii) the nature and extent of building setbacks and/or earthworks and/or landscaping can create buffers to avoid or mitigate the potential effects of development on adjoining properties, public roads or public places.~~
- ~~(ix) the proposed subdivision is part of a co-ordinated development plan incorporating any balance land (outside the proposed subdivision) in the same ownership;~~
- ~~(x) here is an opportunity to provide a communal passive or active recreational area which is accessible to residents outside the subdivision as well as within the subdivision;~~
- ~~(xi) the proposed development does not introduce densities which reflect those characteristic of urban areas;~~
- ~~(xii) the proposed development maintains the rural amenities of the neighbourhood.~~

5.4.2.3 Assessment Matters General

i General - Nature Conservation Values

- (a) The extent to which activities will result in opportunities for the protection and enhancement of indigenous bio-diversity or indigenous ecosystems.
- (b) Any adverse effects of the activity on indigenous ecosystems from animal pests and domestic animals.
- (c) Any need to avoid, contain, manage and/or monitor the adverse effects of introduced plant species/forms, which have potential to spread and naturalise.
- (d) The extent to which the activity provides opportunities for making available information regarding indigenous ecosystems.
- (e) The extent to which activities will protect and enhance the survival and well being of indigenous plants and/or animals that are rare, vulnerable or endangered, or significant within the District, Region or nationally.
- (f) In the case of activities proposed in the vicinity of rock outcrops, the extent to which the activity will adversely affect, or provide opportunities to enhance, the protection of lizard populations and their habitat.
- (g) The extent to which the inherent values of the site, and its ecological context, have been recognised and provided for.

ii Natural Hazards - General

- (a) Whether the activity will exacerbate any natural hazard, including erosion, sedimentation, subsidence and landslips.

iii General – Consistency with the Glenorchy Community Plan

- (a) In considering whether or not to grant consent or impose conditions with respects to development within the Glenorchy area, the Council shall have regard to:
- (b) Whether and to what extent the application is consistent with the Glenorchy Head of the Lake Community Plan (and any amendments thereto). *2

iv Controlled and Discretionary Activity - All Buildings (except in Ski Area Sub-Zones)

- (a) The extent to which the location of buildings and associated earthworks, access and landscaping breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.

(b) Whether the external appearance of buildings is appropriate within the rural context.

v Controlled Activity - Retail Sales

- (a) The extent to which buildings and structures are located to mitigate against the loss of landscape values.
- (b) The location and design of vehicle access, parking and loading areas to protect the safe and efficient movement of vehicles on adjoining roads.
- (c) The extent to which the size, location and design of parking and loading areas, and their relationship to the retail sales areas, buildings, outdoor display areas and vehicle access, are such so as to encourage cars to park on-site and not on adjoining roads.
- (d) The extent to which parking and loading areas are capable of accommodating likely vehicle demand.

vi Controlled Activity - Commercial Recreation Activities and buildings in Ski Area

- (a) Whether the ski tow or lift or building breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.
- (b) Whether the materials and colour to be used are consistent with the rural landscape of which the tow or lift or building will form a part.
- (c) Balancing environmental considerations with operational characteristics.
- (d) Potential effect on surrounding environment.
- (e) Impact of lighting on the enjoyment of an adjoining property.

vii Controlled Activity - Mining, Limited to Mineral Exploration

Conditions may be imposed on mineral exploration in order that:

- (a) the amount of vegetation cleared and volumes of material removed will be minimal and the adverse effects to landscape and nature conservation values and water quality are minimised;
- (b) rehabilitation of the site is completed which ensures:
 - (i) the long term stability of the site;
 - (ii) that the landforms or vegetation on finished areas are visually integrated into the landscape;
 - (iii) that the land is returned to its original productive capacity, where appropriate.
- (c) roads or buildings are located in such a way as to minimise impacts to landscape, conservation, and amenity values;
- (d) dust is minimised where amenity values are at risk. Methods may include wetting down of tracks or heaped overburden;
- (e) noise is minimised where amenity values are at risk. Methods may include restricted hours of operation or appropriate mufflers on machinery.

viii Controlled Activity - Jetboat Race Events (Clutha River)

Conditions may be imposed to ensure that:

- (a) the date, time, duration and scale of the jetboat race event, including its proximity to other such events, are such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity;
- (b) adequate public notice is given of the holding of the event; and
- (c) reasonable levels of public safety are maintained.

ix Discretionary Activity - Commercial

- (a) The extent to which the commercial activity may:
 - (i) result in levels of traffic generation or pedestrian activity, which is incompatible with the character of the surrounding rural area, or adversely affect safety.
 - (ii) have adverse effects in terms of noise, vibration and lighting from vehicles entering and leaving the site or adjoining road.
 - (iii) result in loss of privacy.
 - (iv) result in levels of traffic congestion or reduction in levels of traffic.
- (b) The extent to which the commercial activity mitigates any adverse effects in terms of additional traffic generation.
- (c) The effect the commercial activity may have on the life supporting capacity of soils and water.

x Restricted Discretionary Activity - Tree Planting

In considering the effects of plantings on the views from any public road, the Council shall take into account the following matters:

- (a) The classification of the surrounding landscape, and the effects of the planting on the landscape values.
- (b) The topography of the site in relation to the road.
- (c) The location of the trees, including their orientation to the road.
- (d) In considering the species type proposed, the Council will take into account the following matters:
 - the potential for wilding spread;
 - the positive effects associated with the planting of indigenous species;
 - the density of foliage;
 - whether the species are deciduous or evergreen.
- (e) The purpose of the proposed planting; considering whether the planting is necessary for farming activities, or is for amenity purposes.
- (f) Whether and to what extent the proposed plantings will, or have the potential to at maturity, block views from the public road.

xi Restricted Discretionary Activity - Structures

In considering the external appearance of any proposed structures, the Council shall take into account the following matters:

- (a) The materials used, including their colour and permeability;
- (b) Whether the structure will be consistent with traditional rural elements.

xii Controlled Activity - Vehicle Testing

In considering the potential adverse effects of access ways and tracks associated with the testing of vehicles, their parts and accessories, the Council shall take into account the following matters:

- (a) The extent to which accessways and tracks are lined with adequately sized screened sump rock;
- (b) The extent to which trenching and laying drain coil and sump rocks is used to avoid ponding on accessways and tracks;
- (c) Whether construction is limited to the more appropriate drier months of the year;
- (d) Whether battering of over-steepened embankments is proposed; and
- (e) Whether ongoing monitoring is proposed and to what extent.

xiii Discretionary Activity - Visitor Accommodation

- (a) Any adverse effects of the proposed visitor accommodation in terms of:
 - (i) noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density rural environment.
 - (ii) loss of privacy and remoteness.
 - (iii) levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
 - (iv) pedestrian safety in the vicinity of the activity.
 - (v) any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.
- (b) The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.
- (c) Any potential adverse effects of the activity on the quality of ground and/or surface waters.

xiv Discretionary Activity - Commercial Recreational Activities (other than on the Surface of Lakes and Rivers)

- (a) The extent to which the recreational activity will result in levels of traffic or pedestrian activity which are incompatible with the character of the surrounding rural area.
- (b) Any adverse effects of the proposed activity in terms of:
 - (i) noise, vibration and lighting, which is incompatible with the levels acceptable in a low-density rural environment.
 - (ii) loss of privacy or a sense of remoteness or isolation.

- (iii) levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
- (iv) pedestrian safety in the vicinity of the activity.
- (v) litter and waste.
- (vi) any cumulative effect from the activity in conjunction with other activities in the vicinity.
- (c) The extent to which any proposed buildings will be compatible with the character of the local environment, including the scale of other buildings in the surrounding area.
- (d) The extent to which the nature and character of the activity would be compatible with the character of the surrounding environment.
- (e) Any adverse effects of any proposed buildings for the recreational activity having regard to the matters specified in Assessment Matter ii a.
- (f) The extent to which any operation has been audited and certified in accordance with the relevant Code of Practice.
- (g) Any potential adverse effects of the activity on the quality of ground and/or surface waters.
- (h) The effect of the recreational activities on the life-supporting capacity of soils.
- (i) The extent to which the proposed activity will result in a loss of privacy, amenity values or sense of security for residents within the rural environment.
- (j) The extent to which the recreational activity will adversely affect the range of recreational opportunities available in the District or the quality of experience of the people partaking of those opportunities.
- (k) The extent to which the use of the land for the recreational activity will compromise levels of public safety, particularly where conflict between operators may make a reasonable level of public safety impossible or difficult to achieve.
- (l) Any adverse effects of the activity on nature conservation values, having regard to the matters described in Assessment Matters i and xxi.
- (m) The extent to which the activity may cause a visual distraction to drivers on arterial routes.

xv Discretionary Activity - Surface of Lakes and Rivers

- (a) The extent to which the water-based activity will adversely affect the range of recreational opportunities available in the District or the quality of experience of the people partaking of those opportunities.
- (b) The extent to which the water-based activity is suited to and benefits from the identified natural characteristics of the particular lake or river.
- (c) The extent to which the water-based activity will reduce opportunities for passive recreation, enjoyment of peace and tranquillity and, particularly, opportunities for remote experience recreation.
- (d) The extent to which the water-based activity will compromise levels of public safety, particularly where conflict between operators may make a reasonable level of public safety impossible or difficult to achieve.
- (e) Any adverse effects of the proposed activity in terms of:
 - (i) noise, vibration and lighting, which is incompatible with the levels acceptable in the particular lake or river environment.
 - (ii) loss of privacy or a sense of remoteness or isolation.
 - (iii) levels of congestion or reduction in levels of lake or river safety, which are unacceptable for the nature of the lake or river.
 - (iv) accumulation of litter and waste, and access to toilet facilities.
 - (v) any cumulative effect from the activity in conjunction with other activities in the vicinity.
- (f) The extent to which the water-based activity is compatible with, and will not adversely affect nature conservation values or wildlife habitat
- (g) In the case of structures or moorings which pass across or through the surface of any lake or river or are attached to the bank of any lake or river, the extent to which the structures or moorings:
 - (i) are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place.
 - (ii) cause an impediment to craft manoeuvring and using shore waters.
 - (iii) diminish the recreational experience of people using public areas around the shoreline.
 - (iv) result in congestion and clutter around the shoreline.
 - (v) are likely to result in demand for craft to be permanently moored outside of permanent marina sites.
 - (vi) can be used by a number and range of people and craft, including the general public.
 - (vii) are compatible with scenic and amenity values, particularly in Queenstown Bay, Frankton Arm and Roys Bay.

- (h) Any effect from the activity on the operation, safety and navigation of the TSS Earnslaw.
 - (i) Levels of traffic congestion or reduction in levels of traffic safety, which are inconsistent with the classification of the adjoining road.

xvi Discretionary Activity - Airports

- (a) The extent to which noise from aircraft is/will:
 - (i) compatible with the character of the surrounding area.
 - (ii) adversely affect the pleasant use and enjoyment of the surrounding environment by residents and visitors.
 - (iii) adversely affect the quality of the experience of people partaking in recreational and other activities.
- (b) The cumulative effect of a dispersed number of airports.
- (c) Convenience to and efficient operation of existing airports.
- (d) The visual effect of airport activities.
- (e) The frequency and type of aircraft activities.
- (f) Assessment of helicopter noise pursuant to NZS 6807: 1994, excluding the levels contained in Table 1 of Section 4.2.2 to the intent that the levels specified in Table 1 do not override the noise limits specified in Rule 5.3.5.2.v(a).

xvii Discretionary activity – forestry

- (1) In considering whether the proposed forestry has the potential to cause wilding spread, the following matters shall be taken into account:
 - (a) The species of trees proposed, and their potential to naturalise and spread;
 - (b) The location of the site, having particular regard to the slope and the exposure to wind;
 - (c) The surrounding land use, having particular regard to land downwind from the site;
 - (d) Whether a risk assessment has been completed by the applicant;
 - (e) Whether management plans are proposed for the eradication and/or control of wilding spread.
- (2) In considering whether the forestry activity will adversely affect landscape values of the surrounding environment, the following matters shall be taken into account:
 - (a) The existing character of the surrounding landscape, having particular regard to whether it has an open character at present;
 - (b) The potential to block important views from roads and other public places;
 - (c) The proximity to neighbouring properties, and the potential to shade and/or block views from neighbouring residences.
- (3) In considering whether the forestry activity will adversely affect the ecological values of the surrounding environment, the following matters shall be taken into account:
 - (a) The existing ecological values of the subject land and the surrounding environment, having particular regard to the potential effects on existing indigenous ecosystems;
 - (b) Current and future demand on water resources.
- (4) In considering the effects associated with the maintenance and harvesting of forestry activities, the following matters shall be taken into account:
 - (a) Traffic Generation
 - (b) Volume and disposal of hazardous waste, and hazardous substances
 - (c) Production of noise and odour;
 - (d) Associated earthworks, and potential effects on water quality

xviii Discretionary Activity - Factory Farming

- (a) The extent to which the factory farming operation will be compatible with the character of the surrounding rural area, including the density of residential units in the area.
- (b) The degree to which the proposed factory farming operation is likely to lead to odour, noise or health nuisances beyond the boundary of the site, and in particular, the technology and management systems proposed to mitigate noise or odour nuisance, including:
 - (i) the size of the proposed factory farming operation and its associated site.
 - (ii) the design of the buildings, facilities, and waste and noise management systems.
 - (iii) the management and operation of the waste and noise management systems.
 - (iv) waste treatment measures employed.
 - (v) odour and noise abatement measures employed.

- (c) The degree to which existing or proposed landscaping, including plantings, will shelter and screen the proposed site.
- (d) The extent to which the proposed buildings, will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area.
- (e) Any adverse effects of any proposed buildings for the factory farming operation.
- (f) The effect of the factory farming on the life supporting capacity of soils.

xix Discretionary Activity - Mining

- (a) The extent to which mining activities will adversely affect:
 - (i) amenity values.
 - (ii) recreational values.
 - (iii) nature conservation values.
 - (iv) landscape and visual amenity values.
 - (v) historical, cultural or known archaeological artefacts or sites.
 - (vi) life supporting capacity of soils, water and air.
 - (vii) public access to and along the lake, river or waterway.
- (b) The ability of the proposal to rehabilitate the site during and after mining.
- (c) The ability of the company to:
 - (i) provide a contingency plan for early mine closure.
 - (ii) adequately monitor operations and the effects on the receiving environment.
- (d) The necessity of the company to provide a bond to Council reviewed annually, for the purpose of rehabilitating operation areas in the event of non-compliance with terms and conditions of any consent, premature closure or abandonment of the mine.

xx Zone Standard - Building Height

- (a) The extent to which the increased building height may:
 - (i) be compatible with the character of the local environment including scale of buildings in the surrounding environment.
 - (ii) impact on the landscape and visual amenity values of the area.
 - (iii) adversely affect views from properties in the vicinity.
 - (iv) have an adverse effect on other sites in the surrounding area, in terms of loss of privacy.
 - (v) overshadow adjoining sites and result in reduced sunlight and daylight admission.
- (b) Whether the adverse effects of increased height could be mitigated through site layout, increased separation distances between the building and adjoining sites or the provision of screening.
- (c) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

xxi Setback from Neighbours of Buildings Housing Animals

- (a) The extent to which the use of the proposed building for the housing of animals will detract from the pleasantness or amenity of adjoining sites, in terms of such matters as noise, smell, dust, glare or vibration.

xxii Access

- (a) The extent to which alternative formed access can be assured to the residential unit in the long-term.
- (b) The extent to which the level and nature of the use of the residential unit will make it unlikely that access by way of a formed road will ever be necessary.

xxiii Nature and Scale of Activities

- (a) The extent to which:
 - (i) the scale of the activity and the proposed use of buildings are compatible with the scale of other buildings and activities in the surrounding area.
 - (ii) the character of the site will remain dominant.
 - (iii) materials and equipment associated with the activity need to be stored outside of a building.
 - (iv) all manufacturing, altering, repairing, dismantling or processing of any goods or articles associated with the activity need to be carried outside of a building.
 - (v) noise and visual impact.

(vi) adverse effects of likely traffic generation and the ability to mitigate such effects.

xxiv Retail Sales

- (a) The extent to which the size, location and design of the parking and loading areas, and their relationship to the retail sales areas, buildings, outdoor display areas and vehicle access, are such as to encourage vehicles to park on the site.
- (b) The extent to which vehicles will be discouraged from parking on the adjoining road, with associated pedestrian access to the site.
- (c) The extent to which the parking and loading areas are capable of accommodating likely vehicle demand.

xxv Significant Indigenous Vegetation

- (a) The significance of the species and their communities.
- (b) The extent to which the proposed activity may adversely affect:
 - (i) the life supporting capacity of the indigenous species, including their habitat.
 - (ii) landscape and natural values of the site and in the vicinity of the site.
 - (iii) the life supporting capacity of soil and water.
- (c) The degree to which alternative sites and methods have been considered.
- (d) The extent to which previous activities have modified the site.

xxvi Residential Units – Discretionary and Non-Complying Activities

- (a) The extent to which the residential activity maintains and enhances:
 - (i) rural character.
 - (ii) landscape values.
 - (iii) heritage values.
 - (iv) visual amenity.
 - (v) life-supporting capacity of soils, vegetation and water.
 - (vi) infrastructure.
 - (vii) traffic safety.
 - (viii) public access to and along lakes and rivers.
- (b) The extent to which the residential activity may adversely affect adjoining land uses.
- (c) The extent to which the residential activity or residential unit may be adversely affected by natural hazards or exacerbate a natural hazard situation.
- (d) The extent to which the location of the residential unit and associated earthworks, access and landscaping, affects the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.
- (e) Whether the bulk, design, external appearance and overall form of the residential unit is appropriate within the rural context.
- (f) The extent to which the residential unit has the ability to:
 - (i) supply potable water;
 - (ii) connect to a reticulated public or community sewage treatment and disposal system, or otherwise can be provided with a suitable system for the treatment and disposal of domestic sewage effluent, in a manner, which avoids nuisance or danger to public health, or contamination of ground or surface waters; and
 - (iii) connect to available telecommunication and electricity systems to domestic levels of service.
- (g) The extent to which the location of the residential unit and associated earthworks, access and landscaping has the potential to interfere with irrigation infrastructure.
- (h) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

xxvii Earthworks

1. Environmental Protection Measures:

- (a) Whether and to what extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.
- (b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
- (c) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.

- (d) Where earthworks are proposed on a site gradient > 18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.
- (e) Whether measures to minimise dust emissions are proposed and to what extent these mitigation measures are effective.
- (f) Whether and to what extent any groundwater is likely to be affected, and if any mitigation measures are proposed to address likely effects.
- (g) Whether and to what extent earthworks are necessary in order to undertake flood protection works recognising the long-term benefits of effective flood mitigation measures on the surrounding environment.
2. Effects on landscape and visual amenity values, in particular Outstanding Natural Features and Outstanding Natural Landscapes.
- (a) Whether and to what extent the scale and location of any cut and fill will adversely affect:
- the visual quality and amenity values of the landscape;
 - the natural landform of any ridgeline or visually prominent areas;
 - the visual amenity values of surrounding sites.
- (b) Whether the earthworks will take into account the sensitivity of the landscape.
- (c) The potential for cumulative effects on the natural form of existing landscapes.
- (d) The proposed rehabilitation of the site and to what extent revegetation will mitigate any adverse effects.
- (e) Whether and to what extent the earthworks create an area that is inconsistent with the character of the surrounding landscape.
- (f) Whether the location and/or design of any new tracking can be modified in order to decrease the effects on the stability, visual quality and amenity values of the landscape.
3. Effects on adjacent sites
- (a) Whether the earthworks will adversely affect the stability of neighbouring sites
- (b) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.
- (c) Whether cut, fill and retaining are done in accordance with engineering standards.
4. General Amenity Values
- (a) Whether the removal of soil to or from the site will affect the surrounding roads and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.
- (b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
- (c) Whether natural ground levels will be altered.
5. Impacts on sites of cultural heritage value:
- (a) The extent to which the activity modifies or damages Waahi Tapu or Waahi Taoka, and whether tangata whenua have been notified.
- (b) The extent to which the activity affects Ngai Tahu's cultural and traditional association with the Statutory Acknowledgment Area.
- (c) Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.
6. Activities
- (a) Whether the proposed tracking or other earthworks is necessary or desirable for the ongoing and reasonable maintenance and use of the land.
- (b) Whether the proposed tracking or other earthworks are necessary or desirable to achieve a reasonable or appropriate use of the land for the proposed activity.

xxviii Site Standard – clearance of indigenous vegetation

1. Clearance of indigenous vegetation, including clearance in the alpine environment:
- (a) The nature of the clearance, including:
- (i) The amount of land to be cleared.
 - (ii) The timing of clearance.
 - (iii) The time since the site was last cleared.
 - (iv) The form of clearance, whether by burning, spraying or mechanical.
 - (v) The type of vegetation to be cleared, and the purposes of such clearance.
 - (vi) Whether a favourable ecological report has been submitted.
- (b) The effect of the activity on the ecological values of the site and surrounding environment, including:
- (i) The degree of modification of the site and surrounding area.

- (ii) The ecological values of the site, based on the Criteria listed in Appendix 5 of the Plan.
- (iii) The extent to which the activity threatens the indigenous plants or animals/birds identified at the site.
- (iv) The extent to which the site and surrounding environment is sensitive to modification.
- (v) The potential to adversely affect the natural character of the margins of any river, stream, lake or wetland.
- (vi) The proximity of any area protected under covenant or other protection mechanism.
- (c) The effect of vegetation clearance on landscape and visual amenity values, including:
 - (i) The extent to which indigenous vegetation is an integral part of, or enhances, the landscape values and natural character of the area.
 - (ii) The visibility of the site from transport routes, townships, and other tourist destinations, including ski fields.
 - (iii) The landscape values of the site and surrounding environment, and its sensitivity to modification
- (d) The degree to which the clearance will adversely affect natural features, geomorphological or geological sites.
- (e) The degree to which any possible alternative locations or methods for undertaking the activity could occur.
- (f) The degree to which clearance will enable the efficient use of the land for production purposes.
- (g) The degree to which the clearance will result in a loss of natural character and/or any recreational values associated with any nearby waterbody.
- (h) Where clearance is to be undertaken by way of burning:
 - (i) Compliance with the Otago Regional Council's Code of Practice, and the provision of a burn management plan outlining proposed future management.
 - (ii) The measures adopted to reduce the potential for the spread of fire.
 - (iii) Whether certain areas have been voluntarily set aside to be preserved by way of covenant through the resource consent.
- 2. Planting of exotic trees and/or shrubs in the alpine environment.
 - (a) The potential for the spread of exotic plant species, including their location, and the predominant wind direction.
 - (b) The sensitivity of the site to modification, including current vegetation.
 - (c) The potential effects from exotic species on the ecological functioning of the site, and its landscape values.

xxix Site Standard – Planting of tree species with wilding potential

1. In considering whether the proposed planting has the potential to cause wilding spread, the following matters shall be taken into account:
 - (a) The location of the site, having particular regard to slope and the exposure to wind;
 - (b) The surrounding land use, having particular regard to the intensity of land use, the existing vegetation cover, and stocking rate;
 - (c) The ecological and landscape values of surrounding land, particularly land located down-wind from the proposed site.
2. In considering whether the proposed planting will cause adverse effects on landscape values, the following matters shall be taken into account:
 - (a) The existing character of the surrounding landscape, having particular regard to whether it has an open character at present;
 - (b) The potential for the planting to block important views from roads and other public places;
 - (c) The proximity of the planting to neighbouring properties, and the potential to shade and/or block views from neighbouring residences.

Appendix F

Proposed District Plan- **Part 15 Subdivision and Development and Financial** **Contributions (Becomes Chapter 27)**

(parts relevant to the UCES appeal only-parts below are sought to be rolled over)

15.1.3 Objectives and Policies

Objective 5 - Amenity Protection

The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.

Policies:

- 5.1 To ensure lot sizes and dimensions to provide for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.
- 5.2 To ensure subdivision patterns and the location, size and dimensions of lots in rural areas will not lead to a pattern of land uses, which will adversely affect landscape, visual, cultural and other amenity values.
- 5.3 To encourage innovative subdivision design, consistent with the maintenance of amenity values, safe, efficient operation of the subdivision and its services.
- 5.4 To encourage the protection of significant trees or areas of vegetation, upon the subdivision of land.
- 5.5 To minimise the effects of subdivision and development on the safe and efficient functioning of services and roads.
- 5.6 To encourage the identification of archaeological sites and sites of cultural significance.
- 5.7 To minimise street lighting in the Rural Residential area at the north of Lake Hayes in order to retain the rural amenity values of the area.
- 5.8 To promote the use of stormwater management methods which involve the use of pervious surfaces such as open swales in the Rural Residential area at the north of Lake Hayes, in order to retain the rural amenity values of the area.

Objective 15

The establishment of a green network including parks, areas for community facilities, cycleways, and pedestrian linkages that permeate all parts of the zone and links seamlessly into the more urbanised public realm in the commercial core.

- 15.1 To ensure open space is created as part of a comprehensively planned hierarchy of spaces (including those for ecological and nature conservation purposes, active and passive recreation, soft and hard surface spaces, and those which contribute to the cycle and walking network).
- 15.2 To encourage community reserves and facilities to be in easily accessible, sunny, and flat locations.
- 15.3 To encourage spaces to be provided in the Commercial Core where the public can congregate.
- 15.4 To avoid residential development in close proximity to Riverbank Road.
- 15.5 To consider the possibility of providing additional playing fields that service the wider Wanaka catchment as part of assessing each Outline Development Plan.
- 15.6 To ensure good visual connection between the private and public realm by avoiding high fences and walls between the private allotment and public open space.

15.2.2.8 Application of Assessment Matters

(i) The following are methods or matters included in the District Plan, in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.

- (ii) In addition to the applicable provisions of the Act, the Council shall also apply the relevant *Assessment Matters* set out in the following rules.
- (iii) In the case of Controlled and Discretionary Subdivision Activities, where the exercise of the Council's control or discretion is restricted to specified matter(s), the assessment matters taken into account shall only be those relevant to that/those matter(s).
- (iv) In the case of *Controlled Subdivision Activities*, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.
- (v) In the case of *Controlled Subdivision Activities*, the application would only be declined pursuant to section 106 of the Act (Natural Hazards).
- (vi) Where a subdivision is a *Discretionary Subdivision Activity* because it does not comply with one or more of the relevant Site Subdivision standards, but is also specified as a *Controlled Subdivision Activity* in respect of other matter(s), the Council shall also apply the relevant assessment matters for the Controlled Subdivision Activity when considering the imposition of conditions on any consent to the Discretionary Subdivision Activity.

15.2.3 Subdivision Activities

15.2.3.1 Permitted Subdivision Activities

There shall be no **Permitted Subdivision Activities**.

15.2.3.2 Controlled Subdivision Activities

Except where specified as a Discretionary or Non-Complying Activity in Rules 15.2.3.3 and 15.2.3.4 any subdivision or development in any zone which complies with all of the Site and Zone Standards shall be a **Controlled Activity**.

The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

- (i) Boundary adjustment in the Rural General Zone, provided that:
 - (a) Each of the lots must have a separate certificate of title; and
 - (b) Any approved residential building platform must be retained in its approved location; and
 - (c) No new residential building platforms shall be identified and approved as part of a boundary adjustment; and
 - (d) There must be no change in the number of residential building platforms or residential buildings per lot; and
 - (e) There must be no change in the number of non-residential buildings per lot; and
 - (f) The adjusted boundaries must not create non-compliance with any Part 5 Rural General Zone site and zone standards; and
 - (g) No additional saleable lots shall be created; and
 - (h) If one of the lots contains no building or residential building platform then no smaller lot shall be created without a building or residential building platform on it; in respect of:
 - The location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses;
 - Boundary treatment;
 - Easements for access and services.
- (ii) The subdivision of land for the purposes of creating an Open Space Zone and public access easements throughout that zone.
- (iii) In the Ballantyne Road Mixed Use Zone subdivision that is in accordance with an Outline Development Plan approved pursuant to Rule 12.24.3.2 i.
- (iv) Any rear site created in the Three Parks Zone following or combined with a comprehensive commercial development or multi unit development shall be a controlled activity

15.2.3.3 Discretionary Subdivision Activities

Except where specified as a Controlled Activity in Rule 15.2.3.2 above, and except where specified as a non-complying Activity in 15.2.3.4 below:

(i) Any subdivision which complies with all the Zone Subdivision Standards but does not comply with any one or more Site Subdivision standards shall be a **Discretionary Subdivision Activity**, with the exercise of the Council's discretion limited to the matter(s) subject to that standard.

(ii) Any subdivision of a lot in any zone, which complies with all of the Zone Subdivision Standards, but which contains an Area of Significant Indigenous Vegetation listed in Appendix 5 or a Heritage Item or Archaeological Site listed in Appendix 3, shall be a **Discretionary Subdivision Activity**.

(iii) Any subdivision of land in the Penrith Park Zone north of the Visual Amenity Line as shown on the Penrith Park Plan 'A' shall be a

Discretionary Subdivision Activity.

(iv) In the Rural Residential zone at the north of Lake Hayes, the further subdivision of any allotment, including balances that had previously been used to calculate the average allotment size under Rule 15.2.6.2(iv).

(v) In the Gibbston Character Zone all subdivision and location of residential building platforms shall be a **Discretionary Activity**.

(vi) In the Rural **General** Zone all subdivision and location of residential building platforms shall be a Discretionary Activity, except any subdivision of land zoned Rural **General** pursuant to Rule 15.2.3.3 (vii) (Kirimoko Block - Wanaka)

(vii) Any subdivision complying with the principal roading layout depicted in the Kirimoko Structure Plan shown on Page 7-59 (including the creation of additional roads, and/or the creation of access ways for more than 2 properties) shall be a Restricted Discretionary Activity. The Council's discretion will be limited to the following:

- Any earthworks required to create any vehicle accesses of building platforms
- The design of the subdivision including lot configuration and roading patterns
- Creation and planting of road reserves
- The provision and location of walkways and the green network as illustrated on the Structure Plan for the Kirimoko Block contained within part 7 of this District Plan
- The protection of native species as identified on the structure plan as green network

(viii) Within the Shotover Country Special Zone, any subdivision within 32m either side of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line shall be a Restricted Discretionary Activity with the Council's discretion restricted to:

- (a) The extent to which the subdivision design mitigates potential adverse effects on the transmission line, for example through the location of roads, reserves and open space under the line;
- (b) The ability for maintenance and inspection of the transmission line, including ensuring access;
- (c) The extent to which the design and development will minimise risk or injury and/or property damage from the transmission line;
- (d) The extent to which potential adverse effects from the transmission line including visual impact are mitigated, for example through the location of building platforms and landscape design;
- (e) The location of any building platforms;
- (f) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001)

15.2.3.4 Non-Complying Subdivision Activities

(i) Any subdivision which does not comply with any one or more of the Zone Subdivision Standards shall be a **Non-Complying Subdivision Activity**.

(ii) The further subdivision of any allotment, including balances, that had previously been used to calculate the average allotment size under Rule 15.2.6.3(ii).

(iii) The subdivision of a residential flat from a residential unit.

(iv) Any subdivision within an Open Space Zone, further to the subdivision pursuant to 15.2.3.2 (ii).

(v) Peninsula Bay

Any subdivision within the Low Density Residential Zone of Peninsula Bay prior to the establishment of the Open Space Zone and public access easements throughout the Open Space Zone pursuant to a subdivision approved under Rule 15.2.3.2.(ii).

(vi) Kirimoko Block

Any subdivision that is not in general accordance with the location of the principal roading and reserve network contained with the Kirimoko Structure Plan shown on Page 7-59 shall be a Non-complying Activity.

(vii) Any subdivision of land zoned Low Density Residential Zone on the Kirimoko Block prior to a walkway being constructed to QLDC Standards from Aubrey Road to Peninsula Bay and an easement in gross for such a walkway being registered against all servient titles.

(viii) Kirimoko Block – Wanaka: Any subdivision of land zoned Rural ~~General~~ proposed to create a lot entirely within the Rural ~~General~~ Zone, to be held in a separate certificate of title.

(ix) Kirimoko Block – Wanaka: Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP 304817 (and any title derived there from) that creates more than one lot which has included in its legal boundary land zoned Rural ~~General~~.

(x) In the Ballantyne Road Mixed Use Zone subdivision shall be a **Non-complying** Activity when it is not in accordance with an Outline Development Plan approved pursuant to Rule 12.24.3.2 i If none of these rules (vi – ix) are offended by the subdivision proposal then it is restricted discretionary in accordance with Rule 15.2.3.3 (vii)

(xi) **The Three Parks Zone** - Any subdivision which is not in accordance with an approved Outline Development Plan or Comprehensive Development Plan.

Note: The intention of this rule is to ensure that an Outline Development Plan or Comprehensive Development Plan is submitted and approved prior to a subdivision consent being applied for.

(xii) **The Three Parks Zone** – Any subdivision which is not in accordance with the Three Parks Structure Plan, unless a variation has been expressly approved as part of a subsequent, more detailed ODP or CDP, except that:

i All, subzone boundaries, and key connection points shown as ‘fixed’ on the Three Parks Structure Plan may be moved up to 20 metres and all collector roads shown on the Three Parks Structure Plan may be moved up to 50 metres in any direction in order to enable more practical construction or improved layouts and/ or to allow for minor inaccuracies in the plan drafting; and

ii All roads and other elements shown as ‘indicative’ on the Three Parks Structure Plan may be moved or varied provided they are generally in accordance with Three Parks Structure Plan and the relevant objectives and policies.

iii All Open Spaces shown on the Three Parks Structure Plan may be moved or varied provided they are generally in the same location; are of the same or greater scale; provide the same or an improved level of landscape mitigation (particularly in respect of ensuring a green buffer from SH 84); and provide the same or an improved level of functionality.

Note: For the avoidance of doubt, an Outline Development Plan or Comprehensive Development Plan which in any way obstructs or does not specifically provide for the roading connections to land or roads adjoining the zone, in the manner shown on the Three Parks Structure Plan will be processed as a non complying activity.

(xiii) **The Three Parks Zone** – Any subdivision of the Open Space areas shown on the Three Parks Structure Plan or approved by an Outline Development Plan or Comprehensive Development Plan.

(xiv) **The Three Parks Zone** – Any subdivision within the Deferred Urban subzone.

(xv) Industrial B Zone – Any subdivision that is not in accordance with the relevant Structure Plan unless a variation has been expressly approved as part of a subsequent, more detailed Outline Development Plan, except that:

- (a) Any fixed connection points shown on the relevant Structure Plan may be moved up to 20 metres
- (b) Any fixed roads shown on the relevant Structure Plan may be moved up to 50 metres in any direction in order to enable more practical construction or improved layouts and/ or to allow for minor inaccuracies in the plan drafting.
- (c) The boundaries of any fixed open spaces shown on the relevant Structure Plan may be moved up to 5 metres.
- (d) All indicative roads and any other elements shown as ‘indicative’ on the relevant Structure Plan may be moved or varied provided they are generally in accordance with and achieve the relevant Structure Plan and the relevant objectives and policies.
- (e) Where a boundary (or boundaries) has been expressly approved as part of a subsequent, more detailed ODP, then that subsequent boundary (or boundaries) shall take precedence over that shown in the relevant Structure Plan.

Note: An ODP that in any way obstructs or does not specifically provide for the roading connections to land or roads adjoining the zone, in the manner shown on the Structure Plan will be processed as a non complying activity.

(xvi) Industrial B Zone - Any subdivision that is not in accordance with an approved Outline Development Plan (ODP).

Note: The intention of this rule is to ensure that an ODP is submitted and approved prior to a subdivision consent being applied for.

(xvii) Industrial B Zone – Any subdivision of the open space areas shown on the Connell Terrace Precinct Structure Plan prior to 70% of the western boundary planting in combination with the mounding having reached a minimum combined height of 6 metres and a continuous screen in the horizontal plane.

15.2.3.5 Prohibited Subdivision Activities

(i) Subdivision within Activity Area 7a of the Mount Cardrona Station Special Zone

15.2.3.6 Assessment Matters for Resource Consents

- (i) The assessment matters to which the Council will have regard in relation to Controlled Subdivision Activities, and Discretionary Subdivision Activities where the exercise of the Council’s discretion is limited to a particular matter(s), are specified in Subdivision Rules 15.2.6 to 15.2.19.
- (ii) In considering whether or not to grant consent or impose conditions in respect to Discretionary Subdivision Activities specified in Rule 15.2.3.3 above, where the exercise of the Council’s discretion is not limited, the Council shall have regard to, but not be limited by, the following assessment matters:

(a) Subdivision of Areas of Significant Indigenous Vegetation, Heritage Items and Archaeological Sites

- (i) The effect of the subdivision on the character of the conservation area, heritage item or archaeological site and its environs, its important values, the reasons for its listing, and the ability of the public to enjoy and appreciate its features, where appropriate.
- (ii) Whether the subdivision enables identification and protection of areas containing nature conservation values.
- (iii) Whether the lot size and dimensions are sufficient and appropriate to provide protection to the area, item or site.
- (iv) Whether the subdivision enables or enhances the retention of the essential character and values of the area, item or site, including any proposed preservation programme.
- (v) Whether the subdivision will allow development on, or use of, the site without adversely affecting the character and values of the area, item or site and its environs.
- (vi) Any need to restrict the location or bulk of future buildings on the lot.

(b) Subdivisions of Land in the Rural ~~General~~, Rural Lifestyle, Gibbston Character, Bendemeer Zones the Rural Residential area at the north of Lake Hayes, and the Quail Rise Zone (Activity Area R2)

(i) The extent to which subdivision, the location of Residential Building Platforms and proposed development maintains and enhances:

- (a) rural character
- (b) landscape values
- (c) heritage values
- (d) visual amenity
- (e) life supporting capacity of soils, vegetation and water
- (f) infrastructure, traffic access and safety
- (g) public access to and along lakes and rivers

(ii) The extent to which subdivision, the location of residential building platforms and proposed development may adversely affect adjoining land uses.

(iii) The extent to which subdivision, the location of residential building platforms and proposed development may be serviced by a potable water supply, reticulated sewerage or on-site sewage disposal within the lot, telecommunications and electricity.

(iv) The extent to which subdivision, the location of residential building platforms and proposed redevelopment may be adversely affected by natural hazards or exacerbate a natural hazard situation, particularly within the Rural Lifestyle Zone at Makarora. Also refer to Part 15.2.10.1.

(v) Consideration of the long term development of the entire property.

(vi) Whether the subdivision will result in the loss of the life supporting capacity of soils.

(vii) In the Bendemeer Special Zone the extent to which subdivision, the location of Residential Building Platforms and proposed development maintains and does not compromise the ice sculptured legibility of the land within the zone particularly when viewed from State Highway 6 to the south of the zone, Morven Ferry and Arrow Junction Roads and any other public places to the south, excluding the Crown Range Road.

(viii) Subdivision and location of residential building platforms in R2 (Design Urban Edge) Activity Area of the Quail Rise Zone –Controlled Activity

In considering the subdivision design of the R2 (Design Urban Edge) Activity Area the Council shall consider:

a. The location of residential building platforms in positions where future houses will not be visible from State Highway 6. In determining this the Council shall take into account the deferment of residential development within the R2 (Design Urban Edge) Activity Area for five years from the completion of the landscaping works in the G (Design Urban Edge) Activity Area to allow growth in the vegetation screening;

b. Structure landscaping work within the R2 (Design Urban Edge) Activity Area to compliment the purpose of the G (Design Urban Edge) Activity Area landscaping work, including the protection of any existing trees proposed landscaping and earthworks;

c. Street lighting designed to avoid any potential effects of street lighting when viewed from State Highway 6 by means of design, location and height of such street lighting;

d. The need for covenants or consent notices on the resultant titles as follows:

(i) Acknowledging that the purpose of landscaping work within the G (Design Urban Edge) and R2 (Design Urban Edge) Activity Area is to make buildings within the R2 (Design Urban Edge) Activity Area not visible from SH 6; and

(ii) Prohibiting and future landowner from making complaints, request or resource consent applications to the Council for the topping or removal of vegetation from the G (Design Urban Edge) Activity Area.

(ix) In considering the appropriateness of the form and density of development in the Makarora Rural Lifestyle Zone the following matters shall be taken into account:

a. whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (ie. open space held in one title whether jointly or otherwise).

b. whether and to what extent development is concentrated/clustered in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state.

(x) In considering whether or not to grant consent or impose conditions in respect of subdivision and the location of residential building platforms in the Rural ~~General~~ Zone, the Council shall apply Rules 5.4.1 and 5.4.2.1 and shall have regard to, but not be limited to, the relevant assessment matters in Rules 5.4.2.2 and 5.4.2.3

(c) Gibbston Character Zone – Assessment Matters

A) Effects on Gibbston Valley’s character

In considering whether the adverse effects (including potential effects of the eventual construction and use of buildings and associated spaces) on Gibbston Valley’s character are avoided, remedied or mitigated, the following matters shall be taken into account:

- (i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;
- (ii) whether the scale and nature of the development will compromise the productive potential, amenity or character of the surrounding Gibbston Valley;
- (iii) whether the development will degrade the amenity or character of the surrounding Gibbston Valley by causing overdomestication of the landscape.

B) Visibility of development

In considering whether the development will result in the loss of the viticultural or arcadian pastoral character of the landscape the Council shall have regard to whether and the extent to which:

- (i) the proposed development is highly visible when viewed from any public roads and other public places which are frequented by the public, or is visible from SH6;
- (ii) development which is highly visible or visible pursuant to (i) above is appropriate within Gibbston Valley;
- (iii) the proposed development is likely to be visually prominent such that it dominates or detracts from views otherwise characterised by viticultural or cultural landscapes.
- (iv) there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from the existing natural topography;
- (v) the subject site and wider visual amenity landscape of which it forms part is enclosed by any confining elements of topography and/or vegetation;
- (vi) any residential building platforms proposed pursuant to rule 15.2.3.3 will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;
- (vii) any proposed roads, earthworks and landscaping will change the line of the landscape or affect the viticultural landscape particularly with respect to elements which are inconsistent with the existing natural topography;
- (viii) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units.

C) Rural Amenities

In considering the potential effect of the proposed development on rural amenities, the following matters shall be taken into account:

- (i) whether the proposed development maintains adequate and appropriate visual access to open space and views across Arcadian pastoral landscape from SH6 and other public places; and from adjacent land where views are sought to be maintained;
- (ii) whether the proposed development compromises the ability to undertake viticultural activities on surrounding land;
- (iii) whether the proposed development is likely to require infrastructure consistent with urban landscapes such as street lighting, curb and channelling and impervious surfaces other than roads, particularly in relation to SH6 frontages;
- (iv) whether landscaping, including fencing and entrance ways, are consistent with traditional rural elements, particularly where they front SH6.

D) Form and Density of Development

In considering the appropriateness of the form and density of development the following matters shall be taken into account:

- (i) whether and to what extent there is the opportunity to utilise existing natural topography to ensure that the development is located where it is not highly visible when viewed from any public roads and other public places frequented by the public, or visible from SH6.
- (ii) whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (ie. open space held in one title whether jointly or otherwise).
- (iii) whether and to what extent development is concentrated in areas with a high potential to absorb development while retaining areas which are more sensitive in their natural state;

(iv) whether and to what extent the proposed development, if it is visible, does not introduce densities which reflect those characteristic of urban areas.

E) Cumulative Effects of Development on the Landscape

In considering whether and the extent to which the granting of the consent may give rise to adverse cumulative adverse effects on the viticultural or Arcadian pastoral character of the landscape with particular regard to the inappropriate domestication of the landscape, the following matters shall be taken into account:

- (i) the assessment matters detailed in (a) to (d) above;
- (ii) the nature and extent of existing development within the vicinity or locality;
- (iii) whether the proposed development is likely to lead to further degradation or domestication of the landscape such that the existing development and/or land use represents a threshold with respect to the vicinity's ability to absorb further change;
- (iv) whether further development as proposed will visually compromise the existing viticultural and Arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects;
- (v) whether the potential for the development to cause cumulative adverse effects may be avoided, remedied or mitigated by way of covenant, consent notice or other legal instrument (including covenants controlling or preventing future buildings and/or landscaping, and covenants controlling or preventing future subdivision which may be volunteered by the applicant).

Note: For the purposes of this assessment matter the term "vicinity" generally means an area of land containing the site subject to the application plus adjoining or surrounding land (whether or not in the same ownership) contained within the same view or vista as viewed from:

- State Highway 6, or
- from any other public roads or public place frequented by the public and which is readily visible from that other public road or public place; or
- from adjacent or nearby residences.

The "vicinity or locality" to be assessed for cumulative effect will vary in size with the scale of the landscape i.e. when viewed from the road, this "vicinity", will generally be 1.1 kilometre in either direction.

15.2.4 Developments

15.2.4.1 General Provisions

- (i) The following rules apply only to the Hydro Generation Sub-Zone.
- (ii) In considering any resource consent application in relation to financial contributions, Rule 15.2.5 shall apply.

15.2.4.2 Activities

The following shall be **Controlled Activities**. The matters in respect of which the Council has reserved control are listed with each activity.

- (i) Development within the Hydro Generation Zone. Council's control shall be limited to matters specified in 15.2.5.

15.2.4.3 Assessment Matters for Resource Consents

In considering whether or not to impose conditions in respect to developments in the Hydro Generation Zone, the Council shall have regard to, but not be limited by, the assessment matters for subdivision consent relating to water supply, stormwater disposal, sewage treatment and disposal, trade waste disposal, energy supply and telecommunications, property access, open space and recreation (as specified in the relevant subdivision standard) as though the application for the development was for a subdivision activity.

In addition, the Council may take into account any provision made as part of an application for a development to provide or include any of the items set out in Clause 15.2.4.2 (i) and (ii) above.

15.2.6.3 i Lot Sizes

Rural ~~General-Zone~~ No minimum discretionary activity

15.2.6.3 iii Building Platforms - Rural-~~General~~, Rural-Lifestyle, Gibbston Character, Bendemeer (Activity Areas 1-8 only).

(a) In the Rural Lifestyle and Bendemeer

every allotment created shall have one Residential Building Platform approved at the time of subdivision of not less than 70 m² in area and not greater than 1000 m² in area.

(b) In the Rural General (and Gibbston Character) Zones

Every allotment created shall have one Residential Building Platform approved at the time of the subdivision of not less than 70m² in area and not greater than 1000m² in area, excluding lots created for the following purposes:

- (i) access lots, including driveways and walkways;
- (ii) land subject to restrictive covenant, consent notice or other legal instrument that:
 - (a) prohibits buildings in the future; or
 - (b) protects nature conservation values; or
 - (c) maintains and enhances open space;
- (iii) esplanade strips or reserves;
- (iv) utilities;
- (v) boundary adjustments.
- (vi) any allotment created pursuant to a subdivision under Rule 15.2.3.3 (vii)

15.2.7 Subdivision Design**15.2.7.1 Controlled Subdivision Activities – Subdivision Design**

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Subdivision Standards, is a Controlled Subdivision Activity, with the Council reserving control in respect of the following matters:

- The location of pedestrian access;
- The location of building platforms;
- The provision and/or use of open stormwater channels and wetland areas;
- Orientation of lots to optimise solar gain for buildings and developments;
- The effect of potential development within the subdivision on views from surrounding properties;
- The design, dimensions and location of, and access to, lots in Residential or Rural-Residential Zones, which adjoin Rural Zones;
- The scale and nature of earthworks and the disposal of excess material.
- The concentration or clustering of built form in the Makarora Rural Lifestyle Zone to areas with high potential to absorb development while retaining areas which are more sensitive in their natural state.

In addition to the above, the following matters with respect to the Kingston Village Special Zone

- The consistency of the subdivision plan with the Kingston Village Special Zone Structure Plan.

In the Deferred Rural Lifestyle (A) and (B) and Deferred Rural Lifestyle (Buffer) zones, the Council reserves control over the following matters:

- lot boundaries;
- planting and fencing;
- the visibility of development from public places;
- the provision of services;
- the maintenance of visual access across Arcadian pastoral landscapes from public places;
- the relationship of buildings to the roading pattern of the area.

The purpose of these additional controls is:

- the protection of the natural quality of the landscape;
- the avoidance of arbitrary lines and patterns in the landscape;
- the reduction of the visibility of developments;
- the retention of more sensitive areas of the landscape in a natural or pastoral state;
- the protection of views from public places.

Within the Mount Cardrona Station Special Zone, the Council reserves control over the following matters:

- Whether the subdivision design is in general accordance with Structure Plan A- Mount Cardrona Station Structure Plan.
- Whether the subdivision has been approved by the Design Review Board and is consistent with the Mount Cardrona Station Design Guidelines (2008).
- Location and form of pedestrian access.

- Provision for stormwater management.
- Orientation of lots to maximise solar gain.
- The scale and nature of earthworks and the disposal of excess material.
- Design of roads to provide a rural character and pedestrian friendly environment.
- The allotment created can be adequately accessed and serviced (including for bulk reticulation) to provide for the maximum capacity of that allotment for subdivision and/or land use.

15.2.7.2 Site Subdivision Standards – Subdivision Design

Except where specified as a Non-Complying Subdivision Activity in Rule 15.2.3.4, any subdivision of land which complies with all the Zone Subdivision Standards, but does not comply with one or more of the following Site Standards shall be a **Discretionary Subdivision Activity**, with the exercise of the Council’s discretion being limited to the matter(s) subject to that standard(s).

15.2.7.3 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to subdivision design, the Council shall have regard to, but not be limited by, the following assessment matters:

- (i) The relationship and size of the lots in terms of their solar advantage including the alignment and layout of the lot, the location of building platform, relationship to adjoining lots.
- (ii) The provision for, and safety and practicality of, pedestrian access including unsealed walking tracks, the relationship of these to reserves (existing or proposed); access to the lakes and rivers, and the opportunities for enhancing a rural walkways network in the Wakatipu Basin.
- (iii) The provision for, safety and practicality of, using open stormwater channels and wetland areas.
- (iv) The relationship and orientation of lots, particularly in respect of land in adjoining zones, and the ability to create an attractive and interesting edge between development in the Residential and Rural-Residential Zones and adjoining Rural Zones;
- (v) The degree to which any likely development of the lots, taking into account the earthworks proposed for the subdivision, will adversely affect the opportunities for views from properties in the vicinity, or will result in domination of surrounding properties by buildings on the lot(s).
- (vi) The effects of the scale and nature of the earthworks proposed for the subdivision, the methods proposed for the disposal of excess soil or vegetation, and the need for any conditions to avoid or mitigate any adverse effects, including effects at the disposal site.
- (vii) The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance.

15.2.9 Esplanade Provision

15.2.9.1 Exemptions from Provision of Esplanade Reserves or Strips

i Minor Adjustments

Where a proposed subdivision is either:

- (a) a boundary adjustment in accordance with Rules 15.2.6.2 i or 15.2.6.3 i(a); or
- (b) a minor adjustment to an existing cross lease or unit title due to an alteration to the size of the lot by alterations to the building outline, the addition of an accessory building, or the relocation of accessory buildings; then section 230 of the Act shall not apply to the subdivision consent.

ii Road Designations, Utilities and Reserves

Where a proposed subdivision arises solely due to land being acquired or a lot being created for a road designation, utility or reserve, then section 230 of the Act shall not apply to the subdivision consent.

15.2.9.2 Controlled Subdivision Activities – Esplanade Provision

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Subdivision Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of the following:

- i The provision of easements to provide access to and from a lake or river.
- ii The location of the boundaries of esplanade reserves, esplanade strips and/or access strips.
- iii The terms and conditions of instruments creating esplanade strips or access strips.

15.2.9.3 Site Subdivision Standards - Esplanade Provision

Except where specified as a Non-Complying Subdivision Activity in Rule 15.2.3.4, any subdivision of land which complies with all of the Zone Subdivision Standards, but does not comply with any one or more of the following Site Subdivision Standards shall be a **Discretionary Subdivision Activity**, with the exercise of the Council's discretion limited to the matter(s) subject to that standard.

i Esplanade Reserves

When considering creation of an esplanade reserve or strip the Council will consider the following criteria. Whether the area:

- (a) has high actual or potential value as habitat for or associated with native species (section 6(c) Resource Management Act 1991);
- (b) comprises significant indigenous vegetation;
- (c) is considered to comprise an integral part of an outstanding natural feature or landscape;
- (d) must be protected, as a reserve, in order to safeguard the life supporting capacity of the adjacent lake and river (which must be of high conservation value for its habitat and/or landscape/natural character values);
- (e) is important for public access/recreation.

15.2.9.4 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to esplanade provision, the Council shall have regard to, but not be limited by, the following assessment matters:

- (i) The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act.
- (ii) The appropriateness of creating an esplanade reserve or strip in relation to security or public safety concerns.
- (iii) The extent of the public's ability to obtain access to and along the margin of the water body.
- (iv) The extent that recreational use will be assisted or hindered.
- (v) The compatibility of the proposed reserve or strip with physical characteristics of the land.
- (vi) The extent to which the natural character and visual quality of the area will be preserved.
- (vii) The extent to which natural hazards will be mitigated.
- (viii) The future use and purpose of any existing building that would otherwise encroach on, or be within, a reserve or strip.
- (ix) The need for and practicality of easements being created to provide public access to lakes and rivers, where appropriate, through consultation and negotiation with the landowner.
- (x) The safety of any access point to the esplanade reserve, esplanade strip or access strip from arterial roads.
- (xi) The provisions of relevant foreshore management plans and in the case of the Rural Residential zone at the North end of Lake Hayes, the Lake Hayes Management Strategy (1995) and any amendments thereto.

15.2.16 Open Space and Recreation

15.2.16.1 Controlled Subdivision Activities - Open Space and Recreation

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone which complies with all of the Zone and Site Standards, is a **Controlled Subdivision Activity** with the Council reserving control in respect of the provision of land and/or facilities for open space and recreation.

15.2.16.2 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to open space and recreation, the Council shall have regard to, but not be limited by, the following:

- (i) The extent to which the provision for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision, diversity and environmental effects of open spaces and recreational facilities;
- (ii) Within the Shotover Country Special Zone, whether and the extent to which methods have been proposed to establish trails through the development generally as shown on the Structure Plan which connect to existing and planned trail links to Lake Hayes Estate and Old School Road
- (iii) Within the Shotover Country Special Zone, whether and extent to which reserves to be provided assist to achieve appropriate provision of local and neighbourhood reserves throughout the zone.

15.2.17 Protection of Vegetation and Landscape

15.2.17.1 Controlled Subdivision Activities - Vegetation and Landscape

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Standards, is a Controlled Subdivision Activity, with the Council reserving control in respect of:

- The protection of vegetation and landscape features;
- Provision for street scape planting within the road and public spaces;
- The preservation and enhancement of the indigenous vegetation, within the ‘Forest Hill’ Rural Residential zone, and the removal and control of wilding pines.

15.2.17.2 Site Standard – Vegetation

(i) Within the Shotover Country Special Zone, a consent notice or other legal mechanism shall be registered against the relevant certificate(s) of title to ensure that future landowners are made aware of the following obligations and restrictions:

- (a) With respect to any site containing land within a Terrace Buffer Area identified on the Structure Plan, the requirement to establish and maintain landscape planting in accordance with Rule 12.30.5.1.vii.
- (b) With respect to any site containing land within the Wetland Setback identified on the Structure Plan, Rule 12.30.5.2.xiii provides that no buildings shall be constructed within the Wetland Setback.
- (c) Indigenous vegetation established within Area 5b shall not be removed.
- (d) With respect to any site containing land within the Riverside Protection Area, the requirement to keep that land free of certain plant pest species in accordance with Rule 12.30.5.2.xii.
- (e) With respect to any site containing land within Activity Area 5b (Open Space - Escarpment), the requirement to keep that land free of certain plant pest species and to select plants from a specified plant list in accordance with Rule 12.30.5.2.xi.
- (f) With respect to any site within Activity Area 5d (Wetland), the requirement to keep that land free of certain plant pest species and to select plants from a specified plant list in accordance with Rule 12.30.5.2.xi.

15.2.17.3 Zone Subdivision Standard – Vegetation

Any subdivision of land within the Shotover Country Special Zone that does not comply with any one or more of the following Zone Standards shall be a **Non-Complying Subdivision Activity**:

- (i) Prior to any subdivision (excluding boundary adjustments) of any land containing part of Activity Area 5b, the Riverside Protection Area and/or 5d, all plant pests shall be removed from the relevant part of Activity Area 5b, the Riverside Protection Area and/or 5d, being gorse, broom, briar, tree lupin, hawthorn, crack willow, buddleia, Californian thistle, and any other Pest Plant as specified in the Regional Pest Management Strategy for Otago except crack willow along the edge of the Shotover River.
- (ii) Prior to subdivision (excluding boundary adjustments) where the site to be subdivided includes part of Activity Area 5b, planting shall take place within the relevant part of Activity Area 5b which:
 - (a) Comprises the species detailed in Appendix 1 – Plant List, Part 1:Terrace Escarpment/Grey Shrubland Areas (Activity Area 5b); and
 - (b) Will achieve 25% site coverage (canopy closure) once the planting reaches maturity.
- (iii) Prior to any subdivision within the zone (excluding boundary adjustments), methods shall be implemented to exclude stock from Activity Area 5d.
- (iv) A consent notice or other legal mechanism shall be registered against the relevant certificate(s) of title to any applicable lot to achieve the following ongoing obligations:
 - (a) Any planting required to be implemented under this rule shall be maintained for a period of 5 years during which time any plant which dies, is removed, or becomes diseased shall be replaced by the subdivider responsible for creating the relevant lot and by the lot owner.
- (vi) Prior to any subdivision within the zone (excluding boundary adjustments):
 - (a) A qualified heritage consultant shall detail steps required to stabilise the Hicks Cottage in Activity Area 4, in order to prevent further deterioration pending long term restoration; and
 - (b) Those steps shall be implemented.

15.2.17.4 Assessment Matters for Resource Consents

In considering whether or not to grant consent or impose conditions in respect to the protection of vegetation and landscape the Council shall have regard to, but not be limited by the following:

- (i) Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means of protection;
- (ii) Where a reserve is to be set aside to provide protection to vegetation and landscape features, whether the value of the land so reserved should be off-set against the development contribution to be paid for open space and recreation purposes;
- (iii) Whether the subdivision design will detract from or enhance the significant landscape and visual values of the District including loss, retention or enhancement of native vegetative cover;
- (iv) The extent of any earthworks or roading within the subdivision and the need for additional planting or landscaping;
- (v) Any need to provide continual protection for vegetation and or landscape features within the subdivision, including protection of Heritage Trees listed in Appendix 5.
- (vi) The preservation and enhancement of the indigenous vegetation, over 70 per cent of the net site area within the "Forest Hill" Rural Residential zone, and the removal and control of wilding pines within the zone. For the purpose of this matter net area shall exclude access to sites and the building restriction area within the zone.
- (vii) Within the Bob's Cove sub-zone, whether and the extent to which:
 - (a) Consent notices have been entered into to ensure the effective and permanent protection of the open space and areas of indigenous vegetation; and
 - (b) Methods have been proposed to prevent stock from browsing and otherwise damaging areas of indigenous vegetation by fencing.
- (viii) The extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.
- (ix) The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road.