

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 12
– Upper Clutha
Mapping Annotations
and Rezoning
Requests

**REBUTTAL EVIDENCE OF CRAIG BARR
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

UPPER CLUTHA

5 May 2017

 **Simpson Grierson**
Barristers & Solicitors

S J Scott / C J McCallum
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

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Appendix 4: Glendhu Bay Trustees (583) Council comments on the requested Glendhu Station Zone text.

1. INTRODUCTION

- 1.1** My full name is Craig Alan Barr. I am a Senior Planner and have been employed by the Queenstown Lakes District Council (**Council**) since 2012.
- 1.2** My qualifications and experience are set out in my first, strategic statement of evidence in chief dated 20 March 2017.
- 1.3** I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise except where I state that I am relying on the evidence of another person. The Council, as my employer, has agreed for me to give expert evidence on its behalf in accordance with my duties under the Code of Conduct.

2. SCOPE

Urban Wanaka

- 2.1** My rebuttal evidence in relation to Urban Wanaka is provided in response to the following evidence and attachments filed on behalf of various submitters:
- (a) Mr Matthew Suddaby for Dan Fountain (33) and Matt Suddaby, C Hughes & Associated Ltd (448);
 - (b) Mr Duncan White for Christopher Jopson, Jacqueline Moreau and Shane Jopson (287);
 - (c) Mr Richard Anderson on behalf of the RA and EM Family Trust (Previously Nic Blennerhassett) (335);
 - (d) Mr Duncan White for the Gordon Family Trust (395, FS 1193);
 - (e) Mr Darryll Rogers for Jude Battson (460);
 - (f) Mr Scott Edgar for Crescent Investments Ltd (FS 1311) and Kirimoko Park Residents Association Incorporated (FS 1326); and

2.2 I also confirm that I have read the following statements of evidence:

- (a) Christopher Jopson, Jacqueline Moreau and Shane Jopson (287). Appended to Mr Whites evidence is an infrastructure report from Peter Joyce of Paterson Pitts Group, a report on wastewater and stormwater from Fluent Solutions Ltd, and confirmation of servicing from Aurora and Chorus with respect to electricity and telecommunications; and
- (b) for the Gordon Family Trust (395, FS 1193). Appended to Mr Whites evidence are an urban design report (no author listed), an infrastructure report from Peter Joyce of Paterson Pitts Group Limited, a geotechnical report from James Stewart of Geosolve, confirmation of servicing from Aurora and Chorus with respect to electricity and telecommunications, and a traffic assessment from Jason Bartlett.

Urban Business

2.3 I also confirm that I have read the statement of evidence of Mr Ian Greaves for Varina Propriety Limited (591) with respect to 'Submission Site 2' regarding requested Medium Density Residential Zoning.

2.4 The following submissions that were addressed in the Wanaka Urban and Lake Hāwea Commercial Group 1B report by Ms Amy Bowbyes have been addressed by Ms Vicki Jones in her rebuttal evidence.

- (a) Wanaka Lakes Health Centre (253);
- (b) Gordon Family Trust (395 FS 1193);
- (c) Jim Ledgerwood (507);
- (d) Varina Propriety Ltd (591);
- (e) Pinfold And Satomi Enterprises Limited (622); and
- (f) Sneaky Curlew Pty Ltd (737).

2.5 I also confirm that I have read the following statements of evidence:

- (a) for Varina Propriety Limited (591) 'Submission Site 2' regarding requested Medium Density Residential Zoning, statements of evidence from Mr Andrew Carr, a traffic engineer and Ms Jill Corson, an urban designer;

Urban Fringe

2.6 My rebuttal evidence in relation to Urban Fringe is provided in response to the following evidence and attachments filed on behalf of various submitters:

- (a) Mr Scott Edgar for Hawthenden Limited (776);
- (b) Mr Scott Edgar for Jacki Redai and Others (152);
- (c) Mr Duncan White for Ranch Royale Estate Ltd (412);
- (d) Mr Dean Chrystal for Mike Beresford (149); and
- (e) Mr Duncan White for Allenby Farms (502).

2.7 I also confirm that I have read the following statements of evidence:

- (a) for Hawthenden Limited (776), the landscape evidence of Ms Hannah Ayres, and the geologist report of Mr Steve Leary;
- (b) for A.W and M.K McHutchon (254), Robert and Rachel Todd (783) and Glenys and Barry Morgan (815), the infrastructure report prepared by Paterson Pitts Group Ltd and confirmation of servicing from Aurora and Chorus with respect to electricity and telecommunications attached to Mr White's evidence;
- (c) for Ranch Royal Estate (412) the infrastructure report prepared by Paterson Pitts Group Ltd;
- (d) for the Upper Clutha Environmental Society (145) landscape evidence from Ms Di Lucas;
- (e) for Michael Beresford (149) economic evidence from Mr Mike Copeland, landscape evidence of Mr William Field, recreation evidence of Mr Rob Greenaway, housing capacity

and economic evidence of Ms Natalie Hampson, infrastructure evidence of Mr John McCartney, traffic evidence from Mr Andrew Metherell, and submission from Mr Michael Beresford; and

- (f) for Allenby Farms Ltd (502) landscape evidence of Mr Paddy Baxter, submission from Mr Lynden Cleugh, recreation evidence of Dr Shayne Galloway, legal submission from Warwick Goldsmith, and ecology evidence from Dr Kelvin Lloyd;

Rural

2.8 My rebuttal evidence in relation to Rural is provided in response to the following evidence and attachments filed on behalf of various submitters:

- (a) Mr Christopher Ferguson for Glendhu Bay Trustees Ltd (583);
- (b) Mr Julian Haworth for the Upper Clutha Environmental Society) (145);
- (c) Mr Duncan White for Sarah Burdon and Glen Dene Ltd (384);
- (d) Mr Nicholas Geddes for Wakatipu Holdings (314);
- (e) Mr Scott Edgar for The Alpine Group (315, FS 1309);
- (f) Mr Ben Espie for James Cooper (400);
- (g) Mr Duncan White for Sunnyheights Ltd (previously Crosshill Farms) (531);
- (h) Mr Ian Greaves for Lesley and Jerry Burdon (581);
- (i) Mr Dennis and Ros Hughes (FS1011);
- (j) Mr Graham Taylor for John May (FS1094);
- (k) Mr Mike Kelly for Lake McKay Station Ltd (439, 482, 483, 484);
- (l) Mr Jeffrey Brown for Jeremy Bell Investments Ltd (782);
- (m) Mr Carey Vivian for Jeremy Bell Investments Ltd (820);
- (n) Mr Scott Edgar for Longview Environmental Trust (FS 1282);
and
- (o) Mr Charles Grant for Seven Albert Town Property Owners (FS 1038).

2.9 I also confirm that I have read the following statements of evidence:

- (a) for Sarah Burdon and Glen Dene Ltd (384), the landscape evidence of Mr Ben Espie and the geotechnical evidence of Geosolve Ltd.
- (b) for Jeremy Bell Investments Ltd (820) the landscape evidence of Mr Ben Espie;
- (c) for Jeremy Bell Investments Ltd (782), a statement from Jeremy Bell, landscape evidence from Ms Michelle Snodgrass, and traffic evidence from Mr Andrew Carr.
- (d) for Sunnyheights Ltd (previously Crosshill Farms) (531) the landscape evidence of Mr Ben Espie;
- (e) for Lesley and Jerry Burdon (581) the statement from Mr Jerry Burdon, and the landscape evidence from Ms Michelle Snodgrass;
- (f) for Glendhu Bay Trustees Ltd (583) traffic evidence from Mr Andrew Carr, submission from Mr John Darby, submission from Mr John McRae, infrastructure evidence from Mr Ken Gousmett, landscape evidence of Ms Yvonne Pfluger, ecology evidence of Dr Roper-Lindsay, and the golf course design related evidence of Mr Brett Thomson;
- (g) for Seven Albert Town Property Owners (FS 1038). Appended to Mr Grant's evidence is a geotechnical and stability report from Geosolve and a printout of the QLDC's hazard register showing the flooding hazard at this location;
- (h) for Wakatipu Holdings (314) the landscape evidence of Ms Anne Steven; and
- (i) for Longview Environmental Trust (FS 1282) the landscape evidence of Mr Ralf Kruger.

Appendices

2.10 My evidence has the following appendices:

- (a) **Appendix 1: Section 32AA Assessment;**

- (b) **Appendix 2:** Mike Beresford (149) overlay of the requested zoning with bike trails;
- (c) **Appendix 3:** Allenby Farms (502) New Zealand Fire Service Fire Smart Home Owner's Manual. Protecting your home from interface fire; and
- (d) **Appendix 4:** Glendhu Bay Trustees (583) Council comments on the requested Glendhu Station Zone text.

URBAN WANAKA

3. MR MATT SUDDABY FOR DAN FOUNTAIN (33), C HUGHES & ASSOCIATED LTD AND MATT SUDDABY (448)

3.1 Mr Suddaby has filed evidence for Dan Fountain and C. Hughes and Associates Ltd. Mr Suddaby supports the Low Density Residential Zoning as notified in the PDP in the location of the Keliher Drive and Old Station Avenue areas, with particular interest in a 1.08ha property with frontage to Old Station Avenue. These areas are zoned Rural Lifestyle Zone under the Operative District Plan (**ODP**).

3.2 I consider there is alignment between myself and Mr Suddaby with respect to the PDP rezoning in this area and note that there are not any recommendations from Council officers during the hearing of submissions in either mapping or text to amend the PDP zoning from Low Density Residential.

4. MR DUNCAN WHITE FOR CHRISTOPHER JOPSON, JACQUELINE MOREAU AND SHANE JOPSON (287)

4.1 Mr Duncan White has filed planning evidence for C and S Jopson and J Moreau. Mr White correctly identifies at paragraphs 3.1 – 3.3 of his evidence that I assessed the submission on the basis that it only sought to rezone the properties on the southern side of Terranova Place.

4.2 The original submission is short, but is clear in that it does not limit the rezoning request to only the south side of the access. Mr White identifies at paragraphs 3.3 of his evidence that the reasons I

recommended rejecting the rezoning was in part due to an incoherent zoning pattern along Terranova Place.

- 4.3** On the basis that the requested LDR Zone affects the entire area accessed off Terranova Place I consider that the concerns I had with the zoning being incoherent are alleviated. However, I do consider that there could be constraints in terms of good urban design outcomes associated with the infill development, particularly because all 9 properties subject to the rezoning are held in separate ownership. The estimated yield would be 43 additional houses over and above that recommended by the Large Lot Residential B zoning that has a minimum allotment size of 2000m².
- 4.4** Ms Banks, in her evidence-in-chief dated 20 March 2017, considers that the increase in traffic is unlikely to create traffic issues, but that the intersection at Terranova Place should undergo widening treatment to reduce potential conflict between vehicles entering and exiting, and that a footpath be provided along Terranova Place to cater for the increase in residents.
- 4.5** Ensuring this occurs could be frustrated by incremental infill development. However, I do not consider this is a reason to recommend rejecting the rezoning request and at some point the density of subdivision and development of Terranova Place would be likely to trigger the respective subdivision and transportation standards that require access widening and intersection treatment commensurate to the intensity of the use of the access and internal road.
- 4.6** In accordance with the proposed PDP rules, the applicant would be responsible for undertaking this work in accordance with the Council's standards when a particular level of development is proposed on the site. There is the potential that the first person to subdivide would not be subject to this upgrade, however a later applicant for subdivision consent would be responsible for those works. I consider that it would be likely to be more efficient from a cost perspective to the landowners and would be more likely to result in a better outcome if the site was subdivided in a comprehensive manner.

- 4.7 However, the Council cannot compel this to occur and would need to rely on the subdivision standards and servicing provisions in the Council's infrastructure Code of Practice¹ to ensure a minimum standard is achieved if or when subdivision on the land reaches a density where this is required. Nor do I consider it a reason to recommend the rezoning is rejected.
- 4.8 I also note that paragraph 3.6 of the infrastructure report attached to Mr White's evidence states that the access would need to be vested with the Council as a road once the access exceeds 12 residential units. I note, therefore, that the submitter is aware of the need to upgrade the access as part of any future land development and intensification.
- 4.9 Mr Glasner's opinion, in his evidence-in-chief, is that there is capacity in the network for the additional residential activity generated by the rezoning. A wastewater and stormwater report prepared by Fluent Solutions is attached as Appendix B to Mr White's evidence. Mr Glasner has reviewed this report and agrees that the existing private wastewater pump would be able to handle the additional development, but prefers that the wastewater pump is upgraded (if necessary) to comply with the Council's standards and is vested in the Council.
- 4.10 The stormwater from the site is not easily able to be reticulated to the piped network and is not able to be reticulated to the Council's network. Mr Glasner is also satisfied that stormwater can be managed on site but will need detailed design, which can be requested and authorised through the provisions of the PDP Subdivision Chapter referenced above.
- 4.11 I also broadly agree with Mr White's assessment at Parts 7.0 – 9.0 inclusive of his evidence and that overall rezoning this land from the Large Lot Residential zone (**LLRZ**) to Low Density Residential Zone (**LDRZ**) will be beneficial in terms of consolidating urban growth within the Wanaka Urban Growth Boundary (**UGB**).

1 **[CB 18]** Subdivision Chapter. Assessment Matter 27.5.6 vii 'The provision for services in accordance with Council's Code of Practice for Subdivision.

4.12 In summary, I recommend accepting Mr White's evidence and recommend the rezoning is accepted. I have included an evaluation in accordance with section 32AA of the Act, attached as **Appendix 1**.

5. MR RICHARD ANDERSON FOR RD & EM ANDERSON FAMILY TRUST (PREVIOUS SUBMITTER NIC BLENNERHASSETT) (335)

5.1 Mr Anderson has filed evidence in relation to the property at 100 Studholme Road where it is sought to rezone the land from LLRZ to LDRZ. Mr Anderson considers that retaining the notified zoning where a portion of the site is zoned both LLR and LDR is inefficient and would frustrate any future residential development. 100 Studholme Road is illustrated below.

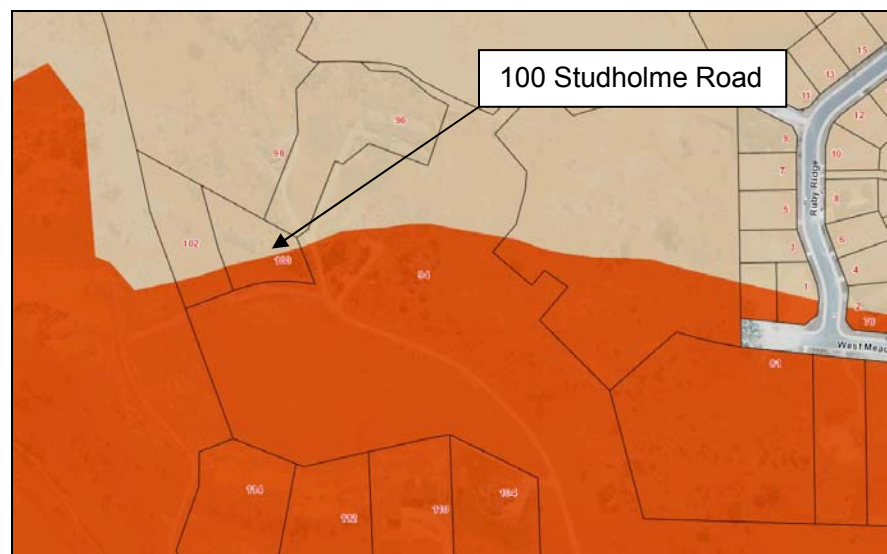


Figure 1. QLDC webmap image of the split zoning over 100 and 102 Studholme Road, the light brown colour is LDRZ and the orange colour is the LLR Zone.

5.2 I assessed the submission as part of the original submissions from Nic Blennerhasset (335) and Willowridge Developments Limited (249) who sought that a larger area adjoining 100 Studholme Road is rezoned to LDR. I supported the rezoning except for traffic issues based on Ms Banks' advice that the cumulative traffic effects on West Meadows Drive onto Cardrona Valley Road could be significant.

5.3 I note that Willowridge Developments Ltd (249) have not filed any evidence contesting Ms Banks' advice. Mr Anderson considers that

rejecting the submission where it affects his land, being a smaller area with less potential for traffic generation is unfair, and the traffic effects are 'a drop in the bucket' compared to the overall area considered in my section 42A evidence.

- 5.4** The area of this property zoned LLR is approximately 1050m², if rezoned to LDRZ this would enable the development of two additional dwellings. Ms Banks read Mr Anderson's evidence and has confirmed that a response is not necessary as the development would have a negligible impact on the roading network, including in the event that the access off the southern portion of the site is onto West Meadows Drive.
- 5.5** The adjoining site to the west, 102 Studholme Road also has approximately 750m² within the LLR Zone. Rezoning this land to LDRZ would enable an additional dwelling as of right, and potentially two, depending on the overall configuration of any future subdivision.
- 5.6** While Mr Anderson does not raise this matter with 102 Studholme Road, there is scope to also include this property in my recommendation because it was part of the original submissions and assessment.
- 5.7** Overall therefore, I recommend accepting Mr Anderson's evidence to rezone 100 Studholme Road, and to also rezone 102 Studholme Road, on the basis that the traffic generation would be low due to the small area being rezoned.
- 5.8** I have included an evaluation in accordance with section 32AA of the Act, attached as **Appendix 1**.

6. MR DUNCAN WHITE FOR GORDON FAMILY TRUST (395, FS1193)

- 6.1** Mr Duncan White has provided evidence in support of the rezoning of a 1.9ha property located near the corner of Cardrona Valley Road and Golf Course Road, from LDR to Medium Density Residential Zone (**MDRZ**). I supported this rezoning in my section 42A report on

Group 1A Wanaka Urban and Lake Hawea, dated 17 March 2017 (refer to section 6.0).

- 6.2** Appended to Mr White's evidence are an urban design report (no author listed), an infrastructure report from Peter Joyce of Paterson Pitts Group Limited, a geotechnical report from James Stewart of Geosolve, confirmation of servicing from Aurora and Chorus with respect to electricity and telecommunications, and a traffic assessment from Jason Bartlett.
- 6.3** The components of Mr White's evidence relating to the Local Shopping Centre Zone (**LSCZ**) are addressed in the evidence of Ms Vicki Jones, which was filed in Hearing Stream 8.
- 6.4** At part 5.4 of his evidence Mr White considers that the MDRZ on this site is appropriate because it enables more residential housing within the urban growth boundary, provides a more efficient use of residential land, choices of section and housing types, is close to facilities and would provide for a more competitive land market. Mr White also considers that the MDRZ at this site would integrate with the adjacent residential activity in the retirement village. I generally agree with Mr White.
- 6.5** I have reviewed the urban design report titled 'Gateway Site Medium Density Zoning, Cardrona Valley Road and Golf Course Road, Urban Design Assessment, February 2017'. The report takes a favourable view toward the site being rezoned to MDRZ. However, I note that it does not have any name or organisation associated with it. I have not relied on this report to maintain my view associated with the rezoning.
- 6.6** I note that Mr White and I are in agreement with the rezoning of this property to MDRZ and I maintain my recommendation to support the rezoning. My section 32AA analysis regarding the rezoning of this land is set out in Appendix 2(a) of my section 42A report regarding Strategic Overview and Common Themes, dated 17 March 2017.

7. MR DARRYLL ROGERS FOR JUDE BATTSON (460)

- 7.1** Mr Darryll Rogers has provided a submission on behalf of Jude Battson to increase the zoning density from Rural Residential Zone (**RRZ**) to an urban zone in Lake Hāwea Township in the area around Sam John Place, Lichen Lane and Grandview Road.
- 7.2** At part 1 of his evidence Mr Rogers states that the QLDC have failed to take into account the 2020 vision of the Lake Hāwea Community. I infer that this is because the RRZ zoned land at the south eastern edge of Lake Hāwea Township, bordered by Cemetery Road has not been rezoned to a higher density. I refer to paragraphs 11.10 and 11.11 of my section 42A Group 1 A Wanaka Urban and Lake Hāwea evidence that sets out that while I support higher density within this area to avoid sprawl, infill development along the Sam John Place and Grandview Road area is not supported.
- 7.3** I consider that it would be difficult to develop the subject area comprehensively due to the land being held by multiple owners. The existing road network (being a series of cul-de-sacs) does not support a future road network that provides efficient movement or connections, or walking and cycling opportunities,
- 7.4** In my earlier evidence I also discussed the outcomes sought in the Hawea 2020 document (paragraphs 6.7 – 6.9. While the Hawea 2020 document suggests urban development could extend to the east up to Cemetery Road, I consider that the comments in the Hawea 2020 document are in the context of containing urban development and preventing sprawl. Key community outcomes identified in the document are:
- (a) retaining the rural character of land surrounding the established settlements;
 - (b) respecting the surrounding landscape; and
 - (c) maintaining open vistas as viewed from the residential settlements.

- 7.5** I do not consider the Council is obligated to upzone this land because it is indicated as a logical extension and urban limit in the Hawea 2020 document. I consider that the RRZ is appropriate in this area as it produces a low density urban form.
- 7.6** To reiterate, my reasons for not supporting rezoning include:
- (a) the existing residential development in this area has primarily been through cul-de-sacs; and
 - (b) the land is now in multiple ownerships.
- 7.7** Based on the above factors, I consider that the rezonings sought by the submitter would result in a continuation of the existing pattern of development (i.e. further cul-de-sac development and a lack of connection). I consider that higher, more urban densities and a hard urban edge would have been successful at this location if the original developments were better planned and connected and provided a coherent landscape buffer or edge along Muir and Cemetery Road.
- 7.8** At part 3 of his evidence Mr Rogers states that rezoning this area would lessen the need for further greenfield development. I note that there is not any greenfield development contemplated by the Council to the south of Cemetery Road, into the wider Rural Zone of Hāwea Flat. I also refer to paragraphs 11.15 onwards of my s42A Group 1A Wanaka Urban and Lake Hāwea evidence where I discuss the existing resource consents on the sites located to the east of Sam John Place. I consider that there are adequate housing choices and opportunities in Lake Hāwea both zoned under the Operative Township Zone and consented for urban sized allotments in the Lake Hāwea Township.
- 7.9** Mr Rogers also states in Part 3 of his submission that rezoning the area would lessen the need for further greenfield development. I refer to my supplementary evidence on housing capacity dated 1 May 2017 that confirms that there is adequate realisable capacity in the short, medium and long term, the dwelling capacity model includes the operative Lake Hawea Township Zone and the PDP Rural Residential Zones. On the basis of these findings I do not see any

justification for greenfield urban development into the Rural Zone adjacent to and around Lake Hāwea. I therefore do not support Mr Rogers' assertion that this upzoning is needed to avoid this threat.

- 7.10** The upzoning would result in the opportunity for more competition, however there is not any guarantee that these new sections would be brought to the market at the same time to facilitate competition.
- 7.11** On this basis I maintain my position and recommend these areas are retained as RRZ Zoning.

**8. MR SCOTT EDGAR FOR CRESCENT INVESTMENTS LTD (FS1311)
KIRIMOKO PARK RESIDENTS ASSOCIATION INCORPORATED (FS1326)**

- 8.1** Mr Edgar has provided evidence in support of the retention of the notified Building Restriction Area (**BRA**) and Rural Zoning at the northern edge of the Kirimoko subdivision. This evidence was provided in response to the submissions of Alistair Munro (3) and Wanaka Central Developments Ltd (326). Mr Edgar has identified what he considers the relevant components of the Operative and Proposed Otago Regional Policy Statements, and the PDP Strategic Directions Chapters in support of his submission.
- 8.2** While Mr Edgar also acknowledges that greater residential density and a compact urban form should be encouraged within the Wanaka urban area. Mr Edgar considers at paragraph 36 of his evidence that rezoning this area to MDRZ would result in an anomalous pocket of particularly dense development within the wider LDRZ area.
- 8.3** I note that Mr Edgar and I are in agreement in support of the notified PDP zoning. In particular at paragraphs 4.59 – 4.61 of my s42A Group 1A Wanaka Urban and Lake Hāwea evidence, where I consider that a continuation of the urban density and design of the developed Kirimoko subdivision is preferred in this area. This can be achieved through the PDP LDRZ provisions.
- 8.4** In summary I agree with Mr Edgar and recommend the LDRZ and BRA areas are retained as notified in the PDP.

URBAN BUSINESS

9. MR IAN GREAVES FOR VARINA PROPRIETY LIMITED (591)

9.1 Mr Ian Greaves has provided evidence supporting the rezoning of land from LDRZ to MDRZ, located on the corner of Upton and McDougall Streets in central Wanaka.

9.2 I refer to paragraphs 9.11 - 9.12 of my s42A Group 1A Wanaka Urban and Lake Hāwea evidence where I support the rezoning to MDRZ but do not support a visitor accommodation sub-zone because while the visitor accommodation is consented on the site, it is commensurate to the residential scale of the existing buildings, and applying a visitor accommodation sub zone would allow activities of potentially high intensity.

9.3 At paragraph 55 of Mr Greaves' evidence he states '*I understand visitor accommodation activities have been withdrawn from Stage 1 of the District plan Review therefore this evidence focuses on the MDR Zoning*'. At paragraph 61 Mr Greaves also states that the visitor accommodation is not being pursued due to the provisions being withdrawn from the PDP. As stated in paragraph 3.2 of my Strategic' S42A I consider that it is within scope for a submitter to request some type of visitor accommodation or traveller accommodation zoning. However, as noted above I do not support this type of zoning on this site and maintain my position on this matter.

9.4 Mr Greaves relies on Ms Corson's urban design advice with respect to the rezoning. I do not dispute the urban design related views of Ms Corson but am uncertain of the relevance to urban design of Ms Corson's statements about the 'strategic value' of the land to Wanaka. I also disagree with Ms Corson at paragraph 66 of her evidence where she states that the:

MDR zone is a more appropriate environment for facilitating visitor accommodation developments than LDR zones, which are designed to preserve traditional residential urban form.

- 9.5** With regard to this statement, while I accept that there could be a link between the higher densities of MDRZ, relative to the LDRZ, and less expectation for on-site amenity and landscaping/plantings that can be expected from purpose built visitor accommodation, the PDP as notified in August 2015, prior to the withdrawal of visitor accommodation provisions sought only to enable low intensity types of visitor accommodation that did not adversely impact on the supply of permanent residential accommodation. Although these provisions have been withdrawn² I consider it is important to emphasise the importance of the MDRZ for permanent residential accommodation and that neither Ms Corson nor Mr Greaves have qualified the use of this site for intensive visitor accommodation.
- 9.6** Ms Banks has also confirmed that she does not oppose the rezoning to MDRZ, but has concerns with the potential for parking demands for a VA subzone and does not consider Mr Carr's evidence to address this matter.
- 9.7** In summary I note that Mr Greaves and I are in agreement that the most appropriate zone is the MDRZ. However I maintain my position that no visitor accommodation zoning should be applied to the site. I therefore maintain my opinion that the submission should be accepted in part.

URBAN FRINGE

10. MR SCOTT EDGAR FOR HAWTHENDEN LIMITED (776)

- 10.1** Mr Scott Edgar has provided planning evidence for Hawthenden Ltd, which seeks the same relief as that sought in the original submission.
- 10.2** My S42A Group 2 Wanaka Urban Fringe evidence recommended that requested rezone areas A and B should be retained as Rural Zone. However I supported the rezoning of Area C to Rural Lifestyle and on the advice of Ms Mellsop supported the relocation of the Outstanding Natural Landscape (**ONL**) boundary (although this relocation was minor and not to the extent sought by Hawthenden). This was

² Notified PDP Objective 8.2.9 and Policies 8.2.9.1 – 8.2.9.3, and Rules 8.4.22 and 8.4.23 and Rule 8.4.1 that would require a non-complying activity for intensive forms of visitor accommodation. These provisions were withdrawn in October 2015. Refer to Part 3 of my Strategic s42A evidence.

considered to partially meet the relief sought by the submitter to locate the ONL to a higher elevation.

10.3 Mr Edgar states at paragraphs 20 and 21 of his evidence that the rezonings would assist with giving effect to the National Policy Statement on Urban Development Capacity (**NPS UDC**) through the addition of additional development capacity including a variety of housing opportunities. I do not dispute this statement generally, but I note that Wanaka has ample development capacity within the PDP Urban Growth Boundary as stated in my supplementary evidence on housing capacity dated 1 May 2017, and that there is a variety of housing choices within this including the Large Lot Residential A and B Zones that have a 4000m² and 2000m² allotment size respectively.

10.4 I comment on the location of the ONL boundary and rezoning areas A-C and the rezoning respectively below.

ONL Boundary

10.5 Mr Edgar provides an analysis of the ONL by Ms Ayres and Ms Mellsop in paragraphs 42 – 49 of his evidence, and prefers the evidence of Ms Ayres, over that of Ms Mellsop, as to where the ONL boundary should be located. I note that Ms Mellsop in her rebuttal maintains her position that apart from the minor alterations recommended in her evidence, the submission should be rejected. I rely on Ms Mellsop on this matter and therefore maintain the recommendation set out in my s42A report.

Area A

10.6 Mr Edgar notes at paragraphs 57 and 58 of his evidence that notwithstanding both Ms Mellsop and Ms Ayres appear comfortable with the rezone request from a landscape perspective, that I however do not support the rezoning. I maintain that from an overall planning perspective the Rural Zone is the most appropriate zone to manage residential activity in Area A. I refer to paragraphs 9.10, 9.13 - 9.16 of my section 42A Wanaka Urban Fringe evidence. I also refer to paragraphs 15.75 – 15.77 of my section 42A Strategic evidence

where I emphasise that the Rural Zone would be likely to result in a more appropriate outcome than the Rural Lifestyle Zone in terms of avoiding, remedying or mitigating the adverse effects of development, and certainty of the effects of future development.

10.7 It is my opinion that with Area A, the Rural Lifestyle Zone would not provide the certainty that effects would be managed to ensure the best possible outcome. By comparison I consider that the Rural Zone 'Rural Landscape Classification' assessment matters in Part 21.7 of the PDP would ensure that buildings would be located in sympathetic locations, allotment boundaries would follow the contour and if necessary, could be restricted from having boundary planting, and access roads and driveways would be located and designed such that the elements identified in Ms Ayres' evidence would be maintained.

10.8 In terms of planning practice, it is my experience that subdivision proposals in the Rural Lifestyle Zone (where the minimum allotment sizes are met) are usually not supported by any landscape assessment and often the application is prepared without any expert planning assistance. As a result, resource consent applications are often lodged by surveyors and the proposals appear to have limited design assistance in terms of landscape and visual amenity values. Based on this experience, I consider that there is no guarantee that the design related benefits of Mr Edgar and Ms Ayres would be carried through to any future development.

10.9 I maintain my position that the most appropriate zone for Area A is Rural, and recommend this part of the submission is rejected.

Area B

10.10 Mr Edgar discusses the location of Area B adjacent to the UGB at paragraphs 63 – 67 of his evidence and considers that any residential development within the RRZ would not constitute urban development and therefore the Objectives and Policies of Chapter 4 Urban Development that seek to control urban development at the edges of UGBs do not apply.

10.11 Mr Edgar references the notified PDP definition of Urban development. The definition was recommended to be amended in the Strategic Hearing 01B in March 2016, and the recommended amendments have been maintained through the hearing of the PDP text including the Council's reply position on the definitions chapter.

10.12 The notified definition, as referenced in paragraph 65 of Mr Edgar's evidence is:

Means any development/activity within any zone other than the Rural Zones, including any development/activity which in terms of its characteristics (such as density) and its effects (apart from bulk and location) could be established as of right in any such zone; or any activity within an urban boundary as shown on the District Planning Maps.

10.13 The recommended definition of urban development, as set out in the Council's right of reply in hearing stream 10, is:

Means development that by its scale, intensity, visual character, trip generation and/or design and appearance of structures, is of an urban character typically associated with urban areas. Development in particular Special Zones (namely Millbrook and Waterfall Park) is excluded from the definition

10.14 I prefer the Council's reply version to the notified version. In particular because the notified definition excludes rural zones, which I consider could be unhelpful, and that the recommended amended definition relates to the scale and nature of activities. I also consider that the recommended reply version is more useful in the context of Area B because the RRZ and the Large Lot Residential Zone A have the same density, being a minimum allotment site and one residential unit per 4000m².

10.15 The requested rezoning of Area B would be located adjacent to the Large Lot Residential B Zone within the Wanaka UGB that has a minimum site density of 2000m², while the RRZ density of 4000m² is 50% lower. While I acknowledge the different densities between these two zones, I maintain my opinion on this matter that RRZ development would appear as part of the wider urban environment and is not the most appropriate zoning directly adjacent to the

Wanaka UGB. Developed examples of the RRZ under the ODP in terms of character, intensity and scale include the Far Horizon subdivision located off Wanaka Mt Aspiring Road (Planning Map 22), and the Rural Residential zoned RRZ zoned development along Ridgecrest and Beacon Point Road (Planning Maps 19 and 20). These two areas are zoned LLRZ A (4000m²) under the PDP.

10.16 I also maintain my opinion that the matter at issue is not so much a landscape and visibility issue, but the integrity of the PDP UGB at this location. I also consider that rezoning Area B to RRZ would not accord with Policy 4.2.8.1 **[CB4]** of the Urban Development Chapter.

10.17 I refer to paragraphs 9.17 – 9.22 of my evidence. I also reiterate that for landscape reasons Ms Mellsop supports the rezoning of this area to Rural Lifestyle Zone, but not RRZ.

10.18 If the Panel are of a view to support the rezoning of Area B to RRZ it is my recommendation in that circumstance to rezone the area to Large Lot Residential Zone A (4000m²) and include it within the UGB. However, in addition to landscape matters and that Ms Mellsop does not support this density, the latter option is not currently favoured because I consider there to be unresolved matters relating to traffic generation and servicing.

Area C

10.19 Mr Edgar and I are in agreement on the rezoning of this area from Rural Zone to Rural Lifestyle Zone and I continue to recommend that the area is rezoned to Rural Lifestyle.

11. MR DEAN CHRYSTAL ON BEHALF OF MICHAEL BERESFORD (149)

Site History and Context

11.1 My understanding from Mr Beresford's evidence, and my own communication with the Office of Treaty Settlements (**OTS**), is that the entire area of land including the Plantation (subject site) and the land to the south up to Aubrey Road (now known as Kirimoko) was previously a Council reserve. The reserve status was revoked in

1998, and ownership of the land was vested in the Crown. The land to the south that comprises 'Sticky Forest' and Kirimoko was owned by Ngāi Tahu Property Group Limited, while the northern portion, the 'Plantation' was managed by the Crown as an interim measure while the descendants were contacted and future land ownership arranged.

11.2 In 1999, the landowner at the time of the site to the south, Ngāi Tahu Property Group Limited, subdivided this site into Rural Lifestyle blocks.³ This land is now part of Kirimoko and includes the Rural Zone Building Restriction Area and 'Sticky Forest' located immediately to the south of the subject site. The subdivision allotment pattern of that subdivision is still evident in the allotments located on the periphery of the site and within the Kirimoko area. Refer to **Figure 2** below.

3 RM990756.



Figure 2. Annotated aerial photograph illustrating the subject site and the land to the south that was subdivided by Ngāi Tahu Property Group in 1999 (outlined in red).

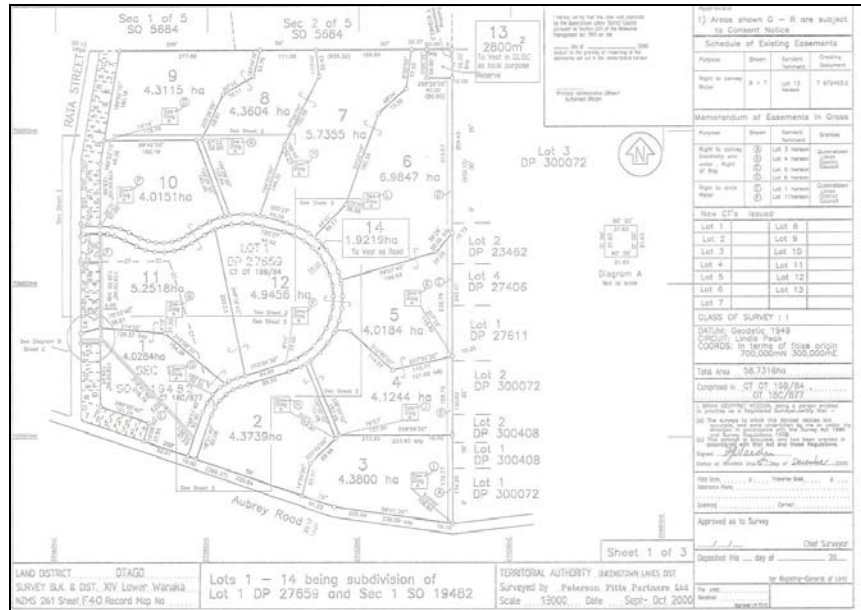


Figure 3. Subdivision plan for resource consent RM990756. There was not any roading access provided to the adjoining site to the north, the Plantation.

- 11.3** It is my understanding that Mr Beresford is a significant shareholder in terms of the shares allocated to the descendants and has taken the lead in terms of advancing the process of identifying the remaining descendants yet to be contacted, and is also facilitating management and maintenance matters on behalf of the descendants with the OTS. Mr Beresford submitted on the notified PDP, seeking to rezone the entire Plantation site from Rural Zone to Low Density Residential Zone.
- 11.4** Mr Beresford's evidence explains that the submitter now seeks an amended form of relief by comparison with the original submission. The submitter no longer requests rezoning of the entire 50 ha site from Rural Zone to Low Density Residential Zone. Instead, the submitter now seeks rezoning of approximately 20 ha of the south eastern portion of the site, to a mix of Large Lot Residential B (2000m² allotment sizes) and Low Density Residential. The Rural Zone is requested to be retained on the western and northern half of the site, and the ONL is retained as part of the revised proposal, with amendments to the boundary requested.
- 11.5** Evidence in support of the amended relief has been provided as follows:

- (a) planning evidence from Mr Dean Chrystal;
- (b) economic evidence from Mr Mike Copeland;
- (c) landscape evidence from Mr William Field;
- (d) recreation evidence from Mr Rob Greenaway;
- (e) housing capacity and economic evidence from Ms Natalie Hampson;
- (f) infrastructure evidence from Mr John McCartney;
- (g) traffic evidence from Mr Andrew Metherell; and
- (h) evidence from Mr Michael Beresford.

11.6 Due to the revised position and supporting material provided by the submitter I have assessed this submission from a first principles perspective. The focus of my rebuttal is on Mr Chrystal's planning statement of evidence because that is within my area of expertise. However, I also include a summary statement from the Council's respective specialists as part of any overall recommendation.

Part 2 RMA Issues and Strategic Issues

Section 8 Treaty of Waitangi

11.7 At paragraphs 18 and 21 Mr Chrystal acknowledges that his planning recommendation goes beyond that supported in the landscape evidence of Mr Field, on the basis that the benefits for the land owners in economic terms and the community in recreational terms outweigh what he considers to be the relatively moderate landscape effects.

11.8 These paragraphs are summary statements attributed to Mr Chrystal's section 32 analysis,⁴ and evaluation of statutory considerations including Part 2 of the Act. As part of this evaluation Mr Chrystal draws heavily on Section 8 'Treaty of Waitangi', to justify the urban zoning. At paragraph 81, Mr Chrystal confirms that section 6(e) of the Act⁵ is not relevant given that the land has been allocated as a substitute block. Mr Chrystal considers that the site does not have any cultural values to the owners of the subject site nor is it

⁴ Evidence of Dean Michael Chrystal on behalf of Mike Beresford (Submitter 149). Dated 4 April 2017 at paragraphs 18-19, 72 – 90 and Appendix 2: Section 32 Report.

⁵ RMA 1991 Section 6 (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

considered to be ancestral land. In this respect, I consider that the factual circumstances are somewhat unique and are not clearly anticipated by the planning framework.

PDP Tangata Whenua Chapter 5

- 11.9** Related to this, at paragraphs 80 – 82 of Mr Chrystal's section 32 evaluation, he states the following with regard to the PDP Tangata Whenua Chapter **[CB5]**:

*...Of particular relevance to this proposal is **Objective 5.4.4** that seeks to enable the sustainable use of Maori land in a manner consistent with their economic, cultural and social aspirations.*

The notified Plan provisions are not considered to achieve these objectives, with the proposed rural zoning with ONL overlay and associated restrictive rule packages not providing for the rights and interests of the site's maori [sic] landowners. Nor do the provisions recognise the purpose of the block as compensation to provide for ongoing economic wellbeing.

- 11.10** Objective 5.4.4 of the Tangata Whenua Chapter 5 and related policy states:

Objective:

5.4.4 *Enable the sustainable use of Māori land.*

Policy:

5.4.4.1 *Enable Ngāi Tahu to protect, develop and use Māori land in a way consistent with their culture and traditions, and economic, cultural and social aspirations including papakainga housing.*

- 11.11** I accept that Policy 5.4.4.1 includes economic use and this needs to be given regard. However, I consider that the policy needs to be interpreted as a whole and on this basis the intention of Policy 5.4.4.1 is primarily directed at giving effect to section 6(e) of the Act. I also note that 5.1 – Purpose, of the Tangata Whenua Chapter, states

'These provisions relate to Ngāi Tahu's cultural interests only'. I consider therefore that Mr Chrystal is straining the intended use of Objective 5.4.4 primarily for economic benefits related to Māori land, particularly in light of his comments at paragraph 81 of his evidence where he accepts that the land itself (in terms of its historic and ancestral use and significance) is not of value from a cultural perspective.

11.12 I consider that the primary focus of the Tangata Whenua Chapter is with regard to the cultural interests of Ngāi Tahu as Manawhenua and that this should not be directly associated with the economic aspirations of the beneficiaries regarding redress matters with the Crown, in the context of the policy framework of the PDP. While I accept that section 8 RMA issues are relevant, I do not consider that they act as a "trump" over other Part 2 RMA issues nor that they prevail over the broader Strategic Directions that are intended to sit at the top of the planning hierarchy within the PDP.

11.13 In that respect, Chapter 5 (Tangata Whenua) is one of the 3 strategic chapters of the PDP⁶ that give effect to the Strategic Directions Chapter (Chapter 3) and it is my view that Objective 5.4.4 and Policy 5.4.4.1 do not override Chapters 4 and 6 of the PDP. No "exception" for the present circumstances is identified in those provisions.

PDP Strategic Direction Chapter 3

11.14 The parts of the Strategic Direction Chapter that are directly on the Treaty of Waitangi are:

3.2.7 Goal - Council will act in accordance with the principles of the Treaty of Waitangi and in partnership with Ngai Tahu.

3.2.7.1 Objective – Provide for Ngai Tahu values, rights and interests, including taonga species and habitats, and wahi tupuna.

6 Chapter 4 – Urban Development, Chapter 5 Tangata Whenua, Chapter 6 Landscapes.

3.2.7.2 Objective - Enable the expression of kaitiakitanga by providing for meaningful collaboration with Ngai Tahu.

11.15 I consider the first objective (3.2.7.1) primarily relates to cultural elements in terms of section 6(e) of the Act, and the second objective relates to consultation and the principles of the Treaty of Waitangi. As stated earlier, I do not consider this matter to be anticipated by the PDP planning framework. I note that Mr Beresford's submission is restricted to the rezoning of this land and he did not submit on the Strategic Chapters of the PDP.

Operative Otago Regional Policy Statement 1998

11.16 As set out in my Strategic evidence in chief,⁷ the PDP must give effect to the operative Otago Regional Policy Statement (**ORPS**). I consider the objectives in Chapter 4 (Manawhenua Perspective) primarily relate to matters of culture in terms of section 6(e) of the Act.

11.17 The subject matter of the respective objectives are:

- (a) 4.4.1 Waahi Tapu (Sacred Places);
- (b) 4.4.2 Waahi Taoka (Treasured Resources);
- (c) 4.4.3 Wai (Water);
- (d) 4.4.4 Mahiki Kai (Places where food is produced or procured);
- (e) 4.4.5 Kaitiakitanga (Guardianship); and
- (f) 4.4.6 Whenua Papakaika (Ancestral Land);

11.18 An unreferenced statement at page 41 of the ORPS states:

The policies, methods and anticipated environmental results derived from the issues and objectives of the Manawhenua chapter can be found in each of the relevant chapters of this Regional Policy Statement

11.19 I consider the relevant policies as follows and summarised:

⁷ Part 4 – Statutory Considerations.

5.5.1 To recognise and provide for the relationship Kai Tahu have with Otago's land resource through:

- (a) *Establishing processes that allow the existence of heritage sites, waahi tapu and waahi taoka to be taken into account when considering the subdivision, use and development of Otago's land resources; and*
- (b) *Protecting, where practicable, archaeological sites from disturbance; and*
- (c) *Notifying the appropriate runanga of the disturbance of any archaeological site and avoiding, remedying, or mitigating any effect of further disturbance until consultation with the kaitiaki runanga has occurred.*

11.20 The relevant method at 5.6 is:

In order to achieve the outcomes of the policies, every agency with responsibilities under the Resource Management Act 1991 should:

5.6.1 *Take into account Kai Tahu cultural values in the management of Otago's land and mineral resources through:*

- (a) *Using and recognising iwi resource management plans, where available, as a basis for consultation; and*
- (b) *Developing consultation protocols with iwi, runanga and hapu to provide for their input into the management of Otago's land and mineral resources.*

5.6.2 *Develop mechanisms, consistent with Kai Tahu Koiwi Tangata policy to notify appropriate elders or runanga on the discovery of human remains.*

11.21 The relevant anticipated environmental result is:

5.7.2 *The management of Otago's land resources takes into account the values of manawhenua.*

11.22 It is my opinion that the ORPS approaches the Treaty of Waitangi principles from a section 6(e) perspective. I consider the operative RPS to be very much an 'effects based' document and it does not explicitly provide for the use of land to achieve economic redress.

Put another way, the operative RPS does not indicate that the use of land associated with redress of the Crown might 'trump' section 6 matters when considering section 5 of Part 2 of the Act.

- 11.23** It is my opinion therefore that the operative ORPS does not place an obligation on the Council, through the PDP, to provide for economic wellbeing without due regard to the environmental costs.

Proposed Otago Regional Policy Statement - Decision Version 2016 (PRPS)

- 11.24** The PRPS was notified for public submissions on 23 May 2015, and decisions on submissions were released on 1 October 2016.⁸ [CB34].

- 11.25** The PRPS is subject to appeals and the Council is a section 274 party to the majority of the appeals. The PRPS is a more directive and finer grained document than its predecessor. Policy 2.1.2 is relevant and states:

Ensure that local authorities exercise their functions and powers, by:

- a) *Recognising Kāi Tahu's status as a Treaty partner; and*
- b) *Involving Kāi Tahu in resource management processes implementation;*
- c) *Taking into account Kāi Tahu values in resource management decision-making processes and implementation;*
- d) *Recognising and providing for the relationship of Kāi Tahu's culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka;*
- e) *Ensuring Kāi Tahu have the ability to:*
 - i. *Identify their relationship with their ancestral lands, water, sites, wāhi tapu, and other taoka;*
 - ii. *Determine how best to express that relationship;*
- f) *Having particular regard to the exercise of kaitiakitaka;*
- g) *Ensuring that district and regional plans:*

⁸ The Otago Regional Council has released a version of the Proposed RPS with appeals marked in, dated 14 February 2017. All quotes in my evidence are from that version, which is available at <http://www.orc.govt.nz/Documents/Publications/Regional/RPS/RPS%20Appeals%20Version.pdf>.

- i. *Give effect to the Ngāi Tahu Claims Settlement Act 1998;*
- ii. *Recognise and provide for statutory acknowledgement areas in Schedule 2;*
- iii. *Provide for other areas in Otago that are recognised as significant to Kāi Tahu;*
- h) *Taking into account iwi management plans.*

11.26 Compared to the ORPS, part g) i. of Policy 2.1.2 which ensures district and regional plans 'Give effect to the Ngāi Tahu Claims Settlement Act 1998' is more favourable to the submission and Mr Chrystal's evidence in terms of economic redress.

11.27 Schedule 1D⁹ 'Maori Land Reserves' of the PRPS describes that a Native Reserve is any property or site that is a:

- *Native Reserve excluded from the Ōtākou Land Purchases (1844)*
- *Native Reserve excluded from the Kemps Land Purchases (1848)*
- *Reserve granted by the Native Land Court (1868)*
- *Half Caste Reserve (1881)*
- *Landless Native Reserve (1896)*
- *Other reserve (1890 and 1900)*

A number of Māori reserves exist that were excluded from the land sales of the 1840s. These reserves are steeped in history and association and are places of belonging. Remaining reserves are located at Moeraki, Waikouaiti, Ōtākou, Onumia, Taieri Mouth, and Te Karoro, Kaka Point. Other categories of Māori land exist at Koputai, Port Chalmers, and Ōtepoti, Dunedin, where tauraka waka, landing sites, were recognised. In addition, land was held at Manuhaea, Lake Hawea, Aramoana, Clarendon, Taieri Mouth, Tautuku-Waikawa and Glenomaru amongst others. Landing reserves were allocated at Matainaka, Waikouaiti, and the former Lake Tatawai on the Taieri Plains.

9 At 189.

The following table lists the reserves in Otago. Many of the sections within these Native Reserves now have the status of general land. While some of this general land is still in Māori ownership, many of the general titled sections have been sold to non-Māori or taken under various pieces of legislation such as the Public Works Act. Although these sections are no longer in whānau ownership, descendants of the original owners retain an ancestral relationship with these lands.

- 11.28** The table in Schedule 1D identifies a 'Native Reserve' being the 'Lake Hawea' Fishing Easement. The accompanying statement is:

Reserve of 100 acres situated in the western extremity of the middle arm of Lake Hawea near a Lagoon. Part of the Reserve was taken for power development in 1962 and the balance of the land was alienated by the Māori Trustee in 1970

- 11.29** This statement appears consistent with Mr Beresford's evidence where he discusses the original block of land at paragraphs 12-21 and in particular at paragraph 21 where he cites a passage from the Wai 27 report that also identifies the fishing grounds.

- 11.30** In order for the PDP to give effect to the PRPS, the PDP would need to give effect to Objective 1.1 '*Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago*'. The current status of this particular policy is unclear at present, due to a number of appeals on it. However in my opinion this objective and (and most likely any successor) requires that matters relating to sections 6 and 7 of the Act cannot be trumped in favour of section 8 of the Act. However I accept that the PRPS provides more direction than the ORPS for district plans to have regard to settlement land.

Summary

- 11.31** It is my view that under the PRPS more weight could be afforded to economic redress and Mr Chrystal's argument. However, currently

there is uncertainty around the provisions of the PRPS because it is under appeal, and I consider the ORPS still has considerably more weight and primacy because the PDP must give effect to that document.

11.32 As I acknowledged earlier, the factual circumstances underlying Mr Beresford's submission are unique, and his intentions in terms of gaining economic benefits for the beneficial owners are entirely understandable. I am concerned however that the vehicle to achieve those aspirations (the PDP) is perhaps not the most appropriate one, particularly bearing in mind the interests of the entire community in terms of Part 2 of the RMA and the outcomes identified in the Strategic Directions chapters.

11.33 The Council obviously has to make a decision on the merits of Mr Beresford's submission, but it is not, in my view, required to act as a substitute for the Crown in terms of itself providing redress, particularly when this may have consequences for the wider community. So while I agree that the principles of the Treaty of Waitangi are relevant to this submission, I do not agree with Mr Chrystal that any benefits arising from having regard to the principles of the Treaty of Waitangi, should override the social wellbeing of the wider community in terms of the potential loss of recreational opportunities and the impacts of the location of urban development hard against an ONL, where this would be likely to result in inappropriate development, as set out by Ms Mellsop in her landscape evidence for the Council.

Forestry

11.34 At paragraphs 21 and 91 Mr Chrystal states that if the Panel is unable to support the rezoning then his position is that the ONL should be removed in its entirety because it would be difficult to harvest, replant and manage the forestry within the site.

11.35 I disagree with this statement and consider that it would result in an inappropriate response to the identification of outstanding natural features and landscapes in the District, and the management of this

important resource through the District Plan. Inconvenience should not be a justification for removing an ONL, particularly when there is no dispute from a specialist evidence perspective that the relevant land is in fact an ONL.

11.36 Mr Chrystal's statement only appears to be justified in a general sense associated with economic wellbeing from forestry harvesting. As I have noted above, I have sympathy for the submitter about the circumstances, but I do not accept that the economic value of the existing forestry within the area of the site is more important than protecting the ONL from inappropriate development. Related to this point, Mr Chrystal has not discussed whether the harvesting and replanting of forestry would qualify as having existing use rights.

11.37 Forestry in the ONF/ONL is a non-complying activity, and a discretionary activity in the Rural Landscape Classification.¹⁰ I acknowledge that the PDP discourages forestry in the ONL. However, the removal of the ONL overlay at this location on the basis of the unknown economic returns from forestry harvesting of a relatively small area is not supported from a merits perspective, nor in my view do I consider it to be sound resource management practice.

11.38 At paragraphs 44 – 52 Mr Chrystal discusses the option of continuing forestry activities on the subject site. Putting aside the matter I have identified above relating to the potential for existing use rights to harvest and replant the forestry, I agree with Mr Chrystal that there may be uncertainty over ongoing forestry activity on the land, and while the Rural Zone contemplates forestry outside of the ONL, the location and characteristics of this site do not lend themselves favourably to the continuation of forestry for the purposes of commercial scale harvesting and replanting.

Commercial Activities

11.39 At paragraphs 55 and 56 Mr Chrystal discusses the potential for commercial recreational development of the site. Mr Chrystal considers that this would remove the freedom of access to the site

¹⁰ [CB15] Rural Zone Rules 21.2.21 and 21.4.1.

currently enjoyed by cyclists and other recreational users, but could also result in improved facilities. Mr Chrystal states that given the rules for the Rural Zone there would be few opportunities for economic development.

11.40 I disagree, and consider there would be ample opportunities for appropriate commercial recreational development. The Rural Zone policy framework¹¹ contemplates a range of land uses on the basis they have a functional need to locate in the Rural Zone and that the effects of the activity do not degrade the respective qualities and character of the environment in which the activity seeks to locate.

11.41 Commercial recreation up to 12 persons is permitted, and requires a discretionary activity consent thereafter (Rule 21.5.21). Buildings associated with commercial recreation activities would require a discretionary activity resource consent **[CB15]** (Rule 21.4.10). I consider that the following objectives and policies of the Rural Zone are relevant to commercial recreation activities:

Objectives:

21.2.1 A range of land uses including farming, permitted and established activities are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

21.2.9 A range of activities are undertaken that rely on a rural location on the basis they do not degrade landscape values, rural amenity, or impinge on farming permitted and established activities.

Policies:

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

11 Both the notified PDP and Reply versions. All PDP text referenced are the respective reply versions.

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

- 11.42** In response to the consideration of submissions during the PDP Rural Hearing in May 2016, I recommended the following policy is added under Objective 21.2.9, which now forms the Council's reply version:

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

- 11.43** While the Policy is specific to dedicated track networks, the policy is relevant to this submission insofar as the Rural Zone framework specifically contemplates the use of trails and cycling opportunities in the Rural Zone of the District. I consider that the Rural Zone policy framework is supportive of opportunities for well-considered and sensitively located commercial recreation infrastructure in the District.

- 11.44** The following objectives and policies of the Landscape Chapter **[CB6]** are relevant to commercial recreation activities:

Objective:

6.3.7 The use and enjoyment of the District's landscapes for recreation and tourism.

Policies:

6.3.7.1 Acknowledge the contribution tourism infrastructure makes to the economic and recreational values of the District.

6.3.7.2 Recognise that commercial recreation and tourism related activities locating within the rural zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.

11.45 These provisions of the Landscape Chapter acknowledge the important role of tourism (which includes commercial recreation activities) to the District, and give effect to the Strategic Direction's policies **[CB3]** relating to tourism related activities:

Objective:

3.2.1.4 The significant socioeconomic benefits of tourism activities across the District are provided for and enabled.

Policy:

3.2.1.4.1 Enable the use and development of natural and physical resources for tourism activity where adverse effects are avoided, remedied or mitigated.

11.46 I refer to the economic evidence of Mr Philip Osborne for Council at the Rural Hearing **[CB49]** which supports the relatively high levels of intervention in the Rural Zone on the basis the District's landscape is an important resource and an important part of the tourism and recreational economy.

11.47 For these reasons I consider that the retention of the site as Rural Zone and using the resource consent process to establish commercial recreation activities is a valid option that has been overlooked by the submitter and in Mr Chrystal's evidence. I do acknowledge that the ONL Assessment Matters in Part 21.7 set a high bar, as do the RLC Assessment Matters for Section 7(c) 'amenity landscapes'. However, substantial portions of the site are located outside of the ONL where development is more readily contemplated and opportunities exist for well-considered development in appropriate locations.

11.48 Mr Field has undertaken an evaluation for the submitter as to the sensitivity of the site and Ms Mellsop and Mr Field are in agreement that the south eastern portion of the site appears to have the most capacity to absorb development.

Housing Capacity in Wanaka and Economic issues

11.49 At paragraphs 72 – 73 Mr Chrystal relies on Ms Hampson's evidence that there is an undersupply of housing. I disagree and refer to my Evidence on Housing Capacity¹² where it is the Council's position that there is adequate housing capacity in the Upper Clutha in the short, medium and long term.

11.50 I refer to and rely on the evidence of Mr Phil Osborne for the Housing Capacity evidence.

11.51 There is therefore no broader strategic housing supply reason to provide for the outcome sought by Mr Beresford, quite apart from the other issues and constraints identified with regard to this land.

Traffic

11.52 Ms Banks has reviewed the evidence filed by Mr Metherell for the submitter. Ms Banks maintains her view that the layout of roads and connections to the site should be known before the zoning is confirmed, and that consideration needs to be given to whether they are designed to factor in additional traffic and connection to the site.

11.53 Ms Banks notes that the preferred connection to the site is via the Northlake Special Zone. Ms Banks considers that more certainty is required, particularly given that the requested development would generate approximately 1350 vehicle movements per day, and 135 for a typical peak hour.

11.54 I rely on Ms Banks' expert opinion and while it is inherent that the requested zoning would be deferred and subject to access being secured, I consider that the intensity of urban development as requested and the resultant traffic effects further illustrate the unsuitability of the site to the intensity of the activity as requested.

12 Evidence on Housing Capacity. Upper Clutha Area. 1 May 2017.

Infrastructure

- 11.55** Mr John McCartney has provided infrastructure evidence on behalf of Mr Beresford. On the basis of the new information and reduced scale of the urban rezoning, Mr Glasner agrees that the proposal can be serviced with Council's infrastructure for water and wastewater. Mr Glasner considers that a low impact stormwater design is the preferred option and geotechnical investigations would be required to determine ground suitability.
- 11.56** Overall, Mr Glasner no longer opposes the rezoning request from an infrastructure perspective. On the basis of Mr Glasner's recommendations I am satisfied that the proposal could be serviced with an acceptable impact on the Council's infrastructure network and in terms of infrastructure investment planning under the Local Government Act 2002 (**LGA**). Infrastructure within the site, connections and upgrades would be subject to the Council's infrastructure standards.

Recreational Opportunities and Impacts

- 11.57** Mr Robert Greenaway has provided evidence for Mr Beresford on the impacts and opportunities on recreational values. Mr Greenaway considers the proposal would have benefits in the form of an opportunity to secure benefits to recreation and tourism in Wanaka.
- 11.58** The requested provisions located at Appendix 1 of Mr Chrystal's planning evidence reflect Mr Greenaway's recommendations for the establishment of formal pedestrian and cycle links through the site. However, I consider that for greater certainty of connections through the site, including through and adjacent to the requested urban zones (as well as for legal validity reasons regarding how structure plans are used), the structure plan should be included in the Subdivision chapter and not rely on the approval at a later date. This would give greater certainty as to the merits of the requested rezoning.
- 11.59** At paragraphs 35-29 of his evidence Mr Greenaway discusses the value of the cycling tracks and notes that under the proposal, 60% or

30.7ha would be retained in Rural Zone and secured in perpetuity for public recreation space. **Appendix 2** is an aerial photograph of the site overlain with the requested zoning and the Bike Wanaka trail map, used in Figure 6 of Mr Greenaway's evidence. The overlain map shows that there is a relatively high density of trails within the area that would become LDRZ or LLRZ and presumably these would be destroyed.

11.60 At paragraphs 40-46 of Mr Greenaway's evidence he discusses the future land ownership and management options of the recreation land. Mr Greenaway identifies ownership of the Rural Zoned land by the Council as a reserve or park, ownership by a trust for the benefit of the public, private ownership with lease arrangements to a public agency and retention of private ownership. It appears from the overall recommendations and requested provisions it is sought to retain the Rural Zoned land portion of the site in private ownership but establish easements to enable public pedestrian and cycling access.

11.61 There has not been any analysis of the potential costs associated with the rights a landowner might seek to obtain as part of the easement arrangements to close the area off at their discretion, with little or no warning or justification. Given the importance and popularity of the trails as a year round destination as outlined by Mr Greenaway, I consider that to provide as much certainty as possible the entire area of Rural Zoned land should be vested with the Council. This would remove the need for easements to be arranged, or the need to remove uncertainty via provisions in the PDP.

Landscape

11.62 Ms Mellsop has provided a rebuttal to Mr Field's landscape evidence. Mr Field has suggested an amended ONL boundary, that has been refined with the aid of landform mapping and Ms Mellsop agrees that this more closely follows the ridgeline than the notified ONL at this specific location.

11.63 Ms Mellsop generally agrees with many of the findings of Mr Field's evidence in terms of the sensitivity of the landscape. However, she

does not support the Large Lot Residential B density of 2000m² between the requested LDRZ and the ONL boundary that is supported by Mr Chrystal.

11.64 Ms Mellsop also considers that the extent of the LDRZ requested is not appropriate because it encroaches too far into sensitive areas of the Rural Zoned landscape, adjacent to the ONL. Ms Mellsop considers a smaller area of LDRZ land could be appropriate from a landscape perspective, as illustrated in evidence, but subject to the following limitations:

- (a) any LDRZ should be integrated with the Northlake Activity Area C1, located immediately adjacent to the east;
- (b) there should be efforts made to integrate any LDRZ with the Building Restriction Area of Kirimoko to the south, and the Northlake Activity Area C1 to the east in the form of a vegetative buffer; and
- (c) detailed ground survey should be undertaken to ensure the heights of buildings within the LDRZ do not impinge on the integrity of the ridgeline to the west, as viewed from Northlake, Hidden Hills and Mount Iron.

11.65 I rely on Ms Mellsop's opinion with respect to the appraisal of the impacts of urban development on this site, the sensitivity of the ONL and existing environment to urban development, and impacts on views from around various locations. I agree with and support Ms Mellsop's opinion that the LLRZ is not appropriate, and that the extent of the LDRZ as requested would have too high a level of adverse effects from a landscape perspective.

Summary and Recommendations

11.66 Mr Chrystal asserts at paragraphs 86 and 87 that the PDP renders the continuation of forestry on this land as marginal, and that the descendants should be able to utilise the land for some form of economic purpose rather than having it further alienated by the PDP provisions. Mr Beresford describes the history and tenure of the subject site at paragraphs 12 – 31 of his evidence.

- 11.67** I accept that the characteristics of the site including the topography, location, existing use, landscape resource values and the establishment of informal trails presents challenges in terms of prospects for further development, particularly urban rezoning. I also acknowledge that the history and circumstances surrounding this piece of land are complex.
- 11.68** However, the ODP, which became operative from 2001 includes provisions that require the identification of ONL associated with development activities, require a discretionary activity resource consent for forestry, and also require a resource consent for the planting of identified wilding tree species. These factors would most likely have been known to the Crown when it cancelled reserve status and assumed ownership of the land in 1998 with the intention of using it for Treaty redress.
- 11.69** Therefore, I do not consider the challenges that are presented by the PDP as espoused by Mr Chrystal to be necessarily new to this site, nor that the Council should be required to overlook shortcomings and constraints regarding the development potential and economic value of the land in order to provide redress to the beneficial owners.
- 11.70** It appears that the Crown's actions in cancelling the reserve status of all of the land, and vesting the land in the Crown with a view to it being used for Treaty redress, was done with the intention of providing for some commercial opportunities on the land subject to the settlement. It is difficult to understand why the Crown did not identify and take appropriate steps to enable commercial outcomes for both the Plantation and Sticky Forest/Kirimoko land at the time.
- 11.71** The descendants were allocated the 'Plantation' land, and Ngāi Tahu were allocated the land to the south, to Aubrey Road, now known as Kirimoko. It is unfortunate that Ngāi Tahu Property Group subdivided the Kirimoko site without any provision for future road access to the Plantation site.

- 11.72** I acknowledge the concerns of Mr Beresford that the Plantation site is 'landlocked' insofar that the legal road adjoining the site's northern boundary is topographically challenging, if indeed possible from a landscape effects perspective. The western, southern and eastern boundaries all have planning overlays that make access difficult, however these respective overlays arrived through notified plan change processes, and the area was available for input via the public consultation processes including the Wanaka 2020 and Structure Plan Review 2007.
- 11.73** I consider that the Crown as custodian of the Plantation land has had the opportunity to identify and discuss appropriate long-term uses of the land on behalf of the descendants. In this regard there has been ample opportunity for stakeholders to engage with the Council or adjoining property owners of any future development aspirations.
- 11.74** While sympathetic to the issues and complexity presented by Mr Beresford, I do not readily accept Mr Chrystal's statements at paragraphs 86-90 that the economic wellbeing of the 'beneficial landowners' in terms of section 5 of the Act outweigh those landscape values of section 6 of the Act. I also consider that even if they did, the overall costs to the community in terms of the recreational losses are substantial in terms of section 5 of the Act.
- 11.75** As set out in my Wanaka Urban Fringe evidence in chief, the adjoining land to the Plantation site is affected by a series of overlays and zoning restrictions that at the least discourage urban development, being the operative Northlake Special Zone Building Restriction Area and Kirimoko Building Restriction Area on the respective eastern and southern boundaries. In the case of the western boundary the Plantation site adjoins the operative Open Space Zone – Landscape Protection, where residential activity and the construction of roads are a prohibited activity.
- 11.76** In addition the adjoining small node of development adjacent to the eastern boundary, Activity Area C1 of the operative Northlake Special Zone contemplates a density of 4.5 dwellings per hectare. On the basis of the above, any urban development on the Plantation site

could be likely to appear incongruous with the existing and established planning regime in this part of Wanaka.

11.77 The respective overlays and development constraints applied to the adjoining sites effectively indicate that this is the edge of urban development in Wanaka. Urban development on the Plantation site has a high potential to impact on the effectiveness of these respective development controls and I consider that any development on the site would need to have careful regard to these. It is my view that the current proposal does not have appropriate regard to the surrounding environment.

Requested changes to the PDP

11.78 At Appendix 1 of his evidence Mr Chrystal has recommended a number of amendments to the PDP LDRZ (Chapter 7), LLRZ (Chapter 11) and Subdivision (Chapter 27) Chapters. Notwithstanding that my overall recommendation is that the submission is rejected, I offer the following comments with regard to the provisions:

- (a) as noted by Ms Mellsop, the proposal has no regard to integration with the Kirimoko BRA to the south, and the Northlake Special Zone Buildings Restriction Area to the east. The density requested is significantly greater than that contemplated by the Northlake Special Zone Activity C1, which enables approximately 4 dwellings in this area;
- (b) the Northlake Special Zone, Activity Area C1 has the following provisions that seek to manage the effects of buildings that have a much lower density than that proposed on the Plantation site:
 - (i) buildings are a controlled activity subject to, location, external appearance and design, roof and wall colours, servicing, associated earthworks, access (Rule 12.34.2.1.ii);
 - (ii) the requirement of an outline development plan as a restricted discretionary activity (Rule 12.34.2.3.i);

- (iii) visitor accommodation, commercial, retail and community activities are a non-complying activity with the exception of Home Occupations which are permitted (Rule 12.34.2.5.ix);
 - (iv) landscaping and planting, including any residential site boundary adjoins the Building Restriction Area, planting within a four metre setback from that boundary shall achieve 100% coverage using kanuka, red tussock, coprosma, pittosporum and hebe species, with a minimum of two of these species (Rule 12.34.4.1.x);
 - (v) density of 4.5 residential units per ha (Rule 12.34.4.2.iii);
 - (vi) building Height of 5.5m (Rule 12.34.5.2.iv); and
 - (vii) an extensive range of assessment matters (12.34.5.1).
- (c) the proposal does not discuss in any detail the retention of or replacement of cycling access through the areas of the Plantation that are to become zoned urban. The proposal should include a structure plan to be included in the PDP that provides certainty of a minimum amount of trails to be retained and location of connections through the requested urban zones;
- (d) with the exception of the roading access, which I accept is unknown, a structure plan should be included that shows a commitment to the retention or rehabilitation of trails that would be destroyed from the development. Due to the unknown factor of legal access to the site, requested Rule 27.8 associated with the need to obtain a resource consent to certify a structure plan would need to be obtained;
- (e) the provisions do not address the risk of fire, and whether a buffer from the retained conifers would be either desirable or necessary for fire risk reasons or to provide sunlight and access for future residents. The additional removal of conifers within the Rural Zone area could have impacts on the remaining tracks and landscape effects that were not foreseen as part of the appraisal to date; and

- (f) if the Panel is minded to recommend accepting the rezoning, I recommend that an advice note should be included in the provisions that set out that the Council are in no way responsible for securing or assisting with the provision of including financial assistance, for legal road access through any private land to facilitate the development.

Conclusion

11.79 On the basis of the above I recommend that Mr Beresford's submission is rejected, with the exception of the amended ONL boundary as agreed by Ms Mellsop and Mr Field.

11.80 As discussed above, if the rezoning is accepted, I recommend the urban zoning and extension of the Wanaka UGB is limited to the reduced LDRZ as recommend by Ms Mellsop, and the remainder of the site is zoned Rural with that Rural Zoned land vested in the Council. I also consider there are a number of provisions that would benefit from refinement as set out above.

12. MR DUNCAN WHITE FOR ALLENBY FARMS (502)

12.1 Mr Duncan White has filed planning evidence in support of rezoning land on Mt Iron, from Rural Zone within an ONF, to Rural Lifestyle Zone, and amendments to SNA E 18C and the Building Restriction Area adjoining State Highway 84.

The Amended Proposal

12.2 At paragraphs 10 and 24 Mr White sets out the original submission and I agree with this summary. The revised relief based on this submission now seeks a Rural Lifestyle rezoning and the adoption of a structure plan, location specific rules, and provisions to be included in a consent notice. Walking tracks are also proposed to be made formally available to the public via easements. The structure plan identifies 15 building platforms/house locations. Three of these contain existing houses and there will be 12 new houses.

- 12.3** It is now proposed to retain some of the SNA that was initially sought to be removed, and land to the south has been offered as an SNA. A revegetation area is also proposed on nearby land that the submitter has acquired.
- 12.4** At paragraphs 28 – 39 Mr White sets out the framework and mechanics of the requested Mt Iron Park Rural Lifestyle Zone. Appendix A 'Plans' of Mr White's evidence include a series of aerial photographs with various annotations identifying the requested building platforms, access roads/driveways, BRAs, SNAs as notified in the PDP and as requested to be modified by the proposal. They also include the requested 'Mt Iron Park Structure Plan' that would be included in the PDP and a detailed location of the building platforms, including the removal indigenous vegetation, and walking tracks. The plans are helpful and I consider that they portray the extent of the environment of the site, notified zoning and overlays and what is proposed by the submitter.

Landscape

- 12.5** Ms Mellsop has reviewed Mr Baxter's assessment and disagrees with Mr Baxter on the basis that the proposed development would have adverse cumulative effects that are beyond the ability of the site to absorb.
- 12.6** In her rebuttal evidence Ms Mellsop identifies at paragraph 3.22 that in her view, Mr Baxter has concentrated his assessment on the aesthetic values and amenity of views from surrounding areas and has not assessed the extent of biophysical characteristics of the Mount Iron ONF, on its natural character, or on experiential or associative values.
- 12.7** I note that had this proposal been a resource consent application under the Rural Zone, the Assessment Matters in Part 21.7 would need to be applied **[CB 15]**.¹³

13 21.7.1.3.a – Physical attributes, b – visual attributes, and c – Appreciation and Cultural attributes.

- 12.8** Ms Mellsop states at paragraph 3.27 of her rebuttal evidence that Mt Iron is highly sensitive to the adverse cumulative effects of additional built development and domestication. Ms Mellsop considers the proposed development would adversely affect the integrity of the landform, the natural processes of indigenous regeneration and the scenic and wild values of the feature to a significant extent.
- 12.9** Ms Mellsop does not consider the mitigation proposed to be sufficient. At paragraphs 3.26 – 3.30 of her rebuttal evidence she considers that there is potential for the required planting of 400m² indigenous vegetation within all the building platforms, that is of a 'lower flammability' than kanuka, to include species that have different foliage and would contrast with the dark khaki of the kanuka vegetation. The different colours in the vegetation are considered to have the potential to further exacerbate landscape effects in this sensitive location.
- 12.10** Ms Mellsop considers that the proposed environmental enhancement measures do not outweigh the costs of the adverse visual effects of development. Ms Mellsop considers that only building platforms 1, 2 and 13 with the requested management benefits are likely to be able to successfully absorbed into the landscape.
- 12.11** I rely on Ms Mellsop's advice with regard to the impacts of the development on the Mt Iron ONF. I agree with and support her opinion on this matter.

Ecology

- 12.12** Dr Kelvin Lloyd has provided evidence on behalf of Allenby Farms. Mr Davis has reviewed Dr Lloyd's evidence and overall, has not changed his view that the notified SNA is appropriate, and opposes the partial removal of the SNA as supported by Dr Lloyd.
- 12.13** At paragraphs 3.3 – 3.6 of his rebuttal evidence Mr Davis maintains his view that the identification of the site as an SNA was based on best practice, and that the use of the Threatened Environment

Category (**TEC**) was not the sole basis for determining that the site qualifies as an SNA.

12.14 At paragraphs 3.11 – 3.12 Mr Davis discusses the effects of locating housing within the SNA, confirms his view that kanuka is representative of the original vegetation, and also identifies the potential implications of development within the areas that are subject to an enforcement order from the Environment Court following prosecution for illegal clearance.

12.15 Mr Davis also supports the extension of the SNA to the south, which is offered as a form of compensation for the reduction of the SNA to accommodate the requested development. However, Mr Davis opposes the 'alternative' SNA that is proposed and supported by Dr Lloyd because in Mr Davis' opinion it does not accurately reflect the area of significant value.

12.16 At paragraph 3.20 Mr Davis specifically identifies building platforms 10, 11 and 12 as being inappropriate, and identifies that building platforms 3 to 9, 13 and 15 within the SNA could be appropriate from an ecological perspective, but notes that the platform boundaries could be more sympathetic to the existing kanuka, providing:

- (a) *all development be contained within these platform boundaries and controls over vegetation within the platforms;*
- (b) *the extension of the SNA's southern boundary occurs;*
- (c) *forest restoration of the area shown in Attachment 9 of Dr Lloyd's evidence successfully occurs and is monitored;*
- (d) *the removal and ongoing control of all woody weeds within Mt Iron SNA C;*
- (e) *the removal of platforms 10 to 12; and*
- (f) *the control of pest animal species on Mt Iron.*

12.17 I agree with and support Mr Davis' comments. I discuss the requested provisions from a planning perspective, in further detail below.

Analysis

12.18 I consider that the amended submission is more akin to what would be expected of a resource consent proposal rather than a rezoning. This is highlighted in particular at Appendix B of Mr White's evidence where the requested provisions are set out, including the requested subdivision consent notice conditions.

12.19 The detail and effort made in the requested provisions are to be commended, and overall they appear to be appropriate from a procedural/mechanical perspective. However, I consider that 8 pages of tailored objectives, policies rules and consent notice obligations for a rezoning that provides for 12 new residential units is extraordinary, and excessive in terms of district plan drafting. While I accept that this is not a reason alone to decline a rezoning, it is not in my view efficient or appropriate resource management practice, and I consider that Mr White has overlooked the costs, efficiency and effectiveness of this approach in his Section 32 evaluation.

12.20 I also consider that despite the breadth of the requested provisions, and putting aside the matter of their efficiency and effectiveness, they do not overcome the fundamental substantive issues that the proposed rezoning would, as based on the opinions of the Council's respective specialists:

- (a) have adverse cumulative landscape effects on the Mt Iron ONF, a matter of national importance in terms of Section 6(b) of the Act; and
- (b) the adverse effects on the ecological values of the SNA are not sufficiently mitigated by the proposed 'alternative SNA' and mitigation planting, and would not protect an area of significant indigenous vegetation in terms of section 6(c) of the Act.

12.21 Related to these matters, I consider that the proposed rezoning and resultant development would be likely to result in an irreconcilable tension between the future occupants and the Council. This tension

would be associated with the practicality of enforcing the conditions and the matter of managing fire risk.

- 12.22** The future occupants would be obliged to retain the intactness of the Kanuka woodland to the greatest extent possible (for both landscape and ecological reasons). Meanwhile, these future occupants could, understandably, be concerned with the risk of fire and seek to undertake methods to manage this, including clearing Kanuka around their property and accesses. The National Rural Fire Authority's guide '*Fire smart home owners manual, protecting your home from interface fire*' (**Fire Smart Manual**) recommends a clear area of 10 metres within a house and at least 30 metres from a house for 'Thin Trees (with 3-6 metres between crowns). The Fire Smart Manual is included at **Appendix 3**.
- 12.23** The Fire Smart Manual recommends a wider clear area for any vegetation and that any vegetation with not more than 3-6 metres between the Crowns would need to be at least 30 metres from a house. The recommendations of the National Rural Fire Authority are more than the '*Fire Service requirement for indigenous planting within 10 metres of any dwelling to be in green fleshy leaved plants for safety reasons*', as suggested by Mr Baxter in paragraph 39 of his evidence.
- 12.24** I consider that caution should be applied in these types of situations where heavy reliance is placed on the retention of vegetation that also causes a fire hazard risk. I consider that notwithstanding the good intentions of the proponent in terms of being prepared to take to the market a development with a very high level of intervention, and the legal obligation of both Council to enforce and the future occupant to comply with the conditions, allowing development rights in this sensitive environment represents an inherent risk to the values of that area. This is exacerbated by the risk of fire in terms of future occupants removing vegetation and not complying with the conditions of consent.
- 12.25** The 'Kanuka Retention & Removal' plan attached to Appendix A of Mr White's evidence shows the areas of Kanuka to be cleared. It

appears as though for all building platforms except building platforms 1 and 14, the building platforms adjoin closed canopy Kanuka where the crowns are likely to be less than 3-6 metres apart. Therefore, I consider it could be difficult for any building to be located in these platforms and comply with the 30 meter recommended clearance from these areas. In particular for building platforms 9-13 where it appears they are enclosed on all sides by established Kanuka.

Evaluation of objectives and policies

- 12.26** Mr White has provided an evaluation of the proposal against the PDP's objectives and policies, the operative and decision versions of the Otago Regional Policy Statement, and Part 2 RMA matters. I have not critiqued every policy because it is obvious that for the majority I would come to a different view where the matters relate to landscape and indigenous biodiversity. I also consider that the adverse impacts on Mt Iron, which is a highly sensitive ONF, and the adverse impacts on the SNA outweigh the potential positive components of the proposal, including the formal provision of walkways throughout the site.
- 12.27** I also arrive at the conclusion that the proposal does not give effect to the operative and proposed Otago Regional Policy Statement and Part 2 of the Act. This is because the landscape and indigenous biodiversity matters at issue are relevant in terms of sections 6(b) and 6(c) of the Act as being of national importance, and the proposal will not protect these resources.
- 12.28** In particular, I do not agree with Mr White in his Appendix D where he considers that the proposal accords with Policies 6.3.2.1 – 5 that address the effects of cumulative development. As set out by Ms Mellsop, the proposal is considered to have an adverse cumulative impact on the highly sensitive Mt Iron ONF. I consider that the failure of the proposal to achieve the policy suite makes it difficult to accord with the Landscape Chapter overall.

12.29 In this case I consider that the proposal is repugnant to the following Objective and policies that manage the cumulative effects of development on the landscape:

Objective:

6.3.2 Landscapes are protected from the adverse cumulative effects of subdivision, use and development.

Policies

6.3.2.1 Acknowledge that subdivision and 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.

6.3.2.2 Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.

6.3.2.5 Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with mitigation of the visual effects of proposed development such as screening planting, mounding and earthworks.

12.30 Consequently, I do not consider the proposal gives effect to Strategic Direction Objective 3.2.5.4 '*The finite capacity of rural areas to absorb residential development is considered so as to protect the qualities of our landscape*'.

12.31 I also disagree with Mr White's evaluation of the Indigenous Vegetation and Biodiversity (Chapter 33) objectives. The required planting of 400m² indigenous vegetation on each building platform is more than typically found in an application for resource consent in the Rural Lifestyle Zone. However, based on the advice of Mr Davis, I do not consider that the proposed planting combined with the alternate SNA and the restoration area on an adjacent property would make up for the loss of the currently intact and established Kanuka woodland.

12.32 Therefore, I do not consider the proposal accords with the Landscape Chapter (6) and Indigenous Vegetation and Biodiversity Chapter (33), and does not give effect to the Strategic Directions Chapter (3).

The requested provisions

12.33 As set out earlier I consider the requested provisions are comprehensive and are well considered from a procedural perspective. However, I am also cautious of the obligations to the Council, and the imposition faced by future occupants, despite the good intent of the submitter to provide a comprehensive and highly regulated set of provisions. The following components in particular would require further consideration (all policies are those requested by the submitter):

- (a) Policy 27.3.17 appears to provide an open ended opportunity for indigenous vegetation removal, including for fire protection reasons, however the framework sets the maximum that can be removed and on the basis of the evidence of the submitter's specialists, no vegetation removal can reasonably be justified beyond that allowed as set out in the submission;
- (b) Rule 27.13.1.iv – the Mt Iron Park 'implementation management plan' states that control of pest and animals species shall be undertaken to a reasonably practical extent. I consider that more certainty should be provided. For instance rabbit pest management could be measured by the 'Modified Mclean Scale', which is used by the Otago Regional Council to measure rabbit infestation;
- (c) any identification of 'ongoing' obligations associated with pest plant and animal management needs to ensure they filter through to the consent notice obligations;
- (d) Rule 22.5.43 and Consent Notice Restrictions and Obligations vi(a) prohibit mustelids or cats being brought onto any lot at any time. Despite its good intention to assist with indigenous fauna population growth, I do not consider it reasonable for the Council to enforce this rule. In addition,

any person who seeks to breach this consent notice would require a discretionary activity resource consent and a non-complying activity resource consent for the zone rule. I consider it could be difficult for the Council to uphold this condition/rule, especially because there are no restrictions on persons keeping cats or mustelids in the surrounding urban zones of Wanaka and there is every potential that these cats or mustelids might venture onto Mt Iron. Therefore I do not support this condition;

- (e) Rule 22.5.6 requires that fencing shall be post and wire fencing and not more than 1 metre high. Given the emphasis on environmental enhancement, and the issue with rabbit control in the Upper Clutha area, I consider that if the Panel were to accept Allenby's approach the rule should require that rabbit proof fencing is mandatory. Rabbit proof fencing of the lots/building platforms in addition to the zone boundary would also be likely to improve the survival rate of the required plantings, and the vegetables allowed within the 20m² vegetable gardens.

12.34 In addition, as noted by Ms Mellsop in her evidence, Mr Baxter places heavy reliance on design controls and covenants to mitigate the adverse effects of future development in the proposed zone. However a number of these have not been included in the rules and development standards in Mr White's recommended planning provisions. The controls not included are:

- (a) all roofing shall be in Colorsteel 'Ironsand' (or similar in dark grey) or black;
- (b) roofs on building platforms 10-12 to have a pitch of no more than 15 degrees;
- (c) kerb and channel on roads to be avoided or limited to a flush nib edge;
- (d) avoidance of large road batters; and
- (e) 20m² of planting permitted for the purpose of herb and vegetable planting.

12.35 While I agree that a 'belts and braces' approach is necessary to manage development in sensitive locations, some of the conditions

recommend by the submitter's respective specialists are not practicable to administer and would impinge unreasonably on the basic rights of persons to go about their daily activities in what would be a Rural Lifestyle Zone.

- 12.36** I do not consider District Plan provisions restricting bringing cats onto properties and the size of vegetable gardens to be practicable. I consider that where the resource is of such a sensitivity that the proponents are requesting onerous conditions such as these, then perhaps it must be realised that the proposed development, or development enabled by the requested zone, is likely to exceed the limits of the resource.

Conclusions

- 12.37** On the basis of the above I recommend the submission is rejected. I note that Mr Davis and Ms Mellsop could support some building platforms for respective ecological and landscape reasons, providing the full suite of conditions and obligations are imposed. However, I do not support any building platforms on this land in the form of rezoning.

- 12.38** The submitters efforts to formalise and extend the public trail network are acknowledged. However I do not consider these positive effects outweigh the costs to the community arising from additional housing on Mt Iron and the lost indigenous biodiversity values from the encroachment of development into the SNA.

- 12.39** I also maintain my opinion as set out in my Wanaka Urban Fringe evidence in chief that the Building Restriction Area located adjacent to SH 84 should be retained, and that there is no benefit of relocating this to the north because this area is within the Rural Zoned ONF.

13. MR SCOTT EDGAR FOR JACKIE REDAI AND OTHERS (152)

- 13.1** Mr Edgar has filed evidence supporting the rezoning of the land located off Orchard Road and Riverbank Road from Rural Zone to Rural Residential Zone.

13.2 At paragraphs 52 and 54 of his evidence Mr Edgar considers the Rural Residential Zone would be appropriate at this location, adjacent to the Low Density Residential Zone (**LDRZ**) within the Wanaka Urban Growth Boundary (**UGB**) because the different density outcomes from the LDRZ of 450m² allotments and Rural Residential Zone of 4000m² allotments, and the different urban design outcomes anticipated from these densities would provide a distinction between the urban land within the Wanaka UGB and Rural Residential land to the east that is sought to be rezoned from Rural. Mr Edgar notes that these two different zones would still clearly define the urban land within the Wanaka UGB and requested Rural Residential zoned land outside the Wanaka UGB.

13.3 I refer to paragraph 7.58 of my S42A Wanaka Urban Fringe evidence where I state that the Rural Residential zone would result in a loss of rural character, blur the distinction between urban and rural areas. I also note in that evidence that Rural Residential zoning adjacent to the UGB is not the most appropriate zone and would compromise the ability for a distinct urban edge at this location. I maintain that view in respect of this hearing.

14. MR DUNCAN WHITE FOR RANCH ROYALE ESTATES LTD (PREVIOUS SUBMITTER SIR CLIFFORD AND LADY MARIE SKEGGS) (412)

- 14.1** Mr Duncan White has filed evidence on behalf of the submitter supporting the rezoning of the land from Rural to a form of Three Parks low density residential zoning. Mr White has suggested at paragraph 4.6 that the density over the area identified would be 1500m² - 2000m² with the visually prominent terrace located adjacent to SH 84 retained as Rural Zone.
- 14.2** The relief set out in Mr White's evidence, which relies on this submission, has changed considerably from that assessed in the S42A Wanaka Urban Fringe evidence where it was sought to have some form of visitor accommodation. The only similarities remaining are the amendment of the Wanaka UGB to encapsulate the site and the inclusion of the land within the ODP Three Parks Special Zone.
- 14.3** Due to the variation of the relief which is based on this submission, I and the relevant Council experts have assessed the submission from a first principles basis, rather than in the form of a rebuttal.
- 14.4** Notwithstanding my concerns, I have provided an evaluation of the revised relief/submission and Mr White's evidence, subject to my reservation as to whether the relief advanced in the evidence is within scope.
- 14.5** I maintain my opinion as set out in paragraphs 3.8 – 3.10 of my evidence in chief that the Three Parks zoning, and the integration of this site and requested land uses into the PDP, is inefficient and would constitute poor resource management practice. I note that the residential zones within Three Parks do not have a minimum allotment size, but are based on what density is approved as part of the outline development plan process. The revised submission has not tabled any provisions or revised structure/outline development plans. In my view, Mr White's comments in paragraph 4.7 of his evidence (relating to administration and outcomes associated with integrating the Three Parks provisions with this rezoning as minor) are understating the complexities associated with integrating this land into the Three Parks Zone.

14.6 I also consider that with the exception of the location of the site immediately adjacent to the Three Parks Zone, the site has no relationship to Three Parks. As Mr White notes, the zoning of the adjoining land within Three Parks is a deferred commercial zone. In addition the infrastructure report attached to Mr White's evidence suggests at paragraph 3.6 that the preferred access is via SH84, and not through Three Parks.

14.7 Therefore, I do not consider it appropriate that the site be integrated into the Three Parks Zone. I do however consider that part of the site could be re-zoned as Large Lot Residential B, as I discuss in more detail later in my evidence.

Landscape

14.8 Based on her landscape expertise, Ms Mellsop can support in part the revised relief on the basis that development would be excluded from the upper moraine, and would be located sufficiently down the terrace to ensure the roofs are not visible from SH84. Ms Mellsop considers that any new road access onto SH84 would also need to be carefully managed as there is a viewshaft into the site at the existing driveway entrance onto SH84.

14.9 Ms Mellsop also prefers, from a landscape perspective, that the road access is via Three Parks, but acknowledges that currently there is not any provision for this in terms of the Three Parks outline development plan, and that there is an existing vehicle access onto SH84.

Infrastructure

14.10 Mr Glasner has reviewed the infrastructure report appended to Mr White's evidence and confirms:

- (a) water supply to the site will be possible once Three Parks is developed and reticulation extended to adjacent properties, modelling is required to determine that level of service can be achieved;

- (b) a wastewater network to the site will be possible once Three Park is developed and reticulation extended to adjacent properties, modelling is required to determine that pipe sizes can cope with the additional flow; and
- (c) Mr Glasner agrees with on-site low impact design stormwater disposal. Geotechnical investigations are required to determine permeability of the ground.

14.11 On the basis of the advice from Mr Glasner I consider that the site can be serviced without having adverse effects on the Council's water and wastewater network. I am comfortable that the provision for services, including modelling if necessary, can be undertaken by the landowner at the time of subdivision.

Analysis

14.12 I generally agree with Mr White that the most efficient and effective zoning would be to rezone the lower elevated area of the site where buildings are intended to be located to Large Lot Residential B, and on the upper portion of the site to retain the Rural zoning and impose a building restriction area overlay. However, I prefer the advice of Ms Mellsop and support the extension of the building restriction area to the bottom of the escarpment to ensure that buildings do not encroach onto the terrace riser and that roofs will not jut out over the crest of the escarpment.

14.13 As illustrated in **Figure 4** below the vertical relief between the top and bottom of the terrace riser is 7 metres, which is the same as the maximum building height for buildings in the LDRZ at Wanaka (Chapter 7 Rule 7.5.1).

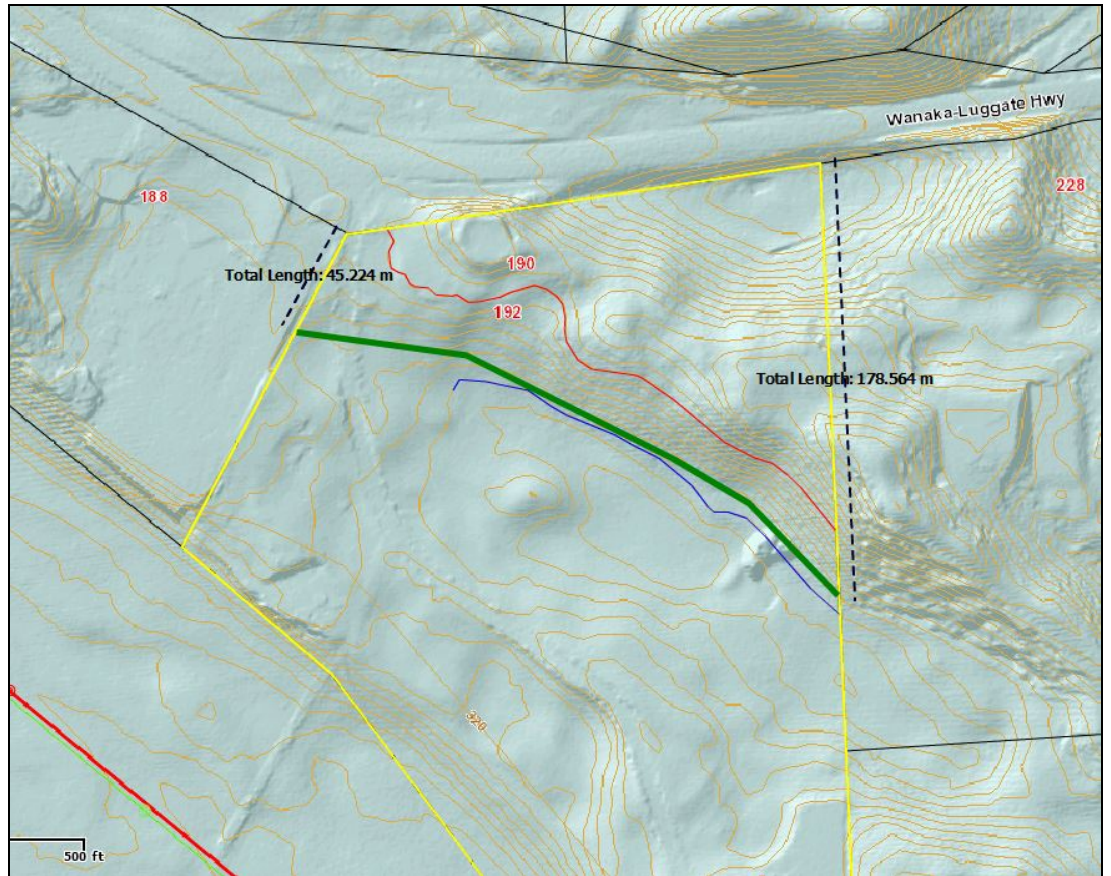


Figure 4: QLDC Webmap image showing the topography of the site. The site is outlined by the yellow line. The red line illustrates the upper portion of the terrace (328m contour), the blue line represents the bottom of the terrace (321m contour). The thick green line is my recommended zone boundary and effectively the building line restriction and relocation of the Wanaka UGB.

14.14 I therefore recommend the site is rezoned from Rural Zone to Large Lot Residential B (2000m² allotment sizes) and the following in terms of planning provisions in partial support of the requested rezoning:

- (a) the area south of the green line in Figure 4 be rezoned Large Lot Residential B (**LLRB**). This could result in approximately 33 2000m² sized lots;
- (b) the LLRB boundary and Wanaka UGB would follow the green line, located along the base of the lower slope of the terrace. This is to ensure that future urban development is not visually prominent from SH84, and would assist with better giving effect to the suggestion by Mr White at paragraphs 4.5;
- (c) locating the zone boundary at this location will ensure buildings are not located on the slope, and that their roofs

would not jut out over the top of the ridge as viewed from SH84;

- (d) the area located on the northern side of the suggested zone boundary and Wanaka UGB (green line) is to be retained as Rural Zone with a building restriction area overlay imposed; I note that the BRA restricts the development of buildings but not roads, if this is where the future road access to SH84 would be located;
- (e) I consider that more analysis is required to ensure any road onto SH84 is safe, and could be designed to not undermine the protection afforded by the existing topography of the site, which is in my view an important component of mitigating the effects of construction.

14.15 I have also considered whether a more appropriate use of the site is to rezone the parts of the site that are appropriate, from a landscape perspective, to a higher urban density of Low Density Residential. This could have the benefit of producing a more efficient housing product in terms of providing servicing to a greater number of properties within the Wanaka UGB, and spreading the cost of subdivision and development over more properties that could result in lower costs to the market. This would result in a yield of approximately 81 allotments over the 5.4ha area of the site that is not within the recommended BRA.

14.16 On the basis of Ms Mellsop's advice I consider that the hummocky topography of the site would be better suited to a lower density of urban development. Subdivision and development at a LDRZ density would be likely to involve substantial earthworks for roading and allotment design. While the LLRB density of 2000m² would still significantly modify the site from its existing appearance, there is a higher likelihood that the subdivision development, and resultant dwellings and accessory buildings, would be better integrated into the landform.

14.17 I have included an evaluation in accordance with Section 32AA of the Act, attached as **Appendix 1**.

RURAL

15. MR CHRISTOPHER FERGUSON FOR GLENDHU BAY TRUSTEES LIMITED (581)

- 15.1** Mr Christopher Ferguson has provided a detailed explanation of the proposed special zone and revisions from the submission as originally lodged, including a revised chapter, planning maps and a structure plan of the proposed Glendhu Station Zone (**GSZ**).¹⁴
- 15.2** At paragraphs 4.14 – 4.17 Mr Ferguson sets out the revised proposal and summary of the provisions. At paragraphs 8.1 – 9.10 Mr Ferguson addresses my evidence in chief and further submissions.
- 15.3** Dr Read for the Council has also provided a summary of the changes to the proposal in her rebuttal at paragraphs 3.1 – 3.3. Given the detail provided in Mr Ferguson’s evidence and Dr Read’s evidence, I have not provided a summary of the changes.

Landscape

- 15.4** Dr Read has reviewed Ms Pfluger’s evidence for the submitter. Dr Read has concerns with the extent of development possible in Activity Area R, in particular that what is requested is not appropriate when compared to the consented activities.
- 15.5** Dr Read sets out the proposed changes in Section 3 of her rebuttal evidence, including components that are considered to be an improvement on the original submission.
- 15.6** Dr Read also notes that the requested Rule 44.6.8(b) that provides for a further 1000m² of activities does not appear to be quantified from a landscape perspective in Ms Pfluger’s evidence.

¹⁴ For the avoidance of doubt, it is the Council’s position that the PDP definitions apply to any new zone or provisions requested by submitters. The definitions would apply in the manner confirmed in the Council’s recommendations on the Definitions chapter.

- 15.7** Dr Read maintains her view that she prefers the Rural Zone in favour of the OS/F zone from a landscape perspective because it provides a better framework to manage the effects of activities.

Traffic

- 15.8** Ms Banks has reviewed the traffic evidence from Mr Carr for the submitter. Ms Banks accepts Mr Carr's evidence that the current safety issues on Wanaka – Mt Aspiring Road do not present issues. Ms Banks does however still hold concern with the increase in traffic from activities that have not been assessed by Mr Carr at this stage, to give some assurance that the impacts on the road network will be minimal.
- 15.9** Mr Carr's evidence states that the traffic generation from the activities is likely to be appropriate and can be managed through the resource consent processes. Ms Banks is not satisfied that the potential for traffic generation effects has been addressed.
- 15.10** I also note that Mr Carr's evidence at paragraphs 37-46 places reliance on the resource consent process of future activities to manage traffic impacts, and has not quantified traffic generation estimates because the respective activities cannot be established as of right. Given the certainty claimed in the submission and the overall limits on the footprint of buildings in areas such as the Lake Shore, Golf and Farm Homestead Activity Areas, I consider Mr Carr could have provided more quantified evidence as to the likely traffic generation of these activities. I also note that many commercial activities are actually permitted in the Lake Shore and Golf Activity areas, as explained below.
- 15.11** This matter also relates to my overall concern that the submitter is requesting a range of activities with the lowest possible level of intervention, but has not set appropriate limits on the scale and intensity of activities in the zone. From a traffic perspective I consider there remains a degree of uncertainty as to the overall scale and intensity of activities requested and how these would be managed.

15.12 Traffic and transportation effects are only identified in two instances in the requested GSZ chapter. These are Rule 44.5.2 associated with information requirements for a spatial layout plan for the Camping Ground Activity Area, and at Rule 44.5.6 for commercial activities and visitor accommodation in new buildings in the Farm Homestead Activity Area.

15.13 I therefore disagree with Mr Carr at paragraphs 38 and 39 where he states:

I note that there are other activities signalled in the proposed zone provisions, such as small commercial activities, a function venue, small scale tourism activities and activities ancillary to the farming operations, but these require a resource consent as a Restricted Discretionary Activity, and one of the matters of discretion is "traffic generation, access and car parking". Since these activities cannot establish as of right, I have not considered them further within my assessments.

Because the proposal is for a rezoning of land rather than a specific development, it is not possible to quantify the extent of additional traffic generation that could be facilitated, and in turn this means that any assessment of the traffic-related effects can only be carried out cautiously. However there are some general issues that can be determined.

15.14 For example, requested Rule 44.6.8(b) provides for size of buildings in the LS Activity Area to 3,500² and then as a restricted discretionary activity up to 4,500m². I consider that Mr Carr could have provided a traffic generation estimate based on this scale, against the generation attributes of the activities that would be permitted. In addition the matters of discretion are restricted to effects on visual amenity and indigenous biodiversity. Mr Carr's evidence does not provide me with sufficient reassurance that Wanaka – Mt Aspiring Road can absorb this level of development anticipated by the Lake Shore Activity Area alone.

15.15 To emphasise my point with the provisions as drafted, in the Lake Shore Activity Area, Rule 44.5.9 (c) permits the following:

(d) *Lakeshore Activity Area (LS) – the use of this this area is restricted to visitor accommodation units, functions and events, links to a jetty to facilitate public access and water based transport, the golf course club house with restaurant and café, associated sales and offices, and associated golf activities, public access trails, outdoor recreation activities, vehicle access and parking, and any utilities, infrastructure and vehicle access related to other activities anticipated in the zone, and areas of indigenous revegetation.*

15.16 In Part 44.6, which are the performance standards for the permitted activities, there are not any rules related to traffic generation or traffic in general for activities, with the exception of parking and access associated with controlled activity for buildings (Rule 44.5.2(a)(vi)). I consider therefore that there is an evidence gap between Mr Carr's advice and the requested planning framework.

15.17 I acknowledge that the activities in the Lake Shore Activity Area hold a resource consent. However, Mr Carr's evidence and the proposed rezoning overall has not in my opinion assessed the quantum of the effects of the activities that are contemplated. I consider this is illustrated in the lack of matters of discretion associated with various activities.

15.18 From a planning perspective, I consider that there is a lack of certainty that the scale and intensity of contemplated activities are appropriately managed within the planning framework. I consider that Mr Carr has relied too heavily on an assumption that the requested planning framework would manage the effects of traffic generation. However, I consider that the requested planning framework fails to do so.

Ecology

- 15.19** Mr Davis has reviewed Dr Lindsay-Roper's evidence for the submitter. Mr Davis considers that a single revegetation strategy for the site would be more appropriate than the current proposal (associated with the development of Activity Area R).
- 15.20** Mr Davis still remains concerned that the future ecological benefits described in the evidence are not reflected in provisions in the GSZ text, and that there is differences as to the parts of the zone to which the Council would expect the revegetation strategy to extend at the time it is filed with Council as part of a resource consent for development activities on the site.
- 15.21** Mr Davis has also identified a further potential inconsistency around the intention of the covenant areas, in particular whether they are for indigenous biodiversity reasons or landscape reasons.

Infrastructure

- 15.22** Mr Glasner has reviewed the evidence from Mr Ken Gousmett for the submitter and is satisfied that wastewater, stormwater and water can be provided for and managed by the submitter. Mr Glasner no longer opposes the submission.
- 15.23** I agree with Mr Glasner with regard to these matters. I note that the matters of control with all buildings (Rule 44.5.2) include infrastructure and servicing as a matter of control. I consider that consideration should be given to including infrastructure and servicing in all areas where development is contemplated. Currently, only the Spatial Layout Plan (Rule 44.5.5) for the Camping Ground has regard to waste. Given the anticipated development, a similar mechanism should be available for the Lake Shore, Golf, Farm Homestead and Residential Activity Areas.
- 15.24** While I accept Mr Gousmett and Mr Glasner's views from an infrastructure capacity perspective, from a planning perspective, I consider that more certainty could be provided in the planning

framework of the infrastructure and servicing and at what stages of the developments these matters would be assessed by the Council.

Response to specific components of Mr Ferguson's evidence

- 15.25** At paragraph 4.11 Mr Ferguson notes that the 10 year lapse date (expiry 2 May 2022),¹⁵ and staging and sequencing of activities have proven unrealistic from environmental, operational and economic perspectives. Given the complexity of the resource consent and associated conditions, compensation measures such as the public access trails and extensive mitigation, this complexity is to be expected. While it does result in transaction costs for the consent holder to vary components, I consider that in some circumstances this is an acceptable cost in the context of resources that require careful management.
- 15.26** There are mechanisms available under the Act¹⁶ to extend the duration of the consent. I do not consider Mr Ferguson has adequately assessed the overall costs and benefits of overhauling the consent conditions once, rather than incrementally as appears to be the current preference of the consent holder, compared to creating a zone that provides the flexibility to initiate development on a more flexible basis.
- 15.27** At paragraphs 4.15 – 4.17 and the entirety of Part 7 of his evidence, Mr Ferguson describes the proposed objective and policies, rules and overall framework of the zone. I acknowledge the intent of the changes based on feedback in my evidence in chief and the further submitters. However, I do not consider the proposed framework including the proposed amendments to be adequate or the most appropriate compared to the Rural Zone. In addition to my comments and concerns expressed in this section, I refer to **Appendix 4** attached to this evidence, which provides a more detailed commentary on the proposed provisions.
- 15.28** In particular, at paragraph 7.11 Mr Ferguson states:

¹⁵ Inferred from the grant date of 2 May 2012.

¹⁶ RMA, section 125(1A)(b) to extend the lapse date of a consent.

In the OS/F activity area any development, beyond small scale farm structures, would require consideration under a resource consent which would specifically consider the merit of the proposal against the ONL characterisation of the areas.

15.29 While a large part of the OS/F area is within the covenant overlay and with the excepting of specific buildings, any further development would be non-complying, there remains a substantial area of OS/F land where residential activity and buildings or buildings for commercial activity would be a discretionary activity. In my view the proposed policy framework is limited in terms of assisting with the assessment and guidance of these types of activities.

15.30 For example, proposed Policy 44.3.1.1 b is:

Avoiding development that would adversely affect those values that contribute towards high levels of naturalness and/or where an area has low ability to absorb change.

15.31 I consider that this policy is intended for the areas already affected by the covenant area overlay. Therefore, the most applicable policies are c and d:

c. *Managing effects on land to ensure that activities maintain or enhance the character and values of the landscape and minimise visible effects from public places.*

d. *Enabling the use of land, subject to:*

i. *maintaining views into the site when viewed from Lake Wanaka and maintaining views across the site when viewed from the Wanaka – Mount Aspiring Road; and*

ii. *establishing appropriate controls over building development within the Zone in order to maintain amenity appropriate to the activities within each Activity Area.*

- 15.32** I consider these policies to be more akin to a section 7 landscape. By comparison, the Rural Zone objectives and policies (including policies 21.2.1 and 21.2.9) and in particular the assessment matters in part 21.7, in my view provide a significantly more comprehensive framework to manage the effects and to recognise the opportunities for activities in this area.
- 15.33** At his paragraph 7.16 Mr Ferguson states that the proposed GSZ objectives and policies codify the intent of the Environment Court decision¹⁷ for this area. I disagree and consider that the single objective and suite of policies cloud the intent of the conditions of the resource consent for Parkins Bay. I refer to **Appendix 4** of my evidence where I discuss the objective and policies in greater detail.
- 15.34** At paragraph 9.6 Mr Ferguson states that my Strategic evidence in chief takes a strict view that there is a presumption against rezoning land where there is a resource consent. As identified in **Appendix 4**, I consider that attempting to develop rules that emulate complex conditions of consent can result in unwieldy drafting and this is currently the case in Mr Ferguson's proposed provisions. I do not agree with Mr Ferguson where he considers the proposed provisions and their administration and likely environmental outcomes are more efficient and effective than retaining the Rural Zone and relying on resource consent conditions to give effect to the development.
- 15.35** Mr Ferguson also states at paragraph 9.8 that the rezoning assessment principles identified in my Strategic evidence are a departure from the framework required under the Act. I note that the assessment principles are not intended to be a surrogate for the framework of the Act, but are guiding assessment principles.
- 15.36** At paragraph 10.3 – 10.5 Mr Ferguson discusses the extent to which the objective is the most appropriate way to achieve the purpose of the Act. As discussed in **Appendix 4** I consider the objective does

¹⁷ The third Environment Court decision in relation to Parkins Bay, *Upper Clutha Tracks Trust v Queenstown Lakes District Council* [2012] NZEnvC 79, confirms the grant of consent and details the conditions. It is attached as Appendix 2 to Mr Ferguson's evidence.

not adequately manage the effects of development within the ONL, it merely identifies that the activities are occurring within the ONL.

15.37 I consider the following respective Rural Zone Objectives are more appropriate **[CB15]**:

21.2.1 A range of land uses including farming, permitted and established activities are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

21.2.9 A range of activities are undertaken that rely on a rural location on the basis they do not degrade landscape values, rural amenity, or impinge on farming permitted and established activities.

15.38 I also consider the requested objective for the GSV conflicts with the following applicable Landscape Chapter objectives that are specific to the ONL **[CB6]**:

6.3.3 The protection, maintenance or enhancement of the District's Outstanding Natural Features and Landscapes (ONF/ONL) from the adverse effects of inappropriate development.

6.3.5 The protection, maintenance or enhancement of the landscape quality, character and visual amenity of the lakes and rivers and their margins from the adverse effects of structures and activities.

15.39 At paragraph 10.8 Mr Ferguson considers reasonably practicable options for achieving the objectives, in the form of a mixed zone approach. Mr Ferguson rejects this on the basis "*it would fail to provide for a comprehensive set of provisions to manage what are a diverse range of activities*".

15.40 On the basis of my assessment of the requested provisions and concerns regarding the lack of appropriate management in the OS/F compared to the Rural Zone (Chapter 21), I consider the concept of

providing for bespoke zones where the bulk of the submitter's evidence has been focused¹⁸ (Lake Shore, Campground, Residencies, Farm Homestead Activity Areas), but retaining the OS/F area as Rural Zone ONL could have been more thoroughly explored. I consider that the trails and covenant areas could have been integrated into the subdivision chapter and the covenant area overlaid on the Rural Zone. This could reduce some of the uncertainty with the provisions I have identified in **Appendix 4**.

Overall Recommendation and Summary

- 15.41** I do not consider the additional evidence provided in support of the submission, nor the amended provisions in the proposed GSV to be the most appropriate zone. I consider that the benefits to the developer in terms of flexibility and development activities are outweighed by the costs associated with unwieldy provisions that go too far toward enabling commercial activities and associated buildings and infrastructure and do not provide adequate certainty in terms of environmental outcomes. I maintain my recommendation that the submission should be rejected.
- 15.42** I maintain my recommendation that the rezoning request should be rejected because I do not consider the proposed chapter, policy framework and provisions to provide appropriate management of activities within the ONL.
- 15.43** Notwithstanding the additional information explaining¹⁹ the concept of the development in the Lake Shore, Golf, Camping Ground and Farm Homestead Activity Areas, I consider that the zone and associated provisions fall short of providing for these activities while still managing the effects of development within the ONL, including the margins of Lake Wanaka.
- 15.44** From an overall sustainable resource management perspective, I consider that it is not so much the development concept that is at issue, but how enabling these activities would transpire into a zone and District Plan text (objectives, policies, methods) that can be

18 For instance the landscape evidence of Ms Pfluger and golf course development evidence of Mr Thomson.

19 In particular the evidence of Mr Ferguson, Mr Darby, Mr McRae, Mr Thomson and Ms Pfluger.

understood and administered with confidence and certainty. I do not consider the proposed provisions fulfil this, particularly in the case of the Open Space/Farm Activity Area.

- 15.45** I support in principle some components of the concept and vision of the landowners as explained in the evidence of Mr Darby and Mr McRae. However, the areas are too large and the proposed rules do not provide enough certainty that the zone is the most appropriate, compared to the PDP Rural Zone. I also consider that the provisions as drafted do not provide certainty and further illustrate the complexity and impracticality of attempting to integrate complex resource consent conditions into district plan rules and other methods.
- 15.46** While the evidence identifies areas where development could be appropriate from a landscape perspective, the revised proposed GSZ provisions do not provide the level of certainty required to ensure that development would occur in a manner consistent with the statement of evidence of Ms Pfluger and the level of certainty suggested in the planning evidence of Mr Ferguson. Additionally, even when acknowledging the flexibility sought by the submitter due to the constraints associated with implementing the development through a resource consent, the provisions do not sufficiently match the intent of the resource consent conditions, particularly in the context of the overall sensitivity of the environment.
- 15.47** The proposed zone is predicated on the need to provide certainty and flexibility for those developing the site. However, I consider the proposed provisions fall short in terms of providing certainty for the Council, which will be responsible for administering the District Plan provisions, should the rezoning be successful. I consider that within the Open Space / Farm (GS (OS/F) Activity Area in particular, the provisions fall considerably short of the certainty and comprehensive approach to managing activities that is found in the PDP Rural Zone.
- 15.48** As mentioned I have provided at **Appendix 4**, a copy of the requested GSV chapter with supplementary comments. I have not attempted to amend the provisions and I do not support the

provisions in **Appendix 4**. However, I have made suggestions that could assist with interpretation and seeking clarification.

15.49 I also consider that the submitter has gone too far in terms of the scale and nature of development across the entire zone. The justification for the proposed zone seems to be based in large part on staging and project management related constraints associated with giving effect to the resource consent.²⁰ Setting aside the flexibility or integration components, the proposed provisions are in my opinion too liberal in terms of the yield sought.

15.50 In terms of an overall recommendation I strongly prefer the Rural Zone to manage this area, especially over the Open Space Farm (OS/F) Activity Area which covers some 2,639ha, and the Residencies Activity Area that covers the consented dwellings. I acknowledge the submitter evidence that supports the potential for a range of activities and ventures in the bespoke activity areas; Farm Homestead, Golf, Camping Ground, and Lake Shore Activity Areas. However, these Activity Areas are in my opinion too large and the potential for development too excessive to ensure sections 6 (a) and (b) of the RMA would be met.

15.51 Central to this conclusion, I do not consider the proposed zone and provisions to meet the purpose of the Act because the costs to the community associated with the protection of section 6(a) and (b) resources is greater than the use and development of those resources to the persons requesting the zone.

16. MR JULIAN HAWORTH FOR UPPER CLUTHA ENVIRONMENTAL SOCIETY (UCES) (145)

16.1 At paragraph 89 of his evidence Mr Haworth states that the position of the UCES is that the ONF/ONL lines as notified in the PDP should be included only as guidelines until confirmed by the Environment Court. Mr Haworth accepts at paragraph 20 that while some uncertainty is created by the ODP approach to identifying the landscape classification on a case by case basis, he considers that

²⁰ Evidence of Mr Ferguson, 11 April 2017. Glendhu Bay Trustees Ltd (583) at pages 25, 26, 54 - 59.

the method suggested by the UCES that uses the PDP ONF/ONL boundaries as guidelines alleviates the uncertainty.

- 16.2** This was considered comprehensively in the Council's evidence in the Rural hearing stream. I refer also to paragraph 19.8 of my Strategic evidence where I outline the rationale to identify the ONF/ONL boundaries and that they should have statutory effect in terms of the PDP framework. I consider this the most appropriate method from a resource management practice and plan administration perspective. I also consider that the methods used to identify the ONF/ONL boundaries are sound. I refer to and rely on the section 32²¹ report including the landscape identification and subsequent peer reviews within it, the evidence presented at the Rural Hearing [CB47] and the evidence in chief of Ms Mellsop for this hearing.
- 16.3** For the reasons set out in the evidence referred to in the above paragraph, I disagree with Mr Haworth's concerns that the ONF/ONL boundaries lack veracity. I also refer specifically to the following components of Mr Haworth's evidence that highlight that the alternative relief sought by the UCES is not the most appropriate method to manage the ONF/ONL boundaries.
- 16.4** At paragraph 23 of his evidence Mr Haworth states that the *"imposition of contentious landscape lines as proposed in the PDP is untenable and does not represent good resource management practice"*. Mr Haworth also states at paragraph 28 that the ONF/ONL boundaries are not credible.
- 16.5** I disagree and consider that because an issue is contentious it does not mean that it should be excluded from being managed in the PDP. The identification of landscape lines at the time of resource consent could be equally contentious or lack veracity if the locations of the ONF/ONL boundary espoused by the applicant are not thoroughly considered. I also note at paragraphs 5.3 to 5.7 of Mr Haworth's evidence he identifies only five locations to discuss the ONL boundary, and the landscape evidence of Ms Lucas for the UCES

21 Section 32 Evaluation Report Landscape, Rural Zone and Gibbston Character Zone. At Pages 14, 25 37, 62 to 66. <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Section-32s/Landscape-Rural-Zone-Gibbston-Character-Zone-s32.pdf>.

only addresses the ONL boundary in two locations, being Waterfall Creek and Dublin Bay.²² Mr Haworth has had the opportunity through this plan review process to identify all ONF/ONL locations he considers to be inaccurate, but has focused evidence on these specific locations.

16.6 At paragraph 32 of Mr Haworth's evidence he states that there is an incentive for landowners in the ONL to develop and domesticate the ONL so that it is re-categorised as a Rural Landscape. I disagree with this reasoning. Including the ONF/ONL boundaries on the notified planning maps, allowing them to be tested through the submissions process, and ultimately giving them statutory effect as ONF/ONL, will ensure the section 6 land is subject to the respective, stricter objectives and policies in the Strategic Direction, Urban Development and Landscape chapters, and the ONF/ONL assessment matters in Part 21.7. Conversely, I consider that the scenario identified by Mr Haworth is more likely to occur if the ODP regime is continued.

16.7 At paragraph 37 of Mr Haworth's evidence he emphasises that the most appropriate forum to determine the ONF/ONL boundaries is the Environment Court. I consider that this concept is flawed because it is reliant on a number of externalities and processes including that an application for resource consent is notified, and then appealed by a person who made a submission, or the applicant. I consider that this process could be a substantial burden (including financially) on any person or organisation who takes an interest in the location of the District's ONF/ONL boundaries and development in rural areas. There is also a further issue in that the confirmation by the Environment Court of an ONF/ONL boundary on a consent application does not mean that the boundary automatically becomes part of the district plan. It would still need to go through a plan change process and the necessary steps and statutory tests, to be included on the planning maps as having legal effect.

16.8 At paragraphs 43 – 47 of his evidence Mr Haworth illustrates what he considers to be a lack of integrity in the identification of the ONL/ONF

²² At her paragraphs 61-67.

boundaries based on the amount of submissions received relating to this hearing stream.

16.9 I am of the understanding that the level of opposition or support (ie, the number of submissions) is an irrelevant consideration under the RMA in making a plan. In any event, Ms Mellsop assessed approximately 20 submissions relating to the location of the ONF/ONL boundaries and Dr Read assessed 2 submissions in the West Wanaka/Matukituki area. No evidence has been filed opposing Dr Read's recommendations on submissions on the ONF/ONL boundaries²³ in the West Wanaka/ Matukituki area. I acknowledge that some of the ONL boundaries subject to submissions cover relatively large areas. However, overall I consider that the number of submissions reflects a degree of acceptance by the landowners affected and the wider community that the location of the ONF/ONL boundaries and the resource management reasons for identifying them in the PDP and methods underpinning their location, are appropriate.

16.10 Furthermore, evidence filed by submitters on 4 April 2017 relating to landscape lines is further narrowed to the following submitters:

- (a) Hawthenden (776);
- (b) John May (FS 1094);²⁴
- (c) UCES (149);²⁵
- (d) James Cooper (400);
- (e) Sunnyheights Ltd (531)
- (f) Charlie Grant (1038);
- (g) Lake McKay Station Ltd (482); and
- (h) Jeremy Bell Investments Ltd (820).

16.11 I therefore consider that where Mr Haworth quotes the number of rezoning requests received (116) and submission points overall (357) at paragraph 46 of his evidence, he is overstating the level of contention relating to landscape lines.

23 Based on evidence received on 4 and 11 April 2017, submitter Glendhu Bay Trustees Ltd (583) are no longer pursuing the ONL boundary of the Fern Burn, Solobio Ltd have not filed evidence refuting Dr Read's assessment.

24 Evidence of Ralf Kruger who agrees with the notified PDP and Dr Read that the Matukituki area is ONL.

25 Mr Haworth's evidence identifies 5 areas, Ms Lucas's evidence identifies 2 areas, notwithstanding the scope of the UCES submission includes all landscape boundaries.

- 16.12** At paragraphs 85 – 87 Mr Haworth discusses my Strategic evidence where he states that most of it is irrelevant to the UCES because it does not relate to the Rural Zone. I disagree and consider that my Strategic evidence is of relevance and importance to the Rural Zone because the subsequent policy framework of the respective zones and their location is to give effect to the Strategic Direction of the PDP.
- 16.13** The following Goals of the Strategic Direction chapter **[CB3]** in particular are relevant:
- (a) Goal 3.2.2 – The strategic and integrated management of urban growth, including the third limb of Objective 3.2.2.1 *'that protects the District's rural landscapes from sporadic and sprawling development'*; and
 - (b) Goal 3.2.4 – The protection of our natural environment and ecosystems.
- 16.14** I refer to the entirety of Part B of my Strategic evidence that sets out the strategic direction of the PDP, resultant zoning structure, use of urban growth boundaries (**UGB**) where urban growth is to be encouraged, landscape boundaries where some types of development are discouraged in the ONF/ONL, and Significant Natural Areas where land intensification is discouraged.
- 16.15** Part C of my Strategic evidence in chief sets out the overarching strategy and approach to the rezoning requests, to ensure a holistic view is taken that gives effect to the Strategic Directions of the PDP, RPS and PRPS and Part 2 of the Act.
- 16.16** Therefore I consider that the Rural Zone is relevant to the Strategic evidence in chief because of how the Rural Zone manages activities. For instance, the provision for adequate growth within the Wanaka UGB will have a direct consequence on the use of the Rural Zone and the likelihood for future proposals for plan changes or resource consents for urban growth outside the Wanaka UGB.

16.17 For the above reasons I oppose Mr Haworth's evidence and maintain my opinion that the ONF/ONL boundaries are included on the PDP planning maps and have statutory effect through the Council's proposed framework.

17. MR DUNCAN WHITE FOR SARAH BURDON (282) AND GLEN DENE (384)

17.1 Mr Duncan White has filed evidence associated with these two submissions:

- (a) rezoning an area of 22ha comprising the Lake Hāwea Campground from Rural to Rural Visitor Zone (#282); and
- (b) rezoning 13ha including the farm homestead and yards from Rural Zone to Rural Lifestyle Zone with a Building Restriction Area (#384).

17.2 The Rural Visitor Zone is an ODP zone, and land zoned Rural Visitor in the ODP has not yet been notified through the Council's plan review.

Lake Hāwea Campground

17.3 Mr White has confirmed at his paragraph 3.3 that the components of submission 282 associated with the location of the ONL boundary are no longer being pursued.

17.4 Mr White sets out the following modifications to the relief now sought at paragraphs 4.1 – 4.9:

- (a) it is sought to retain a Rural Visitor Zone, and that rules to provide for the Lake Hāwea Campground as sought in the submission are included in the respective section in part 12 of the ODP. I do not consider there is scope in this hearing process to modify the ODP, including by way of rezoning requests. The Rural Visitor zone in the ODP has not been notified for review under section 79 of the RMA nor in terms of Schedule 1. If the rezone request is accepted, the planning framework (for instance 'The Lake Hāwea Rural

Visitor Zone' objectives, policies and any methods) would need to be included in the decision version of the PDP, and in particular in Volume 1 of the resulting district plan; and

- (b) the requested rules would make residential activity non-complying. The total building coverage would be 7% of the zoned area, buildings would be required to be set back at least 20 metres from State Highway 6, and 3 areas are identified where buildings would be restricted. The maximum building height would be 8m in the first and second areas, and 5.5m in the third area.

17.5 While the requested zoning provisions provide more detail, I consider that the provisions and the breadth of development enabled lack the certainty required for the Lake Hāwea Rural Visitor provisions identified above to be the most appropriate zone. I also consider the plans provided showing the building restriction and height restriction areas to be insufficient in terms of detail or geographic reference.

17.6 There are also unresolved issues relating to infrastructure and traffic.

17.7 I maintain my opinion that the most appropriate zone is Rural. As set out in paragraphs 13.1 – 13.4 of my Strategic evidence in chief I also consider it poor planning practice to include bespoke Rural Visitor Zone provisions into Volume 1 of the PDP prior to the overall zone and provisions having undergone a full review. *If* I considered that a Rural Visitor Zone was more appropriate than Rural in this location (which I do not because I do not have full confidence in the operative Rural Visitor Zone provisions), I would recommend that the actual provisions that should apply to the site should be determined in Stage 2, when the Rural Visitor Zone is notified.

Rural Lifestyle Zone

17.8 Mr White states at paragraph 11.2 that Ms Mellsop has recommended extending the Building Restriction Area (**BRA**) in her evidence in chief, and that Mr Espie at his paragraph 4.19 agrees the BRA could be usefully expanded. I note that Ms Mellsop's rebuttal

evidence recommends including an additional area in the BRA, in response to the evidence of Mr Espie.

17.9 Taking into account this evidence, I maintain that from an overall planning perspective the Rural Zone is the most appropriate zone to manage residential activity in this area and I refer to paragraphs 3.22 – 3.28 of my S42A Rural evidence **[CB41]**. I also refer to paragraphs 15.75 – 15.77 of my S42A Strategic evidence where I emphasise that the Rural Zone would be likely to result in a more appropriate outcome than the Rural Lifestyle Zone in terms of avoiding, remedying or mitigating the adverse effects of development, and certainty of the effects of future development.

17.10 Having also considered the evidence of Mr Greaves and Ms Snodgrass for Lesley and Jerry Burdon, there is the potential for the total of ten additional dwellings spread across the eastern edge of the lake.

17.11 I maintain my position that the most appropriate zone is Rural, and recommend the submission is rejected.

18. MR NICHOLAS GEDDES FOR WAKATIPU HOLDINGS (314)

18.1 Mr Nicholas Geddes has filed evidence supporting the rezoning of the site at Church Road, Luggate from Rural to Rural Lifestyle Zone.

18.2 At paragraphs 42 – 45 of his evidence Mr Geddes considers that there are sufficient provisions in the Subdivision Chapter of the PDP to ensure buildings are appropriately located.

18.3 Mr Geddes refers to my Reply on the hearing of Chapter 22 (Rural Residential and Rural Lifestyle) **[CB44]**, where I discuss the discretionary activity rule (Rule 22.4.3).²⁶ The intent of this rule is to provide a framework/process for persons to apply for a resource consent for a building platform, noting that the framework and practice is such that in most cases the building platform is identified at the time of subdivision. Under the ODP, there is not any opportunity to create a building platform through a land use, but only through

²⁶ Paragraphs 6.1 to 6.11.

subdivision. Rule 22.4.3 is a discretionary activity to ensure a full assessment of the site, including whether the site is part of the balance land of a previous subdivision under the Rural Lifestyle Zone.

18.4 My Reply for the Rural Hearing Stream was filed in June 2016 and the hearings on the PDP Subdivision Chapter were held in July through August 2016. I note that the Council's position on the activity status relating to subdivision has changed and the Council's Reply version of Chapter 27: Subdivision and Development **[CB18]** is now Restricted Discretionary (Rule 27.5.7), with discretion restricted to:

- *In the Rural Lifestyle Zone the location of building platforms;*
- *Lot sizes and dimensions in respect of internal roading design and provision, relating to access and service easements for future subdivision on adjoining land;*
- *Subdivision design and lot layout;*
- *Property access and roading;*
- *Esplanade provision;*
- *On site measures to address the risk of natural and other hazards on land within the subdivision;*
- *Fire fighting water supply;*
- *Water supply;*
- *Stormwater disposal;*
- *Sewage treatment and disposal;*
- *Energy supply and telecommunications;*
- *Open space and recreation;*
- *Ecological and natural values;*
- *Historic Heritage*
- *Easements; and*
- *Bird strike and navigational safety.*

18.5 Part 27.5.7 of the Subdivision chapter identifies a range of assessment matters. With regard to the location of building platforms, the assessment matters include:

- (a) the extent to which the design maintains and enhances rural living character, landscape values and visual amenity; and
- (b) the extent to which the location of building platforms could adversely affect adjoining non residential land uses.

18.6 I agree with Mr Geddes that there are provisions in the PDP that can help manage and control the location of building platforms and incompatible land uses. However, I consider that irrespective of the activity status for subdivision and identification of building platforms, the Rural Lifestyle zone comes with an inherent development right if the minimum allotment sizes can be achieved.

18.7 Due in part to the location of this site between the Rural Industrial Sub Zone, which contains existing activities including a relatively large saw mill and a small scale meat processing operation, and on the opposite side to the site, the Clutha River ONF, I do not consider the Rural Lifestyle Zone to be the most appropriate zone. In my view there is not enough certainty that future development would be compatible, given these two potentially significant constraints located on either side of the submitter's site.

18.8 I also note that Restricted Discretionary activity subdivision would be processed on a non-notified basis (Rule 27.10.1) **[CB18]**. This would effectively exclude the owners and occupants of the Rural Industrial Sub Zone from the ability to be involved with any future subdivision and identification of building platforms. As noted above, I do not consider there is enough certainty that future rural living within the submission site would be managed so that activities within the Rural Industrial Sub Zone are not impinged upon.

18.9 I note the following matters relating to the evidence of Ms Steven and Mr Geddes:

- (a) Ms Steven has undertaken her assessment on the basis the closed landfill could not be built upon, however this area is still part of the rezone request;
- (b) Ms Steven at paragraph 7.3 limits her acceptability of the proposal to 3-4 lots, provided the built and domestic

- development was contained to the land alongside Church Road and northwest end only of the southern terrace so that the bulk of the terrace remains free of built form. However, Mr Geddes has not recommended this area is identified in the planning maps as containing a Building Restriction Area;
- (c) Mr Geddes suggests that 5 lots would be appropriate, which is inconsistent with Ms Steven's evidence where she considers 3-4 lots would be sufficient;
 - (d) at paragraphs 14 and 15 of Mr Geddes' evidence it appears the submitter is not opposing the Council's notified density of a minimum allotment size of 1ha, with a requirement for a 2ha average. I attended the hearing on the provisions of the Chapter 22 Rural Lifestyle and Rural Residential, and Mr Geddes appeared to make strong submissions and presentations at the hearing that a minimum lot size of 1ha with no average is appropriate across the Rural Lifestyle Zone.²⁷ Therefore, if the Rural Lifestyle Zoning is accepted and the provisions to Chapter 22 are confirmed as sought by Mr Geddes for the other submitters in the Rural Hearing, there would be a development right of 13 dwellings on the site. I note however that Mr Geddes' comments appeared to be focused on established Rural Lifestyle Zones. It would be helpful if it could be confirmed what is sought for this site in terms of the overall development yield or density of allotments;
 - (e) there has been no analysis from Mr Geddes as to whether the recommendations made by Ms Steven about the location of future development would increase the potential for reverse sensitivity effects on the Rural Industrial Sub Zone. I do acknowledge that Ms Steven filed her evidence a date later than Mr Geddes; and
 - (f) Appendix 1 of Ms Steven's evidence references the ODP Subdivision Chapter, which I do not consider to be particularly relevant.

²⁷ Rural Hearing 02. Evidence of Nicholas Karl Geddes Dated 18 April 2016. at 66. <http://www.gldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-2/Pre-Lodged-and-Pre-Tabled-Evidence/S0228-Hutchinson-T02-GeddesN-Evidence.pdf>

18.10 Ms Mellsop maintains her opinion that the most appropriate zone from a landscape perspective is Rural.

18.11 In summary I maintain my opinion that the most appropriate zoning for this site is Rural.

19. MR SCOTT EDGAR FOR THE ALPINE GROUP (315, FS 1309)

19.1 Mr Scott Edgar has filed evidence for The Alpine Group (315, FS1309) opposing the submission of Wakatipu Holdings Limited (314) addressed directly above. The property sought to be rezoned from notified Rural to Rural Lifestyle is adjacent to the Rural Industrial Sub Zone, in which the Alpine Group have an interest.

19.2 Mr Edgar agrees with paragraph 20.17 of my S42A Rural evidence **[CB41]** where I also oppose the rezoning on the basis of the loss of rural character and incompatible land uses arising from the requested Rural Lifestyle Zone between future rural living activities and the established Rural Industrial Sub Zone. As set out above I have not changed my position on this matter and Mr Edgar and I are in agreement.

20. MR BEN ESPIE FOR JAMES COOPER (400)

20.1 Mr Ben Espie has filed landscape evidence on the location of the ONL boundary in the area of the submitter's farm and the confluence of the Hāwea and Clutha Rivers.

20.2 Mr Cooper's submission also seeks the removal of Significant Natural Area (**SNA**) E18 B. Mr Davis filed evidence for the Council in the Rural Hearing **[CB48]** and again provided evidence for this hearing. I note that no ecological expert evidence has been lodged in relation to the proposed removal of SNA E18 B, despite the opportunity being provided²⁸ in this hearing and advice from submitter's counsel that this would be undertaken²⁹.

28 Noting that Paragraph 3 of the Fifth Procedural Minute states Submitters should note that if a submission seeks to delete an SNA completely, that will be heard in Hearing Stream 2 as that will involve changes to the text in Chapter 33 as well as the ancillary changes to the Planning Maps.

29 Rural Hearing. Evidence presented at hearing. Submission of Graeme Todd. Dated 27 May 2016 at Paragraph 23. <http://www.gldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-2/Evidence-Presented-at-Hearing/C0402-S0027-Graeme-Todd-Family-Trust-T02-ToddG-Legal-Submissions.pdf>

20.3 On this basis I maintain my opinion that SNA E18 B should be retained.

20.4 With regard to the matters relating to the location of the ONL boundary at this location, I refer to and rely on Ms Mellsop's assessment, noting that she has not recommended any changes to her evidence in chief.

21. MR DUNCAN WHITE FOR SUNNYHEIGHTS LIMITED (PREVIOUS SUBMITTER CROSSHILL FARM LIMITED) (531)

21.1 Mr Duncan White's evidence at paragraphs 6 to 9 states that submission 531 was lodged by the previous owner of the sites and sets out the components of the submission that remain live. The primary and preferred relief sought is amendments to the Rural chapter as advanced in previous hearings. By way of alternative relief, rezoning of the Rural Landscape classification area of the site from Rural to Rural Lifestyle is sought. Mr White also states that removal of SNA E39A is still live but not being actively pursued.

21.2 Mr White states at paragraph 10 of his evidence that the outstanding matter is the location of the ONL. I refer to and rely on Ms Mellsop's evidence, noting that she has not recommended any changes to her evidence in chief.

22. MR IAN GREAVES FOR LESLEY AND JERRY BURDON (581)

22.1 Mr Ian Greaves' evidence at paragraph 54 refers to the following key matters that would need to be managed as part of any site development, as identified in my s42A report at paragraph 11.19:

- (a) the ability to provide a detailed vegetation management plan, that takes into account mitigation as well as biodiversity matters, including screening associated with driveways and accesses;*
- (b) the ability to ensure night lighting is assessed and managed*

- (c) the ability to ensure that the driveways and accesses onto SH6 associated with the development are appropriately managed;*
- (d) earthworks;*
- (e) whether any covenants are necessary; and*
- (f) whether any opportunities for public access or walking are considered.*

- 22.2** I consider the matters listed above would be better managed by retaining the site as Rural Zone and using the resource consent process and application of the ONL assessment matters and policies in Chapter 6 (Landscapes), coupled with the discretionary activity status.
- 22.3** At his paragraph 55 Mr Greaves considers that the provisions of Chapter 27 (Subdivision) and Chapter 22 (in relation to Rural Lifestyle) would provide a robust enough planning framework to address each of these matters. I have also read Ms Snodgrass' evidence where she discusses matters related to domestication including entranceways, vehicle movements, smoke from fires and lighting (paragraphs 32-48).
- 22.4** While I consider that this submission provides a degree of certainty that future development under a Rural Lifestyle Zone regime could be appropriate, I maintain my opinion as set out in my S42A that the Rural Zone is more appropriate because the Rural Zone has the most appropriate provisions to manage the wide variety of effects that are possible from rural living.
- 22.5** In particular, at paragraph 43 of Mr Greaves' evidence he states that a key foundation of the zone change is the opportunity for the maintenance and enhancement of indigenous vegetation. If this is the case I consider specific rules requiring a management plan (including matters such as a survey by an appropriately qualified person, identification of areas to be retained and restored, and planting and maintenance regime) should be offered by way of supplementary rules to ensure the proposed objective of maintaining and enhancing indigenous vegetation is achieved.

- 22.6** I also consider that given the efforts to provide certainty with regard to the identification of future building areas, it would have been beneficial to provide the driveway design, including what the visual effects would be. I appreciate that this level of detail is often not necessary with rezonings, but this is the level of certainty and information expected from a resource consent application in the ONL.
- 22.7** Mr Greaves considers at paragraphs 56-58 of his evidence that I have not adequately taken into account the transaction costs associated with applying for resource consent compared to the easier consenting path that is likely should the site be rezoned to Rural Lifestyle. I have considered this matter for all the rezoning requests as set out in paragraph 2.14 of my strategic evidence in chief where I discuss the Council's approach to rezoning. I am mindful of this matter but overall I consider that ensuring that any future development on the site would give effect to section 6(a) and (b) of the Act, is more important in the context of providing for the wider community's social and economic well-being, than that of an individual who seeks certainty through a more lenient consenting pathway.
- 22.8** I also note that the PDP can provide certainty associated with the potential merits of proposed development through a robust and clear policy framework, supported where appropriate by non-notification clauses, which would apply in the event this site is rezoned from Rural to Rural Lifestyle Zone. I consider that specific transaction costs associated with notification processes and the cost recovery models that are used by councils to be a separate matter and should not be a substantial influence on the application of zoning, because the cost recovery models of councils can change irrespective of the Schedule 1 processes that are associated with district plans and zoning.
- 22.9** I also note that Ms Mellsop has not changed her view in her rebuttal evidence.
- 22.10** I maintain my recommendation that the submission is rejected.

23. MR DENNIS AND ROS HUGHES (FS1011)

23.1 Dennis and Ros Hughes have filed a submission supporting Lesley and Jerry Burdon's submission. I have taken this submission into account in rebutting Mr Greave's evidence for the Burtons. I remain of the view that this further submission should be rejected.

24. MR GRAHAM TAYLOR FOR JOHN MAY (FS1094)

24.1 Mr Graham Taylor has provided evidence for Mr John May opposing the GSV zone as proposed by Glendhu Bay Trustees Ltd (583). I note that Glendhu Bay Trustees Limited have removed the 'Lodge Activity Area' suggested in their primary submission, from the GSZ supported through evidence.

24.2 While the 'Lodge' Activity Area was a key concern of Mr Taylor, I also note that Mr Taylor is also concerned that the level of development requested goes beyond that authorised by the resource consent for Parkins Bay. As set out above I share these concerns and I am also concerned how these would transpire in form of planning provisions.

25. MR MICHAEL KELLY FOR LAKE MCKAY STATION LIMITED (439)

Significant Natural Areas

25.1 Mr Kelly states at paragraph 3.8 of his evidence that adequate consultation has not been undertaken and that as a reaction to their concerns on this matter aired in the Rural Hearing:

the panel issued a minute requesting that the Council ecologist meet with landowners to complete the consultation before coming back to the Panel (Fifth Procedural Minute of the Hearing Panel – 19 April 2016).

25.2 I consider it is important to record that this is incorrect. The Panel's Fifth Procedural minute was issued prior to the Rural Hearing Stream commencing, so that certain submissions where the boundaries of SNAs were being opposed that also included rezoning requests, could be heard as one in the respective rezoning hearing. An

example being that of the Allenby Farms (502) submission. The Fifth Procedural Minute states at paragraph 4:

We note that where submissions seek amendments to the boundaries of SNAs, it would assist the Hearing Panel if the scientific experts representing the Council and the relevant submitters could meet and attempt to reach agreement on the extent and value of the relevant SNAs. If agreement cannot be reached, the hearings can then focus on the differences between those experts.

- 25.3** The minute therefore encourages the respective scientific experts to meet to try to reach agreement. I asked Mr Kelly in January 2017 whether Lake McKay would be engaging an ecologist and his response was that they were not. Notwithstanding this, Mr Davis and I visited the relevant SNA area and listened to the views of Mr Kelly, on behalf of the landowner. Consultation does not mean that agreement needs to be reached on a particular issue.
- 25.4** Paragraphs 4.2 – 4.6 of Mr Kelly's evidence request that the amended SNA 30A 'Dead horse Creek' filed with Mr Davis' evidence in chief is accepted. Mr Kelly requests that a 20m wide corridor is provided for all existing farm tracks that pass through the SNA.
- 25.5** While on site with Mr Kelly, Mr Davis and I were of the understanding that the most pertinent track often requiring upgrading was the 'Luggate Creek Gorge' SNA E 30D, due to the steep gradient and curvature. However, Mr Kelly's evidence now seeks a 20m wide corridor is provided for all areas of existing farm track.
- 25.6** I consider the Council has been open to hearing the views of landowners and operational constraints associated with the SNAs and farming operations. However, I consider the 20m corridor requested in all areas of existing farm track is arbitrary. It is not supported by any qualified evidence to show that the 20m corridor is necessary from a track/road construction perspective, or that the removal of areas from the respective SNAs is appropriate in terms of section 6(c) or section 31 of the Act.

25.7 On the basis of the above I continue to rely on the evidence in chief of Mr Davis and do not consider any additional reductions to the SNAs are appropriate.

Outstanding Natural Landscape Boundaries

25.8 Mr Kelly maintains his position that the ONL boundary should be altered in several locations to reflect the areas of the site influenced by more intensive farming practices. I refer to and rely on the evidence of Ms Mellsop who maintains the ONL boundaries as set out in her evidence in chief are the most appropriate.

Rural Residential and Rural Lifestyle Zoning

25.9 I have read the evidence of Mr Kelly relating to the rezoning of two areas to Rural Lifestyle Zone and an area to Rural Residential Zone. It appears as though there are not any changes to the proposal or new evidence and I maintain my opinion as set out in my evidence in chief.

26. JEREMY BELL INVESTMENTS LIMITED (782)

Mr Jeffrey Brown – Wanaka Airport Infrastructure and Visitor Accommodation Zoning

26.1 The original submission sought that the area is rezoned from Rural Zone to an airport mixed use zone that contained provisions enabling airport related activity and non-airport related activity so far as it is appropriate in the zone. The types of activities sought were not specified in the submission.

26.2 Mr Jeffrey Brown has provided evidence supporting the rezoning from Rural Zone to a component of the Wanaka Airport Zone (**WAZ**).

26.3 At his paragraphs 2.1 and 2.2 Mr Brown sets out the growth of Wanaka and visitor growth, and at paragraph 2.3 Mr Brown states that this growth "*means there is a need for more facilities, infrastructure, activities and zones for these, for residents and*

visitors". However, Mr Brown does not qualify this in any way, such as for example the capacity of Wanaka Airport or the landholding subject to Designation 64, or the land recently purchased by QAC, which was explained in paragraph 15.62 of my Strategic S42A.

- 26.4** Mr Brown does not provide any further evaluation of the Council's strong preference based on expert evidence that commercial and retail development is carefully managed within the WAZ, (as summarised in paragraphs 15.58 – 15.64 of my strategic evidence), and how the requested zoning could affect the recommended WAZ area and the Strategic Directions of the PDP that seek to consolidate urban growth within the Wanaka UGB.
- 26.5** At paragraphs 2.6 – 2.10 Mr Brown also makes some statements that I consider would assist from being qualified where he discusses and criticises the Astral Report³⁰ based on observations he has made on the relative growth of Queenstown Airport.
- 26.6** At paragraph 2.8 Mr Brown suggests that the Astral Report has taken a short sighted view of potential growth of Wanaka Airport and at paragraph 2.9 Mr Brown appears to suggest that at some point in the near or mid-term future, the growth of Wanaka will be sufficient justification for '*direct scheduled services*' to Wanaka, rather than it being subservient to Queenstown Airport. Mr Brown appears to make this statement based on his own observations as to the population of Queenstown in the late 1980s and early 1990s comparative to Wanaka's current population. I consider this statement would assist from being qualified in some way regarding Wanaka Airport's land supply and capacity over the life of the PDP.
- 26.7** Table 1³¹ of the Astral Report sets out that the development of what is referred to as the 'South Side' land bounded by SH6 and the Airport's runway is favoured over development expansion on the northern side of the runway. As set out in the Reply of Rebecca Holden for the Council on the Airport Zone as part of the Business Hearing,³² QAC have acquired land within the identified 'South Side' area. The area

30 [CB65], Appendix 3. Astral Limited: Final Report – Wanaka Airport Planning and Development, prepared for the QLDC and QAC, 20 April 2016.

31 [CB65], Appendix 3, at 14.

32 [CB65].

acquired comprises a total of 106 ha and includes land available for development in both the 'North Side' and 'South Side' scenarios discussed in the Astral Report, illustrated in **Figure 5** below.

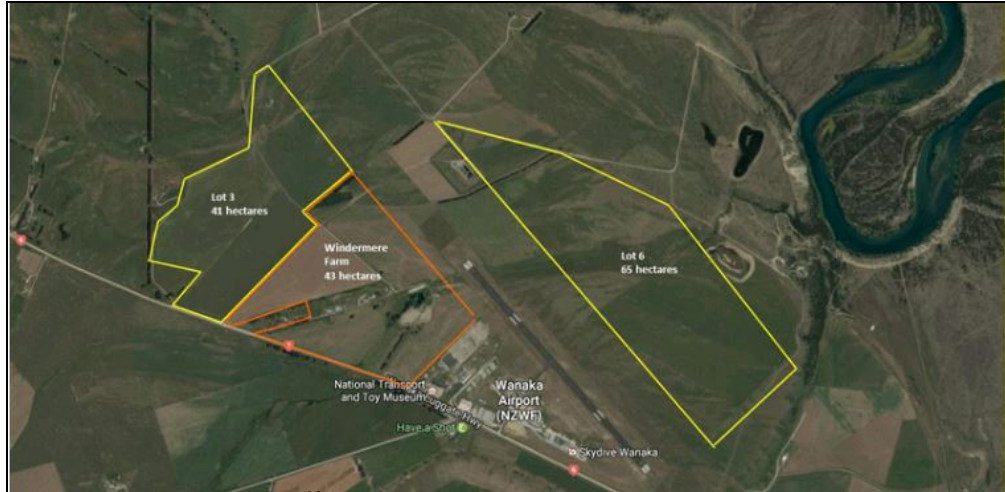


Figure 5. Aerial photograph³³ illustrating the land acquired by QAC in 2016, outlined by the yellow and red lines. The area outlined by the red line is the land area known as the 'Pittaway Block' zoned Rural Visitor – Windermere under the ODP.

26.8 Mr Brown appears to be justifying in large part the requested Airport Zone on the basis of the growth identified in his evidence. However, he does not discuss (nor is there any qualified evidence supporting this submission) whether this zoning is necessary or justified based on the land acquisition of QAC, directly adjacent to the airport on the northern side of SH6.

26.9 Mr Brown's evidence sets out that in addition to the activities included as part of the 'Aviation Activities' the following have been identified as part of the rezoning:

- (a) visitor accommodation would be a permitted activity where it is outside the Airport Outer Control Boundary;
- (b) buildings would be prohibited within an area identified for landscape protection on the structure plan;
- (c) buildings would be required to comply with the setbacks identified within certain areas on the structure plan;
- (d) buildings would require resource consent as a restricted discretionary activity, with discretion relating to landscape and the operational requirements of the building; and

³³ Sourced from <https://www.nbr.co.nz/article/queenstown-airport-gets-groove-safer-landings-snow-rain-ng-200213>. Accessed 18 April 2017.

- (e) visitor accommodation is restricted to one operation comprising not more than 30 guest rooms and related activities.

26.10 The revised rezone request now includes a detailed structure plan that includes:

- (a) 3 areas with varying height restrictions (A1, A2, A3);
- (b) a landscape protection area (**LP**);
- (c) a building setback (5 metre and 10 metre); and
- (d) a 5 metre wide amenity planting strip (**APS**).

26.11 Mr Brown's structure plan also helpfully identifies the total area subject to each structure plan annotation and the expected road reserve requirements, car park and heavy vehicle loading requirements to provide an estimated buildable area of 5.524 ha, which is 38% of the overall land area sought for rezoning.

26.12 At paragraph 4.9 of Mr Brown's evidence he identifies that the proposed rezoning is consistent with a number of PDP Strategic Direction objectives and policies. While I agree that the proposed rezoning accords with a number of economic growth and wellbeing related policies, as would many commercial rezonings, I disagree with Mr Brown at paragraph 4.9(b) where he considers that the zoning would not undermine the role of Wanaka Town Centre as the main commercial hub for development in the Upper Clutha area.³⁴

26.13 I am concerned that the rezoning could set a precedent for urban development that while geographically close to the Wanaka Airport, does not have a strong relationship with the airport and is not favoured by those seeking land for aircraft hangar and aircraft maintenance, because of the location of the zone on the opposite side of SH6. On this basis there is the potential for activities to seek to establish that are at best, loosely affiliated with the Wanaka Airport.

26.14 I also disagree with Mr Brown at his paragraph 4.10 where he states that the rezoning achieves Objective 4.2.1 of the Urban Development

³⁴ Strategic Direction Objective 3.2.1.1.

Chapter, on the basis that the proposed rezoning area is immediately adjacent to an existing 'settlement' being the existing airport development. I consider that the land recently purchased by QAC, illustrated in Figure 5 above is immediately adjacent. I am concerned that the rezoning could result in sporadic urban development. I also consider that if the rezoning is accepted it would create a precedent for commercial development on the opposite side of SH6 and along Mt Barker Road. I do not consider the proposed rezoning achieves Objective 4.2.1 as well as stated by Mr Brown. In this regard I also disagree with Mr Brown at paragraph 4.13 of his evidence where he states that the development would not represent sprawl along SH6.

26.15 Related to this, I also disagree with Mr Brown's interpretation of Landscape Policy 6.3.12 relating to regionally significant infrastructure, because the proposed rezoning has not justified that it is part of the Wanaka Airport and is therefore regionally significant infrastructure. I consider that the constraint caused by SH6 (which is a regionally significant resource that is sensitive to ad-hoc development) separating the rezone land from Wanaka Airport has been understated as discussed by Mr Brown at his paragraph 2.12. I consider that because of this constraint, at best, the rezoned area and activities would only have a loose affiliation with Wanaka Airport.

26.16 In summary I maintain my opinion that the rezoning should be declined as set out in paragraphs 15.14 and 15.15 of my Rural S42A evidence **[CB41]**. In my view, the constraint of SH6 would discourage airport related activities and any future activities would only be loosely affiliated with the Wanaka Airport.

Mr Carey Vivian – Rural Lifestyle Rezoning

26.17 Mr Vivian has provided planning evidence in support of the submission. At paragraph 10.3 Mr Vivian notes that the requested rezone area is not correctly identified on the annotated aerial photograph on page 77 of my S42A Rural evidence. I accept the location is not accurate but it is obvious from the scale of the aerial photograph and overlay that the intent was to illustrate the location of the respective rezonings sought by Jeremy Bell Investments Ltd (820

and 782) and Lake McKay Station (483). The submission and evidence from these submitters is more detailed and a more useful reference.

- 26.18** Paragraphs 10.4 and 10.5 of Mr Vivian's evidence clarify the overall area sought to be rezoned, the area of the rezoning relative to the proposed Building Restriction Area, and the overall amount of allotments envisaged, being 25. This is the same as the assessments undertaken in the S42A evidence.
- 26.19** At paragraph 10.6 of his evidence Mr Vivian correctly identifies that at paragraph 16.3 of my evidence I state the rezone area is within the ONL, when the site is not within the ONL. I refer to Ms Mellsop's evidence in chief where at paragraph 8.67 she correctly states that the rezone site is not within an ONL, but is immediately adjacent to the Criffel/Pisa ONL.
- 26.20** In any event I do not consider that this error was substantive in my recommendations, as I also state in my analysis of the submission and Ms Mellsop's evidence at paragraph 16.14 and my overall recommendation at paragraph 16.17, that the rezone area is adjacent to the Criffel/Pisa ONL and I undertake my assessment on that basis. I confirm that the typographical error in paragraph 16.3 of my evidence does not alter my recommendation set out in my S42A evidence for Group 3 - Rural to recommend the rezoning is rejected.
- 26.21** I disagree with Mr Vivian at his paragraph 10.8 where he states that Ms Mellsop and I are '*confusing a request to rezone land as part of the District Plan Review with actual development (which at this stage is not proposed)*.' Mr Vivian also considers that Ms Mellsop and I have contradicted ourselves because while Ms Mellsop considers there is some capacity to absorb development, the overall recommendation is that the Rural Lifestyle Zone would be inappropriate from a landscape perspective.
- 26.22** I do not consider there to be any confusion. Rather, my point was that because of the limited sensitivity of the landscape to absorb change (in Ms Mellsop's view) and the large area of the rezone where

buildings could be located if rezoned to Rural Lifestyle, I consider in balancing the relevant evidence and relevant statutory requirements that the Rural Zone and resource consent process provided under that zone is the most appropriate because the provisions require a greater level of certainty than that offered by Rural Lifestyle Rezoning.

- 26.23** I maintain that the most appropriate zoning is the Rural Zone because as stated in paragraph 16.17 of my S42A evidence for Group 3 Rural, I consider that the landscape in this location is too sensitive for Rural Lifestyle zoning, and any development here would require a design led approach and careful mitigation. The Rural Zone has more appropriate provisions that can better assess and control such proposals. Proposals for future development of this area via the Rural Zone are in my opinion more certain of leading to appropriate outcomes that accord with the Strategic Directions (3) and Landscape Chapters (6).
- 26.24** Mr Vivian provides an analysis of the PDP provisions including the Rural Lifestyle Zone at paragraphs 10.9 – 10.13 of his evidence. Although I generally agree with the statements, I consider that where these are applied to the requested zone, Mr Vivian has overstated the efficacy of the Rural Lifestyle Zone PDP provisions in the context of the rezone area. In my opinion there is not enough certainty that the areas sought to be rezoned are those "*where there is some capacity to absorb development*".
- 26.25** As an example of my concerns that the requested area is too large for me to have certainty that the provisions that relate to the Rural Lifestyle Zone would be effective, at paragraphs 10.4 and 10.13 Mr Vivian has compared the requested rezone area with that of the PDP Rural Lifestyle Zone located at Wyuna. While the Wyuna Rural Lifestyle Zone is similar insofar that it is located within an ONL and has a building restriction area,³⁵ the only developable area of the Wyuna Rural Lifestyle Zone is a thin ribbon of land located between two steep terraces.

35 Refer to PDP Planning Map 25b.

26.26 By comparison, the requested rezone area is 71.6ha with a BRA of 22ha, leaving 49.6 ha available for development of 25 allotments, each with a building platform of up to 1000m².

26.27 I appreciate that the level of certainty required to ensure that development would occur where there is capacity for it to be absorbed might mean that this is not efficient or sufficiently certain in terms of what transpires into district plan text. My concerns with the Glendhu Bay Trustees (583) and Allenby Farms (502) submissions are an example of this matter. However, I consider this reinforces my overall recommendation made at paragraph 16.17 of my evidence in chief that the Rural Zone is the most appropriate zone. For these reasons my opinion differs from that of Mr Vivian where his evaluation of the relevant objectives and provision of the PDP lead to him supporting the rezone request.

27. MR SCOTT EDGAR FOR LONGVIEW ENVIRONMENTAL TRUST (FS1282)

27.1 Mr Scott Edgar has filed evidence opposing the submission of Solobio Ltd (325), who seek that the ONL classification be removed from the flats and down land areas of Matukituki Station because the ONL classification over this land would inhibit farming activities.

27.2 Mr Edgar states at paragraphs 21 and 22 that the enabling of farming activities is not justification in itself to amend the landscape classification, and that it is the objectives, policies and rules of the PDP related to a landscape classification that could inhibit farming.

27.3 I agree with Mr Edgar on this matter, and note that no evidence has been filed on behalf of the primary submitter, Solobio Ltd.

28. MR CHARLES GRANT FOR SEVEN ALBERT TOWN PROPERTY OWNERS (FS 1038)

28.1 Mr Charles Grant has filed evidence opposing the submission of Mr Alan Cutler (110), and Ms Mellsop's support for Mr Cutler's submission as set out in her primary evidence. Mr Cutler's submission seeks the extension of the ONF classification on the true

right side of the Clutha River upstream of the Albert Town Bridge, from the lower side of the terrace escarpment to the upper side.

- 28.2** At paragraph 14 Mr Grant states that the operative Township zoning extends over the boundary of the properties and up to the Clutha River. I assume he is meaning that the operative Township zone extends over Wicklow Terrace. Mr Grant suggests that the Township zoning of this land reflects the "*significant residential development of this land, and consequently, its effect on the terrace in this area being modified rather than natural*". Mr Grant also states at paragraph 17 that accepting Mr Cutler's submission is inconsistent with my Strategic evidence in chief where I discuss the application of the ONF/ONL boundaries and that the PDP framework provides for these in the Rural Zone, and recommended that two locations in Wanaka where the ONL boundary crosses through land not zoned Rural, that the ONF/ONL boundary should be amended to be located on the nearest Rural Zoned land.
- 28.3** I have reviewed PDP Planning maps (map 24b) currently available to the public including that published on the Council's website, dated 19 December 2016, and the webmap based version published in October 2015 that shows the indicative location of the rezoning submissions.³⁶ Appreciating that the planning map is the legal version for the PDP, I consider that it is clear that Wicklow Terrace is shown as Road and is not zoned operative Township.
- 28.4** **Figure 6** below is an excerpt of PDP Planning Map 24b. The distinction between the pale purple of the operative Township Zone and the white of the Road is clearly visible here.

³⁶ <http://qldc.maps.arcgis.com/apps/webappviewer/index.html?id=b1f425815181438f907bf9f09a9613ed>.

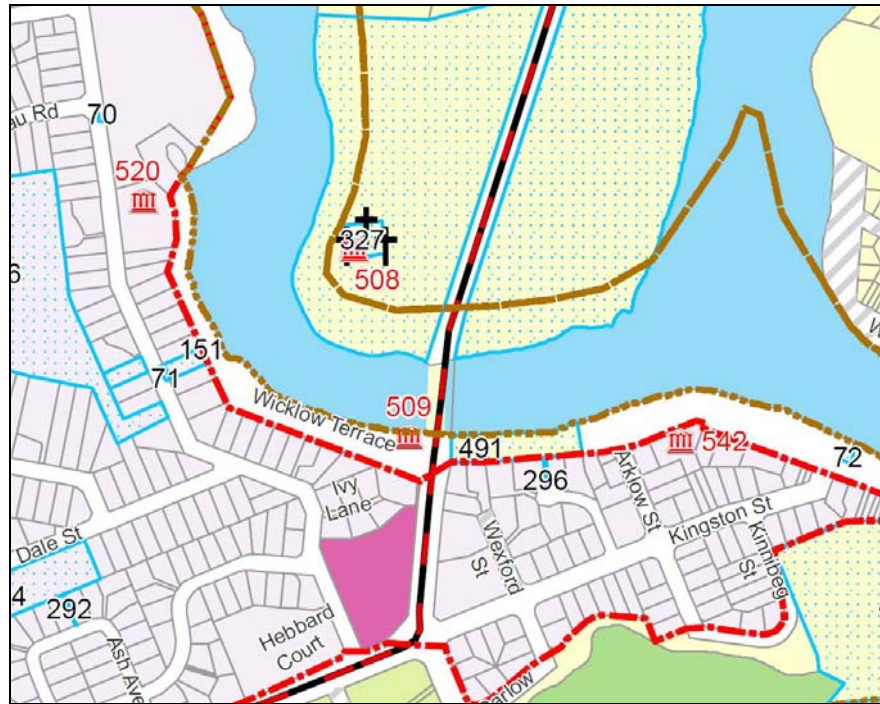


Figure 6: Excerpt of PDP Planning Map 24b that shows Wicklow Terrace as Road (white), the operative Township Zoned properties are a light purple colour. The red line is the notified Wanaka UGB, and the brown line is the notified ONF boundary of the Clutha River.

- 28.5 I therefore disagree with Mr Grant and I consider that the ONF boundary could be located up to the edge of the operative Township Zone, i.e. to include Wicklow Terrace. This would be consistent with the Strategic evidence that the landscape boundaries should not be located over urban zones as the extension would simply encapsulate a road.
- 28.6 Although Mr Grant's evidence is given on the basis that the subject land (i.e. part of Wicklow Terrace) is zoned operative Township, it also raises the matter of whether the landscape boundaries could be applicable across Roads.
- 28.7 Although roads are not zoned in the Stage 1 of the PDP their function and management is controlled by the Council or, in the case of State highways, the New Zealand Transport Agency (NZTA). I also consider that because the Council and NZTA are the only organisations with overall control over the roads, it would be unlikely for other parties to exert similar influence in terms of development and modifications. I note that the NZTA did not submit on the location of the landscape boundaries. I also note that the District contains

many unformed Roads that are within the Rural Zone and I consider it would be impractical to specifically exclude those roads from ONF/ONL overlays on the PDP Planning Maps.

28.8 In this case the Clutha River itself and land to the north (true left side of the Clutha River) is zoned Rural and I consider that from a planning perspective it would be logical and feasible to include the Road within a landscape classification, up to where it adjoins an urban zoning. The landscape classification the land falls within is a matter for Ms Mellsop to advise on and I rely on her opinion on that matter.

28.9 Mr Grant states at paragraph 13 that the notified ONF boundary had potentially been attributed to an error associated with transposing the ONF/ONL lines from a map to a GIS line. In this particular case if there was an error, it appears the ONF line was 'snapped' to the northern edge of the Wicklow Terrace road reserve. As stated by Dr Read in her rebuttal, in this case it was intended that the ONF boundary includes the terrace landform. In any case, I do not consider this particularly relevant because there is scope through Mr Cutler's submission to locate the ONF/ONL boundary on the upper side of the terrace.

28.10 Mr Grant also appears to oppose the extension of the ONF classification as it could have potential ramifications for management of the stability of these terraces. At paragraph 25 Mr Grant states:

An ONF status in these areas would make such necessary works potentially more difficult in the future and does not reflect the currently modified state of the terrace.

28.11 I agree that the PDP landscape and Strategic direction chapters generally require higher levels of scrutiny where earthworks might affect landscape values. However, the land over which Mr Culter seeks an extension of the ONF boundary is identified as being a road on the planning maps (i.e. it is not zoned). Therefore, there are not any rules within the PDP which control the development on the land, at this point in time in any event. Persons other than the Council

wishing to undertake works or place structures within the Road would require approvals outside of the RMA or PDP provisions.

28.12 Ms Mellsop has modified her recommended location of the ONF slightly away from the property boundary to the crest of the terrace. Ms Mellsop disagrees with Mr Grant where he suggests that the ONF boundary could follow the flood overlay indicated by the Council's hazards register. Ms Mellsop consider the river terraces are the most appropriate landscape feature to delineate the ONF boundary.

28.13 Overall I recommend the submission of Seven Albert Town Property Owners is rejected.



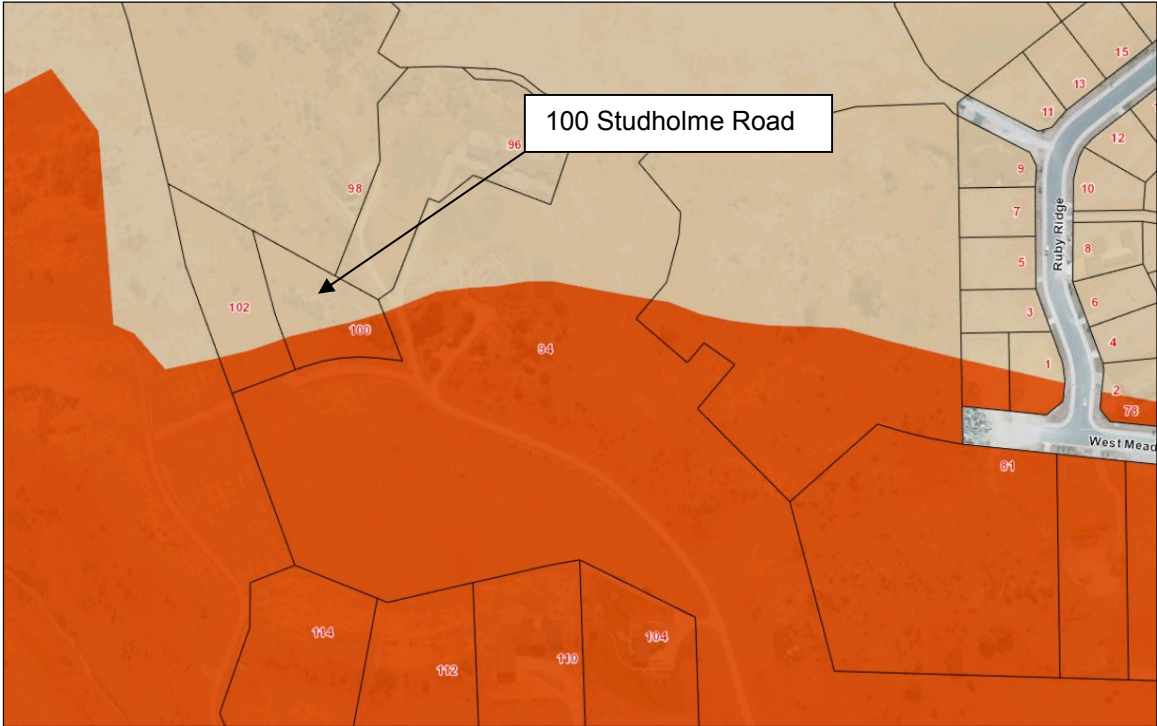
Craig Barr

5 May 2017

Appendix 1

Section 32AA Evaluations in relation to Upper Clutha Mapping Rezoning, rebuttal (to be read in conjunction with Submitter and Council evidence in support of the changes)

RD & EM ANDERSON FAMILY TRUST (PREVIOUS SUBMITTER NIC BLENNERHASSETT) (335)



QLDC webmap image of the split zoning over 100 and 102 Studholme Road, the light brown colour is LDRZ and the orange colour is the LLR Zone. It is proposed that 100 Studholme Road be rezoned from LLRZ to LDRZ.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Increase in traffic on the road network. However, the rezoning would enable no more than 4 LDRZ properties and would have low impacts in terms of traffic generation impacts. As supported by the 	<ul style="list-style-type: none"> Avoids the split zoning on these two properties and future unnecessary complexities. Economic gains for the property owners if they choose to 	<ul style="list-style-type: none"> The use of land for housing within the Wanaka UGB will be more efficient. The application of zoning in the PDP will be more effective as it avoids unnecessary split zoning. Denser forms of housing within the Wanaka UGB are more efficient from an infrastructure and transportation

Council's traffic expert Ms Banks.	develop these properties to LDRZ.	perspective.
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CHRISTOPHER JOPSON, JACQUELINE MOREAU AND SHANE JOPSON (287)

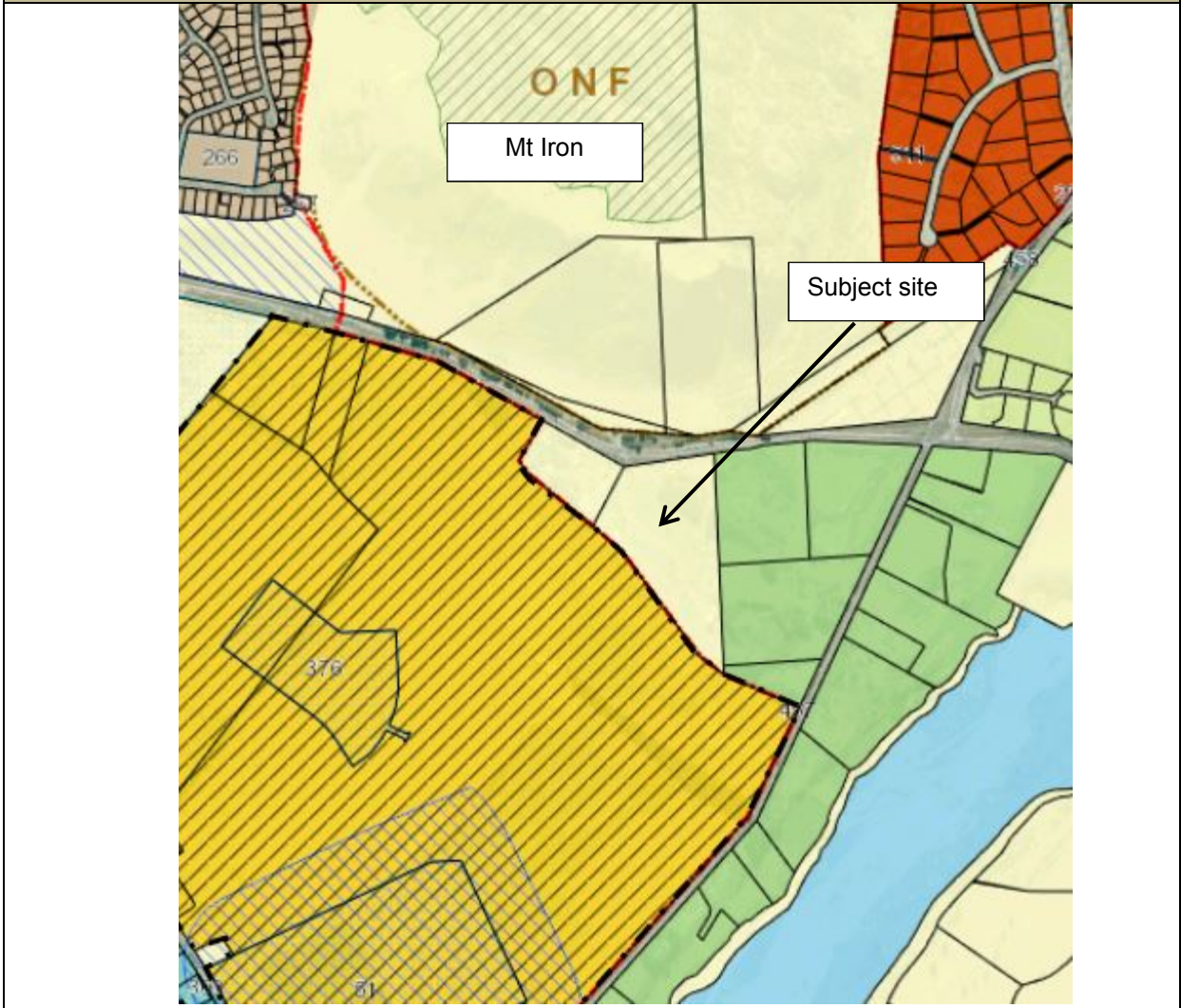


Aerial photograph of the area subject to the rezoning.
 The blue line identifies the rezoning I discuss in my Wanaka and Lake Hawea Urban evidence in chief.
 The red line outlines the entire area now recommended to be rezoned from LLRZ B to LDRZ.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Infill development from LLRZ A (existing environment), to LDRZ could lead to multiple accesses and infill type patterns however as set out in my rebuttal evidence these potential effects do not outweigh the benefits. It is also possible the site will be comprehensively developed which would be more efficient than multiple individual subdivisions. 	<ul style="list-style-type: none"> Economic gains for the property owners if they choose to develop these properties to LDRZ. Increase in housing supply (albeit small) Increase in potential for competition in the market with a variety of 	<ul style="list-style-type: none"> Denser forms of housing within the Wanaka UGB are more efficient from an infrastructure and transportation perspective. I adopt the effectiveness and efficiency statements set out in the S32AA of Mr White's evidence.

	<p>developers.</p> <ul style="list-style-type: none"> I also adopt the beneficial matters set out in the S32AA of Mr White's evidence. 	
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RANCH ROYAL ESTATE LTD (PREVIOUSLY C AND M SKEGGS) (412)



Excerpt from Planning Map 18. The subject land is the area on the southern side of State Highway 6, the Operative Three Parks Zone (Yellow striped) and Rural Lifestyle Zoned land (Green) to the east. The UGB follows the Operative Three Parks Zone at this location.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • Reduction in visual amenity, associated with houses on the moraine, however as viewed it will appear adjacent to urban development of the operative Three Parks Zone. The recommended BRA and emphasis on ensuring roofs remain below the crest of the upper terrace will assist with reducing amenity along SH 84, being an important entrance to Wanaka. • Potential cost with the possibility the developers would seek access onto SH84. This has potential for both traffic effects on the state highway and visual amenity effects if the site is 'opened up' due to the creation of an access. The NZTA have control over accesses onto the State Highway 84 and the developer would need to liaise with the NZTA on this matter. If access is not available, then the developer would need to arrange access through the operative Three Parks Zone. • The modified shape of the 	<ul style="list-style-type: none"> • Economic gains for the property owners if they choose to develop these properties to LLRZ B (2000m²). • Increase in housing supply (albeit small) • Increase in potential for competition in the market with a variety of developers. • Increase in choice of housing within the Wanaka UGB. 	<ul style="list-style-type: none"> • Denser forms of housing within the Wanaka UGB are more efficient from an infrastructure and transportation perspective.

<p>UGB will appear slightly incongruous from a spatial planning perspective but the 'Puzzling World' site, which has been left out, is visible from SH 84 and it has established activities that while urban, do not necessarily fit into a residential zone.</p>		
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Section 32AA Evaluations in relation to Upper Clutha Mapping ONF and ONL boundary amendments, rebuttal (to be read in conjunction with Submitter and Council evidence in support of the changes)

Table 1. Recommended amendments where the ONF/L boundary change reduces the area of ONF/L.

Recommended amendments to the ONF or ONL boundaries (Area 2 Wanaka Fringe)

Planning Maps 8, 19: Amendment to the ONL boundary at The Plantation/Sticky Forest (Submitter M Beresford (149))

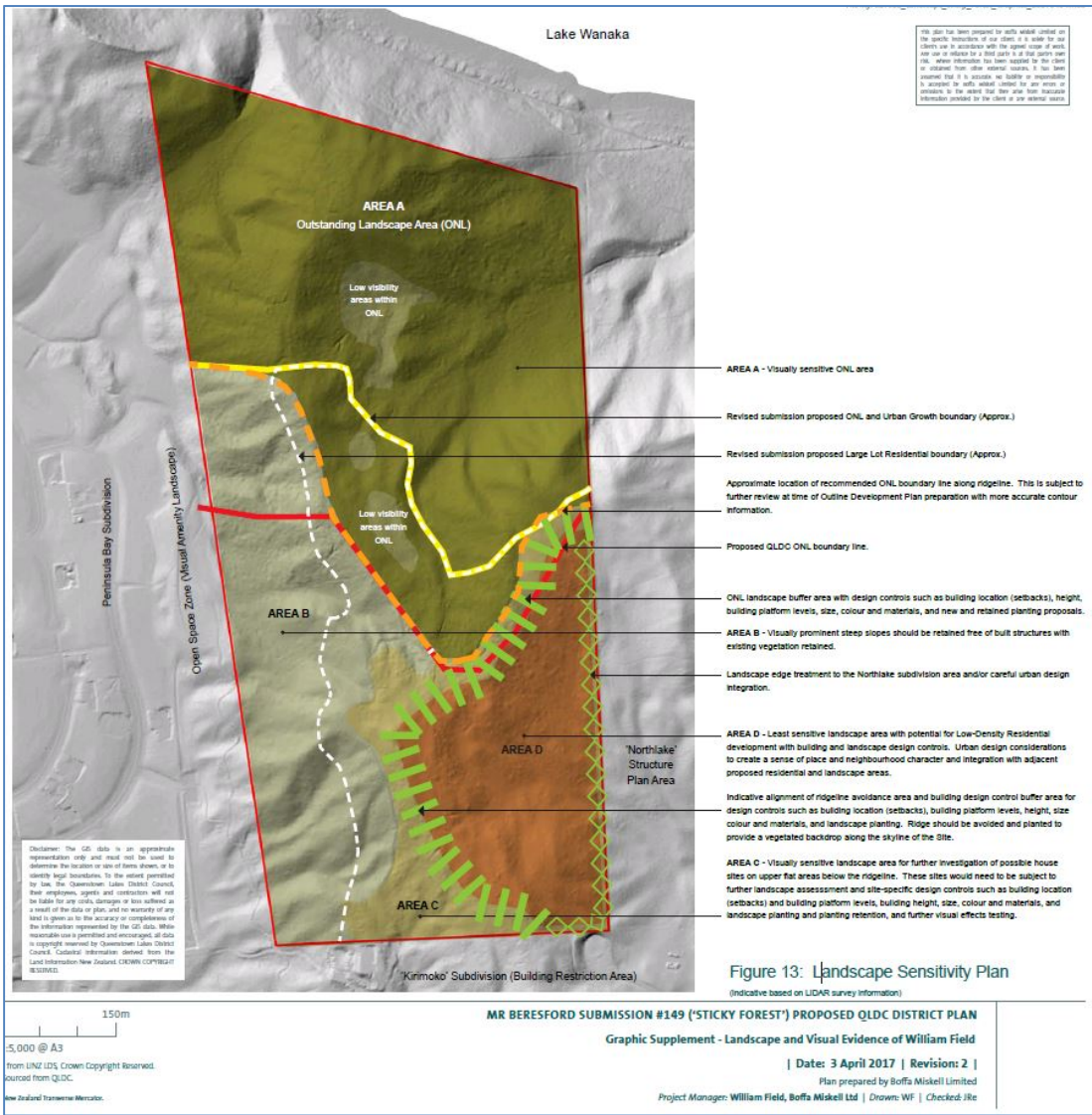


Figure 13 from Mr Field’s evidence for Michael Beresford (149) Graphic Supplement – Landscape and Visual Evidence of William Field. 4 April 2017. illustrating the ONL boundary (Yellow line) that is agreed by Ms Mellso.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • The land taken out of the ONL may have less protection in terms of provisions available to plan administrators, should development be requested to occur on this area. • The adjustment of the ONL line in this location has the potential to weaken the standard of development that could be approved here because the objectives and provisions in the Chapters 3, 4, 5, 6 and 21 of the PDP and in particular the assessment matters in Part 21.7 are less onerous for section 7 (c) (RLC) landscapes than the section in terms of environmental protection afforded to section 6 (b) ONL landscapes. 	<ul style="list-style-type: none"> • The revised boundaries are more refined, and have been more heavily scrutinised which in turn makes them more robust. • Removes land that may otherwise diminish the intent of the meaning of “outstanding” in terms of section 6 (b) of the RMA. 	<ul style="list-style-type: none"> • The ONL line follows clearer and more defensible boundaries, making administration and application of the provisions more effective. • More refined and defensible identification of ONL, making it more effective for plan administration. • There is less potential for a case to be made in administration of the plan that the ONL boundary was not appropriately located. .

Table 2. Recommended amendments where the ONF/L boundary change increases the area of ONF/L.

Recommended amendments to the ONF or ONL boundaries (Area 3 Rural)

Planning Maps 8, 24b: Amendment of the ONF line at Albert Town bridge (Submitter Alan Cutler (110) and Further Submitter Charles Grant (1038))



Figure 8 from Ms Mellsop's rebuttal evidence illustrating the recommended ONF location. The ONF line is recommended to be amended to more accurately follow the top of the river escarpment.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> The land that is to be included in the ONF could be perceived by landowners as more restrictive in terms of development rights, noting that the land within the ONF is within a road reserve. 	<ul style="list-style-type: none"> Identifies land that deserves recognition as an “outstanding area”. Identifies land that offers consistency with adjoining land, resulting in the new ONF line being more logical and defensible. The land that is to be included in the ONF has an increased level of protection in terms of additional provisions that front foot any future or potential development which encourages design control. Provides more environmental protection where considered necessary, subject to the type and intensity of development proposed. The amended ONF line creates a 	<ul style="list-style-type: none"> The ONF line follows more logical and defensible boundaries and provides more certainty in terms of plan administrators and for plan users.

	<p>more stringent assessment regime in terms of land use of the site that appropriately reflects its 'outstandingness'.</p>	
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**Appendix 2 – Aerial photograph of Sticky Forest showing requested zoning and
Bike Wanaka trail map**

LAKE WANAKA



Proposed ONL

Proposed Urban Growth Boundary

THE PLANTATION

Northlake Special Zone

Appendix 3 – Fire Smart Home Owners Manual

FireSmart home owners manual

Protecting your home from interface fire



You and your neighbours can reduce the hazards of wildfire by following the simple preventative steps explained in this booklet.

Is your home at risk?

Complete the FireSmart Fire Hazards and Risks Assessment Checklist from page 10.



The interface reality



Don't be the cause of a wildfire



Get ready



A well thought-out FireSmart protection plan



Site preparation



FireSmart Fire Hazards and Risks Assessment Checklist

Acknowledgments

The National Rural Fire Authority wishes to acknowledge the contribution of the Sector Group Team in producing the 2004 publication of FireSmart: Protecting our Communities from Interface Fire. The addition of the Homeowner's edition of FireSmart will be a valuable tool in assisting homeowner's to keep their properties safe from interface fire.

First published 2006

Version 2, 2009

National Rural Fire Authority

P O Box 2133

Wellington

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Design: Gusto

Waiver: The National Rural Fire Authority accepts no responsibility of liability for any loss or damage that any person may sustain as a result of information in, or anything done or omitted pursuant to this booklet.

The interface reality



Where residential, industrial, or agricultural property is located in or next to vegetation, whether it is forest, scrubland, or a rural setting, it may be at risk from fire. Such areas are called a property/vegetation interface, or interface for short.

Interface fires can do tremendous damage, result in economic losses, and have significant social impact. Even the best-case scenario involves fire-fighting costs, the loss of adjacent vegetation cover, and some level of inconvenience. The worst-case scenario may involve community evacuation, as well as the loss of property and life.

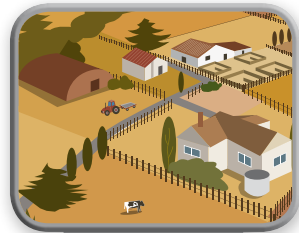
To reduce the potential of interface fire loss, we must all be more aware of the potential consequences of interface fire and share the responsibility for putting in place practical solutions.

Homeowners and residents are responsible for providing defensible spaces around their properties and introducing FireSmart strategies.

This FireSmart Homeowner's Manual can help you reduce your risk.



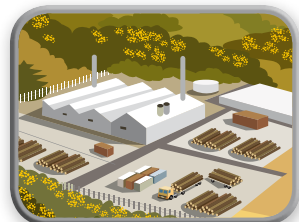
Suburbs



Farms



Rural Towns



Commercial

The interface reality



Get ready



Site preparation



Wildfire causes



FireSmart protection plan



FireSmart checklist



Get ready



Properly preparing your home and community doesn't guarantee that you will not incur fire damage but it does reduce the risks. Obtain insurance cover for all property at risk from fire.

Many of the fire-preventative measures cost very little and reduce fire risks by a great deal; others require planning and long-term commitment to change.

Let's look at three areas where you can apply FireSmart standards to protect or reduce the damage to your property should a wildfire occur.



Site preparation



Any kind of vegetation is potentially combustible.

Mature trees, scrub, shrubs, grass, even your woodpile, are all potential fuels that can easily ignite (increasing the chance of building ignition and loss). Managing space around your house and buildings is of prime importance.

Do you have a safety zone around your house and buildings?

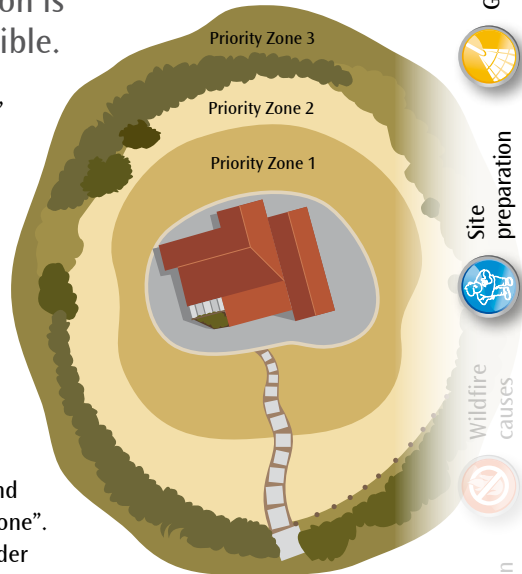
The first 10 metres of space around your home is your “priority zone one”. It’s the most critical area to consider for fire protection. A good fuel-free space gives firefighters a chance to save your home from advancing fire. A home without a good safety zone around it is difficult to defend and increases the potential of house ignition.

What to do?

Establish lawn, paths and drives. Remove any shrubs, trees, dead branches, twigs and leaves from this area and keep it mown and watered.

How FireSmart is your “Priority zones two and three”

These zones should be environments that will not support high intensity crown fires. In this zone you need to reduce fuels by thinning and pruning so that combustion cannot be supported.



The interface
reality



Get ready



Site
preparation



Wildfire
causes



FireSmart
protection plan



FireSmart
checklist

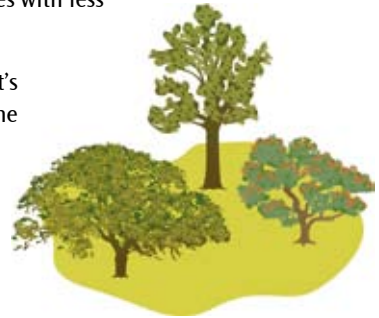
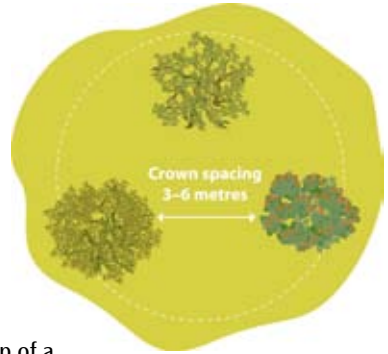


What to do?

Remove over-mature, dead or dying trees. Thin the understorey trees to reduce the chances of surface fires climbing into the canopy. Prune all large trees and remove all branches at least 2 metres from the ground. Remove trees and overhanging limbs that are close to powerlines. Get rid of slash from the pruning promptly to avoid the build-up of a fire hazard. Replace highly flammable species with less flammable species.

Because fire spreads more rapidly up slopes it's important to extend precautions further on the downhill slopes and windward exposures.

These are simple economic steps anyone can take to create a FireSmart home. For these actions to remain effective, they must be maintained.



Building Construction

Our second set of FireSmart guidelines deals with building materials and design standards. While it may not be practical or economical to apply all of them to an existing structure, many FireSmart modifications are easily accomplished.

Is your roof FireSmart?

The most fire resistant roofing materials are steel or tile. Ensure that your roof is free of combustible debris, with no leaf-clogged gutters and roof.



Are your exterior walls FireSmart?

Materials such as brick, tin and hardiplank offer superior fire resistance to wildfire. Timber walls are less effective.

Is your home vulnerable to firebrand ignition?

If you are designing your home, try and eliminate areas where airborne sparks and embers could accumulate and ignite siding, windowsills or trim. Eaves and vents are readymade openings that can allow heat and embers to enter a building. Ensure eaves are closed and all vents are screened.



Are your doors and windows FireSmart?

Remove concentrations of fuels that are within 10 metres of glazed openings. Consider both the size and materials used for your windows – smaller panes hold up better in their frames than larger ones; double glazed or tempered glass is better than single pane glass, and plastic skylights can melt.

Are your attachments (decks, balconies, trellises and fences) FireSmart?

Where possible, build decks, trellises and balconies using non-flammable materials. If not, ensure that there is no build-up of combustible materials like leaves or dead plant materials.

The interface
reality



Get ready



Site
preparation



Wildfire
causes



FireSmart
protection plan



FireSmart
checklist



Don't be the cause of a wildfire



Interface fires often start as small, accidental ignitions. FireSmart standards are aimed at helping to prevent interface fires from starting and damaging property.

FireSmart Incinerators

Incinerators should be of an approved type. Store fireplace ash in metal containers.

Powerlines

Trees and branches should be cleared at least 3 metres from powerlines. Remove dead or diseased standing trees within a tree length of the powerlines. Private powerlines need to be maintained by the owner.



Emergency response

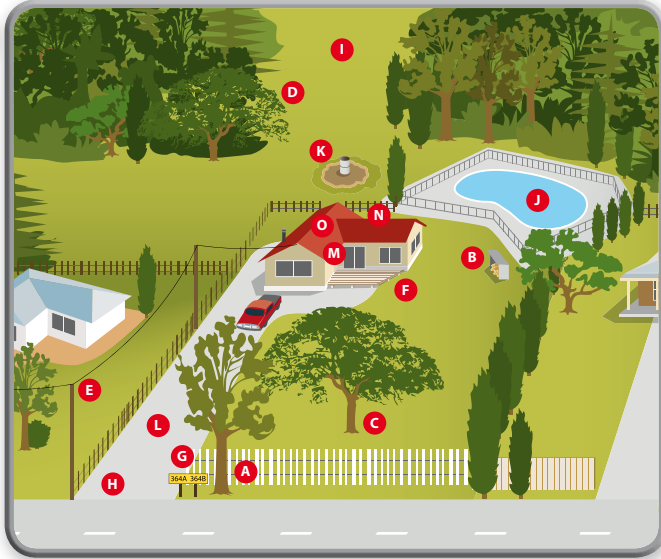
FireSmart building sites should have road access suitable for large emergency response vehicles. Properties should be identified by Rural Addressing Property Identification numbers (RAPID) at the entrance. Keep important contact telephone numbers by your phone. Water supplies should be maintained with good access and adequate signposting.

Preparedness

Every home should have smoke alarms installed, have escape plans identified, dry powder extinguishers available and garden hoses connected that reach around the house. Installation of home sprinkler systems in rural homes should also be considered. Understand the current fire danger and fire season status for your location.



A well thought-out FireSmart protection plan



- A** Prune tree branches to a height of 2 metres or more
- B** Store fire wood 10 metres or more from the house (avoid downslope location)
- C** Remove all trees, long grass, shrubs, logs branches, twigs and needles within 10 metres of house
- D** Thin trees (with 3 - 6 metres between crowns) for at least 30 metres from the house
- E** Contact your power company if trees or branches are not clear of power lines
- F** Clear vegetation within 10 metres of buildings by mowing or spraying to reduce fuel loading
- G** RAPID sign for quick identification by emergency services
- H** Driveway is wide enough to accommodate emergency vehicles
- I** Try to provide an alternate emergency access route to your property
- J** Pond or pool with emergency water supply
- K** An approved FireSmart incinerator
- L** Driveway clear of trees to a distance of at least 4 metres
- M** All eaves enclosed and screen all vents
- N** Undersides of balconies, decks clear of debris and leaf materials
- O** Use only fire resistant roofing materials and fire resistant exterior cladding

The interface reality



Get ready



Site preparation



Wildfire causes



FireSmart protection plan



FireSmart checklist



FireSmart fire hazards and risks assessment checklist



If you live in an interface or in a rural home, use this checklist to help you manage your fire protection and fire preparedness.

How to use the checklist

- 1 For each hazards and risks feature or for each mitigation credits feature (in the left-hand column), choose the option that best describes your situation from the two or three options in the centre and right-hand columns in the same line.
- 2 Put the score from the relevant shaded column into the 'Score' column.
- 3 Add your hazards and risks score and enter as Subtotal A.
- 4 Repeat the process for mitigation credits and enter your negative score as Subtotal B.
- 5 Subtract Subtotal B from Subtotal A to get your final score.
- 6 To see what your score means, see 'Interpreting your score'.
- 7 To read more about any feature, refer to the relevant page number in the *FireSmart Partners in Protection* manual.

Hazards and risks						
Feature	Page	Options				Score
Structure location	13	Flat to gentle slope below structures	0	Steep slope below structures	6	
		Moderate slope below structures	3			
Roof material	13	Steel or tile	0	Wooden shingles	10	
Roof cleanliness	13	Clean of leaves and needles	0	Leaf clogged gutters and roof	4	
Walls	14	Brick, tin, hardiplank	0	Wooden	2	
Windows	14	No close vegetation	0	Close flammable vegetation	2	
Eaves, underside of decks and house	14	Well enclosed	0	Open and exposed	4	
Attachments: decks, balconies, fences, trellises	14	Non flammable or not attached to house	0	Wooden and attached to structures	2	
Firewood and stacked timber	17	None within 10 metres of structures	0	Stacked against or within 10 metres of structures	4	
Lawns	18	Mown and watered	0	Rank, or mown but brown and dry in summer	4	
Trees and shrubs within the section	17	Well spaced and more than 10 metres from structures	0	Dense, unmodified and within 3 metres of structures	6	
		Dense, unmodified and more than 3 metres from structures	3			
Power lines to property	17	Underground or overhead but in the clear	0	Overhead with trees overhanging or in close contact	4	

Continued over...

The interface reality



Get ready



Site preparation



Wildfire causes



FireSmart protection plan



FireSmart checklist



Hazards and risks						
Feature	Page	Options				Score
External surrounding vegetation	17	Grazed farmland or scattered scrub or forest	2	Continuous scrub, forest or rank grass to section boundary	4	
Seasonal drought	19	Regular summer rainfall with no droughts	0	Regularly subject to drought, high temperatures and dry winds	15	
		Can be subject to drought, high temperatures and dry winds	7			
Region has history and risk of fire occurrence	19	No	0	Yes	6	
Subtotal A						

Mitigation credits						
Feature	Page	Options				Score
Nearest fire response		Within 15 kilometres	6	Greater than 15 kilometres	0	
Signposting and rural addressing and numbering system	18	Implemented	1	Not implemented	0	
Driveway access for large fire appliances	18	Yes	2	No	0	
Fire-fighting equipment, hose, ladder, shovel		Yes	2	No	0	
Multipurpose dry powder extinguishers	15	Yes	2	No	0	

Continued over...

Mitigation credits						
Feature	Page	Options				Score
Owner understands fire danger and fire seasons	18	Yes	2	No	0	
Burns materials only in an approved incinerator		Yes	2	No	0	
Safety zones prepared around structures	16	Prepared greater than 10 metres	4	Not done	0	
Water supplies for fire fighting	18	Present, useable and adequate	2	None	0	
Section maintenance: dead vegetation	16	All dead and cured vegetation removed or composted	4	Dead and cured vegetation present	0	
Fire resistant native species	17	Section planted	4	Not done	0	
Roof and guttering	13	Regularly cleaned	2	Not done	0	
Non flammable materials next to structures	17	Yes	2	No	0	
Smoke alarms installed and operating	15	Yes	2	No	0	
Identified and practised escape plans	15	Yes	2	No	0	
Domestic home sprinkler system	15	Installed	6	No	0	
Subtotal B						
(Subtract Subtotal B from Subtotal A) Final Score						

The interface reality



Get ready



Site preparation



Wildfire causes



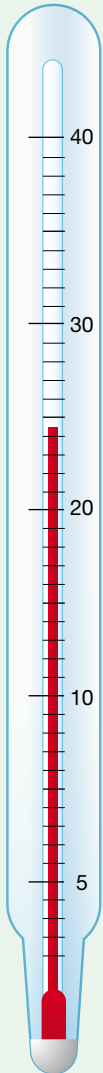
FireSmart protection plan



FireSmart checklist



Interpreting your score



Extreme fire hazard and risk

The chances of your home and outbuildings being damaged or destroyed by an interface fire or wildfire are high and increasingly so if a fire should occur at the worst time. Have a look on the form for areas where you score low. Some sensible improvements will make your property safer. Even small changes could make a difference between losing and saving your home.

31 +

High fire hazard and risk

The chances of your home and outbuildings being damaged or destroyed by an interface fire or wildfire are moderate. Have a look on the form for areas where you score low. Some sensible improvements will make your property safer.

23 to 30

Moderate fire hazard and risk

The chances of your home and outbuildings being damaged or destroyed by an interface fire or wildfire are low. Minor improvements will make your property safer.

15 to 22

Minus to 14 **Low fire hazard and risk**

The chances of your home and outbuildings being damaged or destroyed by an interface fire or wildfire are remote. You don't need to do much to make your property safer.

To report any fire dial 111

- For more detailed information on protecting your home from the spread of vegetation or interface fire, get a copy of the National Rural Fire Authority manual “FireSmart – Partners in Protection” by contacting National Rural Fire Authority phone 04-4963600.
- For information on undertaking burning, fire danger and fire season status contact your local territorial authority or closest office of the Department of Conservation.
- To obtain your Rural Addressing Property Identification number (RAPID) contact your local territorial authority.
- For more information on Fire Safety in your home contact your nearest New Zealand Fire Service brigade or visit www.fire.org.nz or www.nrfa.org.nz.
- For information and advice on installing home sprinklers visit homesprinklers.fire.org.nz.

Be FireSmart



Photo courtesy of The Marlborough Express



Appendix 4 – Council comments on text of proposed Glendhu Bay Zone chapter

44 Glendhu Station Zone

Comment

The comments in the following text boxes are on the requested Glendhu Station Zone Chapter.

No changes have been made to the requested chapter text, which is derived from Appendix 5 of Mr Christopher Ferguson's evidence dated 11 April 2017.

The provisions have been converted from Adobe PDF to Microsoft Word, and there could be inconsistency with the formatting or characters. In the event of any differences, the version attached to Mr Ferguson's is the correct version.

Any references to plans or provisions being included in the District Plan are on the basis that the Panel accepts part or all of the rezoning, and do not alter in any way the overall recommendations and suggestions to the Panel as set out in my Rebuttal.

The comments should be read alongside my evidence. The comments alone do not represent a stand-alone list of all the Council's concerns.

The comments are primarily the overall planning response. However, where the statement is beyond the breadth of planning evidence the comments have been informed by a technical specialist, being the relevant Council expert identified as follows:

MR - Marion Read
GD - Glenn Davis
WB - Wendy Banks

44.1 Issues and Values

The Glendhu Station Zone is located on the southern and western slopes rising from the small southern arm of Lake Wanaka, known as Glendhu Bay and including Parkins Bay. The eastern end of the zone between the Wanaka-Mount Aspiring Road and the lakeshore is part of the delta of the Fern Burn. To the west is successively lake shore beach, then moraine and fluvial outwash followed by a small area of alluvial deposits immediately before the isolated mountain of which the Glendhu Bluff is part. All the remaining lower part of the zone is part of the subtly complex moraine field and associated glacial outwash terraces flattened in small areas by the remnants of beaches from earlier higher forms of Lake Wanaka. The northern portion of the zone encompasses the Rocky Mountain area above Diamond Lake. The Wanaka – Mount Aspiring Road runs through the zone on the flats from east to west before turning north through the Glendhu Bluff and extending west towards Treble Cone and the Matukituki River.

The Zone seeks to manage issues relating to:

- The protection of outstanding natural landscapes from inappropriate subdivision, use and development.
- Promoting access to and along the Fern Burn, Motatapu River, Matukituki River and LakeWanaka.
- Protection, maintenance and enhancement of indigenous biodiversity.
- The provision of recreation and tourism facilities for the benefit of the local community and visitors.
- The provision of visitor accommodation set within a high quality landscape setting.
- Establishing a high standard of built form that responds to the landscape setting and amenity values of the rural area.

44.2 Zone Purpose

The purpose of the Glendhu Station Zone is to provide for residential and visitor accommodation within a rural setting, a high standard of built amenity an 18-hole championship golf course, other recreation and tourist amenities and to provide environmental benefits through the provision of public access, protection of open space and biodiversity enhancement. The Glendhu Station Zone covers an area of 2,834 ha of land set on the shores of Lake Wanaka, approximately 15 km west of Wanaka Township.

Comment

1. 44.1 – The Issues and Values description reads as though it is a technical explanation of the geomorphology, rather than the values and the resource management issues that are relevant to those values and sought to be managed through the land use framework for the zone.
2. 44.1 – This is a description of the development area only. It ignores the two large roche moutonnée that make up the majority of the actual 2800ha sought to be rezoned to GSZ (MR).
3. 44.2 – The last sentence describes the location. It might be better located in the Issues and Values section.
4. 44.2 - A more accurate depiction of the zone purpose could be to provide for residential and visitor accommodation activity within 'an outstanding natural landscape' rather than a 'rural setting'. Large parts of the rezone area are transitioning from a rural productive setting to that of commercial, recreation and tourism based activities. Large parts are also inferred to be retired from intensive farming.
5. 44.2 - The Zone purpose generally reflects the management of the issues identified in 44.1, with the exception of managing the effects, or enhancing, the outstanding natural landscape the zone is set within.
6. General comment - Restructuring of the rules would be helpful to set out the overall hierarchy and mechanics that are explained in Mr Ferguson's evidence. Greater clarity regarding the obligations and sequencing between activities contemplated within the respective Activity Areas, the spatial layout plans, overlays and then the standards for specific activities would be helpful. The chapter should be framed so that it can be accessible to not just the developers and Council staff responsible for administering the zone, but layperson end users such as homeowners and designers associated with residential activity in Activity Area R and the Homesites overlays.

The spatial layout of development within the Glendhu Station Zone is set out within a Structure Plan, which provides for:

- (a) The Golf Activity Area (G), designed to incorporate the golf course, maintenance, operational facilities, underpasses, driving range, commercial golf instruction, public access trails and areas of indigenous revegetation, and any mining, utilities, infrastructure and vehicle access related to other activities anticipated in the zone.
- (b) The Lake Shore Activity Area (LS), designed to accommodate a series of buildings, including 12 visitor accommodation units, functions and events, links to a jetty to facilitate public access and water based transport, the golf course club house with restaurant and café, associated sales and offices, and associated golf activities, public access trails, vehicle access and parking, landscaping, and any utilities, infrastructure and vehicle access related to other activities anticipated in the zone.
- (c) The Residences Activity Area (R) provides for 50 residences and/or visitor accommodation units, public access trails, outdoor recreation activity, and areas of indigenous revegetation.
- (e) The Campground Activity Area (GS(C)) provides for the expansion of the campground activities across the Wanaka - Mount Aspiring Road, together with provision for a new road access alignment, public access trails and providing for farming, farm structures and limited mining and visitor accommodation activities.
- (f) The Farm Homestead Activity Area (GS(FH)) provides for a mixture of small scale commercial activities that are designed to complement and support the campground and visitor accommodation activities; including farm stays, conferences, events and functions (e.g. weddings), farm tours, and a small scale abattoir, butcher, packing shed, craft brewing and tannery within existing buildings, together with outdoor recreation activities, farming, farm structures, limited mining, public access trails and provision for a new road access alignment.
- (g) The Open Space Farm Activity Area (GS(OS/F)) provides for farming activities, outdoor recreation activities, including public access trails, farm access trails, areas of ecological enhancement and indigenous revegetation, small scale eco-themed visitor accommodation, and any mining, utilities, infrastructure and vehicle access related to other activities anticipated in the zone.
- (h) Additional design features shown on the structure plan, include:
 - (i) Public access trails and two Golf underpasses;
 - (ii) Primary access connections to the golf course, and residences;
 - (iii) Farm and Vegetation Management Areas; and
 - (iv) Covenant Protection Areas.

Comment	
7.	Structure Plan - It would be beneficial if an aerial photograph overlain by the structure plan is made available. The structure plan has no linkages with the topography or features, with the exception of legal boundaries.
8.	Structure Plan - If the Panel are to recommend to Council to accept part or all of the rezoning request, prior to the release of the Panel recommendations the submitter should be requested to provide a DXF or DWG digital file of the structure plan that complies with the NZTM projection, NZGD2000 datum or a local datum identified.
9.	44.2(b) – The Lake Shore Activity Area does not specify the relationship between the landward part of the Glendhu Station Zone and the water, which is zoned Rural (in particular for the Jetty).
10.	44.2(f) – Abattoirs, butcher (if not processing for human consumption) and a tannery could require an offensive trade license under the Health Act 1956. There is potentially an inconsistency with the anticipated activities in the FH Activity Area and Rule 44.6.13 that has a prohibited activity status for activities that require an offensive trade license. It is also questioned how 'any mining' can be related to the purpose of the zone.
11.	44.2(g) – There are not any rules that ensure an activity is eco-themed.

44.3 Objectives and Policies

44.3.1 Objective

A high quality, tourism, residential and visitor accommodation development set within a framework of rural open space and outstanding natural landscapes, and providing biodiversity enhancement and recreation benefits.

Policies:

- 44.3.1.1 To protect the character of the Glendhu Station, Glendhu Bay and Parkins Bay landscape from adverse effects of inappropriate subdivision, use and development by:
 - a. Identifying areas with the capacity to absorb change based on the Glendhu / Cattle Flat Resource Study.
 - b. Avoiding development that would adversely affect those values that contribute towards high levels of naturalness and/or where an area has low ability to absorb change.
 - c. Managing effects on land to ensure that activities maintain or enhance the character and values of the landscape and minimise visible effects from public places.
 - d. Enabling the use of land, subject to:
 - i. maintaining views into the site when viewed from Lake Wanaka and maintaining views across the site when viewed from the Wanaka – Mount Aspiring Road; and
 - ii. establishing appropriate controls over building development within the Zone in order to maintain amenity appropriate to the activities within each Activity Area.
- 44.3.1.2 To recognise and provide for the role of the Open Space Farm Activity Area and the Covenant Protection Areas in protecting and enhancing open space and landscape values, ecological, recreational and other opportunities provide effects are appropriately addressed, in association with enablement of subdivision, use and development within the other activity areas.

Comment

- 12. 44.3.1 – The objective does not express an outcome associated with the management of the Outstanding Natural Landscape. Rather it specifies activities that are to occur within it. I do not consider the objective to meet Sections 6 (a) and (b) of the Act.
- 13. 44.3.1 - The objective is implemented by 21 policies, many with sub-components. This style of drafting is not supported and it is preferred that there are a series of objectives to provide more specificity to achieve a particular environmental outcome (or number of environmental outcomes, given the different activity areas proposed). When the 21 policies are separated into the respective topics, it is still considered that there is not enough specificity to guide development and decision making associated with resource consents in the OS/F areas (particularly when compared to the Chapter 21 Rural Zone policies and Assessment Matters in Part 21.7).
- 14. 44.3.1.1 – Landscape 'character' has been confused with quality. Character is evident in all landscapes, irrespective of the quality or degree of naturalness. This policy should seek to protect the quality of the ONL.
- 15. 44.3.1.1a – The 'Cattle Flat Resource Study' would need to be incorporated into the PDP by reference if it is to be identified in this policy. The report should be dated and appropriately cross referenced to the PDP and GSZ.
- 16. 44.3.1.1b – This avoidance policy is appropriate but it is qualified to avoid development only in areas that 'contribute towards high levels of naturalness and/or where an area has low ability to absorb change.' The 'and/or' is not consistent with PDP drafting and could be amended to 'or'. This policy does not make up for the assessment framework offered by the Rural Zone Chapter 21 assessment matters in the ONL 21.7. In addition this policy might only be designed for the OS/F covenant areas and not the overall OS/F.
- 17. 44.3.1.1c – 'Visible' should be 'visual'.
- 18. 44.3.1.1di – This policy seeks to avoid obstructions to views rather than the maintenance of the quality of views. The policy only references two public locations and is silent on others which are also of relevance.
- 19. 44.3.1.2 – The reference to 'other opportunities' lacks specificity and reduces certainty. 'Provide' should be changed to 'providing'.

- 44.3.1.3 To use a Structure Plan to establish the spatial layout of development within the zone, taking into account:
- a. Landscape and amenity values;
 - b. Biodiversity values; and
 - c. Roading, open space and public access trail networks.
- 44.3.1.4 To ensure subdivision and development incorporates the design elements shown on the Structure Plan.
- 44.3.1.5 To provide public access to and along the Fern Burn and the margin of Lake Wanaka, as well as through the wider zone, in the general locations shown on the Structure Plan.
- 44.3.1.6 To protect and enhance indigenous biodiversity values within and associated with development through a Revegetation Strategy.
- 44.3.1.7 To require the use of a Spatial Layout Plan for subdivision and building development within the Residences, Golf and Lake Shore Activity Areas. The Spatial Layout Plan is to identify the following features:
- a. The integration of building locations with landscape planting; and
 - b. Earthworks and re-contouring of land to assist visual absorption.
- 44.3.1.8 To require the use of a Spatial Layout Plan for the subdivision, use or development within the Campground Activity Area, for the purposes of:
- a. Providing a well-designed area for camping, which integrates areas for building, open space, landscaping, vehicle access, pedestrian connectivity and appropriate amenities;
 - b. Integrating development with surrounding activities;
 - c. Investigation of the potential for traffic safety improvements through development of a new access road through the Activity Area;
 - d. Enhancing indigenous biodiversity through planting of indigenous vegetation; and
 - e. Managing landscape and amenity values through appropriate setbacks from the Wanaka- Mount Aspiring road, a low intensity of buildings, additional areas of indigenous planting and preventing building on the terrace escarpments.

Comment

20. 44.3.1.4 – The design elements on the structure plan are broad. The policy should ensure that development gives effect to the structure plan.
21. 44.3.1.8e – Replacing 'preventing' with 'prohibiting' would provide more certainty.
22. 44.3.1.7 - There appears to be no rule requiring a Spatial Layout Plan for the LS area. The only reference to a Spatial Layout Plan and the LS Activity Area is Rule 44.5.4 but this is limited to Residential and Visitor Accommodation Activities in Activity Area R. In addition the majority of information requirements are in Rule 44.5.4(a) i – xiii and are to do with the revegetation strategy.
23. The Spatial Layout Plan is not linked to the anticipated land uses in the LS Activity Area, while Rule 44.5.9 permits the following in the LS Activity Area:
- the use of this this [sic] area is restricted to visitor accommodation units, functions and events, links to a jetty to facilitate public access and water based transport, the golf course club house with restaurant and café, associated sales and offices, and associated golf activities, public access trails, outdoor recreation activities, vehicle access and parking, and any utilities, infrastructure and vehicle access related to other activities anticipated in the zone, and areas of indigenous revegetation.*
24. I do not consider there is enough certainty and discretion afforded to ensure the effects of development can be appropriately managed. For instance, the 'links to the jetty' are not sufficiently explained.

- 44.3.1.9 To enable the Campground Activity Area to develop as a camping ground.
- 44.3.1.10 To provide opportunities for residential and visitor accommodation within the Farm Homestead, Lake Shore, and Residences Activity Areas.
- 44.3.1.11 To enable development of commercial and visitor accommodation activities within the Lake Shore Activity Area where buildings:
 - a. Achieve a high standard of building design; and
 - b. Provide appropriate landscaping;
 to mitigate their effects on visual amenity and the natural character.
- 44.3.1.12 To provide commercial activity within the Lake Shore Activity Area associated with recreation and visitor accommodation activities.
- 44.3.1.13 To enable small scale commercial activities and services to be undertaken within the Farm Homestead Activity Area.
- 44.3.1.14 To enable the Golf Activity Area to be developed to accommodate a golf course, including associated earthworks, vegetation removal, structures, underpasses and facilities, green keeping, maintenance and operations.
- 44.3.1.15 To enable farming, outdoor recreation, a small scale eco-themed visitor accommodation and limited residential activities within the Open Space Farm Activity Area, and promote the use of land for a diverse range of activities that are reliant on the natural and physical resources of the rural area, where they appropriately manage adverse effects.
- 44.3.1.16 To ensure provision of appropriate servicing infrastructure, roading and vehicle access sufficient to accommodate actual and predicted demand.
- 44.3.1.17 To enable limited mining activities that contribute to the development of the zone, provided environmental effects are appropriately managed.
- 44.3.1.18 To avoid industrial activities, forestry, and factory farming.
- 44.3.1.19 To ensure that any development within the Zone avoids, remedies or mitigates potential effects on the environment while providing additional environmental benefits to the wider environment.

Comment
<p>25. 44.3.1.9 – I question whether this policy is necessary or adds any value. If the land is identified on a Structure Plan as a Campground Activity Area because this is the anticipated use, then there should not need to be a policy ensuring this occurs.</p> <p>26. 44.3.10. This policy introduces uncertainty as it 'provides for opportunities'. It is uncertain if these opportunities are over and above the development sought by the requested zoning and development within the activity areas. If the policy is to give effect to a scale and intensity of development contemplated in the rules then the opportunity already exists. If the policy is to provide opportunities over and above the development sought, then it is not appropriate because it reduces the certainty that the submitter is justifying the rezoning upon.</p> <p>27. 44.3.3.13 – Rule 44.5.6 states that commercial activities require a restricted discretionary activity resource consent. The matters of discretion do not sufficiently ensure these will be small scale. Rule 44.6.8(c) restricts the footprint of a building to 500m² where it is within 100m of Wanaka Mt Aspiring Road. There are not any other rules for the scale of buildings and activities. This applies across the GS (FH) Activity Area is 19.23 ha in area.</p> <p>28. 44.3.1.7 - The Activity Areas where mining is contemplated should be identified.</p> <p>29. 44.3.1.15 – I consider that the policy is too broad and the appropriate management of adverse effects is not qualified within the remainder of the policy framework. This is one policy that manages a wide array of activities within a large area of 2,639ha.</p> <p>30. 44.3.1.18 – Activities requested to be provided for in the FH Activity Area including tannery and brewery are industrial activities because they involve manufacturing and processing. The policy and rule framework would need to be adjusted so that it is clearer as to the status of these activities, and the overall policy approach should discourage other industrial activities.</p>

44.4 Other Provisions and Rules

44.4.1 District Wide

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

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

44.4.2 Clarification

- 44.4.2.1 References to the Structure Plan and to Activity Areas are references to the Glendhu Station Zone Structure Plan and the Activity Areas identified on that Structure Plan.
- 44.4.2.2 Any activity listed in Table 1 below which complies with all the relevant Standards detailed in Rule 44.5 Table 2 shall have the consent activity status described in the Key below and detailed in the right hand column of Table 1 beside the description of that activity.
- 44.4.2.3 Any activity which does not comply with a relevant Standard detailed in Table 2 shall have the consent activity status described in the Key below and detailed in the right hand column of Table 2 beside the relevant Standard.
- 44.4.2.4 Where an activity is a Controlled Activity, the matters in respect of which the Council has reserved control are listed with the activity.
- 44.4.2.5 Where an activity is a Restricted Discretionary Activity, the matters in respect of which the Council has reserved discretion are listed with the relevant Activity within Table 1 and any relevant Standard within Table 2.

Comment

31. 44.4.1 – The drafting would need to reflect the two-volume structure of the District Plan. Appropriate provisions in district-wide chapters, such as noise, being notified in subsequent stages, would need to be evaluated for the GSZ.

Key:

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

Comment

44.5 Rules – Activities

Table 1:

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS
44.5.1	(a) Any activity listed in Rule 44.5.9 , which meets all other rules in Tables 1 and 2. (b) Farming Activities.	P
44.5.2	<p>Buildings</p> <p>(a) Building (including the addition, alteration or construction of buildings) located within Activity Areas GS(C), GS(FH), G and LS (except as provided for in Rule 44.5.2(d) below), with the Council's control limited to:</p> <ul style="list-style-type: none"> i. the external appearance of buildings, including colour, reflectance values and materials, with respect to the effect on visual and landscape values of the area; ii. visibility of buildings from the Wanaka – Mount Aspiring Road; iii. effects on indigenous biodiversity values; iv. infrastructure and servicing; v. associated earthworks and landscaping; vi. access and parking; vii. location of buildings; viii. exterior lighting; and 	C

Comment

32. 44.5.1 (a) – This rule does not confirm that the activities are permitted if they are identified as such in each respective Activity Area.

33. 44.5.1 – This rule is uncertain as to the activity status of activities that are not specified in the GSZ. If these are a discretionary activity because they do not meet the list of permitted activities within each of the Activity Areas identified on the Structure Plan (Rule 44.5.1), then it could be beneficial to locate the Structure Plan activity rules (44.5.9) at the start to reflect this hierarchy.

34. I consider that the current structure has the potential to create uncertainties with the framework of the zone that requires development adheres to the Structure Plan, and the requirement for a spatial layout plan to precede development within the Activity Areas.

35. This could undermine the certainty that the zone is trying to create. In addition, activities that are identified as having potential to be sought to locate in this requested zone include:

- Informal Airports;
- Community activities;
- Contractors yard/depot/storage of heavy vehicles.

36. Given the certainty the submitter is espousing I consider that a more appropriate activity status for unspecified activities should be non-complying. I refer to my S42A evidence and Right of Reply for the 'Whole of Plan' topic addressed in Hearing Stream 10, March 2017.¹

¹ Evidence of Craig Barr Entire Plan and General Comments. Dated 15 February 2017 at Paragraphs 11.1 – 11.5. Reply dated 27 March 2017 at Paragraphs 3.1 – 3.11.

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS	Comment
	<p>ix. in respect of Activity Area GS(C), separation distance between buildings to reduce building dominance when viewed from Wanaka – Mount Aspiring Road.</p> <p>(b) Building (including the addition, alteration or construction of buildings) located within Activity Area G, outside the Golf Facilities overlay, with the Council's control limited to:</p> <p>i. the matters of control within Rule 44.5.2(a); and</p> <p>ii. The effectiveness of landscaping, earthworks and mounding (if any) at screening buildings from public views.</p> <p>(c) Building (including the addition, alteration or construction of buildings) located within Activity Area R, within a Homesite overlay, with the Council's control limited to:</p> <p>i. the matters of control within Rule 44.5.2(a);</p> <p>ii. Geotechnical suitability for building;</p> <p>iii. Integration with revegetation and mitigation planting contained within the Revegetation Strategy provided for within Rule 44.5.4;</p> <p>iv. Clearance of pest plants within each site and ongoing maintenance of pests and weeds;</p> <p>v. The effectiveness of earthworks and mounding (if any) at screening buildings from public views; and</p> <p>vi. The shape and design of earthworks, including their relationship to existing landforms.</p> <p>(d) Farm buildings located in Activity Areas GS(OS/F), GS(C) and GS(FH), limited to a maximum of 4m in height and a maximum of 100m² in area.</p> <p>(e) Within Activity Area GS(OS/F), two residential units located within Covenant Area CH within Lot 6 DP 457489 and Covenant Area CI on Lot 7 DP 457489, with the Council's discretion restricted to:</p>	<p>C</p> <p>C</p> <p>P</p> <p>RD</p>	<p>37. 44.5.2(d) – Farm Buildings: is derived from the rules (Rule 21.5.18) for Farm Buildings in Chapter 21: Rural Zone. The rule identified the 4m height and 100m² limit but has excluded the remaining standards for permitted activities:</p> <ul style="list-style-type: none"> • Colour controls as required in Rule 21.5.15. • The landholding needs to be greater than 100ha (21.5.18.1) • The density of all buildings on the landholding shall not exceed one per 50ha (21.5.18.2) • Not located above an elevation of 600m. • Farm Building shall not protrude onto a skyline, or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building (21.5.18.7) <p>38. In its current form I consider this rule to manage farm buildings to be inappropriate, and the standards listed above should be included into the GSZ.</p> <p>39. 44.5.2(e) – I do not support the carve outs for two residential units within the OS/F Activity Area and covenant areas as legally described. A carve out provides less certainty than the Rural Zone in terms of managing the effects of residential activity in the ONL. These two residential units have not been assessed in the submitter's evidence and are located within visually sensitive areas. These should be included on the Structure Plan. Resource consent for these should be processed on a non-notified basis.</p> <p>40. The overall rule framework seems unclear as to the activity status of residential activity and buildings within the 2,639ha OS/F Activity Area (with the exception of the two identified in Rule 44.5.2(e)). There is not any structure plan requirement for the residential activity in the OS/F Activity Area therefore, the activity status would be discretionary subject to Rule 44.5.9.</p>

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS	Comment
	<ul style="list-style-type: none"> i. Landscape and amenity values; ii. Siting of buildings in relation to existing topography and landscape features; iii. External materials and colours; iv. Landscape planting; v. Associated earthworks; and vi. Vehicle access and provision of servicing infrastructure. <p>(f) Farm buildings, other than specified above, located within Activity Areas GS(O/SF) and GS(C), with the Council's discretion restricted to:</p> <ul style="list-style-type: none"> i. the external appearance of buildings, including colour, reflectance values and materials, with respect to the effect on visual and landscape values of the area; ii. effects on indigenous biodiversity values; iii. associated earthworks; and iv. bulk and location. 	RD	41. 44.5.2(f) – There is no mention of Farm Buildings in the FH Activity Area as identified in Rule (d).
44.5.3	<p>Mining</p> <p>(a) Within Activity Areas GS(FH) and GS(OS/F), and limited to the mining of rock, aggregate and sand, for use only within the Zone, with the Council's discretion restricted to:</p> <ul style="list-style-type: none"> i. the nature and scale of the mining; 	RD	42. If the vehicle generation associated with the mining remains within the site and does not affect the road network, then the assessment matters are likely to be appropriate.

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS	Comment
	<ul style="list-style-type: none"> ii. effects on indigenous biodiversity values; iii. remedial works and revegetation; iv. the effects on landscape and visual amenity values; v. the effects on land stability and flooding; vi. the effects on water bodies; vii. the effects on cultural and archaeological sites; and viii. noise. <p>(b) Mining within any other Activity Area not provided for in Rule 44.5.3(a) above, or for use outside of the zone.</p>	D	<p>43. 44.5.3(b) – Due to the certainty of development and overall emphasis on environmental protection espoused by the submitter, I consider that mining generally should be non-complying. Mining is a discretionary activity in the Rural Zone (Chapter 21) because it recognises the large land area zoned Rural and the location constraints of mining. In this case, the submitter has not identified any mining resources.</p>
44.5.4	<p>Residential and Visitor Accommodation Activities (all excluding buildings) in Activity Area R</p> <p><u>Information Requirements:</u></p> <p>An application for resource consent under this rule shall include a Spatial Layout Plan and Revegetation Strategy in respect to the whole of the Activity Area, and which may also extent into parts of Activity Areas G, GS(OS/F) and LS, subject to the application.</p> <p>(a) The Revegetation Strategy, shall include the following measures:</p> <ul style="list-style-type: none"> i. A vegetation cover framework of Kanuka and other appropriate indigenous species in the short term, which can be become the basis for biodiversity enhancement as the zone develops; ii. Screening of residential buildings for viewers from the road; 	C	<p>44. 44.5.4 - It is not certain if the activities specified for the R Activity Area can extend into other Activity Areas. Clarification is sought if the 'may also extent (sic)' into Parts of Activity Areas G, GS (OS/F) and LS is for the Revegetation Strategy or Residential and Visitor Accommodation Activities in Activity Area R.</p>

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS	Comment
	<ul style="list-style-type: none"> iii. To reflect the underlying of landform and soils in the indigenous vegetation cover of the Zone; iv. To achieve eventual revegetation of the Farm and Vegetation Management Area identified on the Structure Plan, where appropriate, with a mix of locally sourced indigenous species including Totara; v. To ensure that the "rough" areas of the golf course, being the vegetated areas not required to be mowed or otherwise maintained, regenerate naturally (excluding noxious weeds); vi. To provide fencing of the Farm and Vegetation Management Areas, where necessary, for protection from stock; vii. To link with other revegetated areas outside the site; viii. Details of the timing of planting in relation to the staging of building construction; ix. Details of the management proposed for up to 10 years after initial planting - site preparation, weed control, pest control, any watering or fertilisers, plant replacement, stock control and maintenance; x. Details of plant sources; xi. Protection measures for existing values, including riparian areas, wetlands, lake shore, water quality; xii. Integration of planting with other components of the development, including earthworks and construction; and xiii. Fencing of the regeneration area to define stock access routes. <p>(b) The Spatial Layout Plan/s shall include further detail relating to:</p> <ul style="list-style-type: none"> i. The location and alignment of vehicular access; ii. Subdivision layout; and 		<p>45. 44.5.4(a)(iv) – Uncertain what 'eventual revegetation' means. Does this mean achieving a closed canopy/reforestation/self-sustaining community? As drafted, this is uncertain.</p>

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS	Comment
	<p>iii. Earthworks for the construction of mitigation mounding and earth re-contouring within Activity Area R._</p> <p><u>Matters of Control:</u></p> <p>Where the Council's control is limited to:</p> <ul style="list-style-type: none"> i. Effects on landscape and visual amenity values; and ii. Effects on indigenous biodiversity values 		<p>46. The matters of control should include subdivision design, earthworks and roading and access, given that these are identified as being required to be included in the spatial layout plan.</p>
<p>44.5.5</p>	<p>Camping Ground Activities within Activity Area GS(C)</p> <p>(a) Any Camping Ground within Activity Area GS(C)._</p> <p><u>Information Requirements:</u></p> <p>An application for resource consent under this rule shall include a Spatial Layout Plan in respect to the whole of Activity Area GS(C).</p> <p>Council's discretion shall be restricted to:</p> <ul style="list-style-type: none"> i. The layout and location of open space and camping ground activities, including indicative areas for any buildings (accommodation, administration/offices and communal facilities) and the management of waste. ii. Effects on landscape and amenity values, including to ensure terrace escarpments and areas immediate above any terrace remain free from activity, and the visibility and dominance of built form when viewed from Wanaka – Mount Aspiring Road. iii. Traffic and transportation effects, including investigating the potential for a new road alignment through the site in the general location shown on the structure plan. 	<p>RD</p>	<p>47. 44.5.5(a)(iv) – The matter of discretion for planting should provide more certainty as to the location, scale and intensity of plantings (e.g. Terrace escarpments).</p>

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS	Comment
	<ul style="list-style-type: none"> iv. Enhancement of indigenous biodiversity values through additional planting of indigenous vegetation. v. Good design outcomes, including the provision for cycle ways and pedestrian linkages to the existing camp ground and the foreshore of Lake Wanaka. vi. Integration with the existing Glendhu Bay Camp Ground, including opportunities to relieve the pressure on the foreshore of LakeWanaka, pedestrian connections and the coordination of amenities. <p>(b) The use or development of land within Activity Area GS(C) in the absence if resource consent granted under Rule 44.5.5(a).</p>	D	
44.5.6	<p>Farm Homestead Activity Area</p> <ul style="list-style-type: none"> (a) Commercial Activities within Activity Area GS(FH). (b) Visitor Accommodation within Activity Area GS(FH), except within any existing buildings (at the date of this zone having legal effect). (c) Visitor Accommodation within Activity Area GS(FH) shall not result in a duration of stay for any worker or staff member greater than 6 months in any 12-month period. <p>Where the Council's exercise of discretion is restricted to:</p>	RD	<p>48. 44.5.6(a) – Commercial activities are too broad. The activities should be narrowed to those that are intended to support the farm, provide for diversification as espoused in the evidence of Mr Ferguson, and Mr McRae and the policy framework of the requested zone and in Rule 44.5.9(c) that sets out activities in the structure plan areas.</p> <p>49. The PDP definition of 'Commercial Activity' is:</p> <p><i>Means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, postal services, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor an associated parking areas. Excludes recreational, community and service activities, home occupations, visitor accommodation, registered holiday homes and registered homestays.</i></p> <p>50. 44.5.6(b) –The reference to visitor accommodation being permitted within existing buildings is not supported because there has been no evidence as to the amount and scale of existing buildings and how this would relate to 'small scale' visitor accommodation if they become permitted.</p> <p>51. The matters of discretion do not need to refer to the Council because it is inherent that it is the Council who are responsible for administering the District Plan. Drafting across the PDP should be consistent.</p>

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS	Comment
	<ul style="list-style-type: none"> i. The matters of control within Rule 44.5.2 (a); ii. Scale / bulk and location of buildings; iii. Effects on indigenous biodiversity values and opportunities for enhancement of indigenous biodiversity values through additional planting of indigenous vegetation; iv. Noise; v. Hours of operations; vi. Traffic generation, access and car parking; and vii. Infrastructure services. 		
<p>44.5.7</p>	<p>Visitor Accommodation Visitor accommodation activities within Activity Area GS(OS/F).</p>	<p>D</p>	<p>52. The activity status for visitor accommodation is the same as the Rural Zone Chapter 21 (Rule 21.4.20). However the GSZ chapter is unclear as to the status of buildings associated with this land use. The identified rules for buildings in the OS/F Activity Area are Farm Buildings and the two residential Units. Clarification is sought as to whether it is intended that the associated construction of any buildings is a permitted activity pursuant to Rule 44.5.1 or part of rule 44.5.7. By comparison the Rural Zone Chapter 21 provides certainty of the activity status of buildings, irrespective of the activity. Refer to Rules 21.4.1 – 21.4.10.</p>
<p>44.5.8</p>	<p>Any activity within Activity Area R in the absence of resource consent granted under Rule 44.5.4</p>	<p>D</p>	<p>53. I do not support this being a discretionary activity because it is not contemplated within the rule framework. The activity status should be non-complying.</p>
<p>44.5.9</p>	<p>Building within the Covenant Protection Area identified on the Glendhu Station Zone Structure Plan Except for the following activities and status of activities: (a) Farm buildings located within the Covenant Protection Area, subject to Rule 44.5.2(d) (permitted activity) or Rule 44.5.2(f) (restricted discretionary activity).</p>	<p>NC</p>	<p>54. Rule 44.5.9 is identified twice. 55. This rule represented the environmental protection and certainty set out in the policy framework. However given the overall size of the OS/F area it is also questioned whether Farm Buildings should be included in the covenant area.</p>

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS	Comment
	<p>(b) Two residential units, which may be located within Covenant Area CH within Lot 6 DP 457489 and Covenant Area CI on Lot 7 DP 457489 (restricted discretionary activity through Rule 44.5.2(e)).</p> <p>(c) The alteration, addition or the relocation of any existing buildings within the Covenant Protection Area (controlled activity with matters of control as specified within Rule 44.5.2(a)).</p> <p>(d) Temporary buildings or activities with the Covenant Protection Area within the Covenant Protection Area (Refer to Chapter 35 – Temporary Activities and Relocated Buildings).</p> <p>(e) A wedding chapel located within Lot 3 DP 457489 (controlled activity with matters of control as specified within Rule 44.5.2(a)).</p>		<p>56. 44.5.9(b) – For reasons set out above this rule is not supported.</p> <p>57. 44.5.9(c) – The submitter should be able to provide certainty as to what buildings already exist within the proposed covenanted areas, given the certainty that is sought through the zone framework.</p> <p>58. 44.5.9(d) – This rule is unnecessary. Temporary Activities provisions in Chapter 35 should apply to the zone and will trump these rules where set out in that chapter.</p> <p>59. 44.5.9(e) - This rule appears to be random as to whether the Wedding Chapel already exists. I am not aware of it being identified in the evidence. If it already exists then it is lawfully established and need not be included in the rules.</p>
<p>44.5.9</p>	<p>Structure Plan - Activities</p> <p>Any activity which is not provided for within the list of activities below or which is not provided a specific activity status through any other rule within the Standards in 44.6 (Table 2):</p> <p>(a) Residences Activity Area (R) – the use of this area is restricted to residential and visitor accommodation activities, public access trails, outdoor recreation activity, and areas of indigenous revegetation.</p> <p>(b) Campground Activity Area (GS(C)) – the use of this area is restricted to farming, farm structures and visitor accommodation (limited to the establishment and operation of a Camping Ground), public access trails, outdoor recreation activities and provision for a new road access alignment, and areas of indigenous revegetation.</p> <p>(c) Farm Homestead Activity Area (GS(FH)) – the use of this area is restricted to small scale commercial activities that are designed to complement and support the campground and visitor accommodation activities; including farm stays, conferences, events and functions (e.g. weddings), farm tours, and a small scale abattoir, butcher, packing shed, craft brewery and tannery, together with farming, farm structures, mining, outdoor recreation activities, public access trails and provision for a new road access alignment, and areas of indigenous revegetation .</p>	<p>D</p>	<p>60. 44.5.9 - I consider that it is inappropriate to provide for activities not provided for in a structure plan as a discretionary activity. Discretionary activity status for activities that are not contemplated for in this bespoke zone would undermine the certainty the zone is attempting to provide.</p> <p>61. 44.5.9(c) and (d) – These rules refer to visitor accommodation activities, and visitor accommodation units. It is uncertain if there is a difference, or if this is intentional drafting.</p> <p>62. 44.5.9(c) – As set out above, these activities identified as permitted are narrower than the definition of commercial activities. The current drafting presents uncertainties in terms of plan administration.</p> <p>63. 44.5.9(c) – I consider that the suite of standards under 44.6 are uncertain as to the scale and nature of 'small scale commercial activities', 'Farm Structures' are permitted but without any qualification or limitations, assuming these would meet the definition of building and be deemed a Farm Building? I consider the Rural Zone rules relating to buildings, Farm Buildings and structures (21.5.15) are more appropriate and provide better certainty.</p> <p>64. 44.5.9(c)–(d) – Regarding 'Outdoor Recreation Activities', it is unclear if this means recreation generally, or commercial recreation as defined in the PDP. If this does include commercial recreation, there are not any standards in 44.6 providing parameters on the scale and nature of these activities. With the exception of Mr Ferguson and Mr McRae stating that they should occur and be positive, commercial recreation is not evaluated and there are not any standards limiting scale and nature of these activities and how the use of these could impact on any existing or planned public accesses</p>

			<p>both within and outside of the requested zone.</p> <p>65. The PDP definition of Commercial Recreation Activity is:</p> <p><i>Means the commercial guiding, training, instructing, transportation or provision of recreation facilities to clients for recreational purposes including the use of any building or land associated with the activity, excluding ski area activities.</i></p> <p>66. By comparison, the Rural Zone Chapter 21 is clear that it makes recreational activities permitted (Rule 21.4.27), commercial recreation permitted up to 12 persons and discretionary thereafter (Rule 21.5.21), and that commercial activity ancillary and on the same site as a recreational activity is discretionary (Rule 21.4.15).</p>
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RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS	Comment
	<p>(d) Lakeshore Activity Area (LS) – the use of this this area is restricted to visitor accommodation units, functions and events, links to a jetty to facilitate public access and water based transport, the golf course club house with restaurant and café, associated sales and offices, and associated golf activities, public access trails, outdoor recreation activities, vehicle access and parking, and any utilities, infrastructure and vehicle access related to other activities anticipated in the zone, and areas of indigenous revegetation.</p> <p>(e) Open Space Farm Activity Area (GS(OS/F)) – Activities in this area are limited to farming activities, outdoor recreation activities, including public access trails, farm access trails, areas of ecological enhancement and indigenous revegetation, up to two residential units located within Covenant Area CH within Lot 6 DP 457489 and Covenant Area CI on Lot 7 DP 457489, small scale eco-themed visitor accommodation, and any mining, utilities, infrastructure and vehicle access related to other activities anticipated in the zone.</p> <p>(f) Golf Activity Area (G) – the use of this area is restricted to the development and operation of a golf course, maintenance and operational facilities, underpasses, a driving range, commercial golf instruction, public access trails, outdoor recreation activities and areas of indigenous revegetation, and any utilities, infrastructure and vehicle access related to other activities anticipated in the zone, and areas of indigenous revegetation.</p>		<p>67. 44.5.9(d) – The 'links to the 'jetty' that are permitted are not expanded upon or any parameters provided.</p> <p>68. 44.5.9(e) – As set out above I consider that there is uncertainty as to the location and effects of the two residential units within the covenant area. If these are lawfully established they do not need to be specified in the provisions. If they are not yet established it is uncertain how the zone can meet Section 6(b) of the Act because there has not been any evidence supporting these residential units.</p>
44.5.10	Factory Farming	NC	
44.5.11	<p>Forestry Activities</p> <p>All forestry activities, excluding harvesting of existing forestry and the removal of exotic and wilding plant species (permitted activities).</p>	NC	<p>69. I consider that harvesting should not be separated from Forestry, and should not be permitted because it can have effects that need to be managed. Given the certainty required the submitter should show where there are established Plantations that require harvesting and exemption from this rule.</p> <p>70. Exotic and wilding plant species are not plant species managed for forestry. These parts of the rule are not necessary.</p>
44.5.12	<p>Industrial Activities</p> <p>19</p>	NC	<p>71. As discussed above, there are a number of activities contemplated in the FH Activity Area that include manufacturing or processing and include the craft brewery and tannery. The drafting should provide for these specific activities to avoid confusion.</p>

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS	Comment
44.5.13	Panelbeating, spraypainting, motor vehicle, repair of dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR	<p>72. The following activities are part of the FH activities (refer to the Structure Plan Rule 44.5.9 (c):</p> <ul style="list-style-type: none"> • Abattoir • Butcher (only if not for human consumption) • Tannery <p>73. These activities would require an Offensive Trade Licence under the Health Act 1956.²</p> <p>74. Activities regulated under the Health Act 1956 should also be regulated under the district plan to the extent that there are other types of effects on the environment that require management under the RMA.</p> <p>75. Given the intent of the framework I consider it would be more effective and efficient to make all these activities non-complying. This could be under Rule 44.5.1 if amended to state that non-specified activities require a non-complying activity resource consent.</p>

² Health Act 1956. Reprinted as at 1 March 2017. Schedule 3 Offensive Trades. Includes: Slaughtering of animals for any purpose other than human consumption; storage, drying, or preserving of bones, hides, hoofs or skins; Tallow melting; Tanning.

44.6 Rules - Standards

Table 2:

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status	Comment
44.6.1	<p>44.6.1.1 Standards for Public Access Trails</p> <p>(a) Public access trails formed in accordance with the routes identified on the Structure Plan, shall be to the following standards:</p> <ul style="list-style-type: none"> i. Between Rocky Hill and the Matukituki River: <ul style="list-style-type: none"> – The access route shall be restricted to a route connecting Rocky Hill and the Matukituki River that will be marked by bollards and/or poles and signs. – Public access shall be restricted to walking access only. – Secured by way of an easement in favour of the Queenstown Lakes District Council and where the Council will be responsible for on-going maintenance. ii. Along the Motatapu River between the Mount Aspiring Road and the Motatapu Trail: <ul style="list-style-type: none"> – The access route shall be restricted to a specific route (which shall be for the first 400m of the road where it goes through a low cutting to reach the terraces above Mt Aspiring Road). And shall be a formed and marked walking/cycling trail either on the farm land or the road margin (if that can be achieved), to clearly show users of Te Araroa footpath where they are to go when they turn off from the lake. – Public access shall be restricted to walking access only. – Secured by way of an easement in favour of the Queenstown Lakes District Council and where the Council will be responsible for on-going maintenance. 	RD	76. The rules are drafted as conditions. It is <i>ultra vires</i> to oblige a third party to maintain the walkways (QLDC as land manager, rather than regulatory agency).

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status	Comment
	<p>iii. Along the Motatapu River, between easements V and W on SO 347712:</p> <ul style="list-style-type: none"> - The access route shall be restricted to a specific route that will be marked by bollards and/or poles and signs. This route will use both the marginal strip and enable access by way of easement over parts of the adjacent land where access along the marginal strip is not available due to erosion of the river bank. - Public access shall be restricted to walking and mountain biking access only. - In the event that the river erodes both the marginal strip and the land over which the easement runs, the landowner will, when requested, provide an alternative easement (to be surveyed and registered, formed, and maintained by the council at its request). - Secured by way of an easement in favour of the Queenstown Lakes District Council and where the Council will be responsible for on-going maintenance. <p>iv. To Glendhu Hill:</p> <ul style="list-style-type: none"> - The access route shall be restricted to a specific route that will be marked by bollards and/or poles and signs. - Public access shall be restricted to walking access only. - Secured by way of an easement in favour of the Queenstown Lakes District Council and where the Council will be responsible for on-going maintenance. <p>v. To the Motatapu Road and the boundary with Alpha Burn Station:</p> <ul style="list-style-type: none"> - The access route shall be restricted to a specific route that will be formed and marked by signs. - Public access shall be restricted to walking and mountain biking access only. - Secured by way of an easement in favour of the Queenstown Lakes District Council and where the Council will be responsible for on-going maintenance. 		

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status	Comment
	<p>vi. Between Rocky Hill and the Motatapu River:</p> <ul style="list-style-type: none"> - The access route shall be restricted to a route that will be marked by bollards and/or poles and marked by signs. - Public access shall be restricted to walking access only. - Secured by way of an easement in favour of the Queenstown Lakes District Council and where the Council will be responsible for on-going maintenance. <p>(b) Except as set out above, all trails shall be constructed and maintained in accordance with the Walking Track Standard as defined in the Standard New Zealand Handbook for Tracks and Outdoor Visitor Structures (SNZ HB 8630; 2004).</p> <p>(c) The land owner shall be entitled to close or restrict access to the trail along the Glendhu Station foreshore, where the trail passes through the Glendhu Station Zone, as the land owner considers necessary, for golf course operations (including tournaments), maintenance, safety or security purposes.</p> <p>(d) The land owner shall be entitled to close or restrict access to the trails in Activity Area GS(OS/F), for such periods as it deems necessary to carry out operations.</p> <p>(e) The land owner shall be entitled to close or restrict access to the trails in Activity Area GS(OS/F) through an area being used for sheep farming or other operations.</p> <p>(f) Public access trails shall be located in general accordance with the Structure Plan, which for the purposes of this standard means that it may vary along the alignment to account for topography, land operations and vegetation, provided the alignment starts and finishes in the same general location and links to other trails as indicated.</p> <p>44.6.1.2 Timing and Formation of Public Access Trails</p> <p>(a) Each public access trail, identified and numbered on the structure plan, shall be formed to the standard set out within Rule 44.6.1.1, by the following development milestones:</p>		

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status	Comment
	<ul style="list-style-type: none"> i. Public access trail 1, and public access trails within Activity Areas LS and G, and the public access trails along the foreshore of Lake Wanaka, and the public access trails along the Fern Burn to the north of the Wanaka – Mount Aspiring Road, shall be formed prior to operation of the golf course. ii. Public access trail 2, shall be formed prior to the issue of the s.224(c) certificate for the tenth homesite. iii. Public access trail 3, shall be formed prior to occupation of the Clubhouse. iv. Public access trail 4, shall be formed prior to occupation of the Shearers Quarters. v. Public access trails within Activity Areas GS(FH) and GS(C), shall be formed prior to operation of any new activities within these Activity Areas. <p>(b) All other public access trails shall be formed within 3 years of commencement of construction of any residence / visitor accommodation unit within Activity Area R.</p> <p>Matters of Discretion</p> <p>Councils discretion with respect to Rules 44.6.1.1 and 44.6.1.2 is restricted to recreation values.</p>		<p>77. 44.6.1.2(a)iii – It is unclear which clubhouse is being referred to.</p> <p>78. 44.6.1.2(a)(iv) – Shearers quarters are not specified elsewhere in the zone chapter.</p>
<p>44.6.2</p>	<p>Earthworks</p> <p>(a) Earthworks associated with subdivision or as approved under any controlled activity resource consent under Rule 44.5.2 or as required to implement the Spatial Layout Plan or Revegetation Strategy under Rule 44.5.4.</p> <p>(b) Volume of Earthworks</p> <p>The maximum total volume of earthworks (m³) shall not exceed that specified in Table 1 (below).</p> <ul style="list-style-type: none"> i. The maximum total volume of earthworks shall be calculated per site, within one consecutive 12-month period. 	<p>P</p> <p>RD</p>	

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status	Comment								
	<p>ii. Volume shall mean the sum of all earth that is moved within a site and includes any combination of cut and fill, removing fill off-site and replacing fill on site – refer Interpretive Diagrams 5 (a), (b) and (c) contained within Chapter 22 of the Operative District Plan.</p> <p>Table 1</p> <table border="1" data-bbox="371 457 1077 856"> <tr> <td colspan="2" style="background-color: #cccccc;"> </td> </tr> <tr> <td data-bbox="371 583 863 701">Activity Area R Activity Area GS(FH) Activity Area GS(C)</td> <td data-bbox="875 583 1077 701">500 m³</td> </tr> <tr> <td data-bbox="371 709 863 764">Activity Area GS(OS/F)</td> <td data-bbox="875 709 1077 764">1,000 m³</td> </tr> <tr> <td data-bbox="371 772 863 848">Activity Area G Activity Area LS</td> <td data-bbox="875 772 1077 848">No maximum</td> </tr> </table> <p>(c) Height of cut and fill and slope (except in relation to Activity Area G):</p> <ol style="list-style-type: none"> a. The maximum height of any cut shall not exceed 2.4 metres. b. The maximum height of any fill shall not exceed 2 metres. c. The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see Interpretative Diagram 6 contained within Chapter 22 of the Operative District Plan), except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5 metre in height. 			Activity Area R Activity Area GS(FH) Activity Area GS(C)	500 m ³	Activity Area GS(OS/F)	1,000 m ³	Activity Area G Activity Area LS	No maximum	RD	
Activity Area R Activity Area GS(FH) Activity Area GS(C)	500 m ³										
Activity Area GS(OS/F)	1,000 m ³										
Activity Area G Activity Area LS	No maximum										

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status	Comment
	<p>(d) Fill</p> <p>All fill for residential building platforms and associated retaining walls is to be in accordance with the requirements of NZS 4404:2010 and/or NZS 4431:1989 as appropriate.</p> <p>(e) Environmental Protection Measures</p> <p>i. Any person carrying out earthworks shall implement sediment and erosion control measures to avoid sediment effects beyond the boundary of the site.</p> <p>ii. Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site.</p> <p>iii. Areas of exposed soil are to be vegetated / re-vegetated within 12 months from the completion of works.</p> <p>(f) Water bodies</p> <p>i. Earthworks within 7m of the bed of any natural water body shall not exceed 20m³ in total volume, within one consecutive 12-month period.</p> <p>ii. Any material associated with earthworks activity shall not be positioned within 7m of the bed of any natural water body or where it may dam, divert or contaminate water.</p> <p>iii. Earthworks shall not:</p> <p>a. cause artificial drainage of any groundwater aquifer; or</p> <p>b. cause temporary ponding of any surface water.</p> <p>(g) Cultural heritage and archaeological sites</p> <p>i. Earthworks shall not modify, damage or destroy any waahi tapu, waahi taonga or archaeological sites that are identified in the District Plan, except as authorised by resource consent or Heritage NZ authority.</p> <p>Where the Council's exercise of discretion is restricted to:</p>	<p>RD</p> <p>RD</p> <p>RD</p> <p>RD</p>	<p>79. 44.6.2(d) - These documents will need to be incorporated by reference.</p> <p>80. 44.6.2(e) – The rule needs to confirm that the Environmental Protection Measures apply to those activities in 44.6.2(a). The Environmental Protection Measures also need to have regard to watercourses, and could be ineffective given the large size of the site.</p>

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status	Comment
	<ul style="list-style-type: none"> i. The nature and scale of the earthworks; ii. Environmental protection measures; iii. Remedial works and revegetation; iv. Effects on indigenous biodiversity values; v. The effects on landscape and visual amenity values; vi. The effects on land stability and flooding; vii. The effects on water bodies; viii. The effects on cultural and archaeological sites; and ix. Noise. 		
<p>44.6.3</p>	<p>Setbacks</p> <p>(a) Buildings shall be set back a minimum of 20m from Motatapu Road and the Wanaka Mt Aspiring Road.</p> <p>(b) Buildings shall be set back a minimum of 3m from the site boundary adjoining the margin of Lake Wanaka.</p> <p>(c) Buildings shall be setback a minimum of 20m from the edge of any waterbody.</p> <p>The Council's discretion is restricted to:</p> <ul style="list-style-type: none"> i. the bulk, height and proximity of the building to the boundary; ii. the impact on visual amenity values; iii. public access; and iv. the protection of any marginal strips and their natural values. 	<p>RD</p> <p>RD</p> <p>RD</p>	

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status	Comment
44.6.4	<p>Fences</p> <p>All fences shall be restricted to post and rail or post and wire fences to a maximum height of 1.2m, with the exception of fencing of any mitigation and regeneration planting in accordance within Rule 44.5.4.</p> <p>The Council's discretion is restricted to impacts on landscape and amenity values.</p>	RD	81. This rule is more restrictive than the Rural Zone Chapter 21 that allows post and wire fencing up to 2m height. However it does not accord with the conditions of resource consent. The resource consent does not allow for the fencing of Home Sites, and restricts fencing within curtilages with the exception of pool fencing.
44.6.5	<p>Vegetation</p> <p>(a) Planting implemented in accordance with the Rule 44.5.4 shall be irrigated for a period of five years from establishment.</p> <p>(b) All planting implemented in accordance with the Rule 44.5.4 shall be:</p> <ul style="list-style-type: none"> i. Maintained for a period of ten years from the first season of planting; ii. All diseased or dying plants shall be replaced; and iii. An annual report on the maintenance and health of planting is to be provided to the Council for a period of ten years from the first season of planting. <p>(c) There shall be no planting of any exotic trees species, except as provided for through Rule 44.5.4.</p>	D	
44.6.6	<p>Structure Plan</p> <p>(a) Development of the primary access roads shall be undertaken in general accordance with the Structure Plan.</p> <p>For the purposes of interpreting this rule, the following shall apply:</p> <ul style="list-style-type: none"> i. A variance of up to 100m from the location and alignment shown on the Structure Plan shall be acceptable. ii. Primary access routes may be otherwise located and follow different alignments provided that any such alignment enables a similar journey. 	D	

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status	Comment
44.6.7	<p>Residential and Visitor Accommodation Units</p> <p>(a) Within Activity Area R there shall be no more than 50 residential or visitor accommodation units.</p> <p>(b) Within Activity Area R:</p> <ul style="list-style-type: none"> i. the maximum scale of buildings shall not exceed 400m² for each homesite. ii. the curtilage shall not exceed 1,000m² for each homesite. iii. all domestication including hard landscaping and ancillary structures shall be located within the defined curtilage for each homesite, but this shall not include retaining structures or vehicle access. <p>(c) Within Activity Area R, any building located outside a homesite overlay identified on the Structure Plan, but meeting all other matters listed in clause (b) above, shall be a restricted discretionary activity with Councils discretion restricted to:</p> <ul style="list-style-type: none"> i. landscape and visual amenity effects, including ensuring that all buildings are located to avoid adverse visual effects from public places including where they potentially appear on ridges or skylines or are visually prominent; and ii. effects on indigenous biodiversity values. 	<p>D</p> <p>D</p> <p>RD</p>	<p>82. 44.6.7(b)(ii) – It is not clear whether this emulates the areas shown on the Structure Plan.</p> <p>83. 44.6.7(c) – This does not achieve the certainty promoted in the policy framework.</p> <p>84. 44.6.7(c)(i) – This confuses matters of discretion with assessment matters.</p>
44.6.8	<p>Site Coverage and Building Areas</p> <p>(a) The maximum building areas within Activity Area G shall be:</p> <ul style="list-style-type: none"> i. Within the golf facilities overlay, buildings shall be limited to a maximum footprint of 700m². ii. Outside the golf facilities overlay, buildings shall be limited to a maximum footprint of 50m² for each individual building. 	<p>D</p>	<p>85. 44.6.8(a)(i) - Clarification is sought as to whether this rule refers to the total of all buildings, or any single building.</p>

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status	Comment																																																																																												
(g)	Activity Area G – within Golf Facilities Overlay 8m																																																																																														
(h)	Activity Area G – outside Golf Facilities Overlay 4m																																																																																														
(i)	Activity Area R – outside of the Homesite Overlay; the maximum height for any building shall be 4m, measured from ground level to any point at the highest part of the building immediately above.	NC																																																																																													
(j)	Activity Area R – within the Homesite Overlay; the maximum height for any building shall be 4m above the datum level specified below and as measured to the highest part of the building immediately above.	RD																																																																																													
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HS 23 361.0	HS 48 315.6								
HS 24 363.5	HS 49 314.9								
HS 25 363.0	HS 50 316.4								
44.6.10	<p>Lighting and Glare</p> <p>(a) All exterior lighting shall be fixed and no higher than 1 metre above finished ground level, capped, filtered or pointed downwards and screened so as to reduce lux spill.</p> <p>(b) All fixed lighting shall be directed away from adjacent roads and properties.</p> <p>(c) No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property.</p> <p>(d) There shall be no lighting of vehicle access ways within the Glendhu Station Zone.</p>	NC							
44.6.11	<p>Servicing</p> <p>(a) All dwellings shall connect to infrastructure for the provision of a water supply, wastewater disposal, power and telecommunications.</p> <p>The Council's discretion is restricted to the capacity of infrastructure.</p>	RD	<p>91. Clarification is sought as to whether this is a communal water and wastewater system. There could also be visual effects associated with dwellings not connecting to infrastructure associated with on site water storage tanks or drainage fields. It is unclear whether this relates to dwellings in the R Activity area or anywhere in the zone. The term 'dwellings' should be replaced with Residential Unit. It is uncertain why this rule only applies to 'dwellings' and not other activities and buildings that require 'infrastructure'.</p>						

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status	Comment
	(b) All services, with the exception of stormwater systems, shall be reticulated underground.	NC	
44.6.12	<p>Outside storage and activities</p> <p>(a) All goods, materials or equipment be stored outside a building, except for vehicles associated with the activity parked on the site overnight, shall be screened from view of any public road.</p> <p>(b) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building except in relation to farming.</p>	NC	
44.6.13	<p>Retailing</p> <p>The maximum gross floor area of all retail activities located within Activity Area GS(FH) shall be 500 m².</p>	D	92. This rule goes some way to alleviating the concerns raised above relating to the breadth of commercial activities within the FH area.

44.7 **Non-Notification of Applications**

44.8

44.8.1 Any application for resource consent for **controlled activities** shall not require the written consent of other persons and shall not be notified or limited-notified.

44.8.2 Any application for resource consent for the following **restricted discretionary activities** shall be considered without public notification but notice may be served on those persons considered to be adversely affected if the written approval has not been obtained:

- (a) Rule 44.5.2(e) Residential units in Activity Area GS(OS/F)
- (b) Rule 44.5.2(f) Farm Buildings within Activity Areas GS(O/SF) and GS(C)
- (c) Rule 44.5.3(a) Mining within Activity Areas GS(FH) and GS(OS/F), for use only within the Zone
- (d) Rule 44.5.5(a) Camping Ground Activities within Activity Area GS(C)
- (e) Rule 44.5.6 Farm Homestead Activity Area
- (f) Rule 44.6.1.1 Standards for Public Access Trails
- (g) Rule 44.6.1.2 Timing and Formation of Public Access Trails
- (h) Rule 44.6.2(b)-(g) Earthworks
- (i) Rule 44.6.3(a)-(c) Setbacks
- (j) Rule 44.6.4 Fences
- (k) Rule 44.6.7(c) Residential and Visitor Accommodation Units outside a Homesite Overlay
- (l) Rule 44.6.8(b) Site Coverage and Building Areas in Activity Area LS
- (m) Rule 44.6.8(c) Site Coverage and Building Areas in Activity Area GS(FH)
- (n) Rule 44.6.9(j) Building height in Activity Area R, within a Homesite Overlay
- (o) Rule 44.6.11(a) Servicing

Comment

93. 44.8.2(a) - I consider it to be inappropriate to make residential units a non-notified activity in the 2,268ha OS/F Activity Area. I consider that the majority of these activities could have adverse effects that extend beyond the site and are likely to have interest for the wider public. I do not support these non-notification clauses.

44.9 Structure Plan

[matters relating to the Structure Plan are covered in Council's evidence and rebuttal evidence]